WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 3108

BY DELEGATES S. BROWN, HORNBUCKLE, WILLIAMS, PYLES, BYRD, WALKER AND LAVENDER-BOWE

[Introduced February 12, 2019; Referred to the Committee on Health and Human Resources then the Judiciary.]
A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
designated §19-37-1, §19-37-2 and §19-37-3; to amend said code by adding thereto a
new article, designated §51-12-1 and §51-12-2; to amend and reenact §60A-2-204 of said
code; and to amend said code by adding thereto a new section, designated §61-11-27, all
relating to the normalization of cannabis laws; providing legislative findings; permitting
adult uses of cannabis; providing for cannabis testing; prohibiting state civil asset
forfeiture; providing notice of transitional services to incarcerated offenders; requiring the
expungement of cannabis offender records.

Be it enacted by the Legislature of West Virginia:

CHAPTER 19. AGRICULTURE.

ARTICLE 37. NORMALIZATION OF CANNABIS ACT.

§19-37-1. Legislative findings; and authorizing testing services.
(a) The Legislature of West Virginia recognizes the economic development opportunities
of industrial hemp research and development and the economic potential of industrial hemp
production in this state, and further recognizes the potential medicinal benefits of cannabis as
provided for in chapter 16A of this code. The Legislature finds the normalization of cannabis laws
is necessary to protect the civil rights and liberties of the citizens of this state from undue
government interference. By the states recognizing the medical benefits of cannabis, the former
inclusion of cannabis in the schedule of drugs that have no medicinal value, the Federal Law
prohibiting a lawful use of cannabis is hereby nullified by the enactment of medical cannabis laws
in 31 states, the District of Columbia and Puerto Rico, a majority of the states in these United
States of America. Upon the passage of this article during the 2019 Regular Session of the
Legislature, this act shall be known as the “Normalization of Cannabis Act” for the purpose of
authorizing adult personal use of cannabis in this state.

(b) The Commissioner of Agriculture is hereby authorized to offer laboratory testing
services in state facilities, permit institutions of higher education to test, and contract for testing
industrial hemp, pursuant to §19-12E-1 et seq., of this code, for testing cannabis pursuant to the
provisions of this article, and for testing medical cannabis pursuant to the provisions of §16A-1-1
et seq., of this code. The commissioner shall propose legislative rules pursuant to §29A-3-1 et
seq., of this code and provide cannabis testing rules for consumable industrial hemp products, for
cannabis that is given away by a responsible adult to another responsible adult pursuant to the
provision of this article, and for cannabis given to a medical cannabis patient without
remuneration, that shall include testing for:
(1) THC potency;
(2) Cannabinoid content;
(3) Presence of pesticides, mold, heavy metals and other criteria as commonly reviewed
and screened for in other agricultural consumer products;
(4) A fee schedule for testing individual samples of cannabis that may be charged by the
department or a vendor not to exceed $45 per sample: Provided, That an institution of higher
education may not charge a testing fee: Providing, however, That an individual who grows or
possesses cannabis pursuant to this article may not be charged a fee where the cannabis is for
personal use only; and
(5) A fee schedule for commercial operation testing of industrial, agricultural, medical and
other forms of lawfully regulated cannabis.

(a) Adults who have reached 21 years of age in this state may use, grow, possess,
transport and give away cannabis and homemade cannabis products without remuneration
pursuant to the provisions of this section: Provided, That the cannabis is for personal use only.
(b) “Personal use” means growing, processing, consuming or giving away cannabis
without remuneration.
(c) An adult who is at least 21 years of age may grow up to 12 mature flowering cannabis
plants and have up to 12 cannabis sprouts or seedlings for personal use. Personal growing of
cannabis by adults in a residence where children under the age of 18 reside shall keep the plants
under lock and key and restrict access to the minors in the residence.

(d) An adult who is at least 21 years of age may possess no greater than 226 grams of
dry cannabis flower and leaf: Provided, That no adult may transport more than 60 grams of
cannabis.

(e) An adult who is at least 21 years of age may giveaway without remuneration no greater
than 30 grams of cannabis to another adult who is at least 21 years of age, or to a qualifying
medical cannabis patient pursuant to the provisions of Chapter 16A of this code.

(f) Nothing in this article may be construed to prevent the state from adopting and
regulating the commercial production of cannabis or cannabis products in any form.

§19-37-3. Civil asset forfeiture prohibited; triple damages.

(a) No adult 21 years of age or older, who uses, grows, possess, processes or gives away
cannabis pursuant to the provisions of this article, may be forced to suffer or surrender personal
property of any kind pursuant to any provision of §60A-7-701 et seq., of this code, who is in
substantial compliance with the provisions of this article.

