

12104555D

## SENATE BILL NO. 273

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on January 23, 2012)

(Patrons Prior to Substitute—Senators Smith and Herring [SB 223])

A *BILL to amend and reenact §§ 18.2-248.1:1 and 54.1-3446 of the Code of Virginia, relating to regulation of synthetic cannabinoids; bath salts; penalties.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 18.2-248.1:1 and 54.1-3446 of the Code of Virginia are amended and reenacted as follows:**

§ 18.2-248.1:1. Penalties for possession, sale, gift, or distribution of or possession with intent to sell, give, or distribute synthetic cannabinoids; manufacturing.

A. For the purposes of this title, synthetic cannabinoids means any substance that contains one or more of the following: *cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation*, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more of the following *cannabimimetic agents*.

1. "Cannabimimetic agents" means any substance that is within any of the following structural classes:

a. 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

b. 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

c. 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

d. 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent; or

e. 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

2. The term *cannabimimetic agents* includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other name: JWH-018);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);

1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);

1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);

1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);

Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);

1-pentyl-3-(4-methoxybenzoyl)indole (other name: RCS-4);

1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other name: RCS-8).

B. It is unlawful for any person to knowingly or intentionally possess synthetic cannabinoids. Any

60 person who violates this subsection is guilty of a Class 1 misdemeanor.

61 C. It is unlawful for any person to sell, give, distribute, or possess with intent to sell, give, or  
62 distribute synthetic cannabinoids. Any person who violates this subsection is guilty of a Class 6 felony.

63 D. If a person proves that he gave, distributed or possessed with intent to give or distribute synthetic  
64 cannabinoids only as an accommodation to another individual and not with intent to profit thereby from  
65 any consideration received or expected nor to induce the recipient or intended recipient of the synthetic  
66 cannabinoids to use or become addicted to or dependent upon such synthetic cannabinoids, he is guilty  
67 of a Class 1 misdemeanor. Any person who gives, distributes or possesses synthetic cannabinoids as an  
68 accommodation and not with intent to profit thereby, to an inmate of a state or local correctional facility  
69 as defined in § 53.1-1, or in the custody of an employee thereof is guilty of a Class 4 felony.

70 E. Any person who manufactures synthetic cannabinoids or possesses synthetic cannabinoids with  
71 intent to manufacture such substance is guilty of a felony punishable by imprisonment of not less than  
72 five nor more than 30 years and a fine not to exceed \$10,000.

73 F. Any drug not listed in this section or the Drug Control Act (§ 54.1-3400 et seq.), which is  
74 privately compounded, with the specific intent to circumvent the criminal penalties for synthetic  
75 cannabinoids, to emulate or simulate the effects of synthetic cannabinoids through chemical changes  
76 such as the addition, subtraction or rearranging of a radical or the addition, subtraction or rearranging of  
77 a substituent, shall be subject to the same criminal penalties as for synthetic cannabinoids.

78 G. Upon conviction, in addition to any other punishment, a person found guilty of a violation of this  
79 section shall be ordered by the court to make restitution, as the court deems appropriate, to any innocent  
80 property owner whose property is damaged, destroyed, or otherwise rendered unusable as a result of  
81 such synthetic cannabinoid production. This restitution may include the person's or his estate's estimated  
82 or actual expenses associated with cleanup, removal, or repair of the affected property.

83 § 54.1-3446. Schedule I.

84 The controlled substances listed in this section are included in Schedule I:

85 1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,  
86 esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers  
87 and salts is possible within the specific chemical designation:

88 Acetylmethadol;

89 Allylprodine;

90 Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol,  
91 levomethadyl acetate, or LAAM);

