

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4625

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SKAFF AND WALKER

[Introduced January 31, 2020; Referred
to the Committee on Health and Human Resources
then the Judiciary then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §19-38-1, §19-38-2 and §19-38-3; to amend said code by adding thereto a
 3 new article, designated §51-12-1 and §51-12-2; to amend and reenact §60A-2-204 of said
 4 code; and to amend said code by adding thereto a new section, designated §61-11-27, all
 5 relating to the normalization of cannabis laws; providing legislative findings; permitting
 6 adult uses of cannabis; providing for cannabis testing; prohibiting state civil asset
 7 forfeiture; providing notice of transitional services to incarcerated offenders; requiring the
 8 expungement of cannabis offender records.

Be it enacted by the Legislature of West Virginia:

CHAPTER 19. AGRICULTURE.

ARTICLE 38. NORMALIZATION OF CANNABIS ACT.

§19-38-1. Legislative findings; and authorizing testing services.

1 (a) The Legislature of West Virginia recognizes the economic development opportunities
 2 of industrial hemp research and development and the economic potential of industrial hemp
 3 production in this state, and further recognizes the potential medicinal benefits of cannabis as
 4 provided for in chapter 16A of this code. The Legislature finds the normalization of cannabis laws
 5 is necessary to protect the civil rights and liberties of the citizens of this state from undue
 6 government interference. By the states recognizing the medical benefits of cannabis, the former
 7 inclusion of cannabis in the schedule of drugs that have no medicinal value, the Federal Law
 8 prohibiting a lawful use of cannabis is hereby nullified by the enactment of medical cannabis laws
 9 in 31 states, the District of Columbia and Puerto Rico, a majority of the states in these United
 10 States of America. Upon the passage of this article during the 2020 Regular Session of the
 11 Legislature, this act shall be known as the “Normalization of Cannabis Act” for the purpose of
 12 authorizing adult personal use of cannabis in this state.

13 (b) The Commissioner of Agriculture is hereby authorized to offer laboratory testing

14 services in state facilities, permit institutions of higher education to test, and contract for testing
15 industrial hemp, pursuant to §19-12E-1 et seq. of this code, for testing cannabis pursuant to the
16 provisions of this article, and for testing medical cannabis pursuant to the provisions of §16A-1-1
17 et seq. of this code. The commissioner shall propose legislative rules pursuant to §29A-3-1 et
18 seq. of this code and provide cannabis testing rules for consumable industrial hemp products, for
19 cannabis that is given away by a responsible adult to another responsible adult pursuant to the
20 provision of this article, and for cannabis given to a medical cannabis patient without
21 remuneration, that shall include testing for:

22 (1) THC potency;

23 (2) Cannabinoid content;

24 (3) Presence of pesticides, mold, heavy metals and other criteria as commonly reviewed
25 and screened for in other agricultural consumer products;

26 (4) A fee schedule for testing individual samples of cannabis that may be charged by the
27 department or a vendor not to exceed \$45 per sample: *Provided*, That an institution of higher
28 education may not charge a testing fee: *Providing, however*, That an individual who grows or
29 possesses cannabis pursuant to this article may not be charged a fee where the cannabis is for
30 personal use only; and

31 (5) A fee schedule for commercial operation testing of industrial, agricultural, medical and
32 other forms of lawfully regulated cannabis.

§19-38-2. Normalization of cannabis; allowing adult use.

1 (a) Adults who have reached 21 years of age in this state may use, grow, possess,
2 transport and give away cannabis and homemade cannabis products without remuneration
3 pursuant to the provisions of this section: *Provided*, That the cannabis is for personal use only.

4 (b) "Personal use" means growing, processing, consuming or giving away cannabis
5 without remuneration.

6 (c) An adult who is at least 21 years of age may grow up to 12 mature flowering cannabis

7 plants and have up to 12 cannabis sprouts or seedlings for personal use. Personal growing of
8 cannabis by adults in a residence where children under the age of 18 reside shall keep the plants
9 under lock and key and restrict access to the minors in the residence.

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

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

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

§19-38-3. Civil asset forfeiture prohibited; triple damages.

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

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

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 12. OFFENDER RELEASE TRANSITIONAL SERVICES.

§51-12-1. Legislative findings.