(b) An adult 21 years of age or older, who is forced to suffer or surrender personal property
of any kind pursuant to any provision of §60A-7-701 et seq., of this code, is entitled to triple
damages in any court in this state, including in the county where the offence occurred or in the

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 12. OFFENDER RELEASE TRANSITIONAL SERVICES.

§51-12-1. Legislative findings.

(a) The Legislature finds that, upon the enactment of the Normalization of Cannabis Act
pursuant to the provisions of §19-37-1 et seq., of this code, during the 2019 Regular Session, and
for other persons who have served a sentence and are pending release from any correctional facility in this state, those individuals shall be provided transitional services in order to facilitate a successful reentry into society.

(b) Upon the effective date of this section as adopted during the 2019 Regular Session of the Legislature, the clerk of the circuit court and the prosecuting attorney of each county shall review all arrest and conviction record of every cannabis offender of every person convicted of a cannabis offense beginning in calendar year 1937 to the present, and not less than two months prior to the release of each person transitioning from an incarcerated status, each transitioning individual shall be notified by the circuit court in writing about the transitional services available as required by this article, including services offered prior to and upon release from any correctional facility in this state.

§51-12-2. Required training.

(a) Upon the effective date of this article, the court shall provide, contract for or partner with institutions of higher education to provide transitional services to transitioning cannabis and all other person’s subject to release from a correctional facility.

(b) Not less than two months prior to the release of any individual from a correctional facility, the court shall notify the individual of the date of their pending release and shall describe in detail the transitional services available prior to and after release.

(c) The court shall provide details about the availability of the following transitional services that shall include at a minimum:

(1) Remedial education and Scholastic Assessment Test preparation;

(2) Counseling for mental health or substance abuse;

(3) Transitional housing;

(4) Job training; and

(5) Any other services the court determines appropriate to recommend that may help transitioning individuals successfully reenter society.
CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-204. Schedule I.

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation.

(b) Opiates.

Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]—phenylacetamide);

Acetylmethadol;

Allylprodine;

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

Alphameprodine;

Alphamethadol;

Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide;

1-(1-methyl-2-phenylethyl)-4-(( propanilido) piperidine);

Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-piperidinyl]—phenylpropanamide);

Benzethidine;

Betacetylmethadol;

Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4- piperidinyl]-N-

phenylpropanamide);
Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- hydroxy-2-phenethyl)-3-methyl-4-
piperidiny]-N-phenylpropanamide);
Betameprodine;
Betamethadol;
Betaprodine;
Clonitazene;
Dextromoramide;
Diampromide;
Diethylthiambutene;
Difenoxin;
Dimenoxadol;
Dimepheptanol;
Dimethylthiambutene;
Dioxaphetyl butyrate;
Dipipanone;
Ethylmethylthiambutene;
Etonitazene;
Etoxeridine;
Furethidine;
Hydroxypethidine;
Ketobemidone;
Levomoramide;
Levophenacylmorphan;
3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- piperidiny]-N-phenylpropanamide);
3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl) ethyl-4- piperidiny]—phenylpropanamide);
Morpheridine;
MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
Noracymethadol;
Norlevorphanol;
Normethadone;
Norpipanone;
Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);
PEPAP(1-((2-phenethyl)-4-phenyl-4-acetoxypiperidine);
Phenadoxone;
Phenampromide;
Phenomorphan;
Phenoperidine;
Piritramide;
Proheptazine;
Properidine;
Propiram;
Racemoramide;
Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- piperidinyl]-propanamide);
Tilidine;
Trimeperidine.
(c) Opium derivatives:
Acetorphine;
Acetyldihydrocodeine;
Benzylmorphine;
Codeine methylbromide;
Codeine-N-Oxide;
Cyprenorphine;
Desomorphine;
Dihydromorphine;
Drotebanol;
Etorphine (except HCl Salt);
Heroin;
Hydromorphinol;
Methyldesorphine;
Methyldihydromorphine;
Morphine methylbromide;
Morphine methylsulfonate;
Morphine-N-Oxide;
Myroprine;
Nicocodeine;
Nicomorphine;
Normorphine;
Pholcodine;
Thebacon.

