

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact §§ 18.2-248.1:1 and 54.1-3446 of the Code of Virginia, relating to regulation of synthetic cannabinoids; research chemicals; penalties.*

[H 1941]

Approved

**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 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 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~~ *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;

f. 3-cyclopropoylindole 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 cyclopropyl ring to any extent;

g. 3-adamantoylindole 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 adamantyl ring to any extent;

h. N-(adamantyl)-indole-3-carboxamide 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 adamantyl ring to any extent; or

i. N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl 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, AM-678);

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  
 (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: names: RCS-4, SR-19);  
 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other name: names: RCS-8, SR-18);  
 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);  
 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: XLR-11);  
 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);  
 N-adamantyl-1-pentylindazole-3-carboxamide (other name: AKB48).

B. It is unlawful for any person to knowingly or intentionally possess synthetic cannabinoids. Any person who violates this subsection is guilty of a Class 1 misdemeanor.

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

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

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

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

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

#### § 54.1-3446. Schedule I.

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

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

Acetylmethadol;

Allylprodine;

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

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

118 Dimenoxadol;  
 119 Dimepheptanol;  
 120 Dimethylthiambutene;  
 121 Dioxaphetylbutyrate;  
 122 Dipipanone;  
 123 Ethylmethylthiambutene;  
 124 Etonitazene;  
 125 Etoxidine;  
 126 Furethidine;  
 127 Hydroxypethidine;  
 128 Ketobemidone;  
 129 Levomoramide;  
 130 Levophenacymorphan;  
 131 Morpheridine;  
 132 Noracymethadol;  
 133 Norlevorphanol;  
 134 Normethadone;  
 135 Norpipanone;  
 136 Phenadoxone;  
 137 Phenampromide;  
 138 Phenomorphan;  
 139 Phenoperidine;  
 140 Piritramide;  
 141 Proheptazine;  
 142 Properidine;  
 143 Propiram;  
 144 Racemoramide;  
 145 Tilidine;  
 146 Trimeperidine.

147 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless  
 148 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible  
 149 within the specific chemical designation:

150 Acetorphine;  
 151 Acetyldihydrocodeine;  
 152 Benzylmorphine;  
 153 Codeine methylbromide;  
 154 Codeine-N-Oxide;  
 155 Cyprenorphine;  
 156 Desomorphine;  
 157 Dihydromorphine;  
 158 Drotebanol;  
 159 Etorphine;  
 160 Heroin;  
 161 Hydromorphanol;  
 162 Methyldesorphine;  
 163 Methyldihydromorphine;  
 164 Morphine methylbromide;  
 165 Morphine methylsulfonate;  
 166 Morphine-N-Oxide;  
 167 Myorphine;  
 168 Nicocodeine;  
 169 Nicomorphine;  
 170 Normorphine;  
 171 Pholcodine;  
 172 Thebacon.

173 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,  
 174 or preparation, which contains any quantity of the following hallucinogenic substances, or which  
 175 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,  
 176 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision  
 177 only, the term "isomer" includes the optical, position, and geometric isomers):

178 Alpha-ethyltryptamine (some trade or other names: Monase;a-ethyl-1H-indole-3-ethanamine;

179 3-2-aminobutyl] indole; a-ET; AET);  
 180 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:  
 181 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);  
 182 3,4-methylenedioxy amphetamine;  
 183 5-methoxy-3,4-methylenedioxy amphetamine;  
 184 3,4,5-trimethoxy amphetamine;  
 185 Alpha-methyltryptamine (other name: AMT);  
 186 Bufotenine;  
 187 Diethyltryptamine;  
 188 Dimethyltryptamine;  
 189 4-methyl-2,5-dimethoxyamphetamine;  
 190 2,5-dimethoxy-4-ethylamphetamine (DOET);  
 191 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);  
 192 Ibogaine;  
 193 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);  
 194 Lysergic acid diethylamide;  
 195 Mescaline;  
 196 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,  
 197 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);  
 198 Peyote;  
 199 N-ethyl-3-piperidyl benzilate;  
 200 N-methyl-3-piperidyl benzilate;  
 201 Psilocybin;  
 202 Psilocyn;  
 203 Salvinorin A;  
 204 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated  
 205 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;  
 206 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);  
 207 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;  
 208 2,5-DMA);  
 209 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts  
 210 and salts of isomers;  
 211 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4  
 212 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);  
 213 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:  
 214 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);  
 215 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:  
 216 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);  
 217 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;  
 218 paramethoxyamphetamine; PMA);  
 219 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,  
 220 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);  
 221 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy,  
 222 PHP);  
 223 Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine,  
 224 2-thienyl analog of phencyclidine, TPCP, TCP);  
 225 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);  
 226 3,4-methylenedioxyprovalerone (other name: MDPV);  
 227 4-methylmethcathinone (other names: mephedrone, 4-MMC);  
 228 3,4-methylenedioxymethcathinone (other name: methylone);  
 229 Naphthylpyrovalerone (other name: naphyrone);  
 230 4-fluoromethcathinone (other name: flephedrone, 4-FMC);  
 231 4-methoxymethcathinone (other names: methedrone; bk-PMMA);  
 232 Ethcathinone (other name: N-ethylcathinone);  
 233 3,4-methylenedioxyethcathinone (other name: ethylone);  
 234 Beta-keto-N-methyl-3,4-benzodioxolybutanamine (other name: butylone);  
 235 N,N-dimethylcathinone (other name: metamfepramone);  
 236 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);  
 237 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);  
 238 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);  
 239 Alpha-pyrrolidinoveralphenone (other name: alpha-PVP);

