

SENATE BILL 109

E1

3lr0383
CF HB 267

By: **Senators Kelley, DeGrange, Forehand, Getty, Jacobs, Jones-Rodwell, Kasemeyer, Manno, Mathias, Middleton, Montgomery, Muse, Pinsky, Raskin, Reilly, Robey, Rosapepe, Shank, Stone, and Young**

Introduced and read first time: January 14, 2013

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2013

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – ~~Controlled Dangerous Substances – Research – Synthetic~~**
3 **~~Cannabinoids~~ Cannabimimetic Agents – Prohibition**

4 FOR the purpose of ~~authorizing a certain authorized provider to conduct research in~~
5 ~~the State with certain controlled dangerous substances not scheduled under~~
6 ~~federal law under certain circumstances; listing ~~synthetic cannabinoids~~~~
7 ~~cannabimimetic agents on Schedule I for purposes of designating to designate~~
8 controlled dangerous substances that may not be legally used, possessed, or
9 distributed; defining a certain term; and generally relating to controlled
10 dangerous substances.

11 BY renumbering

12 Article – Criminal Law

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

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

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2012 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Criminal Law

19 Section 5–101(a)

20 Annotated Code of Maryland

21 (2012 Replacement Volume and 2012 Supplement)

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

6 BY repealing and reenacting, with amendments,
 7 Article – Criminal Law
 8 Section ~~5–304~~ and 5–402(d)
 9 Annotated Code of Maryland
 10 (2012 Replacement Volume and 2012 Supplement)

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

15 ~~SECTION 1. SECTION 2. AND BE IT FURTHER ENACTED BY THE~~
 16 ~~GENERAL ASSEMBLY OF MARYLAND,~~ That the Laws of Maryland read as follows:

17 **Article – Criminal Law**

18 5–101.

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

20 ~~(FF) (E)~~ (1) ~~“SYNTHETIC CANNABINOID” MEANS A CHEMICAL~~
 21 ~~COMPOUND THAT IS CHEMICALLY SYNTHESIZED AND CANNABIMIMETIC~~
 22 ~~AGENTS” MEANS SUBSTANCES THAT ARE CANNABINOID RECEPTOR TYPE 1 (CB1~~
 23 ~~RECEPTOR) AGONISTS AS DEMONSTRATED BY BINDING STUDIES AND~~
 24 ~~FUNCTIONAL ASSAYS WITHIN ONE OF THE FOLLOWING STRUCTURAL CLASSES:~~

25 (I) ~~HAS BEEN DEMONSTRATED TO HAVE BINDING ACTIVITY~~
 26 ~~AT ONE OR MORE CANNABINOID RECEPTORS; OR 2-(3-~~
 27 ~~HYDROXYCYCLOHEXYL)PHENOL WITH SUBSTITUTION AT THE 5-POSITION OF~~
 28 ~~THE PHENOLIC RING BY ALKYL OR ALKENYL, WHETHER OR NOT SUBSTITUTED~~
 29 ~~ON THE CYCLOHEXYL RING TO ANY EXTENT;~~

30 (II) ~~IS A CHEMICAL ANALOG OR ISOMER OF A COMPOUND~~
 31 ~~THAT HAS BEEN DEMONSTRATED TO HAVE BINDING ACTIVITY AT ONE OR MORE~~
 32 ~~CANNABINOID RECEPTORS 3-(1-NAPHTHOYL)INDOLE OR 3-(1-~~
 33 ~~NAPHTHYLMETHANE)INDOLE BY SUBSTITUTION AT THE NITROGEN ATOM OF~~
 34 ~~THE INDOLE RING, WHETHER OR NOT FURTHER SUBSTITUTED ON THE INDOLE~~
 35 ~~RING TO ANY EXTENT AND WHETHER OR NOT SUBSTITUTED ON THE NAPHTHOYL~~
 36 ~~OR NAPHTHYL RING TO ANY EXTENT;~~

1 (III) 3-(1-NAPHTHOYL)PYRROLE BY SUBSTITUTION AT THE
2 NITROGEN ATOM OF THE PYRROLE RING, WHETHER OR NOT FURTHER
3 SUBSTITUTED IN THE PYRROLE RING TO ANY EXTENT AND WHETHER OR NOT
4 SUBSTITUTED ON THE NAPHTHOYL RING TO ANY EXTENT;

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

9 (V) 3-PHENYLACETYLINDOLE OR 3-BENZOYLINDOLE BY
10 SUBSTITUTION AT THE NITROGEN ATOM OF THE INDOLE RING, WHETHER OR
11 NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND
12 WHETHER OR NOT SUBSTITUTED ON THE PHENYL RING TO ANY EXTENT.

13 (2) ~~“SYNTHETIC CANNABINOID~~ CANNABIMIMETIC AGENTS”
14 INCLUDES:

15 (I) ~~1-[2-(4-MORPHOLINYL)ETHYL]-3-(1-NAPHTHOYL)~~
16 ~~INDOLE (ALSO KNOWN AS JWH-200)~~ 5-(1,1-DIMETHYLHEPTYL)-2-[(1R,3S)-3-
17 HYDROXYCYCLOHEXYL]-PHENOL (CP-47,497);

18 (II) ~~1-BUTYL-3-(1-NAPHTHOYL)INDOLE (ALSO KNOWN AS~~
19 ~~JWH-073)~~ 5-(1,1-DIMETHYLOCTYL)-2-[(1R,3S)-3-HYDROXYCYCLOHEXYL]-
20 PHENOL (CANNABICYCLOHEXANOL OR CP-47,497 C8-HOMOLOG);

