

HOUSE BILL 482

E1, E4

3lr1796

By: **Delegates Vitale, Eckardt, Afzali, Aumann, Beidle, Costa, Frank, George, Kipke, Krebs, McConkey, W. Miller, Stocksdales, Valentino-Smith, and Wilson**

Introduced and read first time: January 30, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Synthetic Cannabinoids – Labeling**

3 FOR the purpose of listing synthetic cannabinoids on Schedule I to designate
4 controlled dangerous substances that may not be legally used, possessed, or
5 distributed; prohibiting a person from selling, purchasing, or possessing an
6 herbal or botanical product containing a synthetic substance substantially
7 similar to synthetic cannabinoids, unless the chemical structure of each
8 synthetic substance contained in the product and the date of manufacture of the
9 product is identified on the label of the product; establishing criminal penalties
10 for a violation of this Act; defining a certain term; and generally relating to
11 controlled dangerous substances.

12 BY renumbering

13 Article – Criminal Law
14 Section 5–101(ee)
15 to be Section 5–101(ff)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Criminal Law
20 Section 5–101(a)
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2012 Supplement)

23 BY adding to

24 Article – Criminal Law
25 Section 5–101(ee) and 5–618.1
26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2012 Replacement Volume and 2012 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Criminal Law
4 Section 5–402(d)
5 Annotated Code of Maryland
6 (2012 Replacement Volume and 2012 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That Section(s) 5–101(ee) of Article – Criminal Law of the Annotated
9 Code of Maryland be renumbered to be Section(s) 5–101(ff).

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article – Criminal Law**

13 5–101.

14 (a) In this title the following words have the meanings indicated.

15 (EE) “SYNTHETIC CANNABINOIDS” MEANS A MATERIAL, A COMPOUND, A
16 MIXTURE, OR A PREPARATION THAT IS NOT LISTED AS A CONTROLLED
17 DANGEROUS SUBSTANCE IN SCHEDULES I THROUGH V, IS NOT A FEDERAL
18 FOOD AND DRUG ADMINISTRATION APPROVED DRUG, AND CONTAINS A
19 QUANTITY OF THE FOLLOWING SUBSTANCES, THEIR SALTS, ISOMERS (WHETHER
20 OPTICAL, POSITIONAL, OR GEOMETRIC), HOMOLOGUES (ANALOGS), AND SALTS
21 OF ISOMERS AND HOMOLOGUES (ANALOGS), UNLESS SPECIFICALLY EXCEPTED,
22 WHENEVER THE EXISTENCE OF THESE SALTS, ISOMERS, HOMOLOGUES
23 (ANALOGS), AND SALTS OF ISOMERS AND HOMOLOGUES (ANALOGS) IS POSSIBLE
24 WITHIN THE SPECIFIC CHEMICAL DESIGNATION:

25 (1) NAPHTHOYLINDOLES OR ANY COMPOUND CONTAINING A
26 3–(1–NAPHTHOYL)INDOLE STRUCTURE WITH SUBSTITUTION AT THE NITROGEN
27 ATOM OF THE INDOLE RING BY AN ALKYL, HALOALKYL, ALKENYL,
28 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1–(N–METHYL–2–
29 PIPERIDINYL)METHYL, OR 2–(4–MORPHOLINYL)ETHYL GROUP, WHETHER OR
30 NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND
31 WHETHER OR NOT SUBSTITUTED IN THE NAPHTHYL RING TO ANY EXTENT,
32 INCLUDING JWH 015, JWH 018, JWH 019, JWH 073, JWH 081, JWH 122,
33 JWH 200, JWH 210, JWH 398, AM 2201, AND WIN 55212;

34 (2) NAPHTHYLMETHYLINDOLES OR ANY COMPOUND CONTAINING
35 A 1H–INDOL–3–YL–(1–NAPHTHYL)METHANE STRUCTURE WITH SUBSTITUTION
36 AT THE NITROGEN ATOM OF THE INDOLE RING BY AN ALKYL, HALOALKYL,

