

HOUSE BILL 346

E1
HB 1057/15 – JUD

6lr2358

By: **Delegates Carter, Dumais, Glass, Valentino–Smith, and B. Wilson**
Introduced and read first time: January 27, 2016
Assigned to: Judiciary

A BILL ENTITLED

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; defining a certain term; requiring the Department of State Police to
8 report to the General Assembly on or before a certain date; providing for the
9 termination of certain provisions of this Act; and generally relating to controlled
10 dangerous substances.

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

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

21 BY adding to
22 Article – Criminal Law
23 Section 5–101(ff)
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2015 Supplement)

26 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

14 **Article – Criminal Law**

15 5–101.

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

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

20 (i) 2–(3–hydroxycyclohexyl)phenol with substitution at the
21 5–position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the
22 cyclohexyl ring to any extent;

23 (ii) 3–(1–naphthoyl)indole or 3–(1–naphthylmethane)indole by
24 substitution at the nitrogen atom of the indole ring, whether or not further substituted on
25 the indole ring to any extent and whether or not substituted on the naphthoyl or naphthyl
26 ring to any extent;

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

30 (iv) 1–(1–naphthylmethylene)indene by substitution of the
31 3–position of the indene ring, whether or not further substituted in the indene ring to any
32 extent and whether or not substituted on the naphthyl ring to any extent; or

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

4 (2) "Cannabimimetic agents" includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **(FF) (1) "SYNTHETIC CANNABINOID" MEANS A SYNTHETIC CHEMICAL**
24 **COMPOUND THAT IS A CANNABINOID RECEPTOR AGONIST AND THAT MIMICS THE**
25 **PHARMACOLOGICAL EFFECT OF A NATURALLY OCCURRING CANNABINOID OR A**
26 **CONTROLLED DANGEROUS SUBSTANCE LISTED IN SCHEDULE I OR SCHEDULE II.**

27 **(2) "SYNTHETIC CANNABINOID" INCLUDES A SUBSTANCE OR AN**
28 **ANALOG OF A SUBSTANCE THAT IS DESIGNED, GENERATED, OR RECOMBINED TO**

1 CREATE A NEW STRUCTURE USING A THREE-COMPONENT PHARMACOPHORE MODEL
2 AND THAT CONTAINS ONE OR MORE PHARMACOPHORES OR COMPONENTS OF A
3 CONTROLLED DANGEROUS SUBSTANCE LISTED IN SCHEDULE I OR SCHEDULE II.

4 (3) “SYNTHETIC CANNABINOID” DOES NOT INCLUDE ANY DRUG THAT
5 HAS BEEN APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION.

6 [(ff)] (GG) “Ultimate user” means a person who lawfully possesses a controlled
7 dangerous substance for the person’s own use, for the use of a member of the person’s
8 household, or for administration to an animal owned by the person or by a member of the
9 person’s household.

10 5–304.

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

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

17 (1) engaged in research with a nonnarcotic controlled dangerous substance
18 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 controlled
21 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 BOARD
26 OR INSTITUTIONAL ANIMAL CARE AND USE COMMITTEE TO CONDUCT RESEARCH ON
27 A CONTROLLED DANGEROUS SUBSTANCE LISTED IN SCHEDULE I THAT IS NOT
28 SCHEDULED UNDER FEDERAL LAW AND GIVES EVIDENCE OF THE APPROVAL OF THE
29 DEPARTMENT.

30 5–402.

31 (d) (1) A material, compound, mixture, or preparation that contains any of the
32 following hallucinogenic or hallucinogenic-like substances is a substance listed in Schedule
33 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;
- 24 (xxiv) 1-(1-phenylcyclohexyl)-pyrrolidine;

- 1 (xxv) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- 2 (xxvi) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
- 3 (xxvii) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP);
- 4 (xxviii) 3, 4-methylenedioxy methcathinone (methydone);
- 5 (xxix) 3, 4-methylenedioxy pyrovalerone (MDPV);
- 6 (xxx) 4-methylmethcathinone (mephedrone);
- 7 (xxxi) 4-methoxymethcathinone (methedrone);
- 8 (xxxii) 4-fluoromethcathinone (flephedrone);
- 9 (xxxiii) 3-fluoromethcathinone (3-FMC); [and]
- 10 (xxxiv) cannabimimetic agents; **AND**
- 11 **(XXXV) SYNTHETIC CANNABINOID.**

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2017, the
 17 Department of State Police shall report to the General Assembly, in accordance with §
 18 2-1246 of the State Government Article, on:

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

21 (2) the technical capabilities and accuracy rates of technologies and
 22 protocols being used to identify synthetic drugs and other controlled dangerous substances
 23 in the State; and

24 (3) the status of acceptance by the courts of the technologies and protocols
 25 for the identification of synthetic drugs and other controlled dangerous substances in the
 26 State.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 28 October 1, 2016. Section 2 of this Act shall remain effective for a period of 1 year and, at
 29 the end of September 30, 2017, with no further action required by the General Assembly,
 30 Section 2 of this Act shall be abrogated and of no further force and effect.