

# WEST VIRGINIA LEGISLATURE

## 2023 REGULAR SESSION

Introduced

### House Bill 2019

FISCAL  
NOTE

By Delegates Clark, Fast, Crouse, Ferrell, Hite,  
Honaker, Cannon, Keaton, Pinson, Kelly and Willis

[Introduced January 11, 2023; Referred to the  
Committee on Health and Human Resources then the  
Judiciary]

1 A BILL to amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended; by  
2 adding thereto a new section, designated §60A-1-101a; to amend and reenact §60A-2-204  
3 of this code; and to amend and reenact §60A-4-401 of this code, all relating to defining  
4 synthetic controlled substances; providing legislative findings; prohibiting synthetic  
5 controlled substances; adding to Schedule I List of controlled substances delta-8 Cis or  
6 trans tetrahydrocannabinol, and their optical isomers and delta-7 Cis or trans  
7 tetrahydrocannabinol, and their optical isomers; and to provide criminal penalties for the  
8 manufacture, deliver, or possess with intent to manufacture or deliver synthetic controlled  
9 substances.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 1. DEFINITIONS.**

### **§60A-1-101.**

### **Definitions.**

1 As used in this act:

2 (a) "Administer" means the direct application of a controlled substance whether by  
3 injection, inhalation, ingestion or any other means to the body of a patient or research subject by:

4 (1) A practitioner (or, in his or her presence, by his or her authorized agent); or

5 (2) The patient or research subject at the direction and in the presence of the practitioner.

6 (b) "Agent" means an authorized person who acts on behalf of or at the direction of a  
7 manufacturer, distributor or dispenser. It does not include a common or contract carrier, public  
8 warehouseman or employee of the carrier or warehouseman.

9 (c) "Analogue" means a substance that, in relation to a controlled substance, has a  
10 substantially similar chemical structure.

11 (d) "Bureau" means the "Bureau of Narcotics and Dangerous Drugs, United States  
12 Department of Justice" or its successor agency.

13 (e) "Controlled substance" means a drug, substance or immediate precursor in Schedules  
14 I through V of article two of this chapter.

15 (f) "Counterfeit substance" means a controlled substance which, or the container or  
16 labeling of which, without authorization, bears the trademark, trade name or other identifying mark,  
17 imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other  
18 than the person who in fact manufactured, distributed or dispensed the substance.

19 (g) "Imitation controlled substance" means: (1) A controlled substance which is falsely  
20 represented to be a different controlled substance; (2) a drug or substance which is not a  
21 controlled substance but which is falsely represented to be a controlled substance; or (3) a  
22 controlled substance or other drug or substance or a combination thereof which is shaped, sized,  
23 colored, marked, imprinted, numbered, labeled, packaged, distributed or priced so as to cause a  
24 reasonable person to believe that it is a controlled substance.

25 (h) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one  
26 person to another of: (1) A controlled substance, whether or not there is an agency relationship; (2)  
27 a counterfeit substance; or (3) an imitation controlled substance.

28 (i) "Dispense" means to deliver a controlled substance to an ultimate user or research  
29 subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering,  
30 packaging, labeling or compounding necessary to prepare the substance for that delivery.

31 (j) "Dispenser" means a practitioner who dispenses.

32 (k) "Distribute" means to deliver, other than by administering or dispensing, a controlled  
33 substance, a counterfeit substance or an imitation controlled substance.

34 (l) "Distributor" means a person who distributes.

35 (m) "Drug" means: (1) Substances recognized as drugs in the official "United States  
36 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National  
37 Formulary", or any supplement to any of them; (2) substances intended for use in the diagnosis,  
38 cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than  
39 food) intended to affect the structure or any function of the body of man or animals; and (4)

40 substances intended for use as a component of any article specified in subdivision (1), (2) or (3) of  
41 this subdivision. It does not include devices or their components, parts or accessories.

42 (n) "Fentanyl analog or derivative" means any substance which has a chemical structure  
43 which is substantially similar to the chemical structure of fentanyl, including any of its salts,  
44 isomers, or salts of isomers, including any chemical compound or mixture. For purposes of this  
45 chapter, the term "fentanyl derivative or analog" includes any fentanyl analog that is not otherwise  
46 scheduled in this chapter.