1 ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
2 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
3 NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND
4 WHETHER OR NOT SUBSTITUTED IN THE NAPHTHYL RING TO ANY EXTENT,
5 INCLUDING JWH-175 AND JWH-184;

6 (3) NAPHTHOYLPYRROLES OR ANY COMPOUND CONTAINING A
7 3-(1-NAPHTHOYL)PYRROLE STRUCTURE WITH SUBSTITUTION AT THE
8 NITROGEN ATOM OF THE PYRROLE RING BY AN ALKYL, HALOALKYL, ALKENYL,
9 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
10 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
11 NOT FURTHER SUBSTITUTED IN THE PYRROLE RING TO ANY EXTENT AND
12 WHETHER OR NOT SUBSTITUTED IN THE NAPHTHYL RING TO ANY EXTENT,
13 INCLUDING JWH 307;

14 (4) NAPHTHYLMETHYLINDENES OR ANY COMPOUND CONTAINING
15 A NAPHTHYLIDENEINDENE STRUCTURE WITH SUBSTITUTION AT THE
16 3-POSITION OF THE INDENE RING BY AN ALKYL, HALOALKYL, ALKENYL,
17 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-PIPERIDINYL)
18 METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR NOT FURTHER
19 SUBSTITUTED IN THE INDENE RING TO ANY EXTENT AND WHETHER OR NOT
20 SUBSTITUTED IN THE NAPHTHYL RING TO ANY EXTENT, INCLUDING JWH-176;

21 (5) PHENYLACETYLINDOLES OR ANY COMPOUND CONTAINING A
22 3-PHENYLACETYLINDOLE STRUCTURE WITH SUBSTITUTION AT THE NITROGEN
23 ATOM OF THE INDOLE RING BY AN ALKYL, HALOALKYL, ALKENYL,
24 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
25 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
26 NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND
27 WHETHER OR NOT SUBSTITUTED IN THE PHENYL RING TO ANY EXTENT,
28 INCLUDING RCS-8 (SR-18), JWH 250, JWH 203, JWH-251, AND JWH-302;

29 (6) CYCLOHEXYLPHENOLS OR ANY COMPOUND CONTAINING A
30 2-(3-HYDROXYCYCLOHEXYL)PHENOL STRUCTURE WITH SUBSTITUTION AT THE
31 5-POSITION OF THE PHENOLIC RING BY AN ALKYL, HALOALKYL, ALKENYL,
32 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
33 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
34 NOT SUBSTITUTED IN THE CYCLOHEXYL RING TO ANY EXTENT, INCLUDING CP
35 47,497 (AND HOMOLOGUES(ANALOGS)), CANNABICYCLOHEXANOL, AND CP 55,
36 940;

37 (7) BENZOYLINDOLES OR ANY COMPOUND CONTAINING A
38 3-(BENZOYL)INDOLE STRUCTURE WITH SUBSTITUTION AT THE NITROGEN ATOM

1 OF THE INDOLE RING BY AN ALKYL, HALOALKYL, ALKENYL,
2 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
3 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
4 NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND
5 WHETHER OR NOT SUBSTITUTED IN THE PHENYL RING TO ANY EXTENT,
6 INCLUDING AM 694, PRAVADOLINE (WIN 48,098), RCS 4, AND AM-679;

7 (8) [2,3-DIHYDRO-5-METHYL-3-(4-MORPHOLINYL)METHYL]
8 PYRROLO[1,2,3-DE]-1, 4-BENZOXAZIN-6-YL]-1-NAPHTHALENYLMETHANONE,
9 INCLUDING WIN 55,212-2;

10 (9) (6AR,1 OAR)-9-(HYDROXYMETHYL)-6, 6-DIMETHYL-3-(2-
11 METHYLOCTAN-2-YL)-6A,7,10,10A-TETRAHYDROBENZO[C]CHROMEN-L-OL
12 7370, INCLUDING HU-210;

