

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 9*
PROPOSED COMMITTEE SUBSTITUTE S9-PCS55034-RK-2

Short Title: Make Synthetic Cannabinoids Illegal.

(Public)

Sponsors:

Referred to:

January 31, 2011

A BILL TO BE ENTITLED

AN ACT TO ADD SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES, WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF SYNTHETIC CANNABINOIDS CRIMINAL OFFENSES AND TO CREATE THE CRIMINAL OFFENSE OF TRAFFICKING IN SYNTHETIC CANNABINOIDS.

Whereas, the General Assembly finds that there is a growing use of the unregulated synthetic cannabinoids commonly known as K2 or synthetic marijuana; and

Whereas, preliminary studies indicate that synthetic cannabinoid substances unregulated in North Carolina are from three to over 100 times more potent than THC, the active ingredient found in marijuana; and

Whereas, many states have already included one or more of these chemical compounds on schedules of controlled substances, but none of these chemicals are currently listed on North Carolina's schedule of controlled substances; and

Whereas, synthetic cannabinoids are referred to as the new marijuana, and K2 is gaining in popularity at an alarming rate among high school and college students and persons on probation and parole; and

Whereas, while having the same or stronger physiological effects as high potency marijuana, synthetic marijuana or K2 does not show a positive reading in a urinalysis test, which adds to the desirability and increased growth among drug abusers and increases the threat to public health and safety by avoiding detection; and

Whereas, the General Assembly should address the growing threat of synthetic cannabinoids to the health, safety, and welfare of our citizens before the problem becomes epidemic in the State of North Carolina; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-94 reads as rewritten:

"§ 90-94. Schedule VI controlled substances.

This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that such substance comes within this schedule, the Commission shall find: no currently accepted medical use in the United States, or a relatively low potential for abuse in terms of risk to public health and potential to produce psychic or physiological dependence liability based upon present medical knowledge, or a need for further and continuing study to develop scientific evidence of its pharmacological effects.



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1 The following controlled substances are included in this schedule:

- 2 (1) Marijuana.
- 3 (2) Tetrahydrocannabinols.
- 4 (3) Synthetic cannabinoids. – Any material, compound, mixture, or preparation
5 that is not listed as a controlled substance in Schedule I through V, is not an
6 FDA approved drug, and contains any quantity of the following substances,
7 their salts, isomers (whether optical, positional, or geometric), homologues,
8 and salts of isomers and homologues, unless specifically excepted, whenever
9 the existence of these salts, isomers, homologues, and salts of isomers and
10 homologues is possible within the specific chemical designation:
- 11 a. Naphthoylindoles. Any compound containing a
12 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom
13 of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
14 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or
15 2-(4-morpholinyl)ethyl group, whether or not further substituted in
16 the indole ring to any extent and whether or not substituted in the
17 naphthyl ring to any extent. Some trade or other names: JWH-015,
18 JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200,
19 JWH-210, JWH-398, AM-2201, WIN 55-212.
- 20 b. Naphthylmethylindoles. Any compound containing a
21 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the
22 nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
23 cycloalkylmethyl, cycloalkylethyl,
24 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,
25 whether or not further substituted in the indole ring to any extent and
26 whether or not substituted in the naphthyl ring to any extent.
- 27 c. Naphthoylpyrroles. Any compound containing a
28 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen
29 atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl,
30 cycloalkylmethyl, cycloalkylethyl,
31 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,
32 whether or not further substituted in the pyrrole ring to any extent
33 and whether or not substituted in the naphthyl ring to any extent.
34 Another name: JWH-307.
- 35 d. Naphthylmethylindenes. Any compound containing a
36 naphthylideneindene structure with substitution at the 3-position of
37 the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
38 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or
39 2-(4-morpholinyl)ethyl group, whether or not further substituted in
40 the indene ring to any extent and whether or not substituted in the
41 naphthyl ring to any extent.
- 42 e. Phenylacetylindoles. Any compound containing a
43 3-phenylacetylindole structure with substitution at the nitrogen atom
44 of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
45 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or
46 2-(4-morpholinyl)ethyl group, whether or not further substituted in
47 the indole ring to any extent and whether or not substituted in the
48 phenyl ring to any extent. Some trade or other names: SR-18,
49 RCS-8, JWH-250, JWH-203.
- 50 f. Cyclohexylphenols. Any compound containing a
51 2-(3-hydroxycyclohexyl)phenol structure with substitution at the

