

SENATE No. 839

The Commonwealth of Massachusetts

PRESENTED BY:

Robert L. Hedlund

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act strengthening punishment for heroin dealers.

PETITION OF:

NAME:

Robert L. Hedlund

David F. DeCoste

DISTRICT/ADDRESS:

Plymouth and Norfolk

5th Plymouth

SENATE No. 839

By Mr. Hedlund, a petition (accompanied by bill, Senate, No. 839) of Robert L. Hedlund and David F. DeCoste for legislation to strengthen punishment for heroin dealers. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act strengthening punishment for heroin dealers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Section 31 of Chapter 94C is hereby amended by deleting it in its entirety and
2 replacing it with the following:-

3 Section 31. For the purposes of establishing criminal penalties for violation of a provision
4 of this chapter, there are established the following five classes of controlled substances:

5 CLASS A

6 (a) Unless specifically excepted or unless listed in another schedule, any of the following
7 opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers,
8 whenever the existence of such isomers, esters, ethers and salts is possible within the specific
9 chemical designation:

10 (1) Acetylmethadol

11 (2) Allylprodine

- 12 (3) Alphacetylmethadol
- 13 (4) Alphameprodine
- 14 (5) Alphamethadol
- 15 (6) Benzethidine
- 16 (7) Betacetylmethadol
- 17 (8) Betameprodine
- 18 (9) Betamethadol
- 19 (10) Betaprodine
- 20 (11) Clonitazene
- 21 (12) Dextromoramide
- 22 (13) Dextrorphan
- 23 (14) Diampromide
- 24 (15) Diethylthiambutene
- 25 (16) Dimenoxadol
- 26 (17) Dimepheptanol
- 27 (18) Dimethylthiambutene
- 28 (19) Dioxaphetylbutyrate

- 29 (20) Dipipanone
- 30 (21) Ethylmethylthiambutene
- 31 (22) Etonitazene
- 32 (23) Etoxeridine
- 33 (24) Furethidine
- 34 (25) Hydroxypethidine
- 35 (26) Ketobemidone
- 36 (27) Levomoramide
- 37 (28) Levophenacymorphan
- 38 (29) Morpheridine
- 39 (30) Noracymethadol
- 40 (31) Norlevorphanol
- 41 (32) Normethadone
- 42 (33) Norpipanone
- 43 (34) Phenadoxone
- 44 (35) Phenampromide
- 45 (36) Phenomorphan

46 (37) Phenoperidine

47 (38) Piritramide

48 (39) Proheptazine

49 (40) Properidine

50 (41) Racemoramide

51 (42) Trimeperidine

52 (b) Unless specifically excepted or unless listed in another schedule, any of the following
53 opium derivatives, their salts, isomers, and salts of isomers whenever the existence of such salts,
54 isomers, and salts of isomers is possible within the specific chemical designation:

55 (1) Acetorphine

56 (2) Acetyldihydrocodeine

57 (3) Benzylmorphine

58 (4) Codeine methylbromide

59 (5) Codeine-N-Oxide

60 (6) Cyprenorphine

61 (7) Desomorphine

62 (8) Dihydromorphine

63 (9) Etorphine

- 64 (10) Hydromorphenol
- 65 (11) Methyldesorphine
- 66 (12) Methylhydromorphine
- 67 (13) Morphine methylbromide
- 68 (14) Morphine methylsulfonate
- 69 (15) Morphine-N-Oxide
- 70 (16) Myrophine
- 71 (17) Nicocodeine
- 72 (18) Nicomorphine
- 73 (19) Normorphine
- 74 (20) Pholcodine
- 75 (21) Thebacon

76 (c) Unless specifically excepted or unless listed in another schedule, any material,
77 compound, mixture or preparation that contains any quantity of the following substances
78 including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and
79 salts of isomers is possible within the specific chemical designations:

- 80 (1) Flunitrazepam
- 81 (2) Gamma Hydroxy Butyric Acid

82 (3) Ketamine.

83 CLASS B

84 (a) Unless specifically excepted or unless listed in another schedule, any of the following
85 substances whether produced directly or indirectly by extraction from substances of vegetable
86 origin, or independently by means of chemical synthesis, or by a combination of extraction and
87 chemical synthesis:

88 (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or
89 opiate

90 (2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent
91 or identical with any of the substances referred to in paragraph (1) except that these substances
92 shall not include the isoquinoline alkaloids of opium

93 (3) Opium poppy and poppy straw

94 (4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
95 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
96 with any of these substances, except that the substances shall not include decocainized coca
97 leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

98 (5) Phenyl-2-Propanone (P2P)

99 (6) Phenylcyclohexylamine (PCH)

100 (7) Piperidinocyclohexanecarbonitrile (PCC)

101 (8) 3,4-methylenedioxy methamphetamine (MDMA).

