

HOUSE BILL 1057

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5lr1722

By: **Delegate Carter**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2015

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Synthetic Cannabinoids – Prohibition**

3 FOR the purpose of authorizing a certain authorized provider to conduct research in the
4 State with certain controlled dangerous substances not scheduled under federal law
5 under certain circumstances; listing synthetic cannabinoids on Schedule I to
6 designate controlled dangerous substances that may not be legally used, possessed,
7 or distributed; defining a certain term; requiring the Department of State Police to
8 report to the General Assembly on or before a certain date; providing for the
9 termination of certain provisions of this Act; and generally relating to controlled
10 dangerous substances.

11 BY repealing and reenacting, without amendments,
12 Article – Criminal Law
13 Section 5–101(a) and (e)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Law
18 Section 5–101(ff), 5–304, and 5–402(d)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2014 Supplement)

21 BY adding to
22 Article – Criminal Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 5–101(ff)
2 Annotated Code of Maryland
3 (2012 Replacement Volume and 2014 Supplement)

4 Preamble

5 WHEREAS, The General Assembly recognizes the recent growth of synthetic drugs,
6 such as spice/K2 and bath salts, and the dangers caused by these substances; and

7 WHEREAS, The concern is exemplified by a Substance Abuse and Mental Health
8 Services Administration report that summarizes the frequency and trends of abuse for
9 these substances; and

10 WHEREAS, The General Assembly recognizes that better methods and strategies
11 that appropriately respond to new synthetic drugs as soon as they are made known to the
12 State is of particular importance; and

13 WHEREAS, It is the intent of the General Assembly to create a process by which
14 synthetic drugs can be quickly outlawed under State law and instantly identified by police
15 in the field; now, therefore,

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

18 **Article – Criminal Law**

19 5–101.

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

21 (e) (1) “Cannabimimetic agents” means substances that are cannabinoid
22 receptor type 1 (CB1 receptor) agonists as demonstrated by binding studies and functional
23 assays within one of the following structural classes:

24 (i) 2–(3–hydroxycyclohexyl)phenol with substitution at the
25 5–position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the
26 cyclohexyl ring to any extent;

27 (ii) 3–(1–naphthoyl)indole or 3–(1–naphthylmethane)indole by
28 substitution at the nitrogen atom of the indole ring, whether or not further substituted on
29 the indole ring to any extent and whether or not substituted on the naphthoyl or naphthyl
30 ring to any extent;

31 (iii) 3–(1–naphthoyl)pyrrole by substitution at the nitrogen atom of
32 the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent and
33 whether or not substituted on the naphthoyl ring to any extent;

1 (iv) 1-(1-naphthylmethylene)indene by substitution of the
2 3-position of the indene ring, whether or not further substituted in the indene ring to any
3 extent and whether or not substituted on the naphthyl ring to any extent; or

4 (v) 3-phenylacetylindole or 3-benzoylindole by substitution at the
5 nitrogen atom of the indole ring, whether or not further substituted in the indole ring to
6 any extent and whether or not substituted on the phenyl ring to any extent.

7 (2) "Cannabimimetic agents" includes:

8 (i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-
9 phenol (CP-47,497);

10 (ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
11 (cannabicyclohexanol or CP-47,497 C8-homolog);

12 (iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

13 (iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

14 (v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

15 (vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

16 (vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

17 (viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

18 (ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

19 (x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

20 (xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

21 (xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

22 (xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);

23 (xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18
24 and RCS-8); and

25 (xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

26 (FF) (1) ~~"SYNTHETIC CANNABINOID" MEANS SUBSTANCES THAT BIND TO~~
27 ~~THE CANNABINOID RECEPTOR OR MIMIC THE PHARMACOLOGICAL RESPONSE OF A~~
28 A SYNTHETIC CHEMICAL COMPOUND THAT IS A CANNABINOID RECEPTOR AGONIST
29 AND THAT MIMICS THE PHARMACOLOGICAL EFFECT OF A NATURALLY OCCURRING

1 CANNABINOID OR A CONTROLLED DANGEROUS SUBSTANCE LISTED IN SCHEDULE I
2 OR SCHEDULE II.

3 (2) "SYNTHETIC CANNABINOID" INCLUDES A SUBSTANCE OR AN
4 ANALOG OF A SUBSTANCE THAT IS DESIGNED, GENERATED, OR RECOMBINED TO
5 CREATE A NEW STRUCTURE USING A THREE-COMPONENT PHARMACOPHORE MODEL
6 AND THAT CONTAINS ONE OR MORE PHARMACOPHORES OR COMPONENTS OF A
7 CONTROLLED DANGEROUS SUBSTANCE LISTED IN SCHEDULE I OR SCHEDULE II.

