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SENATE BILL NO. 1083

Offered January 9, 2013

Prefiled January 9, 2013

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; research chemicals; penalties.

Patrons—Herring and Smith

Referred to Committee for Courts of Justice

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]chr-

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59 omen-1-ol (other name: HU-210);
 60 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
 61 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
 62 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
 63 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
 64 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
 65 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
 66 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
 67 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
 68 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
 69 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone
 70 (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);
 71 1-pentyl-3-(4-methoxybenzoyl)indole (other name: names: RCS-4, SR-19);
 72 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other name: names: RCS-8, SR-18);
 73 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
 74 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: XLR-11);
 75 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
 76 N-adamantyl-1-pentylindazole-3-carboxamide (other name: AKB48).
 77 B. It is unlawful for any person to knowingly or intentionally possess synthetic cannabinoids. Any
 78 person who violates this subsection is guilty of a Class 1 misdemeanor.
 79 C. It is unlawful for any person to sell, give, distribute, or possess with intent to sell, give, or
 80 distribute synthetic cannabinoids. Any person who violates this subsection is guilty of a Class 6 felony.
 81 D. If a person proves that he gave, distributed or possessed with intent to give or distribute synthetic
 82 cannabinoids only as an accommodation to another individual and not with intent to profit thereby from
 83 any consideration received or expected nor to induce the recipient or intended recipient of the synthetic
 84 cannabinoids to use or become addicted to or dependent upon such synthetic cannabinoids, he is guilty
 85 of a Class 1 misdemeanor. Any person who gives, distributes or possesses synthetic cannabinoids as an
 86 accommodation and not with intent to profit thereby, to an inmate of a state or local correctional facility
 87 as defined in § 53.1-1, or in the custody of an employee thereof is guilty of a Class 4 felony.
 88 E. Any person who manufactures synthetic cannabinoids or possesses synthetic cannabinoids with
 89 intent to manufacture such substance is guilty of a felony punishable by imprisonment of not less than
 90 five nor more than 30 years and a fine not to exceed \$10,000.
 91 F. Any drug not listed in this section or the Drug Control Act (§ 54.1-3400 et seq.), which is
 92 privately compounded, with the specific intent to circumvent the criminal penalties for synthetic
 93 cannabinoids, to emulate or simulate the effects of synthetic cannabinoids through chemical changes
 94 such as the addition, subtraction or rearranging of a radical or the addition, subtraction or rearranging of
 95 a substituent, shall be subject to the same criminal penalties as for synthetic cannabinoids.
 96 G. Upon conviction, in addition to any other punishment, a person found guilty of a violation of this
 97 section shall be ordered by the court to make restitution, as the court deems appropriate, to any innocent
 98 property owner whose property is damaged, destroyed, or otherwise rendered unusable as a result of
 99 such synthetic cannabinoid production. This restitution may include the person's or his estate's estimated
 100 or actual expenses associated with cleanup, removal, or repair of the affected property.

101 § 54.1-3446. Schedule I.

