

HOUSE BILL 1

E1

3lr0406

(PRE-FILED)

By: Delegates K. Kelly, Dumais, ~~and Simmons~~ Simmons, Sophocleus, Vitale, Eckardt, Clagett, Hogan, Burns, Dwyer, George, Kipke, McConkey, Minnick, Stocksdales, Valentino-Smith, Wood, Afzali, Aumann, Beidle, Costa, Frank, Krebs, W. Miller, Wilson, Elliott, Hough, and Schulz

Requested: September 4, 2012

Introduced and read first time: January 9, 2013

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 20, 2013

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Cannabimimetic Agents – Prohibition**

3 FOR the purpose of listing cannabimimetic agents on Schedule I to designate
4 controlled dangerous substances that may not be legally used, possessed, or
5 distributed; defining a certain term; and generally relating to controlled
6 dangerous substances.

7 BY renumbering

8 Article – Criminal Law

9 Section 5–101(e) through (ee), respectively

10 to be Section 5–101(f) through (ff), respectively

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2012 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Criminal Law

15 Section 5–101(a)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2012 Supplement)

18 BY adding to

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 Article – Criminal Law
2 Section 5–101(e)
3 Annotated Code of Maryland
4 (2012 Replacement Volume and 2012 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Criminal Law
7 Section 5–402(d)
8 Annotated Code of Maryland
9 (2012 Replacement Volume and 2012 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That Section(s) 5–101(e) through (ee), respectively, of Article – Criminal
12 Law of the Annotated Code of Maryland be renumbered to be Section(s) 5–101(f)
13 through (ff), respectively.

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

16 **Article – Criminal Law**

17 5–101.

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

19 **(E) (1) “CANNABIMIMETIC AGENTS” MEANS SUBSTANCES THAT ARE**
20 **CANNABINOID RECEPTOR TYPE 1 (CB1 RECEPTOR) AGONISTS AS**
21 **DEMONSTRATED BY BINDING STUDIES AND FUNCTIONAL ASSAYS WITHIN ONE OF**
22 **THE FOLLOWING STRUCTURAL CLASSES:**

23 **(I) 2–(3–HYDROXYCYCLOHEXYL)PHENOL WITH**
24 **SUBSTITUTION AT THE 5–POSITION OF THE PHENOLIC RING BY ALKYL OR**
25 **ALKENYL, WHETHER OR NOT SUBSTITUTED ON THE CYCLOHEXYL RING TO ANY**
26 **EXTENT;**

27 **(II) 3–(1–NAPHTHOYL)INDOLE OR**
28 **3–(1–NAPHTHYLMETHANE)INDOLE BY SUBSTITUTION AT THE NITROGEN ATOM**
29 **OF THE INDOLE RING, WHETHER OR NOT FURTHER SUBSTITUTED ON THE**
30 **INDOLE RING TO ANY EXTENT AND WHETHER OR NOT SUBSTITUTED ON THE**
31 **NAPHTHOYL OR NAPHTHYL RING TO ANY EXTENT;**

32 **(III) 3–(1–NAPHTHOYL)PYRROLE BY SUBSTITUTION AT THE**
33 **NITROGEN ATOM OF THE PYRROLE RING, WHETHER OR NOT FURTHER**
34 **SUBSTITUTED IN THE PYRROLE RING TO ANY EXTENT AND WHETHER OR NOT**
35 **SUBSTITUTED ON THE NAPHTHOYL RING TO ANY EXTENT;**

1 (IV) 1-(1-NAPHTHYLMETHYLENE)INDENE BY SUBSTITUTION
2 OF THE 3-POSITION OF THE INDENE RING, WHETHER OR NOT FURTHER
3 SUBSTITUTED IN THE INDENE RING TO ANY EXTENT AND WHETHER OR NOT
4 SUBSTITUTED ON THE NAPHTHYL RING TO ANY EXTENT; OR

5 (V) 3-PHENYLACETYLINDOLE OR 3-BENZOYLINDOLE BY
6 SUBSTITUTION AT THE NITROGEN ATOM OF THE INDOLE RING, WHETHER OR
7 NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND
8 WHETHER OR NOT SUBSTITUTED ON THE PHENYL RING TO ANY EXTENT.