1 (a) The Legislature finds that, upon the enactment of the Normalization of Cannabis Act
2 pursuant to the provisions of §19-38-1 *et seq.* of this code, during the 2020 Regular Session of

3 the Legislature, and for other persons who have served a sentence and are pending release from
4 any correctional facility in this state, those individuals shall be provided transitional services in
5 order to facilitate a successful reentry into society.

6 (b) Upon the effective date of this section as adopted during the 2020 Regular Session of
7 the Legislature, the clerk of the circuit court and the prosecuting attorney of each county shall
8 review all arrest and conviction record of every cannabis offender of every person convicted of a
9 cannabis offense beginning in calendar year 1937 to the present, and not less than two months
10 prior to the release of each person transitioning from an incarcerated status, each transitioning
11 individual shall be notified by the circuit court in writing about the transitional services available
12 as required by this article, including services offered prior to and upon release from any
13 correctional facility in this state.

§51-12-2. Required training.

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

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

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

9 (1) Remedial education and Scholastic Assessment Test preparation;

10 (2) Counseling for mental health or substance abuse;

11 (3) Transitional housing;

12 (4) Job training; and

13 (5) Any other services the court determines appropriate to recommend that may help
14 transitioning individuals successfully reenter society.

CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-204. Schedule I.

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

5 (b) Opiates.

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

8 Acetylmethadol;

9 Allylprodine;

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

12 Alphameprodine;

13 Alphamethadol;

14 Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide;
 15 1-(1-methyl-2-phenylethyl)-4-((propanilido) piperidine);

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

18 Benzethidine;

19 Betacetylmethadol;

20 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl) -4- piperidiny]-N-
 21 phenylpropanamide);

- 22 Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- hydroxy-2-phenethyl)-3-methyl-4-
23 piperidiny]-N-phenylpropanamide);
- 24 Betameprodine;
- 25 Betamethadol;
- 26 Betaprodine;
- 27 Clonitazene;
- 28 Dextromoramide;
- 29 Diampromide;
- 30 Diethylthiambutene;
- 31 Difenoxin;
- 32 Dimenoxadol;
- 33 Dimepheptanol;
- 34 Dimethylthiambutene;
- 35 Dioxaphetyl butyrate;
- 36 Dipipanone;
- 37 Ethylmethylthiambutene;
- 38 Etonitazene;
- 39 Etoxidine;
- 40 Furethidine;
- 41 Hydroxypethidine;
- 42 Ketobemidone;
- 43 Levomoramide;
- 44 Levophenacymorphan;
- 45 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- piperidyl]-N-phenylpropanamide);
- 46 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl) ethyl-4- piperidiny]—phenylpropanamide);
- 47 Morpheridine;

- 48 MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 49 Noracymethadol;
- 50 Norlevorphanol;
- 51 Normethadone;
- 52 Norpipanone;
- 53 Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidiny] propanamide);
- 54 PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 55 Phenadoxone;
- 56 Phenampromide;
- 57 Phenomorphan;
- 58 Phenoperidine;
- 59 Piritramide;
- 60 Proheptazine;
- 61 Properidine;
- 62 Propiram;
- 63 Racemoramide;
- 64 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide);
- 65 Tilidine;
- 66 Trimeperidine.
- 67 (c) Opium derivatives:
- 68 Acetorphine;
- 69 Acetyldihydrocodeine;
- 70 Benzylmorphine;
- 71 Codeine methylbromide;
- 72 Codeine-N-Oxide;
- 73 Cyprenorphine;

