

HOUSE BILL 346

E1
HB 1057/15 – JUD

6lr2358
CF SB 1037

By: **Delegates Carter, Dumais, Glass, Valentino–Smith, and B. Wilson**

Introduced and read first time: January 27, 2016

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2016

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; providing that synthetic cannabinoids do not include certain drugs
8 approved by or under development for certain purposes by the federal Food and Drug
9 Administration; defining a certain term; requiring the Department of State Police to
10 report to the General Assembly on or before a certain date; providing for the
11 termination of certain provisions of this Act; and generally relating to controlled
12 dangerous substances.

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Law
15 Section 5–101(a) and (e)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2015 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Law
20 Section 5–101(ff), 5–304, and 5–402(d)
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2015 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)
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2015 Supplement)

6 Preamble

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

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

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

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

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

20 **Article – Criminal Law**

21 5–101.

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

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

26 (i) 2–(3–hydroxycyclohexyl)phenol with substitution at the
27 5–position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the
28 cyclohexyl ring to any extent;

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

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

4 (iv) 1-(1-naphthylmethylene)indene by substitution of the
5 3-position of the indene ring, whether or not further substituted in the indene ring to any
6 extent and whether or not substituted on the naphthyl ring to any extent; or

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

10 (2) "Cannabimimetic agents" includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (FF) (1) "SYNTHETIC CANNABINOID" MEANS A SYNTHETIC CHEMICAL
2 COMPOUND THAT ~~IS~~ ACTS AS A CANNABINOID RECEPTOR AGONIST ~~AND THAT MIMICS~~
3 ~~THE PHARMACOLOGICAL EFFECT OF A NATURALLY OCCURRING CANNABINOID~~ OR A
4 CONTROLLED DANGEROUS SUBSTANCE LISTED IN SCHEDULE I OR SCHEDULE II.

5 (2) "SYNTHETIC CANNABINOID" INCLUDES:

6 (I) A SUBSTANCE OR AN ANALOG OF A SUBSTANCE THAT IS
7 DESIGNED, GENERATED, OR RECOMBINED TO CREATE A NEW STRUCTURE USING A
8 THREE-COMPONENT PHARMACOPHORE MODEL AND THAT CONTAINS ONE OR MORE
9 PHARMACOPHORES OR COMPONENTS OF A CONTROLLED DANGEROUS SUBSTANCE
10 LISTED IN SCHEDULE I OR SCHEDULE II; AND

11 (II) A SUBSTANCE OR AN ANALOG OF A SUBSTANCE WITH A
12 STRUCTURAL CLASS BASED ON THE FOLLOWING SPECIFIC CENTRAL OR CORE
13 PHARMACOPHORE:

14 1. SUBSTITUTED CORE CYCLOHEXYLPHENOLS
15 EXEMPLIFIED BY CP-47497 [5-(1,1-DIMETHYLHEPTYL)-2-[(1R,3S)-3-
16 HYDROXYCYCLOHEXYL]-PHENOL];

17 2. SUBSTITUTED CORE INDOLES EXEMPLIFIED BY JWH
18 018 [(1-PENTYL-1H-INDOL-3-YL)-1-NAPHTHALENYL-METHANONE], PB-22
19 [QUINOLIN-8-YL 1-PENTYL-1H-INDOLE-3-CARBOXYLATE], AND XLR-11
20 [H-INDOL-3-YL)(2,2,3,3-TETRAMETHYLCYCLOPROPYL)METHANONE];

21 3. SUBSTITUTED CORE INDAZOLES EXEMPLIFIED BY
22 AKB-48 [1-ENTYL-N-TRICYCLO[3.3.1.1^{3,7}]DEC-1-YL-1H-INDAZOLE-3-
23 CARBOXAMIDE] AND AB-CHMINACA [N-(1-AMINO-3-METHYL-1-OXOBUTAN-2-
24 YL)-1-(CYCLOHEXYLMETHYL)-1H-INDAZOLE-3-CARBOXAMIDE];

25 4. SUBSTITUTED CORE BENZIMIDAZOLES AND
26 AZAINDOLES EXEMPLIFIED BY BIM-2201 [(1-(5-FLUOROPENTYL)-1H-
27 BENZO[D]IMIDAZOL-2-YL(NAPHTHALEN-1-YL)METHANONE] AND 5-FLURO-PCN
28 [1-(5-FLUOROPENTYL)-N-(NAPHTHALEN-1-YL)-1H-PYRROLO[3,2-C]PYRIDINE-
29 3-CARBOXAMIDE];

30 5. SUBSTITUTED CORE PYRROLES AND PYRAZOLES
31 EXEMPLIFIED BY JWH-307 [[5-(2-FLUOROPHENYL)-1-PENTYL-1H-PYRROL-3-
32 YL]-1-NAPHTHALENYL-METHANONE] AND AZ-037 [N-(1-AMINO-3-METHYL-1-
33 OXOBUTAN-2-YL)-1-(5-FLUOROPENTYL)-3-(4-FLUOROPHENYL)-1H-PYRAZOLE-
34 5-CARBOXAMIDE]; OR

1 **6. SUBSTITUTED CORE CARBAZOLES EXEMPLIFIED BY**
2 **EG2201 [(9-(5-FLUOROPENTYL)-9H-CARBAZOL-3-YL)(NAPHTALEN-1-**
3 **YL)METHANONE.**

4 **(3) “SYNTHETIC CANNABINOID” DOES NOT INCLUDE ANY DRUG THAT:**

5 **(I) HAS BEEN APPROVED BY THE FEDERAL FOOD AND DRUG**
6 **ADMINISTRATION; OR**

7 **(II) IS UNDER DEVELOPMENT FOR MEDICAL PURPOSES UNDER**
8 **AN INVESTIGATIONAL NEW DRUG APPLICATION APPROVED BY THE FEDERAL FOOD**
9 **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;

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2017, the
21 Department of State Police shall report to the General Assembly, in accordance with §
22 2-1246 of the State Government Article, on:

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

25 (2) the technical capabilities and accuracy rates of technologies and
26 protocols being used to identify synthetic drugs and other controlled dangerous substances
27 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, 2016. Section 2 of this Act shall remain effective for a period of 1 year and, at
6 the end of September 30, 2017, 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.