

HOUSE BILL 8

E1

(PRE-FILED)

9r0410

CF SB 9

By: **Delegates Haddaway and Eckardt**

Requested: July 10, 2008

Introduced and read first time: January 14, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Salvia Divinorum – Controlled Dangerous Substances**

3 FOR the purpose of establishing that a material, compound, mixture, or preparation
4 that contains Salvia divinorum is a Schedule I controlled dangerous substance.

5 BY repealing and reenacting, without amendments,
6 Article – Criminal Law
7 Section 5–402(a)
8 Annotated Code of Maryland
9 (2002 Volume and 2008 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 5–402(d)
13 Annotated Code of Maryland
14 (2002 Volume and 2008 Supplement)

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

17 **Article – Criminal Law**

18 5–402.

19 (a) Schedule I consists of each controlled dangerous substance:

20 (1) listed in this section;

21 (2) added to Schedule I by the Department under § 5–202(b) of this
22 title; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) designated as a Schedule I controlled dangerous substance by the
2 federal government unless the Department objects under § 5–202(f) of this title.

3 (d) (1) A material, compound, mixture, or preparation that contains any of
4 the following hallucinogenic or hallucinogenic–like substances is a substance listed in
5 Schedule I:

- 6 (i) bufotenine;
- 7 (ii) diethyltryptamine;
- 8 (iii) dimethyltryptamine;
- 9 (iv) 4–methyl–2, 5–dimethoxyamphetamine;
- 10 (v) ibogaine;
- 11 (vi) lysergic acid diethylamide;
- 12 (vii) marijuana;
- 13 (viii) mescaline;
- 14 (ix) peyote;
- 15 (x) psilocybin;
- 16 (xi) psilocyn;
- 17 **(XII) SALVIA DIVINORUM;**
- 18 [(xii)]**(XIII)** tetrahydrocannabinol;
- 19 [(xiii)] **(XIV)** thiophene analog of phencyclidine;
- 20 [(xiv)] **(XV)** 2, 5–dimethoxyamphetamine;
- 21 [(xv)] **(XVI)** 4–bromo–2, 5–dimethoxyamphetamine;
- 22 [(xvi)] **(XVII)** 4–methoxyamphetamine;
- 23 [(xvii)] **(XVIII)** 3, 4–methylenedioxyamphetamine;
- 24 [(xviii)] **(XIX)** 3, 4–methylenedioxymethamphetamine (MDMA);
- 25 [(xix)] **(XX)** 5–methoxy–3, 4–methylenedioxyamphetamine;

- 1 [(xx)] (XXI) 3, 4, 5-trimethoxyamphetamine;
- 2 [(xxi)] (XXII) N-methyl-3-piperidyl benzilate;
- 3 [(xxii)] (XXIII) N-ethyl-3-piperidyl benzilate;
- 4 [(xxiii)] (XXIV) N-ethyl-1-phenylcyclohexylamine;
- 5 [(xxiv)] (XXV) 1-(1-phenylcyclohexyl)-pyrrolidine;
- 6 [(xxv)] (XXVI) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- 7 [(xxvi)] (XXVII) 1-methyl-4-phenyl-4-propionoxypiperidine
- 8 (MPPP); and
- 9 [(xxvii)] (XXVIII) 1-(2-phenylethyl)-4-phenyl-4-
- 10 acetyloxypiperidine (PEPAP).

11 (2) Unless specifically excepted under this subtitle, a salt, isomer, or
12 salt of an isomer of a substance listed in this subsection is a substance listed in
13 Schedule I if the existence of the salt, isomer, or salt of an isomer is possible within
14 the specific chemical designation.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2009.