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SENATE BILL NO. 1318

Offered January 18, 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.

Patron—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:~~ *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);

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59 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
 60 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
 61 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
 62 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
 63 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
 64 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
 65 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
 66 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
 67 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
 68 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone
 69 (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);
 70 1-pentyl-3-(4-methoxybenzoyl)indole (other name: names: RCS-4, SR-19);
 71 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other name: names: RCS-8, SR-18);
 72 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
 73 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: XLR-11);
 74 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
 75 N-adamantyl-1-pentylindazole-3-carboxamide (other name: AKB48).

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

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

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

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

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

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

100 § 54.1-3446. Schedule I.

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

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

105 Acetylmethadol;

106 Allylprodine;

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

109 Alphameprodine;

110 Alphamethadol;

111 Benzethidine;

112 Betacetylmethadol;

113 Betameprodine;

114 Betamethadol;

115 Betaprodine;

116 Clonitazene;

117 Dextromoramide;

118 Diampromide;

119 Diethylthiambutene;

120 Difenoixin;

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 Methyldesorphine;
 166 Methyldihydromorphine;
 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, TCP, TCP);
228 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
229 3,4-methylenedioxypropylvalerone (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-pyrrolidinovalerophenone (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-methoxyphenylmethyl]-benzeneethanamine (other names: 2C-C-NBOMe,
 270 25C-NBOMe);
 271 4-bromo-2,5-dimethoxy-N-[2-methoxyphenylmethyl]-benzeneethanamine (other names: 2C-B-NBOMe,
 272 25B-NBOMe).
 273 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
 274 or preparation which contains any quantity of the following substances having a depressant effect on the
 275 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such
 276 salts, isomers and salts of isomers is possible within the specific chemical designation:
 277 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;
 278 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
 279 Mecloqualone;
 280 Methaqualone.
 281 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
 282 or preparation which contains any quantity of the following substances having a stimulant effect on the
 283 central nervous system, including its salts, isomers and salts of isomers:
 284 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,
 285 5-dihydro-5-phenyl-2-oxazolamine);
 286 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
 287 Fenethylamine;
 288 Ethylamphetamine;
 289 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
 290 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
 291 Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)
 292 propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone;
 293 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR
 294 1432);
 295 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
 296 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine,
 297 N,N-alpha-trimethylphenethylamine).
 298 6. Any material, compound, mixture or preparation containing any quantity of the following
 299 substances:
 300 N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its
 301 optical and geometric isomers, salts, and salts of isomers;
 302 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of
 303 isomers;
 304 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and

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