13 (10) ADAMANTOYLINDOLES OR ANY COMPOUND CONTAINING A
14 3-(1-ADAMANTOYL)INDOLE STRUCTURE WITH SUBSTITUTION AT THE
15 NITROGEN ATOM OF THE INDOLE RING BY AN ALKYL, HALOALKYL, ALKENYL,
16 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
17 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
18 NOT FURTHER SUBSTITUTED IN THE ADAMANTYL RING SYSTEM TO ANY EXTENT,
19 INCLUDING AM-1248; OR

20 (11) ANY OTHER SYNTHETIC CHEMICAL COMPOUND THAT IS A
21 CANNABINOID RECEPTOR AGONIST AND MIMICS THE PHARMACOLOGICAL
22 EFFECT OF NATURALLY OCCURRING CANNABINOIDS THAT IS NOT LISTED IN
23 SCHEDULES II THROUGH V OR IS NOT A FEDERAL FOOD AND DRUG
24 ADMINISTRATION APPROVED DRUG.

25 5-402.

26 (d) (1) A material, compound, mixture, or preparation that contains any of
27 the following hallucinogenic or hallucinogenic-like substances is a substance listed in
28 Schedule I:

29 (i) bufotenine;

30 (ii) diethyltryptamine;

31 (iii) dimethyltryptamine;

32 (iv) 4-methyl-2, 5-dimethoxyamphetamine;

33 (v) ibogaine;

- 1 (vi) lysergic acid diethylamide;
- 2 (vii) marijuana;
- 3 (viii) mescaline;
- 4 (ix) peyote;
- 5 (x) psilocybin;
- 6 (xi) psilocyn;
- 7 (xii) tetrahydrocannabinol;
- 8 (xiii) thiophene analog of phencyclidine;
- 9 (xiv) 2, 5-dimethoxyamphetamine;
- 10 (xv) 4-bromo-2, 5-dimethoxyamphetamine;
- 11 (xvi) 4-methoxyamphetamine;
- 12 (xvii) 3, 4-methylenedioxyamphetamine;
- 13 (xviii) 3, 4-methylenedioxymethamphetamine (MDMA);
- 14 (xix) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 15 (xx) 3, 4, 5-trimethoxyamphetamine;
- 16 (xxi) N-methyl-3-piperidyl benzilate;
- 17 (xxii) N-ethyl-3-piperidyl benzilate;
- 18 (xxiii) N-ethyl-1-phenylcyclohexylamine;
- 19 (xxiv) 1-(1-phenylcyclohexyl)-pyrrolidine;
- 20 (xxv) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- 21 (xxvi) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
- 22 (xxvii) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine
23 (PEPAP);
- 24 (xxviii) 3, 4-methylenedioxymethcathinone (methylone);

- 1 (xxix) 3, 4–methylenedioxypropylamphetamine (MDPV);
2 (xxx) 4–methylethcathinone (methedrone);
3 (xxxi) 4–methoxymethcathinone (methedrone);
4 (xxxii) 4–fluoromethcathinone (fledrone); [and]
5 (xxxiii) 3–fluoromethcathinone (3-FMC); AND

6 (XXXIV) SYNTHETIC CANNABINOIDS.

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

11 **5-618.1.**

12 (A) EXCEPT AS AUTHORIZED IN THIS TITLE, A PERSON MAY NOT SELL,
13 PURCHASE, OR POSSESS AN HERBAL OR A BOTANICAL PRODUCT CONTAINING A
14 SYNTHETIC SUBSTANCE SUBSTANTIALLY SIMILAR TO SYNTHETIC
15 CANNABINOIDS, UNLESS THE CHEMICAL STRUCTURE OF EACH SYNTHETIC
16 SUBSTANCE CONTAINED IN THE PRODUCT AND THE DATE OF MANUFACTURE OF
17 THE PRODUCT IS IDENTIFIED ON THE LABEL OF THE PRODUCT.

18 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
19 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
20 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2013.