102 (b) Unless specifically excepted or unless listed in another schedule, any of the following
103 opiates, including isomers, esters, ethers, salts, and salts of isomer, esters, and ethers, whenever
104 the existence of such isomers, esters, ethers and salts is possible within the specific chemical
105 designation:

106 (1) Alphaprodine

107 (2) Anileridine

108 (3) Bezitramide

109 (4) Dihydrocodeine

110 (5) Diphenoxylate

111 (6) Fentanyl

112 (7) Isomethadone

113 (8) Levomethorphan

114 (9) Levorphanol

115 (10) Metazocine

116 (11) Methadone

117 (12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane

118 (13) Moramide-Intermediate, 2-methyl-3 morpholine-1, 1-diphenyl-propane carboxylic
119 acid

- 120 (14) Pethidine
- 121 (15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
- 122 (16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
- 123 (17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid
- 124 (18) Phenazocine
- 125 (19) Piminodine
- 126 (20) Racemethorphan
- 127 (21) Racemorphan

128 (c) Unless specifically excepted or unless listed in another schedule, any material,
129 compound, mixture, or preparation which contains any quantity of the following substances
130 having a stimulant effect on the central nervous system:

131 (1) Amphetamine, its salts, optical isomers and salts of its optical isomers.

132 (2) Any substance which contains any quantity of methamphetamine, including its salts,
133 isomers and salts of isomers.

134 (3) Phenmetrazine and its salts.

135 (4) Methylphenidate.

136 (d) Unless specifically excepted or unless listed in another schedule, any material,
137 compound, mixture or preparation which contains any quantity of the following substances
138 having a depressant effect on the central nervous system:

139 (1) Any substance which contains any quantity of a derivative of barbituric acid, or any
140 salt of a derivative of barbituric acid.

141 (2) Any substance which contains any quantity of methaqualone, or any salt or derivative
142 of methaqualone.

143 (e) Unless specifically excepted or listed in another schedule, any material, compound,
144 mixture, or preparation, which contains any quantity of the following hallucinogenic substances
145 or which contains any of their salts, isomers, and salts of isomers whenever the existence of such
146 salts, isomers, and salts of isomers is possible within the specific chemical designation:

147 (1) Lysergic acid

148 (2) Lysergic acid amide

149 (3) Lysergic acid diethylamide

150 (4) Phencyclidine.

151 CLASS C

152 (a) Unless specifically excepted or unless listed in another schedule, any material,
153 compound, mixture, or preparation which contains any quantity of the following substances
154 having a depressant effect on the central nervous system:

155 (1) Chlordiazepoxide

156 (2) Chlorhexadol

157 (3) Clonazepam

158 (4) Clorazepate

159 (5) Diazepam

160 (6) Flurazepam

161 (7) Glutethimide

162 (8) Lorazepam

163 (9) Methyprylon

164 (10) Oxazepam

165 (11) Prazepam

166 (12) Sulfondiethylmethane

167 (13) Sulfonethylmethane

168 (14) Sulfonmethane

169 (15) Temazepam.

170 (b) Nalorphine

171 (c) Unless specifically excepted or unless listed in another schedule, any material,

172 compound, mixture, or preparation containing limited quantities of any of the following narcotic

173 drugs, or any salts thereof:

174 (1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams

175 per dosage unit with an equal or greater quantity of an isoquinoline alkaloid of opium.

176 (2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams
177 per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic
178 amounts.

179 (3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more
180 than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid
181 of opium.

182 (4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more
183 than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in
184 recognized therapeutic amounts.

185 (5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90
186 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized
187 therapeutic amounts.

188 (6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than
189 15 milligrams per dosage unit with one or more active nonnarcotic ingredients in recognized
190 therapeutic amounts.

191 (7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not
192 more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in
193 recognized therapeutic amounts.

194 (8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with
195 one or more active nonnarcotic ingredients in recognized therapeutic amounts.

196 [There is no paragraph (d).]

