

House Bill 213 (COMMITTEE SUBSTITUTE)

By: Representatives Golick of the 40th, Cooper of the 43rd, Reeves of the 34th, Gravley of the 67th, and Coomer of the 14th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia
2 Annotated, relating to schedules, offenses, and penalties, so as to include the sale,
3 manufacture, delivery, or possession of fentanyl and related substances within the prohibition
4 of trafficking certain drugs; to change provisions relating to Schedule I and II controlled
5 substances; to provide for related matters; to provide for an effective date; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **PART I**
9 **SECTION 1-1.**

10 Part 1 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated,
11 relating to schedules, offenses, and penalties, is amended by revising subparagraph (c)(3)(B)
12 of Code Section 16-13-30, relating to purchase, possession, manufacture, distribution, or sale
13 of controlled substances or marijuana, as follows:

14 "(B) This paragraph shall not apply to morphine, heroin, or opium, or any substance
15 identified in subparagraph (RR) or (SS) of paragraph (1) or paragraph (13), (14), or (15)
16 of Code Section 16-13-25, or subparagraph (A), (C.5), (F), (U.1), (V), or (V.2) of
17 paragraph (2) of Code Section 16-13-26 or any salt, isomer, or salt of an isomer; rather,
18 the provisions of Code Section 16-13-31 shall control these substances."

19 **SECTION 1-2.**

20 Said part is further amended by revising subsection (b) of Code Section 16-13-31, relating
21 to trafficking in cocaine, illegal drugs, marijuana, or methamphetamine, as follows:

22 "(b) Any person who sells, manufactures, delivers, brings into this state, or has possession
23 of four grams or more of any morphine, or opium, or substance identified in subparagraph
24 (RR) or (SS) of paragraph (1) or paragraph (13), (14), or (15) of Code Section 16-13-25,

25 or subparagraph (A), (C.5), (F), (U.1), (V), or (V.2) of paragraph (2) of Code Section
 26 16-13-26 or any salt, isomer, or salt of an isomer thereof, including heroin, as described in
 27 Schedules I and II, or four grams or more of any mixture containing any such substance in
 28 violation of this article commits the felony offense of trafficking in illegal drugs and, upon
 29 conviction thereof, shall be punished as follows:

30 (1) If the quantity of such substances involved is four grams or more, but less than 14
 31 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of
 32 five years and shall pay a fine of \$50,000.00;

33 (2) If the quantity of such substances involved is 14 grams or more, but less than 28
 34 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of
 35 ten years and shall pay a fine of \$100,000.00; and

36 (3) If the quantity of such substances involved is 28 grams or more, the person shall be
 37 sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine
 38 of \$500,000.00."

39 PART II

40 SECTION 2-1.

41 Said part is further amended in Code Section 16-13-25, relating to Schedule I controlled
 42 substances, by adding two new subparagraphs to paragraph (1) to read as follows:

43 "(RR) 3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide (AH-7921);
 44 (SS) 3,4-dichloro-N-(2-(dimethylamino)cyclohexyl)-N-methylbenzamide (U-47700);"

45 SECTION 2-2.

46 Said part is further amended in Code Section 16-13-25, relating to Schedule I controlled
 47 substances, by substituting the "." at the end of subparagraph (V) of paragraph (12) with a
 48 ";" and by adding new paragraphs to read as follows:

49 "(13) The fentanyl analog structural class, including any of the following derivatives,
 50 their salts, isomers, or salts of isomers, unless specifically utilized as part of the
 51 manufacturing process by a commercial industry of a substance or material not intended
 52 for human ingestion or consumption, as a prescription administered under medical
 53 supervision, or for research at a recognized institution, whenever the existence of these
 54 salts, isomers, or salts of isomers is possible within the specific chemical designation or
 55 unless specifically excepted or listed in this or another schedule, structurally derived from
 56 fentanyl, and whether or not further modified in any of the following ways:

57 (A) Substitution anywhere on the phenethyl group with:

58 (i) Alkyl group;

- 59 (ii) Hydroxyl group:
- 60 (iii) Halide group:
- 61 (B) Replacement of the phenethyl group with:
- 62 (i) Thienyl ethyl group, which can be further substituted with:
- 63 (I) Alkyl group:
- 64 (II) Hydroxyl group:
- 65 (III) Halide group:
- 66 (ii) Oxotetrazol ethyl group, which can be further substituted with:
- 67 (I) Alkyl group:
- 68 (II) Hydroxyl group:
- 69 (III) Halide group:
- 70 (iii) Alkyl group:
- 71 (iv) Thienyl methyl group, which can be further substituted with:
- 72 (I) Alkyl group:
- 73 (II) Hydroxyl group:
- 74 (III) Halide group:
- 75 (v) Benzyl group, which can be further substituted with:
- 76 (I) Alkyl group:
- 77 (II) Hydroxyl group:
- 78 (III) Halide group:
- 79 (vi) Furanyl ethyl group, which can be further substituted with:
- 80 (I) Alkyl group:
- 81 (II) Hydroxyl group:
- 82 (III) Halide group:
- 83 (vii) Phenyl alkyl group, which can be further substituted with:
- 84 (I) Alkyl group:
- 85 (II) Hydroxyl group:
- 86 (III) Halide group:
- 87 (viii) Pyridinyl ethyl group, which can be further substituted with:
- 88 (I) Alkyl group:
- 89 (II) Hydroxyl group:
- 90 (III) Halide group:
- 91 (ix) Diazole ethyl group, which can be further substituted with:
- 92 (I) Alkyl group:
- 93 (II) Hydroxyl group:
- 94 (III) Halide group:
- 95 (IV) Nitro group:

