

13104499D

SENATE BILL NO. 1083

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 23, 2013)

(Patrons Prior to Substitute—Senators Herring and Smith [SB 1318])

*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.***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);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

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

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

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

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

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

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

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

99 **§ 54.1-3446. Schedule I.**

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

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

104 Acetylmethadol;

105 Allylprodine;

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

108 Alphameprodine;

109 Alphamethadol;

110 Benzethidine;

111 Betacetylmethadol;

112 Betameprodine;

113 Betamethadol;

114 Betaprodine;

115 Clonitazene;

116 Dextromoramide;

117 Diampromide;

118 Diethylthiambutene;

119 Difenoxin;

120 Dimenoxadol;

121 Dimepheptanol;

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

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

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

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

180 Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine;
 181 3-2-aminobutyl] indole; a-ET; AET);
 182 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:

183 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB;2C-B; Nexus);
 184 3,4-methylenedioxy amphetamine;
 185 5-methoxy-3,4-methylenedioxy amphetamine;
 186 3,4,5-trimethoxy amphetamine;
 187 Alpha-methyltryptamine (other name: AMT);
 188 Bufotenine;
 189 Diethyltryptamine;
 190 Dimethyltryptamine;
 191 4-methyl-2,5-dimethoxyamphetamine;
 192 2,5-dimethoxy-4-ethylamphetamine (DOET);
 193 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
 194 Ibogaine;
 195 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
 196 Lysergic acid diethylamide;
 197 Mescaline;
 198 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,
 199 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);
 200 Peyote;
 201 N-ethyl-3-piperidyl benzilate;
 202 N-methyl-3-piperidyl benzilate;
 203 Psilocybin;
 204 Psilocyn;
 205 Salvinorin A;
 206 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated
 207 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;
 208 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);
 209 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
 210 2,5-DMA);
 211 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts
 212 and salts of isomers;
 213 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
 214 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
 215 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
 216 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
 217 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:
 218 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
 219 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
 220 paramethoxyamphetamine; PMA);
 221 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,
 222 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
 223 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy,
 224 PHP);
 225 Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine,
 226 2-thienyl analog of phencyclidine, TPCP, TCP);
 227 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
 228 3,4-methylenedioxypyrovalerone (other name: MDPV);
 229 4-methylmethcathinone (other names: mephedrone, 4-MMC);
 230 3,4-methylenedioxymethcathinone (other name: methylone);
 231 Naphthylpyrovalerone (other name: naphyrone);
 232 4-fluoromethcathinone (other name: flephedrone, 4-FMC);
 233 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
 234 Ethcathinone (other name: N-ethylcathinone);
 235 3,4-methylenedioxyethcathinone (other name: ethylone);
 236 Beta-keto-N-methyl-3,4-benzodioxypolybutanamine (other name: butylone);
 237 N,N-dimethylcathinone (other name: metamfepramone);
 238 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
 239 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
 240 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
 241 Alpha-pyrrolidinovaleerophenone (other name: alpha-PVP);
 242 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
 243 3-fluoromethcathinone (other name: 3-FMC)
 244 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);

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

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