

HOUSE No. 4310

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 19, 2016.

The committee on the Judiciary to whom were referred joint petition (accompanied by bill, House, No. 1155) of Cory Atkins, Michael O. Moore and others for legislation to classify NBOMe as a controlled substance and establishing a penalty for the illegal possession of said substance and the petition (accompanied by bill, House, No. 1478) of Brian R. Mannel for legislation to classify synthetic marijuana and other dangerous chemical compounds as class C controlled substances, reports recommending that the accompanying bill (House, No. 4310) ought to pass.

For the committee,

JOHN V. FERNANDES.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to synthetic drugs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 94C of the General Laws as appearing in the 2014
2 Official Edition is hereby amended by striking the words “controlled substance analogue” in
3 lines 23-24 and inserting in place the words “synthetic drug.”

4 SECTION 2. Section 1 of chapter 94C is further amended by striking the definition for
5 “Controlled substance analogue,” lines 26-52.

6 SECTION 3. Section 1 of chapter 94C is further amended by inserting the following
7 definition at line 316:-

8 “Synthetic drug”, a drug with properties and effects similar to a known hallucinogen or
9 narcotic but having an altered chemical structure, including any substance within a structural
10 group listed in “CLASS D” subsection (c) of section 31 of this chapter.

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12 SECTION 4. Section 31 of chapter 94C is further amended by adding to “CLASS D” at
13 line 326:-

14 (c) Unless specifically excepted or unless listed in another class, any substance within the
15 following structural groups:

16 1) Any compound containing an indole ring system with a substituent on the
17 nitrogen atom and bearing an additional substituent at the 3-position of the indole ring system,
18 with a linkage connecting the ring system to the substituent:

19 a) Where the linkage connecting the indole ring system to the substituent at its 3-
20 position is any of the following: Alkyl, Carbonyl, Ester, Thione, Thioester, Amino, Alkylamino,
21 Amido, Alkylamido

22 b) Where the substituent at the 3-position of the indole ring system is, disregarding
23 the linkage, any of the following groups: Naphthyl, Quinoliny, Adamantyl, Phenyl, Cycloalkyl
24 (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl), Biphenyl, Alkylamido
25 (limited to ethylamido, propylamido, butylamido, or pentylamido), Benzyl, Carboxylic acid,
26 Ester, Ether, Phenylpropylamido, Phenylpropylamino.

27 c) Whether or not the substituent at the 3-position of the indole ring system,
28 disregarding the linkage, is further substituted to any extent.

29 d) Whether or not further substituted on the indole ring system to any extent.

30 2) Any compound containing an indazole ring system with a substituent at the 1-
31 position nitrogen atom and bearing an additional substituent at the 3-position of the indazole ring
32 system, with a linkage connecting the ring system to the substituent:

33 a) Where the linkage connecting the indazole ring system to the substituent at its 3-
34 position is any of the following: Alkyl, Carbonyl, Ester, Thione, Thioester, Amino, Alkylamino,
35 Amido, Alkylamido

36 b) Where the substituent at the 3-position of the indazole ring system is, disregarding
37 the linkage, any of the following groups: Naphthyl, Quinoliny, Adamantyl, Phenyl, Cycloalkyl
38 (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl), Biphenyl, Alkylamido (limited
39 to ethylamido, propylamido, butanamido, or pentanamido), Benzyl, Carboxylic acid, Ester,
40 Ether, Phenylpropylamido, Phenylpropylamino

41 c) Whether or not the substituent at the 3-position of the indazole ring system,
42 disregarding the linkage, is further substituted to any extent.

43 d) Whether or not further substituted on the indazole ring system to any extent.

44 3) Any compound containing a pyrrole ring with a substituent on the nitrogen atom
45 and bearing an additional substituent at the 3-position of the pyrrole ring, with a linkage
46 connecting the ring to the substituent:

47 a) Where the linkage connecting the pyrrole ring to the substituent at its 3-position is
48 any of the following: Alkyl, Carbonyl, Ester, Thione, Thioester, Amino, Alkylamino, Amido,
49 Alkylamido

50 b) Where the substituent at the 3-position of the pyrrole ring is, disregarding the
51 linkage, any of the following groups: Naphthyl, Quinoliny, Adamantyl, Phenyl, Cycloalkyl
52 (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl), Biphenyl, Alkylamido (limited

53 to ethylamido, propylamido, butanamido, or pentanamido), Benzyl, Carboxylic acid, Ester,
54 Ether, Phenylpropylamido, Phenylpropylamino

55 c) Whether or not the substituent at the 3-position of the pyrrole ring, disregarding
56 the linkage, is further substituted to any extent.

