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SENATE BILL NO. 1082

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact § 54.1-3446 of the Code of Virginia, relating to controlled substances; synthetic marijuana; penalties.

Patrons—Hanger and Vogel; Delegate: Landes

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-3446 of the Code of Virginia is amended and reenacted as follows:**

§ 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;

Dimenoxadol;

Dimepheptanol;

Dimethylthiambutene;

Dioxaphetylbutyrate;

Dipipanone;

Ethylmethylthiambutene;

Etonitazene;

Etoxidine;

Furethidine;

Hydroxypethidine;

Ketobemidone;

Levomoramide;

Levophenacymorphan;

Morpheridine;

Noracymethadol;

Norlevorphanol;

Normethadone;

Norpipanone;

Phenadoxone;

Phenampromide;

Phenomorphan;

Phenoperidine;

Piritramide;

Proheptazine;

Propiridine;

Propiram;

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59 Racemoramide;

60 Tilidine;

61 Trimeperidine.

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

65 Acetorphine;

66 Acetyldihydrocodeine;

67 Benzylmorphine;

68 Codeine methylbromide;

69 Codeine-N-Oxide;

70 Cyprenorphine;

71 Desomorphine;

72 Dihydromorphine;

73 Drotebanol;

74 Etorphine;

75 Heroin;

76 Hydromorphinol;

77 Methyldesorphine;

78 Methyldihydromorphine;

79 Morphine methylbromide;

80 Morphine methylsulfonate;

81 Morphine-N-Oxide;

82 Myrophine;

83 Nicocodeine;

84 Nicomorphine;

85 Normorphine;

86 Pholcodine;

87 Thebacon.

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

93 Alpha-ethyltryptamine (some trade or other names: Monase;a-ethyl-1H-indole-3-ethanamine;
94 3-2-aminobutyl] indole; a-ET; AET);

95 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:
96 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB;2C-B; Nexus);

97 3,4-methylenedioxy amphetamine;

98 5-methoxy-3,4-methylenedioxy amphetamine;

99 3,4,5-trimethoxy amphetamine;

100 Alpha-methyltryptamine (other name: AMT);

101 Bufotenine;

102 Diethyltryptamine;

103 Dimethyltryptamine;

104 4-methyl-2,5-dimethoxyamphetamine;

105 2,5-dimethoxy-4-ethylamphetamine (DOET);

106 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

107 Ibogaine;

108 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

109 Lysergic acid diethylamide;

110 Mescaline;

111 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,
112 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);

113 Peyote;

114 N-ethyl-3-piperidyl benzilate;

115 N-methyl-3-piperidyl benzilate;

116 Psilocybin;

117 Psilocyn;

118 Salvinorin A;

119 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated
120 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;

- 121 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);
 122 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
 123 2,5-DMA);
 124 3,4-methylenedioxy-methamphetamine (MDMA), its optical, positional and geometric isomers, salts
 125 and salts of isomers;
 126 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
 127 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
 128 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
 129 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
 130 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:
 131 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
 132 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
 133 paramethoxyamphetamine; PMA);
 134 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,
 135 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
 136 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy,
 137 PHP);
 138 Thiophene analog of phencyclidine (some other names: 1-(2-thienyl) -cyclohexyl]-piperidine,
 139 2-thienyl analog of phencyclidine, TPCP, TCP);
 140 1-(2-thienyl)cyclohexylpyrrolidine (other name: TCPy);
 141 *Synthetic marijuana, which means a substance that contains one or more of the following:*
 142 *5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);*
 143 *5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);*
 144 *5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);*
 145 *5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);*
 146 *1-pentyl-3-(1-naphthoyl)indole (other name: JWH-018);*
 147 *1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);*
 148 *1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);*
 149 *1-hexyl-3-(naphthalen-1-yl)indole (other name: JWH-019);*
 150 *1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name JWH-200);*
 151 *(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chr-*
 152 *omen-1-ol (other name: HU-210).*
 153 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
 154 or preparation which contains any quantity of the following substances having a depressant effect on the
 155 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such
 156 salts, isomers and salts of isomers is possible within the specific chemical designation:
 157 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;
 158 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
 159 Mecloqualone;
 160 Methaqualone.
 161 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
 162 or preparation which contains any quantity of the following substances having a stimulant effect on the
 163 central nervous system, including its salts, isomers and salts of isomers:
 164 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,
 165 5-dihydro-5-phenyl-2-oxazolamine);
 166 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
 167 Fenethylamine;
 168 Ethylamphetamine;
 169 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
 170 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
 171 Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)
 172 propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone;
 173 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR
 174 1432);
 175 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
 176 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine,
 177 N,N-alpha-trimethylphenethylamine).
 178 6. Any material, compound, mixture or preparation containing any quantity of the following
 179 substances:
 180 N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its
 181 optical and geometric isomers, salts, and salts of isomers;

182 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of
183 isomers;
184 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and
185 salts of isomers;
186 N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:
187 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine), alpha-methylfentanyl);
188 N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name:
189 acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;
190 N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name:
191 alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;
192 N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts
193 and salts of isomers;
194 N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name:
195 beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;
196 N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]Nphenylpropanamide (other name:
197 betahydroxy3methylfentanyl), its optical and geometric isomers, salts and salts of isomers;
198 N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name:
199 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;
200 N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: thenylfentanyl), its optical
201 isomers, salts and salts of isomers;
202 N-phenyl-N-1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl), its optical
203 isomers, salts and salts of isomers;
204 N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidinyl] propanamide (other name: para-fluorofentanyl),
205 its optical isomers, salts and salts of isomers.
206 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
207 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
208 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
209 **874 of the Acts of Assembly of 2010 requires the Virginia Criminal Sentencing Commission to**
210 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
211 **necessary appropriation cannot be determined for periods of commitment to the custody of the**
212 **Department of Juvenile Justice.**