- 74 Desomorphine;
- 75 Dihydromorphine;
- 76 Drotebanol;
- 77 Etorphine (except HCl Salt);
- 78 Heroin;
- 79 Hydromorphinol;
- 80 Methyldesorphine;
- 81 Methyldihydromorphine;
- 82 Morphine methylbromide;
- 83 Morphine methylsulfonate;
- 84 Morphine-N-Oxide;
- 85 Myrophine;
- 86 Nicocodeine;
- 87 Nicomorphine;
- 88 Normorphine;
- 89 Pholcodine;
- 90 Thebacon.
- 91 (d) Hallucinogenic substances.
- 92 Alpha-ethyltryptamine; some trade or other names: etryptamine; Monase; alpha-ethy-1H-
- 93 indole-3-ethanamine; 3-(2- aminobutyl) indole; alpha-ET; and AET;
- 94 4-bromo-2, 5-dimethoxy-amphetamine; some trade or other names: 4-bromo-2,5-
- 95 dimethoxy-alpha-methylphenethylamine; 4-bromo- 2,5-DMA;
- 96 4-Bromo-2,5-dimethoxyphenethylamine; some trade or other names: 2-(4-bromo-2,5-
- 97 dimethoxyphenyl)-1-aminoethane; alpha- desmethyl DOB; 2C-B, Nexus;
- 98 N-(2-Methoxybenzyl)-4-bromo-2, 5-dimethoxyphenethylamine. The substance has the
- 99 acronym 25B-NBOMe.

- 100 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C-NBOMe)
- 101 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I-NBOMe)
- 102 2,5-dimethoxyamphetamine; some trade or other names: 2,5-dimethoxy-alpha-
- 103 methylphenethylamine; 2,5-DMA;
- 104 2,5-dimethoxy-4-ethylamphet-amine; some trade or other names: DOET;
- 105 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
- 106 4-methoxyamphetamine; some trade or other names: 4-methoxy-alpha-
- 107 methylphenethylamine; paramethoxyamphetamine; PMA;
- 108 5-methoxy-3, 4-methylenedioxy-amphetamine;
- 109 4-methyl-2,5-dimethoxy-amphetamine; some trade and other names: 4-methyl-2,5-
- 110 dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP";
- 111 3,4-methylenedioxy amphetamine;
- 112 3,4-methylenedioxymethamphetamine (MDMA);
- 113 3,4-methylenedioxy-N-ethylamphetamine (also known as (ethyl-alpha-methyl-3,4
- 114 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA);
- 115 N-hydroxy-3,4-methylenedioxyamphetamine (also known as (hydroxy-alpha-methyl-3,4
- 116 (methylenedioxy) phenethylamine, and (hydroxy MDA);
- 117 3,4,5-trimethoxy amphetamine;
- 118 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 119 Alpha-methyltryptamine (other name: AMT);
- 120 Bufotenine; some trade and other names: 3-(beta-Dimethylaminoethyl)-5-
- 121 hydroxyindole;3-(2-dimethylaminoethyl) -5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-
- 122 dimethyltryptamine; mappine;
- 123 Diethyltryptamine; sometrade and other names: N, N-Diethyltryptamine; DET;
- 124 Dimethyltryptamine; some trade or other names: DMT;
- 125 5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

126 Ibogaine; some trade and other names: 7-Ethyl-6, 6 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-
127 methoxy-6, 9-methano-5H- pyrido [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;
128 Lysergic acid diethylamide;
129 Marihuana;
130 Mescaline;
131 Parahexyl-7374; some trade or other names: 3-Hexyl -1-hydroxy-7, 8, 9, 10-tetrahydro-6,
132 6, 9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl;
133 Peyote; meaning all parts of the plant presently classified botanically as *Lophophora*
134 *williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such
135 plant, and every compound, manufacture, salts, immediate derivative, mixture or preparation of
136 such plant, its seeds or extracts;
137 N-ethyl-3-piperidyl benzilate;
138 N-methyl-3-piperidyl benzilate;
139 Psilocybin;
140 Psilocyn;
141 ~~Tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant, or~~
142 ~~in the resinous extractives of Cannabis, sp. and/or synthetic substances, immediate derivatives~~
143 ~~and their isomers with similar chemical structure and pharmacological activity such as the~~
144 ~~following:~~
145 ~~delta-1 Cis or trans tetrahydrocannabinol, and their optical isomers;~~
146 ~~delta-6 Cis or trans tetrahydrocannabinol, and their optical isomers;~~
147 ~~delta-3,4 Cis or trans tetrahydrocannabinol, and its optical isomers;~~
148 ~~(Since nomenclature of these substances is not internationally standardized, compounds~~
149 ~~of these structures, regardless of numerical designation of atomic positions covered.)~~
150 Ethylamine analog of phencyclidine; some trade or other names: N-ethyl-1-
151 phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,