57 d) Whether or not further substituted on the pyrrole ring to any extent.

58 4) Any compound containing a pyrazole ring with a substituent at the 1-position
59 nitrogen atom and bearing an additional substituent at the 3-position of the pyrazole ring with a
60 linkage connecting the ring to the substituent:

61 a) Where the linkage connecting the pyrazole ring to the substituent at its 3-position
62 is any of the following: Alkyl, Carbonyl, Ester, Thione, Thioester, Amino, Alkylamino, Amido,
63 Alkylamido

64 b) Where the substituent at the 3-position of the pyrazole ring is, disregarding the
65 linkage, any of the following groups: Naphthyl, Quinolinyl, Adamantyl, Phenyl, Cyclopentyl, or
66 cyclohexyl, Cycloalkyl (limited to cyclopropyl, cyclobutyl, or biphenyl), Alkylamido (limited to
67 ethylamido, propylamido, butanamido, or pentanamido), Benzyl, Carboxylic acid, Ester, Ether,
68 Phenylpropylamido, Phenylpropylamino

69 c) Whether or not the substituent at the 3-position of the pyrazole ring, disregarding
70 the linkage, is further substituted to any extent.

71 d) Whether or not further substituted on the pyrazole ring to any extent.

72 5) Any compound containing a pyrazole ring with a substituent at the 1-position
73 nitrogen atom and bearing an additional substituent at the 3-position of the pyrazole ring with a
74 linkage connecting the ring to the substituent:

75 a) Where the linkage connecting the pyrazole ring to the substituent at its 3 position
76 is any of the following: Alkyl, Carbonyl, Ester, Thione, Thioester, Amino, Alkylamino, Amido,
77 Alkylamido

78 b) Where the substituent at the 3 position of the pyrazole ring is, disregarding the
79 linkage, any of the following groups: Naphthyl, Quinoliny, Adamantyl, Phenyl, Cycloalkyl
80 (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl), Biphenyl, Alkylamido (limited
81 to ethylamido, propylamido, butanamido, or pentanamido), Benzyl, Carboxylic acid, Ester,
82 Ether, Phenylpropylamido, Phenylpropylamino

83 c) Whether or not the substituent at the 3 position of the pyrazole ring, disregarding
84 the linkage, is further substituted to any extent.

85 d) Whether or not further substituted on the pyrazole ring to any extent.

86 6) Any compound containing a naphthalene ring system with a substituent on the 1
87 position carbon atom and bearing an additional substituent at the 4 position of the naphthalene
88 ring system, with a linkage connecting the ring system to the substituent:

89 a) Where the linkage connecting the naphthalene ring system to the substituent at its
90 4 position is any of the following: Alkyl, Carbonyl, Ester, Thione, Thioester, Amino,
91 Alkylamino, Amido, Alkylamido

92 b) Where the substituent at the 4 position of the naphthalene ring system is,
93 disregarding the linkage, any of the following groups: Naphthyl, Quinoliny, Adamantyl, Phenyl,
94 Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl), Biphenyl,
95 Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido), Benzyl,
96 Carboxylic acid, Ester, Ether, Phenylpropylamido, Phenylpropylamino

97 c) Whether or not the substituent at the 4 position of the naphthalene ring system,
98 disregarding the linkage, is further substituted to any extent.

99 d) Whether or not further substituted on the naphthalene ring system to any extent.

100 7) Any compound containing a carbazole ring system with a substituent on the
101 nitrogen atom and bearing an additional substituent at the 1, 2, or 3 position of the carbazole ring
102 system, with a linkage connecting the ring system to the substituent:

103 a) Where the linkage connecting the carbazole ring system to the substituent at its 1,
104 2, or 3 position is any of the following: Alkyl, Carbonyl, Ester, Thione, Thioester, Amino,
105 Alkylamino, Amido, Alkylamido

106 b) Where the substituent at the 1, 2, or 3 position of the carbazole ring system is,
107 disregarding the linkage, any of the following groups: Naphthyl, Quinoliny, Adamantyl, Phenyl,
108 Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl), Biphenyl,
109 Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido), Benzyl,
110 Carboxylic acid, Ester, Ether, Phenylpropylamido, Phenylpropylamino

111 c) Whether or not the substituent at the 1, 2, or 3 position of the carbazole ring
112 system, disregarding the linkage, is further substituted to any extent.