9 (2) "CANNABIMIMETIC AGENTS" INCLUDES:

10 (I) 5-(1,1-DIMETHYLHEPTYL)-2-[(1R,3S)
11 -3-HYDROXYCYCLOHEXYL]-PHENOL (CP-47,497);

12 (II) 5-(1,1-DIMETHYLOCTYL)-2-[(1R,3S)
13 -3-HYDROXYCYCLOHEXYL]-PHENOL (CANNABICYCLOHEXANOL OR
14 CP-47,497 C8-HOMOLOG);

15 (III) 1-PENTYL-3-(1-NAPHTHOYL)INDOLE (JWH-018 AND
16 AM678);

17 (IV) 1-BUTYL-3-(1-NAPHTHOYL)INDOLE (JWH-073);

18 (V) 1-HEXYL-3-(1-NAPHTHOYL)INDOLE (JWH-019);

19 (VI) 1-[2-(4-MORPHOLINYL)ETHYL]-3-(1-
20 NAPHTHOYL)INDOLE (JWH-200);

21 (VII) 1-PENTYL-3-(2-METHOXYPHENYLACETYL)INDOLE
22 (JWH-250);

23 (VIII) 1-PENTYL-3-[1-(4-METHOXYNAPHTHOYL)]INDOLE
24 (JWH-081);

25 (IX) 1-PENTYL-3-(4-METHYL-1-NAPHTHOYL)INDOLE
26 (JWH-122);

27 (X) 1-PENTYL-3-(4-CHLORO-1-NAPHTHOYL)INDOLE
28 (JWH-398);

1 (XI) 1-(5-FLUOROPENTYL)-3-(1-NAPHTHOYL)INDOLE
2 (AM2201);

3 (XII) 1-(5-FLUOROPENTYL)-3-(2-iodobenzoYL)INDOLE
4 (AM694);

5 (XIII) 1-PENTYL-3-[(4-METHOXY)-BENZOYL]INDOLE
6 (SR-19 AND RCS-4);

7 (XIV) 1-CYCLOHEXYLETHYL-3-(2-
8 METHOXYPHENYLACETYL)INDOLE (SR-18 AND RCS-8); AND

9 (XV) 1-PENTYL-3-(2-CHLOROPHENYLACETYL)INDOLE
10 (JWH-203).

11 5-402.

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

15 (i) bufotenine;

16 (ii) diethyltryptamine;

17 (iii) dimethyltryptamine;

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

19 (v) ibogaine;

20 (vi) lysergic acid diethylamide;

21 (vii) marijuana;

22 (viii) mescaline;

23 (ix) peyote;

24 (x) psilocybin;

25 (xi) psilocyn;

26 (xii) tetrahydrocannabinol;

- 1 (xiii) thiophene analog of phencyclidine;
- 2 (xiv) 2, 5-dimethoxyamphetamine;
- 3 (xv) 4-bromo-2, 5-dimethoxyamphetamine;
- 4 (xvi) 4-methoxyamphetamine;
- 5 (xvii) 3, 4-methylenedioxyamphetamine;
- 6 (xviii) 3, 4-methylenedioxymethamphetamine (MDMA);
- 7 (xix) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 8 (xx) 3, 4, 5-trimethoxyamphetamine;
- 9 (xxi) N-methyl-3-piperidyl benzilate;
- 10 (xxii) N-ethyl-3-piperidyl benzilate;
- 11 (xxiii) N-ethyl-1-phenylcyclohexylamine;
- 12 (xxiv) 1-(1-phenylcyclohexyl)-pyrrolidine;
- 13 (xxv) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- 14 (xxvi) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
- 15 (xxvii) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine
16 (PEPAP);
- 17 (xxviii) 3, 4-methylenedioxymethcathinone (methylone);
- 18 (xxix) 3, 4-methylenedioxypyrovalerone (MDPV);
- 19 (xxx) 4-methylmethcathinone (mephedrone);
- 20 (xxxii) 4-methoxymethcathinone (methedrone);
- 21 (xxxiii) 4-fluoromethcathinone (flephedrone); [and]
- 22 (xxxiiii) 3-fluoromethcathinone (3-FMC); AND
- 23 **(XXXIV) CANNABIMIMETIC AGENTS.**

24 (2) Unless specifically excepted under this subtitle, a salt, isomer, or
25 salt of an isomer of a substance listed in this subsection is a substance listed in

1 Schedule I if the existence of the salt, isomer, or salt of an isomer is possible within
2 the specific chemical designation.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.