- 152 cyclohexamine, PCE;
- 153 Pyrrolidine analog of phencyclidine; some trade or other names: 1-(1-phenylcyclohexyl)-
- 154 pyrrolidine, PCPy, PHP;
- 155 Thiophene analog of phencyclidine; some trade or other names: 1-[1-(2-thienyl)-
- 156 cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine; TCP, TCP;
- 157 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other names: TCPy.
- 158 4-methylmethcathinone (Mephedrone);
- 159 3,4-methylenedioxypropylvalerone (MDPV);
- 160 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
- 161 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)
- 162 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)
- 163 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)
- 164 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)
- 165 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)
- 166 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)
- 167 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)
- 168 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)
- 169 3,4-Methylenedioxy-N-methylcathinone (Methylone)
- 170 2,5-dimethoxy-4-(n)-propyltghiophenethylamine (2C-T-7, its optical isomers, salts and
- 171 salts of isomers
- 172 5-methoxy-N,N-dimethyltryptamine some trade or other names: 5-methoxy-3-[2-
- 173 (dimethylamino)ethyl]indole; 5-MeO-DMT(5-MeO-DMT)
- 174 Alpha-methyltryptamine (other name: AMT)
- 175 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT)
- 176 Synthetic Cannabinoids as follows:

177 2-[(1R,3S)-3-hydroxycyclohexyl]-5- (2-methyloctan-2-yl)phenol {also known as CP
178 47,497 and homologues};
179 rel-2-[(1S,3R)-3-hydroxycyclohexyl] -5-(2-methylnonan-2-yl)phenol {also known as CP
180 47,497-C8 homolog};
181 [(6aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7,10,10a-
182 tetrahydrobenzo[c]chromen-1-ol] {also known as HU-210};
183 (dexanabinol);
184 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
185 tetrahydrobenzol[c]chromen-1-ol {also known as HU-211};
186 1-Pentyl-3-(1-naphthoyl)indole {also known as JWH-018};
187 1-Butyl-3-(1-naphthoyl)indole {also known as JWH-073};
188 (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-015};
189 (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-019};
190 [1-[2-(4-morpholinyl) ethyl] -1H-indol-3-yl]-1-naphthalenyl-methanone {also known as
191 JWH-200};
192 1-(1-pentyl-1H-indol-3-yl)-2-(3-hydroxyphenyl)-ethanone {also known as JWH-250};
193 2-((1S,2S,5S)-5-hydroxy-2- (3-hydroxypropyl)cyclohexyl) -5-(2-methyloctan-2-yl)phenol
194 {also known as CP 55,940};
195 (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl) -methanone {also known as JWH-122};
196 (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl) -methanone {also known as JWH-398};
197 (4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone {also known as RCS-4};
198 1-(1-(2-cyclohexylethyl) -1H-indol-3-yl) -2-(2-methoxyphenyl) ethanone {also known as
199 RCS-8};
200 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);
201 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201); and
202 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694).

- 203 Synthetic cannabinoids:
- 204 CP 47,497 AND homologues, 2-[(1R,3S)-3-Hydroxycyclohexyl]-5-(2-methyloctan-2-
- 205 YL)phenol);
- 206 HU-210, [(6AR,10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-Methyloctan-2-YL)-6A,7,10,
- 207 10A-tetrahydrobenzo[C] chromen-1-OL)];
- 208 HU-211, (dexanabinol, (6AS,10AS)-9-(hydroxymethyl)-6,6-Dimethyl-3-(2-methyloctan-2-
- 209 YL)-6A,7,10,10atetrahydrobenzo[C]chromen-1-OL);
- 210 JWH-018, 1-pentyl-3-(1-naphthoyl)indole;
- 211 JWH-019, 1-hexyl-3-(1-naphthoyl)indole;
- 212 JWH-073, 1-butyl-3-(1-naphthoyl)indole;
- 213 JWH-200, (1-(2-morpholin-4-ylethyl)indol-3-yl)- Naphthalen-1-ylmethanone;
- 214 JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl)indole.]
- 215 Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-
- 216 ADB);
- 217 Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5F-AMB);
- 218 Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (FUB-
- 219 AMB);
- 220 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA);
- 221 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide
- 222 (ADB-FUBINACA);
- 223 Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate
- 224 (MDMB-CHMICA);
- 225 Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
- 226 (MDMB-FUBINACA);
- 227 Tetrahydrocannabinols:
- 228 DELTA-1 CIS OR trans tetrahydrocannabinol and their Optical isomers.