8 ~~(2)~~ (3) "SYNTHETIC CANNABINOID" DOES NOT INCLUDE ANY DRUG
9 THAT HAS BEEN APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION.

10 [(ff)] (GG) "Ultimate user" means a person who lawfully possesses a controlled
11 dangerous substance for the person's own use, for the use of a member of the person's
12 household, or for administration to an animal owned by the person or by a member of the
13 person's household.

14 5-304.

15 (a) If an authorized provider is authorized to dispense or conduct research under
16 State law, the Department shall register the authorized provider to dispense a controlled
17 dangerous substance or to conduct research with a controlled dangerous substance listed
18 in Schedule II through Schedule V.

19 (b) The Department need not require separate registration under this section for
20 an authorized provider who is:

21 (1) engaged in research with a nonnarcotic controlled dangerous substance
22 in Schedule II through Schedule V; and

23 (2) already registered under this subtitle in another capacity.

24 (c) An authorized provider may conduct research in the State with a controlled
25 dangerous substance listed in Schedule I if the authorized provider is:

26 (1) registered under federal law to conduct research with a controlled
27 dangerous substance listed in Schedule I and gives evidence of the registration to the
28 Department; OR

29 (2) APPROVED BY A FEDERALLY REGISTERED INSTITUTIONAL BOARD
30 OR INSTITUTIONAL ANIMAL CARE AND USE COMMITTEE TO CONDUCT RESEARCH ON
31 A CONTROLLED DANGEROUS SUBSTANCE LISTED IN SCHEDULE I THAT IS NOT
32 SCHEDULED UNDER FEDERAL LAW AND GIVES EVIDENCE OF THE APPROVAL OF THE
33 DEPARTMENT.

1 5-402.

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

5 (i) bufotenine;

6 (ii) diethyltryptamine;

7 (iii) dimethyltryptamine;

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

9 (v) ibogaine;

10 (vi) lysergic acid diethylamide;

11 (vii) marijuana;

12 (viii) mescaline;

13 (ix) peyote;

14 (x) psilocybin;

15 (xi) psilocyn;

16 (xii) tetrahydrocannabinol;

17 (xiii) thiophene analog of phencyclidine;

18 (xiv) 2, 5-dimethoxyamphetamine;

19 (xv) 4-bromo-2, 5-dimethoxyamphetamine;

20 (xvi) 4-methoxyamphetamine;

21 (xvii) 3, 4-methylenedioxyamphetamine;

22 (xviii) 3, 4-methylenedioxymethamphetamine (MDMA);

23 (xix) 5-methoxy-3, 4-methylenedioxyamphetamine;

24 (xx) 3, 4, 5-trimethoxyamphetamine;

25 (xxi) N-methyl-3-piperidyl benzilate;

- 1 (xxii) N-ethyl-3-piperidyl benzilate;
- 2 (xxiii) N-ethyl-1-phenylcyclohexylamine;
- 3 (xxiv) 1-(1-phenylcyclohexyl)-pyrrolidine;
- 4 (xxv) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- 5 (xxvi) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
- 6 (xxvii) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP);
- 7 (xxviii) 3, 4-methylenedioxy methcathinone (methydone);
- 8 (xxix) 3, 4-methylenedioxy pyrovalerone (MDPV);
- 9 (xxx) 4-methylmethcathinone (mephedrone);
- 10 (xxxi) 4-methoxymethcathinone (methedrone);
- 11 (xxxii) 4-fluoromethcathinone (flephedrone);
- 12 (xxxiii) 3-fluoromethcathinone (3-FMC); [and]
- 13 (xxxiv) cannabimimetic agents; AND
- 14 **(XXXV) SYNTHETIC CANNABINOID.**

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2016, the
20 Department of State Police shall report to the General Assembly, in accordance with §
21 2-1246 of the State Government Article, on:

22 (1) the technologies and protocols that are being used to identify synthetic
23 drugs and other controlled dangerous substances in the State;

24 (2) the technical capabilities and accuracy rates of technologies and
25 protocols being used to identify synthetic drugs and other controlled dangerous substances
26 in the State; and

1 (3) the status of acceptance by the courts of the technologies and protocols
2 for the identification of synthetic drugs and other controlled dangerous substances in the
3 State.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2015. Section 2 of this Act shall remain effective for a period of 1 year and, at
6 the end of September 30, 2016, with no further action required by the General Assembly,
7 Section 2 of this Act shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.