21 (III) ~~1-HEXYL-3-(1-NAPHTHOYL)INDOLE (ALSO KNOWN AS~~
22 ~~JWH-019)~~ 1-PENTYL-3-(1-NAPHTHOYL)INDOLE (JWH-018 AND AM678);

23 (IV) ~~1-PENTYL-3-(1-NAPHTHOYL)INDOLE (ALSO KNOWN AS~~
24 ~~JWH-018)~~ 1-BUTYL-3-(1-NAPHTHOYL)INDOLE (JWH-073);

25 (V) ~~1-PENTYL-3-(2-METHOXYPHENYLACETYL)-INDOLE~~
26 ~~(ALSO KNOWN AS JWH-250)~~ 1-HEXYL-3-(1-NAPHTHOYL)INDOLE (JWH-019);

27 (VI) ~~1-PENTYL-3-(4-CHLORO-1-NAPHTHOYL)-INDOLE~~
28 ~~(ALSO KNOWN AS JWH-398)~~ 1-[2-(4-MORPHOLINYL)ETHYL]-3-(1-
29 NAPHTHOYL)INDOLE (JWH-200);

30 (VII) ~~2-[(1R,3S)-3-HYDROXYCYCLOHEXYL]-5-(2-~~
31 ~~METHYLOCTAN-2-YL)PHENOL (ALSO KNOWN AS CP-47,497 AND ITS C6, C7, C8,~~
32 ~~AND C9 HOMOLOGUES)~~ 1-PENTYL-3-(2-METHOXYPHENYLACETYL)INDOLE
33 (JWH-250);

1 ~~(VIII) (2-METHYL-1-PROPYL-1H-INDOL-3-YL)-1-~~
 2 ~~NAPHTHALENYL-METHANONE (ALSO KNOWN AS JWH-015) 1-PENTYL-3-[1-~~
 3 ~~(4-METHOXYNAPHTHOYL)]INDOLE (JWH-081);~~

4 ~~(IX) (6AR, 10AR) 9-(HYDROXYMETHYL)-6,6-DIMETHYL-3-~~
 5 ~~(2-METHYLOCTAN-2-YL)-6A, 7, 10, 10A-TETRAHYDROBENZO[C]CHROMEN-1-~~
 6 ~~OL) (ALSO KNOWN AS HU-210) 1-PENTYL-3-(4-METHYL-1-~~
 7 ~~NAPHTHOYL)INDOLE (JWH-122); AND~~

8 ~~(X) DEXANABINOL (6AS, 10AS) 9-(HYDROXYMETHYL)-6,6-~~
 9 ~~DIMETHYL-3-(2-METHYLOCTAN-2-YL)-6A, 7, 10, 10A-~~
 10 ~~TETRAHYDROBENZO[C]CHROMEN-1-OL (ALSO KNOWN AS HU-211) 1-PENTYL-~~
 11 ~~3-(4-CHLORO-1-NAPHTHOYL)INDOLE (JWH-398);~~

12 ~~(XI) 1-(5-FLUOROPENTYL)-3-(1-NAPHTHOYL)INDOLE~~
 13 ~~(AM2201);~~

14 ~~(XII) 1-(5-FLUOROPENTYL)-3-(2-iodobenzoYL)INDOLE~~
 15 ~~(AM694);~~

16 ~~(XIII) 1-PENTYL-3-[(4-METHOXY)-BENZOYL]INDOLE (SR-19~~
 17 ~~AND RCS-4);~~

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

20 ~~(XV) 1-PENTYL-3-(2-CHLOROPHENYLACETYL)INDOLE~~
 21 ~~(JWH-203).~~

22 ~~(3) "SYNTHETIC CANNABINOID" DOES NOT INCLUDE ANY DRUG~~
 23 ~~THAT HAS BEEN APPROVED BY THE FEDERAL FOOD AND DRUG~~
 24 ~~ADMINISTRATION.~~

25 ~~5-304.~~

26 ~~(a) If an authorized provider is authorized to dispense or conduct research~~
 27 ~~under State law, the Department shall register the authorized provider to dispense a~~
 28 ~~controlled dangerous substance or to conduct research with a controlled dangerous~~
 29 ~~substance listed in Schedule II through Schedule V.~~

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

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

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

4 ~~(e) An authorized provider may conduct research in the State with a~~
5 ~~controlled dangerous substance listed in Schedule I if the authorized provider is:~~

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

9 ~~(2) APPROVED BY A FEDERALLY REGISTERED INSTITUTIONAL~~
10 ~~BOARD OR INSTITUTIONAL ANIMAL CARE AND USE COMMITTEE TO CONDUCT~~
11 ~~RESEARCH ON A CONTROLLED DANGEROUS SUBSTANCE LISTED IN SCHEDULE I~~
12 ~~THAT IS NOT SCHEDULED UNDER FEDERAL LAW AND GIVES EVIDENCE OF THE~~
13 ~~APPROVAL TO THE DEPARTMENT.~~

14 5-402.

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

18 (i) bufotenine;

19 (ii) diethyltryptamine;

20 (iii) dimethyltryptamine;

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

22 (v) ibogaine;

23 (vi) lysergic acid diethylamide;

24 (vii) marijuana;

25 (viii) mescaline;

26 (ix) peyote;

27 (x) psilocybin;

28 (xi) psilocyn;

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

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

5 ~~SECTION 2.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act
6 shall take effect October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.