

No. 2013-40

AN ACT

HB 1217

Amending the act of April 14, 1972 (P.L.233, No.64), entitled "An act relating to the manufacture, sale and possession of controlled substances, other drugs, devices and cosmetics; conferring powers on the courts and the secretary and Department of Health, and a newly created Pennsylvania Drug, Device and Cosmetic Board; establishing schedules of controlled substances; providing penalties; requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations; and repealing an act," further providing for schedules of controlled substances.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 4(1)(vii) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, amended June 23, 2011 (P.L.36, No.7), is amended and the paragraph is amended by adding a subparagraph to read:

Section 4. Schedules of Controlled Substances.—The following schedules include the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated.

(1) Schedule I—In determining that a substance comes within this schedule, the secretary shall find: a high potential for abuse, no currently accepted medical use in the United States, and a lack of accepted safety for use under medical supervision. The following controlled substances are included in this schedule:

* * *

(iii.1) 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:

1. 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.

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

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

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

* * *

(vii) [Synthetic cannabinoids or any material, compound, mixture or preparation which contains any quantity of the following substances,

including their analogues, congeners, homologues, isomers, salts and salts of analogues, congeners, homologues and isomers, as follows:

1. CP 47,497 and homologues, 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).
2. HU-210, [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c] chromen-1-ol)].
3. HU-211, (dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
4. JWH-018, 1-Pentyl-3-(1-naphthoyl)indole.
5. JWH-019, 1-Hexyl-3-(1-naphthoyl)indole.
6. JWH-073, 1-Butyl-3-(1-naphthoyl)indole.
7. JWH-200, (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone.
8. JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl)indole.]

Synthetic cannabinoids, including any material, compound, mixture or preparation that is not listed as a controlled substance in Schedules I, II, III, IV and V, is not a Federal Food and Drug Administration-approved drug or not used¹ within legitimate and approved medical research and which contains any quantity of the following substances, their salts, isomers, whether optical, positional or geometric, analogues, homologues and salts of isomers, analogues and homologues, unless specifically exempted, whenever the existence of these salts, isomers, analogues, homologues and salts of isomers, analogues and homologues if possible within the specific chemical designation:

1. *Tetrahydrocannabinols meaning tetrahydrocannabinols which are naturally contained in a plant of the genus Cannabis as well as synthetic equivalents of the substances contained in the plant or in the resinous extractives of Cannabis or synthetic substances, derivatives and their isomers with analogous chemical structure and or pharmacological activity such as the following:*

- (A) *Delta-1 cis or trans tetrahydrocannabinol and their optical isomers.*
- (B) *Delta-6 cis or trans tetrahydrocannabinol and their optical isomers.*
- (C) *Delta-3,4 cis or their trans tetrahydrocannabinol and their optical isomers.*

2. *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:*

- (A) *JWH 015.*
- (B) *JWH 018.*
- (C) *JWH 019.*
- (D) *JWH 073.*
- (E) *JWH 081.*
- (F) *JWH 122.*
- (G) *JWH 200.*

¹"or used" in enrolled bill.

(H) JWH 210.

(I) JWH 398.

(J) AM 2201.

(K) WIN 55,212.

3. *Naphthylmethylindoles or any compound containing a 1H-indol-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 JWH 175 and JWH 184.*

4. *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 JWH 147 and JWH 307.*

5. *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 JWH 176.*

6. *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:*

(A) RCS-8, SR-18 or BTM-8.

(B) JWH 250.

(C) JWH 203.

(D) JWH 251.

(E) JWH 302.

7. *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:*

(A) CP 47,497 and its homologues and analogues.

(B) Cannabicyclohexanol.

(C) CP 55,940.

8. *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:*

(A) AM 694.

(B) Pravadoline WIN 48,098.

(C) RCS 4.

(D) AM 679.

9. *[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.*

10. *Dibenzopyrans or any compound containing a 11-hydroxy-delta 8-tetrahydrocannabinol structure with substitution on the 3-pentyl group. This shall include HU-210, HU-211, JWH 051 and JWH 133.*

11. *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 AM 1248.*

12. *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.*

13. *N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide. This shall include AKB48.*

14. *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 a Federal¹ Food and Drug Administration-approved drug or not used² within legitimate, approved medical research.*

* * *

Section 2. This act shall take effect immediately.

APPROVED—The 2nd day of July, A.D. 2013

TOM CORBETT

¹"not Federal" in enrolled bill.

²"or used" in enrolled bill.