47 (o) "Immediate derivative" means a substance which is the principal compound or any  
48 analogue of the parent compound manufactured from a known controlled substance primarily for  
49 use and which has equal or similar pharmacologic activity as the parent compound which is  
50 necessary to prevent, curtail or limit manufacture.

51 (p) "Immediate precursor" means a substance which is the principal compound commonly  
52 used or produced primarily for use and which is an immediate chemical intermediary used or likely  
53 to be used in the manufacture of a controlled substance, the control of which is necessary to  
54 prevent, curtail or limit manufacture.

55 (q) "Manufacture" means the production, preparation, propagation, compounding,  
56 conversion or processing of a controlled substance, either directly or indirectly or by extraction  
57 from substances of natural origin, or independently by means of chemical synthesis, or by a  
58 combination of extraction and chemical synthesis, and includes any packaging or repackaging of  
59 the substance or labeling or relabeling of its container, except that this term does not include the  
60 preparation, compounding, packaging or labeling of a controlled substance:

61 (1) By a practitioner as an incident to his or her administering or dispensing of a controlled  
62 substance in the course of his or her professional practice; or

63 (2) By a practitioner, or by his or her authorized agent under his or her supervision, for the  
64 purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

65 (r) "Marijuana" means all parts of the plant "Cannabis sativa L.", whether growing or not;  
66 the seeds thereof; the resin extracted from any part of the plant; and every compound,  
67 manufacture, salt, immediate derivative, mixture or preparation of the plant, its seeds or resin. It  
68 Marijuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or  
69 cake made from the seeds of the plant, any other compound, manufacture, salt, immediate  
70 derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber,  
71 oil or cake, or the sterilized seed of the plant which is incapable of germination.

72 (s) "Narcotic drug" means any of the following, whether produced directly or indirectly by  
73 extraction from substances of vegetable origin or independently by means of chemical synthesis,  
74 or by a combination of extraction and chemical synthesis:

75 (1) Opium and opiate and any salt, compound, immediate derivative or preparation of  
76 opium or opiate.

77 (2) Any salt, compound, isomer, immediate derivative or preparation thereof which is  
78 chemically equivalent or identical with any of the substances referred to in paragraph (1) of this  
79 subdivision, but not including the isoquinoline alkaloids of opium.

80 (3) Opium poppy and poppy straw.

81 (4) Coca leaves and any salt, compound, immediate derivative or preparation of coca  
82 leaves and any salt, compound, isomer, immediate derivative or preparation thereof which is  
83 chemically equivalent or identical with any of these substances, but not including decocainized  
84 coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

85 (t) "Opiate" means any substance having an addiction-forming or addiction-sustaining  
86 liability similar to morphine or being capable of conversion into a drug having addiction-forming or  
87 addiction-sustaining liability. It does not include, unless specifically designated as controlled under  
88 section two hundred one, article two of this chapter, the dextrorotatory isomer of 3-methoxy-n-  
89 methylmorphinan and its salts (dextromethorphan). It does not include its racemic and  
90 levorotatory forms.

91 (u) "Opium poppy" means the plant of the species "Papaver somniferum L.", except its  
92 seeds.

93 (v) "Person" means individual, corporation, government or governmental subdivision or  
94 agency, business trust, estate, trust, partnership or association, or any other legal entity.

95 (w) "Placebo" means an inert medicament or preparation administered or dispensed for its  
96 psychological effect, to satisfy a patient or research subject or to act as a control in experimental  
97 series.

98 (x) "Poppy straw" means all parts, except the seeds, of the opium poppy after mowing.

99 (y) "Practitioner" means:

100 (1) A physician, dentist, veterinarian, scientific investigator or other person licensed,  
101 registered or otherwise permitted to distribute, dispense, conduct research with respect to, or to  
102 administer a controlled substance in the course of professional practice or research in this state.

103 (2) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to  
104 distribute, dispense, conduct research with respect to, or to administer a controlled substance in  
105 the course of professional practice or research in this state.

106 (z) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a  
107 controlled substance.

108 (aa) "State", when applied to a part of the United States, includes any state, district,  
109 commonwealth, territory, insular possession thereof and any area subject to the legal authority of  
110 the United States of America.