1 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl,
2 cycloalkylmethyl, cycloalkylethyl,
3 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,
4 whether or not substituted in the cyclohexyl ring to any extent. Some
5 trade or other names: CP 47,497 (and homologues),
6 cannabicyclohexanol.

7 g. Benzoylindoles. Any compound containing a 3-(benzoyl)indole
8 structure with substitution at the nitrogen atom of the indole ring by
9 an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
10 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,
11 whether or not further substituted in the indole ring to any extent and
12 whether or not substituted in the phenyl ring to any extent. Some
13 trade or other names: AM-694, Pravadoline (WIN 48,098), RCS-4.

14 h. 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,
15 4-benzoxazin-6-yl]-1-naphthalenylmethanone. Some trade or other
16 names: WIN 55,212-2.

17 i. (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)
18 - 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol 7370. Some trade or
19 other names: HU-210."

20 **SECTION 2.** G.S. 90-95(b) reads as rewritten:

21 "(b) Except as provided in subsections (h) and (i) of this section, any person who
22 violates G.S. 90-95(a)(1) with respect to:

23 ...

24 (2) A controlled substance classified in Schedule III, IV, V, or VI shall be
25 punished as a Class I felon, except that the sale of a controlled substance
26 classified in Schedule III, IV, V, or VI shall be punished as a Class H felon.
27 The transfer of less than 5 grams of marijuana or less than 5 grams of a
28 synthetic cannabinoid or any mixture containing such substance for no
29 remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1)."

30 **SECTION 3.** G.S. 90-95(d) reads as rewritten:

31 "(d) Except as provided in subsections (h) and (i) of this section, any person who
32 violates G.S. 90-95(a)(3) with respect to:

33 ...

34 (4) A controlled substance classified in Schedule VI shall be guilty of a Class 3
35 misdemeanor, but any sentence of imprisonment imposed must be suspended
36 and the judge may not require at the time of sentencing that the defendant
37 serve a period of imprisonment as a special condition of probation. If the
38 quantity of the controlled substance exceeds one-half of an ounce
39 (avoirdupois) of ~~marijuana~~ marijuana, one-half of an ounce of a synthetic
40 cannabinoid or any mixture containing such substance, or one-twentieth of
41 an ounce (avoirdupois) of the extracted resin of marijuana, commonly
42 known as hashish, the violation shall be punishable as a Class 1
43 misdemeanor. If the quantity of the controlled substance exceeds one and
44 one-half ounces (avoirdupois) of ~~marijuana~~ marijuana, one and one-half
45 ounces of a synthetic cannabinoid or any mixture containing such substance,
46 or three-twentieths of an ounce (avoirdupois) of the extracted resin of
47 marijuana, commonly known as hashish, or if the controlled substance
48 consists of any quantity of synthetic tetrahydrocannabinols or
49 tetrahydrocannabinols isolated from the resin of marijuana, the violation
50 shall be punishable as a Class I felony."

51 **SECTION 4.** G.S. 90-95(h) is amended by adding a new subdivision to read:

1 "(1a) Any person who sells, manufactures, delivers, transports, or possesses in
2 excess of 35 grams of a synthetic cannabinoid or any mixture containing
3 such substance shall be guilty of a felony, which felony shall be known as
4 "trafficking in synthetic cannabinoids." The person shall be punished as a
5 Class F felon and shall be sentenced to a minimum term of 70 months and a
6 maximum term of 84 months in the State's prison and shall be fined not less
7 than fifty thousand dollars (\$50,000)."

8 **SECTION 5.** This act becomes effective April 1, 2011, and applies to offenses
9 committed on or after that date.