- 96 (x) Thiazole ethyl group, which can be further substituted with:
- 97 (I) Alkyl group;
- 98 (II) Hydroxyl group;
- 99 (III) Halide group;
- 100 (xi) Benzoxazolinone ethyl group, which can be further substituted with:
- 101 (I) Alkyl group;
- 102 (II) Hydroxyl group;
- 103 (III) Halide group;
- 104 (C) Substitution anywhere on the piperidine ring with:
- 105 (i) Alkyl group;
- 106 (ii) Allyl group;
- 107 (iii) Phenyl group;
- 108 (iv) Ester group;
- 109 (v) Ether group;
- 110 (vi) Pyridine group, which can be further substituted with:
- 111 (I) Alkyl group;
- 112 (II) Hydroxyl group;
- 113 (III) Halide group;
- 114 (vii) Thiazole group, which can be further substituted with:
- 115 (I) Alkyl group;
- 116 (II) Hydroxyl group;
- 117 (III) Halide group;
- 118 (viii) Oxadiazole group, which can be further substituted with:
- 119 (I) Alkyl group;
- 120 (II) Hydroxyl group;
- 121 (III) Halide group;
- 122 (IV) Ether group;
- 123 (D) Substitution anywhere on the propanamide group with:
- 124 (i) Cyclic alkyl group;
- 125 (ii) Acyclic alkyl group;
- 126 (iii) Methoxy group;
- 127 (E) Replacement of the propanamide group with:
- 128 (i) Acryloyl amino group;
- 129 (ii) Acetamide group, which itself can be further substituted with a cyclic alkyl
- 130 group;
- 131 (iii) Methoxy acetamide group;
- 132 (iv) Furanyl amide group;

133 (F) Substitution anywhere on the phenyl ring with:

134 (i) Halide group;

135 (ii) Methoxy group;

136 (iii) Alkyl group;

137 (G) Replacement of the phenyl ring with the pyrazine ring:

138 (14) The piperidinyl-sulfonamide structural class, including any of the following
139 compounds, derivatives, their salts, isomers, or salts of isomers, halogen analogues, or
140 homologues, unless specifically utilized as part of the manufacturing process by a
141 commercial industry of a substance or material not intended for human ingestion or
142 consumption, as a prescription administered under medical supervision, or for research
143 at a recognized institution, whenever the existence of these salts, isomers, or salts of
144 isomers, halogen analogues, or homologues is possible within the specific chemical
145 designation or unless specifically excepted or listed in this or another schedule,
146 structurally derived from piperidinyl-sulfonamide, and whether or not further modified
147 in any of the following ways:

148 (A) By substitution at the 1-position of the piperidinyl ring with any of the following:

149 (i) Alkyl group;

150 (ii) Phenyl alkyl group;

151 (iii) Amino substituted phenyl alkyl group;

152 (iv) Nitro substituted phenyl alkyl group;

153 (v) Cycloalkyl group;

154 (vi) Alkenyl substituent group;

155 (B) By substitution at the 3-position or 4-position of the piperidinyl ring with any of
156 the following:

157 (i) Halide group;

158 (ii) Alkyl group;

159 (iii) Alkoxy substituent;

160 (C) By substitution on the sulfonamide with any of the following:

161 (i) Pyridyl group;

162 (ii) Alkyl group;

163 (iii) Phenyl group;

164 (iv) Phenyl alkyl group;

165 (v) Alkoxy substituted phenyl group;

166 (vi) Halogen substituted phenyl group;

167 (vii) Nitro substituted phenyl group;

168 (viii) Amino substituted phenyl group;

169 (ix) Alkanoylamino substituted phenyl group;

170 (x) Amido substituted phenyl group;
 171 (15) The 1-cyclohexyl-4-(1,2-diphenylethy)-piperazine (MT-45) structural class,
 172 including any of the following derivatives, their salts, isomers, or salts of isomers, unless
 173 specifically utilized as part of the manufacturing process by a commercial industry of a
 174 substance or material not intended for human ingestion or consumption, as a prescription
 175 administered under medical supervision, or for research at a recognized institution,
 176 whenever the existence of these salts, isomers, or salts of isomers is possible within the
 177 specific chemical designation or unless specifically excepted or listed in this or another
 178 schedule, structurally derived from 1-cyclohexyl-4-(1,2-diphenylethy)-piperazine
 179 (MT-45), and whether or not further modified in any of the following ways:

180 (A) Replacement of the cyclohexyl group with any of the following:

181 (i) Cycloheptyl group;

182 (ii) Cyclooctyl group;

183 (B) Substitution on the diphenyl groups with any of the following:

184 (i) Hydroxyl group;

185 (ii) Halide;

186 (iii) Alkoxy group;

187 (iv) Alkyl group;

188 (v) Ester group;

189 (vi) Phenyl ether group."

190 **SECTION 2-3.**

191 Said part is further amended in Code Section 16-13-26, relating to Schedule II controlled
 192 substances, by adding new subparagraphs to paragraph (2) to read as follows:

193 "(C.5) Carfentanil;"

194 "(V.2) Thiafentanil;"

195 **SECTION 2-4.**

196 Said part is further amended in Code Section 16-13-26, relating to Schedule II controlled
 197 substances, by revising subparagraph (E) of paragraph (3) as follows:

198 "(E) Carfentanil Reserved;"

199 **PART III**

200 **SECTION 3-1.**

201 This Act shall become effective upon its approval by the Governor or upon its becoming law
 202 without such approval.

203

SECTION 3-2.

204 All laws and parts of laws in conflict with this Act are repealed.