111 (bb) "Synthetic controlled substances" means

112 (1) The chemical structure of which is substantially similar to the chemical structure of a  
113 controlled dangerous substance in Schedule I or II,

114 (2) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous  
115 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic  
116 effect on the central nervous system of a controlled dangerous substance in Schedule I or II.

117           ~~(bb)~~(cc) "Ultimate user" means a person who lawfully possesses a controlled substance  
118 for his or her own use or for the use of a member of his or her household or for administering to an  
119 animal owned by him or her or by a member of his or her household.

**§60A-1-101a. Prohibition of synthetic controlled substances.**

1           (1) New synthetic substances are being created which are not controlled under the  
2 provisions of existing state law but which have a potential for abuse similar to or greater than that  
3 for substances controlled under existing state law. These new synthetic substances are called  
4 synthetic controlled substances and can be designed to produce a desired pharmacological effect  
5 and to evade the controlling statutory provisions. Synthetic controlled substances or synthetic  
6 controlled substance analogues are being manufactured, distributed, possessed, and used as  
7 substitutes for controlled substances.

8           (2) The hazards attributable to the traffic in and use of a synthetic controlled substances  
9 are increased because their unregulated manufacture produces variations in purity and  
10 concentration.

11           (3) Many new synthetic substances are untested, and it cannot be immediately determined  
12 whether they have useful medical or chemical purposes.

13           (4) The uncontrolled importation, manufacture, distribution, possession, or use of synthetic  
14 controlled substances has a substantial and detrimental impact on the health and safety of the  
15 people of this state.

16           (5) Synthetic controlled substances can be created more rapidly than they can be identified  
17 and controlled by action of the Legislature. There is a need for a speedy determination of their  
18 proper classification under existing law. It is therefore necessary to identify and classify new  
19 substances that have a potential for abuse, so that they can be controlled in the same manner as  
20 other substances controlled under existing state law.

**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] azepero [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 delta-8 Cis or trans tetrahydrocannabinol, and their optical isomers;

149 delta-7 Cis or trans tetrahydrocannabinol, and their optical isomers;

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

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

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

157 Thiophene analog of phencyclidine; some trade or other names: 1-[1-(2-thienyl)-  
158 cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine; TPCP, TCP;  
159 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other names: TCPy.  
160 4-methylmethcathinone (Mephedrone);  
161 3,4-methylenedioxyprovalerone (MDPV);  
162 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);  
163 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)  
164 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)  
165 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)  
166 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)  
167 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)  
168 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)  
169 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)  
170 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)  
171 3,4-Methylenedioxy-N-methylcathinone (Methylone)  
172 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7, its optical isomers, salts and  
173 salts of isomers  
174 5-methoxy-N,N-dimethyltryptamine some trade or other names: 5-methoxy-3-[2-  
175 (dimethylamino)ethyl]indole; 5-MeO-DMT(5-MeO-DMT)  
176 Alpha-methyltryptamine (other name: AMT)  
177 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT)  
178 Synthetic Cannabinoids as follows:  
179 2-[(1R,3S)-3-hydroxycyclohexyl]-5- (2-methyloctan-2-yl)phenol {also known as CP  
180 47,497 and homologues};  
181 rel-2-[(1S,3R)-3-hydroxycyclohexyl] -5-(2-methylnonan-2-yl)phenol {also known as CP  
182 47,497-C8 homolog};

183 [(6aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7,10,10a-  
184 tetrahydrobenzo[c]chromen-1-ol)] {also known as HU-210};  
185 (dexanabinol);  
186 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-  
187 tetrahydrobenzol[c]chromen-1-ol) {also known as HU-211};  
188 1-Pentyl-3-(1-naphthoyl)indole {also known as JWH-018};  
189 1-Butyl-3-(1-naphthoyl)indole {also known as JWH-073};  
190 (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-015};  
191 (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-019};  
192 [1-[2-(4-morpholinyl) ethyl] -1H-indol-3-yl]-1-naphthalenyl-methanone {also known as  
193 JWH-200};  
194 1-(1-pentyl-1H-indol-3-yl)-2-(3-hydroxyphenyl)-ethanone {also known as JWH-250};  
195 2-((1S,2S,5S)-5-hydroxy-2- (3-hydroxypropyl)cyclohexyl) -5-(2-methyloctan-2-yl)phenol  
196 {also known as CP 55,940};  
197 (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl) -methanone {also known as JWH-122};  
198 (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl) -methanone {also known as JWH-398};  
199 (4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone {also known as RCS-4};  
200 1-(1-(2-cyclohexylethyl) -1H-indol-3-yl) -2-(2-methoxyphenyl) ethanone {also known as  
201 RCS-8};  
202 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);  
203 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201); and  
204 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694).  
205 Synthetic cannabinoids:  
206 CP 47,497 AND homologues, 2-[(1R,3S)-3-Hydroxycyclohexyl]-5-(2-methyloctan-2-  
207 YL)phenol);