92 Alphameprodine;

93 Alphamethadol;

94 Benzethidine;

95 Betacetylmethadol;

96 Betameprodine;

97 Betamethadol;

98 Betaprodine;

99 Clonitazene;

100 Dextromoramide;

101 Diampromide;

102 Diethylthiambutene;

103 Difenoxin;

104 Dimenoxadol;

105 Dimepheptanol;

106 Dimethylthiambutene;

107 Dioxaphetylbutyrate;

108 Dipipanone;

109 Ethylmethylthiambutene;

110 Etonitazene;

111 Etoxidine;

112 Furethidine;

113 Hydroxypethidine;

114 Ketobemidone;

115 Levomoramide;

116 Levophenacetylmorphan;

117 Morpheridine;

118 Noracymethadol;

119 Norlevorphanol;

120 Normethadone;

121 Norpipanone;

- 122 Phenadoxone;  
 123 Phenampromide;  
 124 Phenomorphan;  
 125 Phenoperidine;  
 126 Piritramide;  
 127 Proheptazine;  
 128 Properidine;  
 129 Propiram;  
 130 Racemoramide;  
 131 Tilidine;  
 132 Trimeperidine.
- 133 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless  
 134 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible  
 135 within the specific chemical designation:
- 136 Acetorphine;  
 137 Acetyldihydrocodeine;  
 138 Benzylmorphine;  
 139 Codeine methylbromide;  
 140 Codeine-N-Oxide;  
 141 Cyprenorphine;  
 142 Desomorphine;  
 143 Dihydromorphine;  
 144 Drotebanol;  
 145 Etorphine;  
 146 Heroin;  
 147 Hydromorphenol;  
 148 Methyl-desorphine;  
 149 Methyl-dihydromorphine;  
 150 Morphine methylbromide;  
 151 Morphine methylsulfonate;  
 152 Morphine-N-Oxide;  
 153 Myrophine;  
 154 Nicocodeine;  
 155 Nicomorphine;  
 156 Normorphine;  
 157 Pholcodine;  
 158 Thebacon.
- 159 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,  
 160 or preparation, which contains any quantity of the following hallucinogenic substances, or which  
 161 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,  
 162 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision  
 163 only, the term "isomer" includes the optical, position, and geometric isomers):
- 164 Alpha-ethyltryptamine (some trade or other names: Monase;a-ethyl-1H-indole-3-ethanamine;  
 165 3-2-aminobutyl] indole; a-ET; AET);  
 166 4 - B r o m o - 2 , 5 - d i m e t h o x y p h e n e t h y l a m i n e (some trade or other names:  
 167 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB;2C-B; Nexus);  
 168 3,4-methylenedioxy amphetamine;  
 169 5-methoxy-3,4-methylenedioxy amphetamine;  
 170 3,4,5-trimethoxy amphetamine;  
 171 Alpha-methyltryptamine (other name: AMT);  
 172 Bufotenine;  
 173 Diethyltryptamine;  
 174 Dimethyltryptamine;  
 175 4-methyl-2,5-dimethoxyamphetamine;  
 176 2,5-dimethoxy-4-ethylamphetamine (DOET);  
 177 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);  
 178 Ibogaine;  
 179 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);  
 180 Lysergic acid diethylamide;  
 181 Mescaline;  
 182 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,

183 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);  
184 Peyote;  
185 N-ethyl-3-piperidyl benzilate;  
186 N-methyl-3-piperidyl benzilate;  
187 Psilocybin;  
188 Psilocyn;  
189 Salvinorin A;  
190 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated  
191 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;  
192 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);  
193 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;  
194 2,5-DMA);  
195 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts  
196 and salts of isomers;  
197 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4  
198 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);  
199 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:  
200 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);  
201 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:  
202 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);  
203 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;  
204 paramethoxyamphetamine; PMA);  
205 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,  
206 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);  
207 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy,  
208 PHP);  
209 Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine,  
210 2-thienyl analog of phencyclidine, TPCP, TCP);  
211 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);  
212 3,4-methylenedioxypyrovalerone (other name: MDPV);  
213 4-methylmethcathinone (other names: mephedrone, 4-MMC);  
214 3,4-methylenedioxymethcathinone (other name: methylone);  
215 Naphthylpyrovalerone (other name: naphyrone);  
216 4-fluoromethcathinone (other name: flephedrone, 4-FMC);  
217 4-methoxymethcathinone (other names: methedrone; bk-PMMA);  
218 Ethcathinone (other name: N-ethylcathinone);  
219 3,4-methylenedioxyethcathinone (other name: ethylone);  
220 Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);  
221 N,N-dimethylcathinone (other name: metamfepramone);  
222 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);  
223 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);  
224 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);  
225 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);  
226 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (other name: MDAI);  
227 3-fluoromethcathinone (other name: 3-FMC)  
228 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);  
229 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);  
230 4-Methylethcathinone (other name: 4-MEC);  
231 4-Ethylmethcathinone (other name: 4-EMC);  
232 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);  
233 Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);  
234 Alpha-methylamino-butyrophenone (other name: Buphedrone);  
235 Alpha-methylamino-valerophenone (other name: Pentedrone);  
236 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);  
237 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPPP).  
238 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture  
239 or preparation which contains any quantity of the following substances having a depressant effect on the  
240 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such  
241 salts, isomers and salts of isomers is possible within the specific chemical designation:  
242 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;  
243 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);  
244 Mecloqualone;

245 Methaqualone.

246 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture

247 or preparation which contains any quantity of the following substances having a stimulant effect on the

248 central nervous system, including its salts, isomers and salts of isomers:

249 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,

250 5-dihydro-5-phenyl-2-oxazolamine);

251 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

252 Fenethylline;

253 Ethylamphetamine;

254 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,

255 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

256 Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)

257 propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone;

258 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR

259 1432);

260 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

261 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine,

262 N,N-alpha-trimethylphenethylamine).

263 6. Any material, compound, mixture or preparation containing any quantity of the following

264 substances:

265 N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its

266 optical and geometric isomers, salts, and salts of isomers;

267 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of

268 isomers;

269 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and

270 salts of isomers;

271 N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:

272 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine), alpha-methylfentanyl);

273 N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name:

274 acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;

275 N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name:

276 alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;

277 N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts

278 and salts of isomers;

279 N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name:

280 beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;

281 N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]Nphenylpropanam ide (other name:

282 betahydroxy3methylfentanyl), its optical and geometric isomers, salts and salts of isomers;

283 N-(3-methyl-1-(2-thienyl)ethyl-4-piperidiny]l]-N-phenylpropanami de (other name:

284 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;

285 N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: thenylfentanyl), its optical

286 isomers, salts and salts of isomers;

287 N-phenyl-N-1-(2-thienyl)ethyl-4-piperidiny]l]-propanamide (other name: thiofentanyl), its optical

288 isomers, salts and salts of isomers;

289 N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidiny]l] propanamide (other name: para-fluorofentanyl),

290 its optical isomers, salts and salts of isomers.

291 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**

292 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**

293 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**

294 **890 of the Acts of Assembly of 2011 requires the Virginia Criminal Sentencing Commission to**

295 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**

296 **necessary appropriation cannot be determined for periods of commitment to the custody of the**

297 **Department of Juvenile Justice.**