

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; bath salts; penalties.

[S 273]

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 of the following: *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 of the following *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 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.

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);

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 (other name: WIN 48,098);

1-pentyl-3-(4-methoxybenzoyl)indole (other name: RCS-4);

1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other name: RCS-8).

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

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

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

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

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

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

81 § 54.1-3446. Schedule I.

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

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

86 Acetylmethadol;

87 Allylprodine;

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

90 Alphameprodine;

91 Alphamethadol;

92 Benzethidine;

93 Betacetylmethadol;

94 Betameprodine;

95 Betamethadol;

96 Betaprodine;

97 Clonitazene;

98 Dextromoramide;

99 Diampromide;

100 Diethylthiambutene;

101 Difenoxin;

102 Dimenoxadol;

103 Dimepheptanol;

104 Dimethylthiambutene;

105 Dioxaphetylbutyrate;

106 Dipipanone;

107 Ethylmethylthiambutene;

108 Etonitazene;

109 Etoxidine;

110 Furethidine;

111 Hydroxypethidine;

112 Ketobemidone;

113 Levomoramide;

114 Levophenacetylmorphan;

115 Morpheridine;

116 Noracymethadol;

117 Norlevorphanol;

118 Normethadone;
 119 Norpipanone;
 120 Phenadoxone;
 121 Phenampromide;
 122 Phenomorphan;
 123 Phenoperidine;
 124 Piritramide;
 125 Proheptazine;
 126 Properidine;
 127 Propiram;
 128 Racemoramide;
 129 Tilidine;
 130 Trimeperidine.

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

134 Acetorphine;
 135 Acetyldihydrocodeine;
 136 Benzylmorphine;
 137 Codeine methylbromide;
 138 Codeine-N-Oxide;
 139 Cyprenorphine;
 140 Desomorphine;
 141 Dihydromorphine;
 142 Drotebanol;
 143 Etorphine;
 144 Heroin;
 145 Hydromorphenol;
 146 Methyl-desorphine;
 147 Methyl-dihydromorphine;
 148 Morphine methylbromide;
 149 Morphine methylsulfonate;
 150 Morphine-N-Oxide;
 151 Myrophine;
 152 Nicocodeine;
 153 Nicomorphine;
 154 Normorphine;
 155 Pholcodine;
 156 Thebacon.

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

162 Alpha-ethyltryptamine (some trade or other names: Monase;a-ethyl-1H-indole-3-ethanamine;
 163 3-2-aminobutyl] indole; a-ET; AET);
 164 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:
 165 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB;2C-B; Nexus);
 166 3,4-methylenedioxy amphetamine;
 167 5-methoxy-3,4-methylenedioxy amphetamine;
 168 3,4,5-trimethoxy amphetamine;
 169 Alpha-methyltryptamine (other name: AMT);
 170 Bufotenine;
 171 Diethyltryptamine;
 172 Dimethyltryptamine;
 173 4-methyl-2,5-dimethoxyamphetamine;
 174 2,5-dimethoxy-4-ethylamphetamine (DOET);
 175 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
 176 Ibogaine;
 177 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
 178 Lysergic acid diethylamide;

- 179 Mescaline;
 180 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,
 181 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);
 182 Peyote;
 183 N-ethyl-3-piperidyl benzilate;
 184 N-methyl-3-piperidyl benzilate;
 185 Psilocybin;
 186 Psilocyn;
 187 Salvinorin A;
 188 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated
 189 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;
 190 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);
 191 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
 192 2,5-DMA);
 193 3,4-methylenedioxy-methamphetamine (MDMA), its optical, positional and geometric isomers, salts
 194 and salts of isomers;
 195 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
 196 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
 197 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
 198 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
 199 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:
 200 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
 201 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
 202 paramethoxyamphetamine; PMA);
 203 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,
 204 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
 205 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy,
 206 PHP);
 207 Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine,
 208 2-thienyl analog of phencyclidine, TPCP, TCP);
 209 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
 210 3,4-methylenedioxypyrovalerone (other name: MDPV);
 211 4-methylmethcathinone (other names: mephedrone, 4-MMC);
 212 3,4-methylenedioxymethcathinone (other name: methylone);
 213 Naphthylpyrovalerone (other name: naphyrone);
 214 4-fluoromethcathinone (other name: flephedrone, 4-FMC);
 215 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
 216 Ethcathinone (other name: N-ethylcathinone);
 217 3,4-methylenedioxyethcathinone (other name: ethylone);
 218 Beta-keto-N-methyl-3,4-benzodioxolybutanamine (other name: butylone);
 219 N,N-dimethylcathinone (other name: metamfepramone);
 220 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
 221 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
 222 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
 223 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
 224 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
 225 3-fluoromethcathinone (other name: 3-FMC)
 226 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
 227 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
 228 4-Methylethcathinone (other name: 4-MEC);
 229 4-Ethylmethcathinone (other name: 4-EMC);
 230 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
 231 Beta-keto-methylbenzodioxolypentanamine (other name: Pentylone, bk-MBDP);
 232 Alpha-methylamino-butyrophenone (other name: Buphedrone);
 233 Alpha-methylamino-valerophenone (other name: Pentedrone);
 234 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
 235 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
 236 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe);
 237 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE); 4-Fluoromethamphetamine (other name:
 238 4-FMA); 4-Fluoroamphetamine (other name: 4-FA).
 239 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture

or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

Mecloqualone;

Methaqualone.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4, 5-dihydro-5-phenyl-2-oxazolamine);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

Fenethylamine;

Ethylamphetamine;

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino) propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-trimethylphenethylamine).

6. Any material, compound, mixture or preparation containing any quantity of the following substances:

N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its optical and geometric isomers, salts, and salts of isomers;

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of isomers;

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

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

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

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

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

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

N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]Nphenylpropanamide (other name: beta-hydroxy-3-methylfentanyl), its optical and geometric isomers, salts and salts of isomers;

N-(3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;

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

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

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

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 890 of the Acts of Assembly of 2011 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.