

SENATE BILL 317

E1

9lr0594

By: **Senator Gladden**

Introduced and read first time: January 28, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Salvinorin A and Salvia Divinorum – Controlled Dangerous**
3 **Substances**

4 FOR the purpose of establishing that a material, compound, mixture, or preparation
5 that contains Salvinorin A or Salvia divinorum, with a certain exception, is a
6 Schedule I controlled dangerous substance.

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Law
9 Section 5–402(a)
10 Annotated Code of Maryland
11 (2002 Volume and 2008 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section 5–402(d)
15 Annotated Code of Maryland
16 (2002 Volume and 2008 Supplement)

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

19 **Article – Criminal Law**

20 5–402.

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

22 (1) listed in this section;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 (i) bufotenine;

9 (ii) diethyltryptamine;

10 (iii) dimethyltryptamine;

11 (iv) 4–methyl–2, 5–dimethoxyamphetamine;

12 (v) ibogaine;

13 (vi) lysergic acid diethylamide;

14 (vii) marijuana;

15 (viii) mescaline;

16 (ix) peyote;

17 (x) psilocybin;

18 (xi) psilocyn;

19 (XII) **SALVINORIN A, EXCEPT FOR A DRUG PRODUCT**
20 **APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION WHICH**
21 **CONTAINS SALVINORIN A OR THE ISOMERS, ESTERS, ETHERS, SALTS, AND**
22 **SALTS OF ISOMERS, ESTERS, AND ETHERS, WHENEVER THE EXISTENCE OF THE**
23 **ISOMERS, ESTERS, ETHERS, AND SALTS IS POSSIBLE WITHIN THE SPECIFIC**
24 **CHEMICAL DESIGNATION;**

25 (XIII) **SALVIA DIVINORUM, EXCEPT FOR A DRUG PRODUCT**
26 **APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION WHICH**
27 **CONTAINS SALVIA DIVINORUM OR THE ISOMERS, ESTERS, ETHERS, SALTS, AND**
28 **SALTS OF ISOMERS, ESTERS, AND ETHERS, WHENEVER THE EXISTENCE OF THE**
29 **ISOMERS, ESTERS, ETHERS, AND SALTS IS POSSIBLE WITHIN THE SPECIFIC**
30 **CHEMICAL DESIGNATION;**

31 [(xii)](XIV) tetrahydrocannabinol;

- 1 [(xiii)] (XV) thiophene analog of phencyclidine;
2 [(xiv)] (XVI) 2, 5-dimethoxyamphetamine;
3 [(xv)] (XVII) 4-bromo-2, 5-dimethoxyamphetamine;
4 [(xvi)] (XVIII) 4-methoxyamphetamine;
5 [(xvii)] (XIX) 3, 4-methylenedioxyamphetamine;
6 [(xviii)] (XX) 3, 4-methylenedioxymethamphetamine (MDMA);
7 [(xix)] (XXI) 5-methoxy-3, 4-methylenedioxyamphetamine;
8 [(xx)] (XXII) 3, 4, 5-trimethoxyamphetamine;
9 [(xxi)] (XXIII) N-methyl-3-piperidyl benzilate;
10 [(xxii)] (XXIV) N-ethyl-3-piperidyl benzilate;
11 [(xxiii)] (XXV) N-ethyl-1-phenylcyclohexylamine;
12 [(xxiv)] (XXVI) 1-(1-phenylcyclohexyl)-pyrrolidine;
13 [(xxv)] (XXVII) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
14 [(xxvi)] (XXVIII) 1-methyl-4-phenyl-4-propionoxypiperidine
15 (MPPP); and
16 [(xxvii)](XXIX) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine
17 (PEPAP).

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

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