

HOUSE BILL 37

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HB 1347/00 - JUD

2001 Regular Session
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(PRE-FILED)

By: **Delegates Menes, Barkley, Boschert, Bronrott, Eckardt, Hutchins,
Montague, and Petzold (Special Committee on Drug and Alcohol Abuse)**

Requested: November 15, 2000
Introduced and read first time: January 10, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Controlled Dangerous Substance Analogues**

3 FOR the purpose of establishing that controlled dangerous substance analogues be
4 treated as Schedule I controlled dangerous substances, to the extent the
5 analogues are intended for human consumption; defining a certain term; and
6 generally relating to controlled dangerous substance analogues.

7 BY adding to
8 Article 27 - Crimes and Punishments
9 Section 279(a)(3)f.
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 2000 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article 27 - Crimes and Punishments**

15 279.

16 The following schedules include the controlled dangerous substances listed or to
17 be listed by whatever official name, common or usual name, chemical name, or trade
18 name designated.

19 (a) Schedule I - In determining that a substance comes within this schedule,
20 the Department shall find:

21 (3) A lack of accepted safety for use under medical supervision. The
22 following are controlled dangerous substances and are included in this schedule:

23 F. 1. TO THE EXTENT INTENDED FOR HUMAN CONSUMPTION, A
24 CONTROLLED DANGEROUS SUBSTANCE ANALOGUE.

1 2. IN THIS SUBPARAGRAPH, "CONTROLLED DANGEROUS
2 SUBSTANCE ANALOGUE" MEANS A SUBSTANCE:

3 (I) THAT HAS A CHEMICAL STRUCTURE SUBSTANTIALLY
4 SIMILAR TO THE CHEMICAL STRUCTURE OF A CONTROLLED DANGEROUS
5 SUBSTANCE CLASSIFIED IN SCHEDULE I OR SCHEDULE II OF THIS SECTION; AND

6 (II) THAT HAS A STIMULANT, DEPRESSANT, OR
7 HALLUCINOGENIC EFFECT ON THE CENTRAL NERVOUS SYSTEM THAT IS
8 SUBSTANTIALLY SIMILAR TO OR GREATER THAN THE STIMULANT, DEPRESSANT, OR
9 HALLUCINOGENIC EFFECT ON THE CENTRAL NERVOUS SYSTEM OF A CONTROLLED
10 DANGEROUS SUBSTANCE CLASSIFIED IN SCHEDULE I OR SCHEDULE II OF THIS
11 SECTION.

12 3. "CONTROLLED DANGEROUS SUBSTANCE ANALOGUE"
13 DOES NOT INCLUDE:

14 (I) A CONTROLLED DANGEROUS SUBSTANCE;

15 (II) A SUBSTANCE FOR WHICH THERE IS AN APPROVED NEW
16 DRUG APPLICATION; OR

17 (III) A SUBSTANCE EXEMPTED FOR INVESTIGATIONAL USE
18 UNDER SECTION 506 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2001.