

# SENATE BILL 109

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3lr0383  
CF 3lr1117

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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

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Controlled Dangerous Substances – Research – Synthetic**  
3 **Cannabinoids**

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 on  
7 Schedule I for purposes of designating controlled dangerous substances that  
8 may not be legally used, possessed, or distributed; defining a certain term; and  
9 generally relating to controlled dangerous substances.

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

15 BY adding to  
16 Article – Criminal Law  
17 Section 5–101(ff)  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2012 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Criminal Law  
22 Section 5–304 and 5–402(d)  
23 Annotated Code of Maryland  
24 (2012 Replacement Volume and 2012 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Law**

4 5–101.

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

6 (FF) (1) “SYNTHETIC CANNABINOID” MEANS A CHEMICAL COMPOUND  
7 THAT IS CHEMICALLY SYNTHESIZED AND:

8 (I) HAS BEEN DEMONSTRATED TO HAVE BINDING ACTIVITY  
9 AT ONE OR MORE CANNABINOID RECEPTORS; OR

10 (II) IS A CHEMICAL ANALOG OR ISOMER OF A COMPOUND  
11 THAT HAS BEEN DEMONSTRATED TO HAVE BINDING ACTIVITY AT ONE OR MORE  
12 CANNABINOID RECEPTORS.

13 (2) “SYNTHETIC CANNABINOID” INCLUDES:

14 (I) 1-[2-(4-MORPHOLINYL)ETHYL]-3-(1-NAPHTHOYL)  
15 INDOLE (ALSO KNOWN AS JWH-200);

16 (II) 1-BUTYL-3-(1-NAPHTHOYL) INDOLE (ALSO KNOWN AS  
17 JWH- 073);

18 (III) 1-HEXYL-3-(1-NAPHTHOYL) INDOLE (ALSO KNOWN AS  
19 JWH- 019);

20 (IV) 1-PENTYL-3-(1-NAPHTHOYL) INDOLE (ALSO KNOWN AS  
21 JWH- 018);

22 (V) 1-PENTYL-3-(2-METHOXYPHENYLACETYL) INDOLE  
23 (ALSO KNOWN AS JWH-250);

24 (VI) 1-PENTYL-3-(4-CHLORO-1-NAPHTHOYL) INDOLE  
25 (ALSO KNOWN AS JWH-398);

26 (VII) 2-[(1R, 3S)-3-HYDROXYCYCLOHEXYL]-5-(2-  
27 METHYLOCTAN-2-YL)PHENOL (ALSO KNOWN AS CP 47, 497 AND ITS C6, C7, C8,  
28 AND C9 HOMOLOGUES);

29 (VIII) (2-METHYL-1-PROPYL-1H-INDOL-3-YL)-1-  
30 NAPHTHALENYL- METHANONE (ALSO KNOWN AS JWH-015);

1                   **(IX) (6AR, 10AR)–9–(HYDROXYMETHYL)–6, 6–DIMETHYL–3–**  
2 **(2–METHYLOCTAN–2–YL)–6A, 7, 10, 10A–TETRAHYDROBENZO[C] CHROMEN–1–**  
3 **OL) (ALSO KNOWN AS HU–210); AND**

4                   **(X) DEXANABINOL (6AS, 10AS)–9–(HYDROXYMETHYL)–6, 6–**  
5 **DIMETHYL–3–(2–METHYLOCTAN–2–YL)–6A,           7,           10,           10A–**  
6 **TETRAHYDROBENZO[C]CHROMEN–1–OL (ALSO KNOWN AS HU–211).**

7                   **(3) “SYNTHETIC CANNABINOID” DOES NOT INCLUDE ANY DRUG**  
8 **THAT HAS BEEN APPROVED BY THE FEDERAL FOOD AND DRUG**  
9 **ADMINISTRATION.**

10 5–304.

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

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

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

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

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

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

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

30 5–402.

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

- 1 (i) bufotenine;
- 2 (ii) diethyltryptamine;
- 3 (iii) dimethyltryptamine;
- 4 (iv) 4-methyl-2, 5-dimethoxyamphetamine;
- 5 (v) ibogaine;
- 6 (vi) lysergic acid diethylamide;
- 7 (vii) marijuana;
- 8 (viii) mescaline;
- 9 (ix) peyote;
- 10 (x) psilocybin;
- 11 (xi) psilocyn;
- 12 (xii) tetrahydrocannabinol;
- 13 (xiii) thiophene analog of phencyclidine;
- 14 (xiv) 2, 5-dimethoxyamphetamine;
- 15 (xv) 4-bromo-2, 5-dimethoxyamphetamine;
- 16 (xvi) 4-methoxyamphetamine;
- 17 (xvii) 3, 4-methylenedioxyamphetamine;
- 18 (xviii) 3, 4-methylenedioxymethamphetamine (MDMA);
- 19 (xix) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 20 (xx) 3, 4, 5-trimethoxyamphetamine;
- 21 (xxi) N-methyl-3-piperidyl benzilate;
- 22 (xxii) N-ethyl-3-piperidyl benzilate;
- 23 (xxiii) N-ethyl-1-phenylcyclohexylamine;

- 1 (xxiv) 1-(1-phenylcyclohexyl)-pyrrolidine;
- 2 (xxv) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- 3 (xxvi) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
- 4 (xxvii) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine  
5 (PEPAP);
- 6 (xxviii) 3, 4-methylenedioxymethcathinone (methydone);
- 7 (xxix) 3, 4-methylenedioxypyrovalerone (MDPV);
- 8 (xxx) 4-methylmethcathinone (mephedrone);
- 9 (xxxi) 4-methoxymethcathinone (methedrone);
- 10 (xxxii) 4-fluoromethcathinone (flephedrone); [and]
- 11 (xxxiii) 3-fluoromethcathinone (3-FMC); AND
- 12 **(XXXIV) SYNTHETIC CANNABINOIDS.**

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2013.