

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.

[S 1083]

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:~~ *names:* 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);

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SB1083ER2

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);
 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
 (8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
 (8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22).

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-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

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

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

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

176 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
 177 or preparation, which contains any quantity of the following hallucinogenic substances, or which
 178 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,

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

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

301 substances:
 302 N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its
 303 optical and geometric isomers, salts, and salts of isomers;
 304 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of
 305 isomers;
 306 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and
 307 salts of isomers;
 308 N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:
 309 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine), alpha-methylfentanyl);
 310 N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name:
 311 acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;
 312 N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name:
 313 alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;
 314 N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts
 315 and salts of isomers;
 316 N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name:
 317 beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;
 318 N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]Nphenylpropanam ide (other name:
 319 betahydroxy3methylfentanyl), its optical and geometric isomers, salts and salts of isomers;
 320 N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanami de (other name:
 321 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;
 322 N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: thenylfentanyl), its optical
 323 isomers, salts and salts of isomers;
 324 N-phenyl-N-1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl), its optical
 325 isomers, salts and salts of isomers;
 326 N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidinyl] propanamide (other name: para-fluorofentanyl),
 327 its optical isomers, salts and salts of isomers.
 328 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
 329 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
 330 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
 331 **3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing**
 332 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated**
 333 **amount of the necessary appropriation cannot be determined for periods of commitment to the**
 334 **custody of the Department of Juvenile Justice.**