- 229 ~~DELTA-6-CIS OR trans tetrahydrocannabinol and their optical isomers.~~
- 230 ~~DELTA-3,4-CIS or their trans tetrahydrocannabinol and their optical isomers.~~
- 231 Synthetic Phenethylamines
- 232 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe/ 2C-I-
- 233 NBOMe);
- 234 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe/2C-C-
- 235 NBOMe);
- 236 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe/ 2C-B-
- 237 NBOMe);
- 238 Synthetic Opioids (including their isomers, esters, ethers, salts and salts of isomers, esters
- 239 and ethers):
- 240 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 241 furanyl fentanyl;
- 242 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (also known as U-
- 243 47700);
- 244 N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-
- 245 phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl fentanyl);
- 246 N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, also known
- 247 as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide, (beta-
- 248 hydroxythiofentanyl).
- 249 N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl)
- 250 N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl)
- 251 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopropyl fentanyl)
- 252 2-(2,4-dichlorophenyl)-N-((1S,2S)-2-(dimethylamino)cyclohexyl)-N-methylacetamide
- 253 (also known as U-48800)

254 Trans-3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-benzamide (also known as
255 U-49900)

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

258 Opioid Receptor Agonist

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

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

264 JWH 015;

265 JWH 018;

266 JWH 019;

267 JWH 073;

268 JWH 081;

269 JWH 122;

270 JWH 200;

271 JWH 210;

272 JWH 398;

273 AM 2201;

274 WIN 55,212.

275 Naphylmethylindoles or any compound containing a 1indol-3-yl-(1-naphthyl) methane
276 structure with a substitution at the nitrogen atom of the indole ring whether or not further
277 substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to
278 any extent. This shall include, but not be limited to, JWH 175 and JWH 184.

279 Naphthoylpyrroles or any compound containing a 3-(1- Naphthoyl) pyrrole structure with
280 substitution at the nitrogen atom of the pyrrole ring whether or not further substituted in the pyrrole
281 ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall
282 include, but not be limited to, JWH 147 and JWH 307.

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

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

291 RCS-8, SR-18 OR BTM-8;

292 JWH 250;

293 JWH 203;

294 JWH 251;

295 JWH 302.

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

299 CP 47,497 and its homologues and analogs;

300 Cannabicyclohexanol;

301 CP 55,940.

302 Benzoylindoles or any compound containing a 3-(benzoyl) indole structure with
303 substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole

304 ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include
305 the following:

306 AM 694;

307 Pravadoline WIN 48,098;

308 RCS 4;

309 AM 679.

310 [2,3-dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-DE]-1, 4-benzoxazin-6-YL]-1-
311 naphthalenymethanone. This shall include WIN 55,212-2.

312 Dibenzopyrans or any compound containing a 11-hydroxydelta 8-tetrahydrocannabinol
313 structure with substitution on the 3-pentyl group. This shall include HU-210, HU-211, JWH 051
314 and JWH 133.

315 Adamantoylindoles or any compound containing a 3-(-1- Adamantoyl) indole structure with
316 substitution at the nitrogen atom of the indole ring whether or not further substituted in the
317 adamantoyl ring system to any extent. This shall include AM1248.

318 Tetramethylcyclopropylindoles or any compound containing A 3-
319 tetramethylcyclopropylindole structure with substitution at the nitrogen atom of the indole ring
320 whether or not further substituted in the indole ring to any extent and whether or not substituted
321 in the tetramethylcyclopropyl ring to any extent. This shall include UR-144 and XLR-11.

322 N-(1-Adamantyl)-1-pentyl-1h-indazole-3-carboxamide. This shall include AKB48.

323 Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as
324 demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and
325 V, not federal Food and Drug Administration approved drug or used within legitimate, approved
326 medical research. Since nomenclature of these substances is not internationally standardized,
327 any immediate precursor or immediate derivative of these substances shall be covered.