- 240 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);  
 241 3-fluoromethcathinone (other name: 3-FMC)  
 242 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);  
 243 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);  
 244 4-Methylethcathinone (other name: 4-MEC);  
 245 4-Ethylmethcathinone (other name: 4-EMC);  
 246 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);  
 247 Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);  
 248 Alpha-methylamino-butyrophenone (other name: Buphedrone);  
 249 Alpha-methylamino-valerophenone (other name: Pentedrone);  
 250 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);  
 251 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);  
 252 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,  
 253 25I-NBOMe);  
 254 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);  
 255 4-Fluoromethamphetamine (other name: 4-FMA);  
 256 4-Fluoroamphetamine (other name: 4-FA);  
 257 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);  
 258 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);  
 259 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);  
 260 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);  
 261 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);  
 262 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);  
 263 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);  
 264 (2-aminopropyl)benzofuran (other name: APB);  
 265 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);  
 266 4-chloro-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine (other names: 2C-C-NBOMe,  
 267 25C-NBOMe);  
 268 4-bromo-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine (other names: 2C-B-NBOMe,  
 269 25B-NBOMe).  
 270 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture  
 271 or preparation which contains any quantity of the following substances having a depressant effect on the  
 272 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such  
 273 salts, isomers and salts of isomers is possible within the specific chemical designation:  
 274 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;  
 275 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);  
 276 Mecloqualone;  
 277 Methaqualone.  
 278 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture  
 279 or preparation which contains any quantity of the following substances having a stimulant effect on the  
 280 central nervous system, including its salts, isomers and salts of isomers:  
 281 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,  
 282 5-dihydro-5-phenyl-2-oxazolamine);  
 283 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);  
 284 Fenethylamine;  
 285 Ethylamphetamine;  
 286 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,  
 287 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;  
 288 Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)  
 289 propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone;  
 290 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR  
 291 1432);  
 292 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);  
 293 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine,  
 294 N,N-alpha-trimethylphenethylamine).  
 295 6. Any material, compound, mixture or preparation containing any quantity of the following  
 296 substances:  
 297 N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its  
 298 optical and geometric isomers, salts, and salts of isomers;  
 299 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of  
 300 isomers;

301 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and  
 302 salts of isomers;

303 N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:  
 304 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine), alpha-methylfentanyl);

305 N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name:  
 306 acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;

307 N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name:  
 308 alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;

309 N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts  
 310 and salts of isomers;

311 N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name:  
 312 beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;

313 N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]Nphenylpropanam ide (other name:  
 314 betahydroxy3methylfentanyl), its optical and geometric isomers, salts and salts of isomers;

315 N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanami de (other name:  
 316 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;

317 N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: thenylfentanyl), its optical  
 318 isomers, salts and salts of isomers;

319 N-phenyl-N-1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl), its optical  
 320 isomers, salts and salts of isomers;

321 N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidinyl] propanamide (other name: para-fluorofentanyl),  
 322 its optical isomers, salts and salts of isomers.

323 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
 324 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**  
 325 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**  
 326 **3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing**  
 327 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated**  
 328 **amount of the necessary appropriation cannot be determined for periods of commitment to the**  
 329 **custody of the Department of Juvenile Justice.**

330 **3. That an emergency exists and this act is in force from its passage.**