(d) Hallucinogenic substances.
Alpha-ethyltryptamine; some trade or other names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and AET;
4-bromo-2, 5-dimethoxy-amphetamine; some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA;
4-Bromo-2,5-dimethoxyphenethylamine; some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha- desmethyl DOB; 2C-B, Nexus;
N-(2-Methoxybenzyl)-4-bromo-2, 5-dimethoxyphenethylamine. The substance has the acronym 25B-NBOMe.
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C-NBOMe)
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I-NBOMe)
2,5-dimethoxyamphetamine; some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;
2,5-dimethoxy-4-ethylamphet-amine; some trade or other names: DOET;
2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
4-methoxyamphetamine; some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA;
5-methoxy-3, 4-methylenedioxy-amphetamine;
4-methyl-2,5-dimethoxy-amphetamine; some trade and other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; “DOM”; and “STP”;
3,4-methylenedioxyamphetamine;
3,4-methylenedioxymethamphetamine (MDMA);
3,4-methylenedioxy-N-ethylamphetamine (also known as (ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA);
N-hydroxy-3,4-methylenedioxyamphetamine (also known as ( hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and ( hydroxy MDA);
3,4,5-trimethoxyamphetamine;
5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
Alpha-methyltryptamine (other name: AMT);
Bufotenine; some trade and other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;3-(2-dimethylaminoethyl) -5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;
Diethyltryptamine; sometrade and other names: N, N-Diethyltryptamine; DET;
Dimethyltryptamine; some trade or other names: DMT;
5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
Ibogaine; some trade and other names: 7-Ethyl-6, 6 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;

Lysergic acid diethylamide;

Marihuana;

Mescaline;

Parahexyl-7374; some trade or other names: 3-Hexyl -1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl;

Peyote; meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, immediate derivative, mixture or preparation of such plant, its seeds or extracts;

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocyn;

Tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, immediate derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

delta-1 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-6 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-3,4 Cis or trans tetrahydrocannabinol, and its optical isomers;

(ESince nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

Ethylamine analog of phencyclidine; some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,
cyclohexamine, PCE;

Pyrrolidine analog of phencyclidine; some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

Thiophene analog of phencyclidine; some trade or other names: 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine, PCPy, PHP;

1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other names: TCPy.

4-methylmethcathinone (Mephedrone);

3,4-methylenedioxypyrovalerone (MDPV);

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)

2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)

2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)

2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)

2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)

2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)

2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)

2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)

3,4-Methylenedioxy-N-methylcathinone (Methylone)

2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7, isoptical isomers, salts and salts of isomers

5-methoxy-N,N-dimethyltryptamine some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT(5-MeO-DMT)

Alpha-methyltryptamine (other name: AMT)

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

Synthetic Cannabinoids as follows:
2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol {also known as CP 47,497 and homologues};

rel-2-[(1S,3R)-3-hydroxycyclohexyl] -5-(2-methylnonan-2-yl)phenol {also known as CP 47,497-C8 homolog};

[(6aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol] {also known as HU-210};

dexanabinol;

(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzol[c]chromen-1-ol} {also known as HU-211};

1-Pentyl-3-(1-naphthoyl)indole {also known as JWH-018};

1-Butyl-3-(1-naphthoyl)indole {also known as JWH-073};

(2-methyl-1-propyl-1H-indol-3-yl)-1-napthalenyl-methanone {also known as JWH-015};

(1-hexyl-1H-indol-3-yl)-1-napthalenyl-methanone {also known as JWH-019};

[1-[2-(4-morpholinyl) ethyl] -1H-indol-3-yl]-1-napthalenyl-methanone {also known as JWH-200};

1-(1-pentyl-1H-indol-3-yl)-2-(3-hydroxyphenyl)ethanone {also known as JWH-250};

2-((1S,2S,5S)-5-hydroxy-2- (3-hydroxpropyl)cyclohexyl) -5-(2-methyloctan-2-yl)phenol
 {also known as CP 55,940};

(4-methyl-1-napthalenyl) (1-pentyl-1H-indol-3-yl) -methanone {also known as JWH-122};

(4-methyl-1-napthalenyl) (1-pentyl-1H-indol-3-yl) -methanone {also known as JWH-398};

(4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone {also known as RCS-4};

1-(1-(2-cyclohexylethyl) -1H-indol-3-yl) -2-(2-methoxyphenyl) ethanone {also known as RCS-8};

1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201); and

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694).
Synthetic cannabinoids:

- CP 47,497 AND homologues, 2-[(1R,3S)-3-Hydroxycyclohexyl]-5-(2-methyloctan-2-YL)phenol;
- HU-210, [(6AR,10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-Methyloctan-2-YL)-6A,7,10,10A-tetrahydrobenzo[C]chromen-1-OL];
- HU-211, (dexanabinol, (6AS,10AS)-9-(hydroxymethyl)-6,6-Dimethyl-3-(2-methyloctan-2-YL)-6A,7,10,10atetrahydrobenzo[C]chromen-1-OL);
- JWH-018, 1-pentyl-3-(1-naphthoyl)indole;
- JWH-019, 1-hexyl-3-(1-naphthoyl)indole;
- JWH-073, 1-butyl-3-(1-naphthoyl)indole;
- JWH-200, (1-(2-morpholin-4-ylethyl)indol-3-yl)- Naphthalen-1-ylmethanone;
- JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl)indole.]

Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-ADB);

Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5F-AMB);

Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (FUB-AMB);

N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA);

Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-CHMICA);

Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-FUBINACA);

Tetrahydrocannabinols:

DELA1-CIS OR trans tetrahydrocannabinol and their Optical isomers.
DELTA-6 CIS OR trans tetrahydrocannabinol and their optical isomers.

DELTA-3,4 CIS or their trans tetrahydrocannabinol and their optical isomers.

Synthetic Phenethylamines

2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe/ 2C-I-NBOMe);

2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe/2C-C-NBOMe);

2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe/ 2C-B-NBOMe);

Synthetic Opioids (including their isomers, esters, ethers, salts and salts of isomers, esters and ethers):

N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);

furanyl fentanyl;

3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (also known as U-47700);

N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl fentanyl);

N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide, (beta-hydroxythiofentanyl).

N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl)

N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl)

N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopropyl fentanyl)

2-(2,4-dichlorophenyl)-N-((1S,2S)-2-(dimethylamino)cyclohexyl)-N-methylacetamide (also known as U-48800)
Trans-3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-benzamide (also known as U-49900)

Trans-3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzeneacetamide (also known as U-51754)

Opioid Receptor Agonist

AH-7921 (3,4-dichloro-N-(1-dimethylamino)cyclohexylmethyl]benzamide).

Naphthoylindoles or any compound containing a 3-(1- Naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include the following:

JWH 015;
JWH 018;
JWH 019;
JWH 073;
JWH 081;
JWH 122;
JWH 200;
JWH 210;
JWH 398;
AM 2201;
WIN 55,212.

Naphylmethylindoles or any compound containing a 1hindol-3-yl-(1-naphthyl) methane structure with a substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 175 and JWH 184.
Naphthoylpyrroles or any compound containing a 3-(1-Naphthoyl) pyrrole structure with substitution at the nitrogen atom of the pyrrole ring whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 147 and JWH 307.

Naphthylmethylindenes or any compound containing a Naphthylideneindene structure with substitution at the 3-Position of the indene ring whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 176.

Phenylacetylindoles or any compound containing a 3-Phenylacetylindole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

- RCS-8, SR-18 OR BTM-8;
- JWH 250;
- JWH 203;
- JWH 251;
- JWH 302.

Cyclohexylphenols or any compound containing a 2-(3-hydroxycyclohexyl) phenol structure with a substitution at the 5-position of the phenolic ring whether or not substituted in the cyclohexyl ring to any extent. This shall include the following:

- CP 47,497 and its homologues and analogs;
- Cannabicyclohexanol;
- CP 55,940.

Benzoylindoles or any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole
ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

- AM 694;
- Pravadoline WIN 48,098;
- RCS 4;
- AM 679.

[2,3-dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-DE]-1, 4-benzoxazin-6-YL]-1-naphthalenymethanone. This shall include WIN 55,212-2.

- Dibenzopyrans or any compound containing a 11-hydroxydelta 8-tetrahydrocannabinol structure with substitution on the 3-pentyl group. This shall include HU-210, HU-211, JWH 051 and JWH 133.
- Adamantoylindoles or any compound containing a 3-(1-Adamantoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the adamantoyl ring system to any extent. This shall include AM1248.
- Tetramethylcyclopropylindoles or any compound containing a 3-tetramethylcyclopropylindole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent. This shall include UR-144 and XLR-11.
- N-(1-Adamantyl)-1-pentyl-1h-indazole-3-carboxamide. This shall include AKB48.
- Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and V, not federal Food and Drug Administration approved drug or used within legitimate, approved medical research. Since nomenclature of these substances is not internationally standardized, any immediate precursor or immediate derivative of these substances shall be covered.