197 (e) Unless specifically excepted or listed in another schedule, any material, compound,
198 mixture, or preparation, which contains any quantity of the following hallucinogenic substances,
199 or which contains any of their salts, isomers, and salts of isomers whenever the existence of such
200 salts, isomers, and salts of isomers is possible within the specific chemical designation:

201 (1) 3, 4-methylenedioxy amphetamine

202 (2) 5-methoxy-3, 4-methylenedioxy amphetamine

203 (3) 3, 4, 5-trimethoxy amphetamine

204 (4) Bufotenine

205 (5) Diethyltryptamine

206 (6) Dimethyltryptamine

207 (7) 4-methyl-2, 5-dimethoxyamphetamine

208 (8) Ibogaine

209 (9) Mescaline

210 (10) Peyote

211 (11) N-ethyl-3-piperidyl benzilate

212 (12) N-methyl-3-piperidyl benzilate

213 (13) Psilocybin

214 (14) Psilocyn

- 215 (15) Tetrahydrocannabinols
- 216 (16) 4-Bromo-2, 5-Dimethoxy-amphetamine.
- 217 (17) 3, 4—methylenedioxy-methcathinone, MDMC
- 218 (18) 3, 4—methylenedioxy-pyrovalerone, MDPV
- 219 (19) 4—methylmethcathinone, 4-MMC
- 220 (20) 4—methoxymethcathinone, bk-PMMA, PMMC
- 221 (21) 3, 4—fluoromethcathinone, FMC
- 222 (22) Naphthylpyrovalerone, NRG-1
- 223 (23) Beta-keto-N-methylbenzodioxolylpropylamine
- 224 (24) 2-(methylamino)-propiofenone; OR alpha-(methylamino) propiofenone
- 225 (25) 3-methoxymethcathinone
- 226 (26) 4-methyl-alpha-pyrrolidinobutyrophenone
- 227 (27) 2-(methylamino)-1-phenylpropan-1-one
- 228 (28) 4-ethylmethcathinone
- 229 (29) 3,4-Dimethylmethcathinone
- 230 (30) alpha-Pyrrolidinopentiophenone
- 231 (31) beta-Keto-Ethylbenzodioxolylbutanamine

232 (32) 3,4-methylenedioxy-N-ethylcathinone.

233 CLASS D

234 (a)

235 (1) Barbital

236 (2) Chloral betaine

237 (3) Chloral hydrate

238 (4) Ethchlorvynol

239 (5) Ethinamate

240 (6) Methohexital

241 (7) Meprobamate

242 (8) Methylphenobarbital

243 (9) Paraldehyde

244 (10) Petrichloral

245 (11) Phenobarbital

246 (b) Unless specifically excepted or unless listed in another schedule, any material,
247 compound, mixture, or preparation, which contains any quantity of the following substances, or
248 which contains any of their salts, isomers, and salts of isomers whenever the existence of such
249 salts, isomers, and salts of isomers is possible within the specific chemical designation:

250 (1) Marihuana

251 (2) Butyl Nitrite

252 (3) Isobutyl Nitrite

253 (4) 1-Nitrosoxy-Methyl-Propane.

254 CLASS E

255 (a) Any compound, mixture, or preparation containing any of the following limited
256 quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal
257 ingredients in sufficient proportion to confer upon the compound, mixture, or preparation
258 valuable medicinal qualities other than those possessed by the narcotic drug alone:

259 (1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams

260 (2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams

261 (3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams

262 (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of
263 atropine sulfate per dosage unit

264 (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams

265 (b) Prescription drugs other than those included in Classes A, B, C, D, and subsection (a)
266 of this Class.

267 CLASS X

268 (a) Unless specifically excepted or unless listed in another schedule, any of the following
269 opium derivatives, their salts, isomers, and salts of isomers whenever the existence of such salts,
270 isomers, and salts of isomers is possible within the specific chemical designation:

271 (1) Heroin

272 SECTION 2. Chapter 94C of the General Laws, as appearing in the 2014 Official
273 addition, is hereby amended by adding following new section:-

274 Section 32X. (a) Any person who knowingly or intentionally manufactures, distributes,
275 dispenses, or possesses with intent to manufacture, distribute or dispense a controlled substance
276 in Class X of section thirty-one shall be punished by imprisonment in the state prison for not less
277 than one hundred years or in a jail or house of correction for not more than one hundred years
278 and by a fine of not less than one thousand nor more than ten thousand dollars, or by both such
279 fine and imprisonment.

280 (b) Any person convicted of violating this section after one or more prior convictions of
281 manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute,
282 or dispense a controlled substance as defined by section thirty-one of this chapter under this or
283 any prior law of this jurisdiction or of any offense of any other jurisdiction, federal, state, or
284 territorial, which is the same as or necessarily includes the elements of said offense shall be
285 punished by a term of imprisonment in the state prison for not less than two hundred years nor
286 more than three hundred years. No sentence imposed under the provisions of this section shall be
287 for less than a mandatory minimum term of imprisonment of two hundred years and a fine of not
288 less than one million dollars nor more than twenty-five million dollars.

289 (c) Any person serving a mandatory minimum sentence for violating any provision of this
290 section shall not be eligible for parole.