- 208 HU-210, [(6AR,10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-Methyloctan-2-YL)-6A,7,10,  
209 10A-tetrahydrobenzo[C] chromen-1-OL)];
- 210 HU-211, (dexanabinol, (6AS,10AS)-9-(hydroxymethyl)-6,6-Dimethyl-3-(2-methyloctan-2-  
211 YL)-6A,7,10,10atetrahydrobenzo[ C]chromen-1-OL);
- 212 JWH-018, 1-pentyl-3-(1-naphthoyl)indole;
- 213 JWH-019, 1-hexyl-3-(1-naphthoyl)indole;
- 214 JWH-073, 1-butyl-3-(1-naphthoyl)indole;
- 215 JWH-200, (1-(2-morpholin-4-ylethyl)indol-3-yl)- Naphthalen-1-ylmethanone;
- 216 JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl)indole.]
- 217 Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-  
218 ADB);
- 219 Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5F-AMB);
- 220 Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (FUB-  
221 AMB);
- 222 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA);
- 223 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide  
224 (ADB-FUBINACA);
- 225 Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate  
226 (MDMB-CHMICA);
- 227 Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-  
228 FUBINACA);
- 229 Tetrahydrocannabinols:
- 230 DELTA-1 CIS OR trans tetrahydrocannabinol and their Optical isomers.
- 231 DELTA-6 CIS OR trans tetrahydrocannabinol and their optical isomers.
- 232 DELTA-3,4 CIS or their trans tetrahydrocannabinol and their optical isomers.
- 233 DELTA-8 Cis or trans tetrahydrocannabinol, and their optical isomers;



- 234 DELTA-7 Cis or trans tetrahydrocannabinol, and their optical isomers;
- 235 Synthetic Phenethylamines
- 236 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe/ 2C-I-
- 237 NBOMe);
- 238 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe/2C-C-
- 239 NBOMe);
- 240 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe/ 2C-B-
- 241 NBOMe);
- 242 Synthetic Opioids (including their isomers, esters, ethers, salts and salts of isomers, esters
- 243 and ethers):
- 244 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 245 furanyl fentanyl;
- 246 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (also known as U-
- 247 47700);
- 248 N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-
- 249 phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl fentanyl);
- 250 N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, also known
- 251 as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyll]-N-phenylpropanamide, (beta-
- 252 hydroxythiofentanyl).
- 253 N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl)
- 254 N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl)
- 255 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopropyl fentanyl)
- 256 2-(2,4-dichlorophenyl)-N-((1S,2S)-2-(dimethylamino)cyclohexyl)-N-methylacetamide
- 257 (also known as U-48800)
- 258 Trans-3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-benzamide (also known as
- 259 U-49900)

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

262 Opioid Receptor Agonist

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

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

268 JWH 015;

269 JWH 018;

270 JWH 019;

271 JWH 073;

272 JWH 081;

273 JWH 122;

274 JWH 200;

275 JWH 210;

276 JWH 398;

277 AM 2201;

278 WIN 55,212.

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

283 Naphthoylpyrroles or any compound containing a 3-(1- Naphthoyl) pyrrole structure with  
284 substitution at the nitrogen atom of the pyrrole ring whether or not further substituted in the pyrrole

285 ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall  
286 include, but not be limited to, JWH 147 and JWH 307.

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

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

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

296 JWH 250;

297 JWH 203;

298 JWH 251;

299 JWH 302.

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

303 CP 47,497 and its homologues and analogs;

304 Cannabicyclohexanol;

305 CP 55,940.

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

310 AM 694;

311 Pravadoline WIN 48,098;

312 RCS 4;

313 AM 679.

314 [2,3-dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-DE]-1, 4-benzoxazin-6-YL]-1-  
315 naphthalenymethanone. This shall include WIN 55,212-2.