Tryptamines:

- 5- methoxy- N- methyl-N-isopropyltryptamine (5-MeO-MiPT)
Intr HB

4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT)
4-hydroxy-N-methyl-N-isopropyltryptamine (4-HO-MiPT)
4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET)
4-acetoxy-N,N-diisopropyltryptamine (4-AcO-DiPT)
5-methoxy-α-methyltryptamine (5-MeO-AMT)
4-methoxy-N,N-Dimethyltryptamine (4-MeO-DMT)
4-hydroxy Diethyltryptamine (4-HO-DET)
5- methoxy- N,N- diallyltryptamine (5-MeO-DALT)
4-acetoxy-N,N-Dimethyltryptamine (4-AcO DMT)
4-hydroxy Diethyltryptamine (4-HO-DET)

(e) Depressants.
Mecloqualone;
Methaqualone.

(f) Stimulants.
Aminorex; some other names: aminoxaphen; 2-amino-5- phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;
Cathinone; some trade or other names: 2-amino-1-phenyl-1- propanone, alpha-
aminoptyrovalerone, 2-aminoptyrovalerone and norephedrone;
Fenethylline;
Methcathinone, its immediate precursors and immediate derivatives, its salts, optical
isomers and salts of optical isomers; some other names: (2-(methylamino)-propiophenone; alpha-
(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha—
methylnopropiophenone; monomethylpropion; 3,4-methylenedioxyprovalerone and/or
mephedrone;3,4-methylenedioxyprovalerone (MPVD); ephedrone; N-methcathinone;
methcathinone; AL-464; AL-422; AL- 463 and UR1432;
(+-) cis-4-methaminorex; ((+-)cis-4,5-dihydro-4-methyl- 5-phenyl-2-oxazolamine);
N-ethylamphetamine;
N,N-dimethylamphetamine; also known as N,N-alpha-trimethyl-benzeneethanamine;
N,N-alpha-trimethylphenethylamine.

Alpha-pyrrolidinopentiophenone, also known as alpha-PVP, optical isomers, salts and salts of isomers.

Substituted amphetamines:
2-Fluoroamphetamine
3-Fluoroamphetamine
4-Fluoroamphetamine
2-chloroamphetamine
3-chloroamphetamine
4-chloroamphetamine
2-Fluoromethamphetamine
3-Fluoromethamphetamine
4-Fluoromethamphetamine
4-chloromethamphetamine

(g) Temporary listing of substances subject to emergency scheduling. Any material, compound, mixture or preparation which contains any quantity of the following substances:
N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers.
N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers.
N-benzylpiperazine, also known as BZP.
Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
4-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]-butyramide);
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Isobutyryl fentanyl (2-methyl-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]-propanamide);

Methoxyacetyl fentanyl (2-methoxy-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]-acetamide);

3-methylbutyryl fentanyl (N-[3-methyl-1-(2-phenylethyl)piperidin-4-yl]-N-phenylbutyramide);

4-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)piperidin-4-yl]-acetamide);

Tetrahydrofuran fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);

Valeryl fentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]pentanamide).

(h) The following controlled substances are included in Schedule I:

Synthetic Cathinones or any compound, except bupropion or compounds listed under a different schedule, or compounds used within legitimate and approved medical research, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with Monocyclic or fused polycyclic ring systems, whether or not the compound is further modified in any of the following ways:

By substitution in the ring system to any extent with Alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl or halide Substituents whether or not further substituted in the ring system by one or more other univalent substituents.

By substitution at the 3-position with an acyclic alkyl substituent.

By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups.

By inclusion of the 2-amino nitrogen atom in a cyclic structure.

Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and
CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.


(a) Upon the effective date of this section as adopted during the 2019 Regular Session the Legislature, the clerk of the circuit court and the prosecuting attorney of each county shall review all arrest and conviction record of every cannabis offender of every person convicted of a cannabis offense in this state beginning in calendar year 1937 to the present, and shall prepare and execute the expungement of all cannabis offense records.

(b) Expungement of cannabis offender records shall be automatic, and a written explanation of the expungement action shall be transmitted to the incarcerated cannabis offender, and to the correctional facility where the offender is held, with an order compelling the release of the cannabis offender, indicating the date of the release and providing the transitioning offender a description of the transitional services available to him or her as required pursuant to §51-12-1 et seq., of this code.

(c) A released cannabis offender or a family member of a deceased cannabis offender, may petition to have all records of a cannabis conviction expunged beginning with any offense committed in or since calendar year 1937.

(d) Cannabis offenders may not be charged a fee for the expungement of any record of cannabis conviction. Upon request any cannabis offender shall have all records of cannabis offenses expunged: Provided, That crimes that involved issues of public safety or resulted in the harm of another, shall be exempt from the mandatory expungement provisions of this section.

NOTE: The purpose of this bill is to normalize cannabis regulation, permitting the personal use of cannabis, providing for transitional services for former cannabis offenders and
providing for the expungement of cannabis offender criminal records.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.