328 Tryptamines:

329 5- methoxy- N- methyl-N-isopropyltryptamine (5-MeO-MIPT)

- 330 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT)
- 331 4-hydroxy-N-methyl-N-isopropyltryptamine (4-HO-MiPT)
- 332 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET)
- 333 4-acetoxy-N,N-diisopropyltryptamine (4-AcO-DiPT)
- 334 5-methoxy- α -methyltryptamine (5-MeO-AMT)
- 335 4-methoxy-N,N-Dimethyltryptamine (4-MeO-DMT)
- 336 4-hydroxy Diethyltryptamine (4-HO-DET)
- 337 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT)
- 338 4-acetoxy-N,N-Dimethyltryptamine (4-AcO DMT)
- 339 4-hydroxy Diethyltryptamine (4-HO-DET)
- 340 (e) Depressants.
- 341 Mecloqualone;
- 342 Methaqualone.
- 343 (f) Stimulants.
- 344 Aminorex; some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-
- 345 dihydro-5-phenyl-2-oxazolamine;
- 346 Cathinone; some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-
- 347 aminopropiophenone, 2-aminopropiophenone and norephedrone;
- 348 Fenethylamine;
- 349 Methcathinone, its immediate precursors and immediate derivatives, its salts, optical
- 350 isomers and salts of optical isomers; some other names: (2-(methylamino)-propiofenone; alpha-
- 351 (methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha---
- 352 methylaminopropiophenone; monomethylpropion; 3,4-methylenedioxypropiofenone and/or
- 353 mephedrone; 3,4-methylenedioxypropiofenone (MPVD); ephedrone; N-methylcathinone;
- 354 methylcathinone; AL-464; AL-422; AL-463 and UR1432;
- 355 (+-) cis-4-methylaminorex; ((+)-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

- 356 N-ethylamphetamine;
- 357 N,N-dimethylamphetamine; also known as N,N-alpha- trimethyl-benzeneethanamine;
- 358 N,N-alpha-trimethylphenethylamine.
- 359 Alpha-pyrrolidinopentiophenone, also known as alpha-PVP, optical isomers, salts and
- 360 salts of isomers.
- 361 Substituted amphetamines:
- 362 2-Fluoroamphetamine
- 363 3-Fluoroamphetamine
- 364 4-Fluoroamphetamine
- 365 2-chloroamphetamine
- 366 3-chloroamphetamine
- 367 4-chloroamphetamine
- 368 2-Fluoromethamphetamine
- 369 3-Fluoromethamphetamine
- 370 4-Fluoromethamphetamine
- 371 4-chloromethamphetamine
- 372 (g) Temporary listing of substances subject to emergency scheduling. Any material,
- 373 compound, mixture or preparation which contains any quantity of the following substances:
- 374 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts,
- 375 and salts of isomers.
- 376 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical
- 377 isomers, salts and salts of isomers.
- 378 N-benzylpiperazine, also known as BZP.
- 379 Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
- 380 4-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]-
- 381 butyramide);

382 Isobutyryl fentanyl (2-methyl-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]-propanamide);
383 Methoxyacetyl fentanyl (2-methoxy-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]-
384 acetamide);
385 3-methylbutyryl fentanyl (N-[3-methyl-1-(2-phenylethyl)piperidin-4-yl]-N-
386 phenylbutyramide);
387 4-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-
388 yl)butyramide);
389 Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)piperidin-4-yl]-acetamide);
390 Tetrahydrofuran fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-
391 carboxamide);
392 Valeryl fentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]pentanamide).

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

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

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

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

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

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

406 Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as
407 demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and

408 V, not federal Food and Drug Administration approved drug or used within legitimate, approved
409 medical research.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-27. Expungement of certain cannabis offender records.

1 (a) Upon the effective date of this section as adopted during the 2020 Regular Session
2 the Legislature, the clerk of the circuit court and the prosecuting attorney of each county shall
3 review all arrest and conviction record of every cannabis offender of every person convicted of a
4 cannabis offense in this state beginning in calendar year 1937 to the present, and shall prepare
5 and execute the expungement of all cannabis offense records.

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

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

15 (d) Cannabis offenders may not be charged a fee for the expungement of any record of
16 cannabis conviction. Upon request any cannabis offender shall have all records of cannabis
17 offenses expunged: *Provided*, That crimes that involved issues of public safety or resulted in the
18 harm of another, are 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.