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

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

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

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

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

332 Tryptamines:

333 5- methoxy- N- methyl-N-isopropyltryptamine (5-MeO-MiPT)

334 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT)

335 4-hydroxy-N-methyl-N-isopropyltryptamine (4-HO-MiPT)

336 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET)

- 337 4-acetoxy-N,N-diisopropyltryptamine (4-AcO-DIPT)
- 338 5-methoxy- $\alpha$ -methyltryptamine (5-MeO-AMT)
- 339 4-methoxy-N,N-Dimethyltryptamine (4-MeO-DMT)
- 340 4-hydroxy Diethyltryptamine (4-HO-DET)
- 341 5- methoxy- N,N- diallyltryptamine (5-MeO-DALT)
- 342 4-acetoxy-N,N-Dimethyltryptamine (4-AcO DMT)
- 343 4-hydroxy Diethyltryptamine (4-HO-DET)
- 344 (e) Depressants.
- 345 Mecloqualone;
- 346 Methaqualone.
- 347 (f) Stimulants.
- 348 Aminorex; some other names: aminoxaphen; 2-amino-5- phenyl-2-oxazoline; or 4,5-
- 349 dihydro-5-phenyl-2-oxazolamine;
- 350 Cathinone; some trade or other names: 2-amino-1-phenyl-1- propanone, alpha-
- 351 aminopropiophenone, 2-aminopropiophenone and norephedrone;
- 352 Fenethylamine;
- 353 Methcathinone, its immediate precursors and immediate derivatives, its salts, optical
- 354 isomers and salts of optical isomers; some other names: (2-(methylamino)-propiophenone; alpha-
- 355 (methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1- one; alpha—
- 356 methylaminopropiophenone; monomethylpropion; 3,4-methylenedioxypropion and/or
- 357 mephedrone;3,4-methylenedioxypropion (MPVD); ephedrone; N-methylcathinone;
- 358 methylcathinone; AL-464; AL-422; AL- 463 and UR1432;
- 359 (+-) cis-4-methylaminorex; ((+)-cis-4,5-dihydro-4-methyl- 5-phenyl-2-oxazolamine);
- 360 N-ethylamphetamine;
- 361 N,N-dimethylamphetamine; also known as N,N-alpha- trimethyl-benzeneethanamine;
- 362 N,N-alpha-trimethylphenethylamine.

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

365 Substituted amphetamines:

366 2-Fluoroamphetamine

367 3-Fluoroamphetamine

368 4-Fluoroamphetamine

369 2-chloroamphetamine

370 3-chloroamphetamine

371 4-chloroamphetamine

372 2-Fluoromethamphetamine

373 3-Fluoromethamphetamine

374 4-Fluoromethamphetamine

375 4-chloromethamphetamine

376 (g) Temporary listing of substances subject to emergency scheduling. Any material,  
377 compound, mixture or preparation which contains any quantity of the following substances:

378 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts,  
379 and salts of isomers.

380 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical  
381 isomers, salts and salts of isomers.

382 N-benzylpiperazine, also known as BZP.

383 Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);

384 4-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]-  
385 butyramide);

386 Isobutyryl fentanyl (2-methyl-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]-propanamide);

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

389 3-methylbutyryl fentanyl (N-[3-methyl-1-(2-phenylethyl)piperidin-4-yl]-N-  
390 phenylbutyramide);  
391 4-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-  
392 yl)butyramide);  
393 Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)piperidin-4-yl]-acetamide);  
394 Tetrahydrofuran fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-  
395 carboxamide);  
396 Valeryl fentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]pentanamide).

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

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

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

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

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

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

410 Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as  
411 demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and  
412 V, not federal Food and Drug Administration approved drug or used within legitimate, approved  
413 medical research.

#### **ARTICLE 4. OFFENSES AND PENALTIES.**

**§60A-4-401. Prohibited acts A; penalties.**

1 (a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or  
2 possess with intent to manufacture or deliver a controlled substance.