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

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

106 Acetylmethadol;

107 Allylprodine;

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

110 Alphameprodine;

111 Alphamethadol;

112 Benzethidine;

113 Betacetylmethadol;

114 Betameprodine;

115 Betamethadol;

116 Betaprodine;

117 Clonitazene;

118 Dextromoramide;

119 Diampromide;

120 Diethylthiambutene;

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

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

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

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

182 Alpha-ethyltryptamine (some trade or other names: Monase;a-ethyl-1H-indole-3-ethanamine;
183 3-2-aminobutyl] indole; a-ET; AET);
184 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:
185 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB;2C-B; Nexus);
186 3,4-methylenedioxy amphetamine;
187 5-methoxy-3,4-methylenedioxy amphetamine;
188 3,4,5-trimethoxy amphetamine;
189 Alpha-methyltryptamine (other name: AMT);
190 Bufotenine;
191 Diethyltryptamine;
192 Dimethyltryptamine;
193 4-methyl-2,5-dimethoxyamphetamine;
194 2,5-dimethoxy-4-ethylamphetamine (DOET);
195 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
196 Ibogaine;
197 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
198 Lysergic acid diethylamide;
199 Mescaline;
200 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,
201 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);
202 Peyote;
203 N-ethyl-3-piperidyl benzilate;
204 N-methyl-3-piperidyl benzilate;
205 Psilocybin;
206 Psilocyn;
207 Salvinorin A;
208 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated
209 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;
210 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);
211 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
212 2,5-DMA);
213 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts
214 and salts of isomers;
215 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
216 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
217 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
218 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
219 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:
220 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
221 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
222 paramethoxyamphetamine; PMA);
223 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,
224 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
225 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy,
226 PHP);
227 Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine,
228 2-thienyl analog of phencyclidine, TPCP, TCP);
229 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
230 3,4-methylenedioxypyrovalerone (other name: MDPV);
231 4-methylmethcathinone (other names: mephedrone, 4-MMC);
232 3,4-methylenedioxymethcathinone (other name: methylone);
233 Naphthylpyrovalerone (other name: naphyrone);
234 4-fluoromethcathinone (other name: flephedrone, 4-FMC);
235 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
236 Ethcathinone (other name: N-ethylcathinone);
237 3,4-methylenedioxyethcathinone (other name: ethylone);
238 Beta-keto-N-methyl-3,4-benzodioxolybutanamine (other name: butylone);
239 N,N-dimethylcathinone (other name: metamfepramone);
240 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
241 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
242 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
243 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);

- 244 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
 245 3-fluoromethcathinone (other name: 3-FMC)
 246 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
 247 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
 248 4-Methylethcathinone (other name: 4-MEC);
 249 4-Ethylmethcathinone (other name: 4-EMC);
 250 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
 251 Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);
 252 Alpha-methylamino-butyrophenone (other name: Buphedrone);
 253 Alpha-methylamino-valerophenone (other name: Pentedrone);
 254 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
 255 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
 256 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,
 257 25I-NBOMe);
 258 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
 259 4-Fluoromethamphetamine (other name: 4-FMA);
 260 4-Fluoroamphetamine (other name: 4-FA);
 261 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
 262 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
 263 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
 264 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
 265 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
 266 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
 267 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
 268 (2-aminopropyl)benzofuran (other name: APB);
 269 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
 270 4-chloro-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine (other names: 2C-C-NBOMe,
 271 25C-NBOMe);
 272 4-bromo-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine (other names: 2C-B-NBOMe,
 273 25B-NBOMe).
 274 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
 275 or preparation which contains any quantity of the following substances having a depressant effect on the
 276 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such
 277 salts, isomers and salts of isomers is possible within the specific chemical designation:
 278 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;
 279 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
 280 Mecloqualone;
 281 Methaqualone.
 282 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
 283 or preparation which contains any quantity of the following substances having a stimulant effect on the
 284 central nervous system, including its salts, isomers and salts of isomers:
 285 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,
 286 5-dihydro-5-phenyl-2-oxazolamine);
 287 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
 288 Fenethylamine;
 289 Ethylamphetamine;
 290 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
 291 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
 292 Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)
 293 propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone;
 294 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR
 295 1432);
 296 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
 297 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine,
 298 N,N-alpha-trimethylphenethylamine).
 299 6. Any material, compound, mixture or preparation containing any quantity of the following
 300 substances:
 301 N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its
 302 optical and geometric isomers, salts, and salts of isomers;
 303 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of
 304 isomers;

305 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and
306 salts of isomers;
307 N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:
308 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine), alpha-methylfentanyl);
309 N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name:
310 acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;
311 N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name:
312 alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;
313 N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts
314 and salts of isomers;
315 N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name:
316 beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;
317 N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]Nphenylpropanam ide (other name:
318 betahydroxy3methylfentanyl), its optical and geometric isomers, salts and salts of isomers;
319 N-(3-methyl-1-(2-thienyl)ethyl-4-piperidiny] -N-phenylpropanami de (other name:
320 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;
321 N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: thenylfentanyl), its optical
322 isomers, salts and salts of isomers;
323 N-phenyl-N-1-(2-thienyl)ethyl-4-piperidiny]-propanamide (other name: thiofentanyl), its optical
324 isomers, salts and salts of isomers;
325 N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidiny] propanamide (other name: para-fluorofentanyl),
326 its optical isomers, salts and salts of isomers.
327 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
328 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
329 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
330 **3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing**
331 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated**
332 **amount of the necessary appropriation cannot be determined for periods of commitment to the**
333 **custody of the Department of Juvenile Justice.**