3 Any person who violates this subsection with respect to:

4 (i) A controlled substance classified in Schedule I or II, which is a narcotic drug or which is  
5 methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state  
6 correctional facility for not less than one year nor more than 15 years, or fined not more than  
7 \$25,000, or both fined and imprisoned;

8 (ii) Any other controlled substance classified in Schedule I, II, or III is guilty of a felony and,  
9 upon conviction thereof, may be imprisoned in a state correctional facility for not less than one  
10 year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

11 (iii) A substance classified in Schedule IV is guilty of a felony and, upon conviction thereof,  
12 may be imprisoned in a state correctional facility for not less than one year nor more than three  
13 years, or fined not more than \$10,000, or both fined and imprisoned;

14 (iv) A substance classified in Schedule V is guilty of a misdemeanor and, upon conviction  
15 thereof, may be confined in jail for not less than six months nor more than one year, or fined not  
16 more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any  
17 substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in  
18 said article apply.

19 (v) Any synthetic controlled substance classified in Schedule I or II is guilty of a felony and,  
20 upon conviction thereof, may be imprisoned in a state correctional facility for not less than one  
21 year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned.

22 (b) Except as authorized by this act, it is unlawful for any person to create, deliver, or  
23 possess with intent to deliver, a counterfeit substance.

24 Any person who violates this subsection with respect to:

25 (i) A counterfeit substance classified in Schedule I or II, which is a narcotic drug, or



26 methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state  
27 correctional facility for not less than one year nor more than 15 years, or fined not more than  
28 \$25,000, or both fined and imprisoned;

29 (ii) Any other counterfeit substance classified in Schedule I, II, or III is guilty of a felony and,  
30 upon conviction thereof, may be imprisoned in a state correctional facility for not less than one  
31 year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

32 (iii) A counterfeit substance classified in Schedule IV is guilty of a felony and, upon  
33 conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor  
34 more than three years, or fined not more than \$10,000, or both fined and imprisoned;

35 (iv) A counterfeit substance classified in Schedule V is guilty of a misdemeanor and, upon  
36 conviction thereof, may be confined in jail for not less than six months nor more than one year, or  
37 fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any  
38 substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in  
39 said article apply.

40 (c) It is unlawful for any person knowingly or intentionally to possess a controlled  
41 substance unless the substance was obtained directly from, or pursuant to, a valid prescription or  
42 order of a practitioner while acting in the course of his or her professional practice, or except as  
43 otherwise authorized by this act. Any person who violates this subsection is guilty of a  
44 misdemeanor, and disposition may be made under §60A-4-407 of this code, subject to the  
45 limitations specified in said section, or upon conviction thereof, the person may be confined in jail  
46 not less than 90 days nor more than six months, or fined not more than \$1,000, or both fined and  
47 confined: *Provided*, That notwithstanding any other provision of this act to the contrary, any first  
48 offense for possession of synthetic cannabinoids as defined by §60A-1-101(d)(32) of this code;  
49 3,4-methylenedioxypropylone (MPVD) and 3,4-methylenedioxypropylone and/or  
50 mephedrone as defined in §60A-1-101(f) of this code; or less than 15 grams of marijuana, shall be  
51 disposed of under §60A-4-407 of this code.

52 (d) It is unlawful for any person knowingly or intentionally:

53 (1) To create, distribute, deliver, or possess with intent to distribute or deliver, an imitation  
54 controlled substance; or

55 (2) To create, possess, sell, or otherwise transfer any equipment with the intent that the  
56 equipment shall be used to apply a trademark, trade name, or other identifying mark, imprint,  
57 number, or device, or any likeness thereof, upon a counterfeit substance, an imitation controlled  
58 substance, or the container or label of a counterfeit substance or an imitation controlled  
59 substance.

60 (3) Any person who violates this subsection is guilty of a misdemeanor and, upon  
61 conviction thereof, may be confined in jail for not less than six months nor more than one year, or  
62 fined not more than \$5,000, or both fined and confined. Any person 18 years old or more who  
63 violates subdivision (1) of this subsection and distributes or delivers an imitation controlled  
64 substance to a minor child who is at least three years younger than that person is guilty of a felony  
65 and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than  
66 one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned.

67 (4) The provisions of subdivision (1) of this subsection shall not apply to a practitioner who  
68 administers or dispenses a placebo.

NOTE: The purpose of this bill is to outlaw use of Delta-8 and Delta-7, as well as to define and prohibit other synthetic controlled substances and create penalties for.

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