- 113 d) Whether or not further substituted on the carbazole ring system to any extent.
- 114 8) Any substance which includes, but is not limited to the following:
- 115 a) QUCHIC/BB-22.
- 116 b) STS-135.
- 117 c) APICA/SDB-001.
- 118 d) ADBICA.
- 119 e) ADB-FUBINACA.
- 120 f) AB-001.
- 121 g) SDB-006.
- 122 h) EG-018.
- 123 i) CB-13.
- 124 j) 5-chloro-UR-144.
- 125 k) FUB-PB-22.
- 126 9) Any synthetic cathinone, which shall be defined as any of the following chemical
- 127 structures, their salts, isomers and salts of isomers, whenever the existence of these is possible
- 128 within the specific chemical designation, including any compound structurally derived from 2-
- 129 aminopropanal by substitution at the 1-position with a monocyclic or fused polycyclic ring
- 130 system, including compounds further modified by:

131 a) Substitution on the ring system to any extent (including, but not limited to alkyl,
132 alkoxy, alkylendioxy, haloalkyl, or halide substituents), whether or not further substituted in the
133 ring system by other substituents; and/or

134 b) Substitution at the 3-position with a saturated or unsaturated hydrocarbon
135 substituent; and/or

136 c) Mono- or di- substitution at the 2-amino nitrogen atom with saturated or
137 unsaturated hydrocarbon groups, or inclusion of the 2-amino nitrogen atom in a cyclic structure,
138 whether or not that cyclic structure contains any further substitutions; This term shall not include
139 substances that are otherwise scheduled under the Controlled Substances Act: (e.g. cathinone,
140 methcathinone, methyline, mephedrone, MDPV, diethylpropion, pyrovalerone), are FDA-
141 approved pharmaceutical products (i.e. bupropion) or are FDA-approved research products.

142 10) Any synthetic psychoactive compound or substance which shall be defined as
143 substances and their salts, isomers, and salts of isomers, wherever the existence of these is
144 possible, within the following specific chemical designation:

145 a) 2,5-dimethoxy-4-methyl-N-(2-methoxybenzyl)phenethylamine (also known as
146 25D-NBOMe).

147 b) 2,5-dimethoxy-4-ethyl-N-(2-methoxybenzyl)phenethylamine (also known as 25E-
148 NBOMe).

149 c) 2,5-dimethoxy-4-nitro-N-(2-methoxybenzyl)phenethylamine (also known as 25N-
150 NBOMe).

- 151 d) 2,5-dimethoxy-4-n-propyl-N-(2-methoxybenzyl)phenethylamine (also known as
152 25P-NBOMe).
- 153 e) 2,5-dimethoxy-4-ethylthio-N-(2-methoxybenzyl)phenethylamine (also known as
154 25T2-NBOMe).
- 155 f) 2,5-dimethoxy-4-sec-propylthio-N-(2-methoxybenzyl)phenethylamine (also
156 known as 25T4-NBOMe).
- 157 g) 2,5-dimethoxy-4-n-propylthio-N-(2-methoxybenzyl)phenethylamine (also known
158 as 25T7-NBOMe).
- 159 h) N-(2-methoxybenzyl)-3,4-dimethoxyamphetamine (also known as 34-DMA
160 NBOMe).
- 161 i) 1-(1-Benzofuran-2-yl)propan-2-amine (also known as 2-APB).
- 162 j) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (also known as 5-APDB).
- 163 k)) 2-(2-ethylaminopropyl)benzofuran (also known as 2-EAPB).
- 164 l) 1-(Benzofuran-5-yl)-N-methylpropan-2-amine (also known as 5-MAPB).
- 165 m) 3,4-dichloromethylphenidate.
- 166 n) 5,6-methylenedioxy-2-aminoindan (also known as 5,6-MDAI).
- 167 o) 4-hydroxy-diethyltryptamine (also known as 4-hydroxy-DET).
- 168 p) 4-methoxyphencyclidine (also known as 4-methoxy-PCP or methoxydine).

- 169 q) 3,4-dichloro-N-([1-(dimethylamino)cyclohexyl]methyl)benzamide (also known
170 as AH-7921).
- 171 r) Benocyclidine (also known as BTCP).
- 172 s) Methoxetamine (also known as MXE).
- 173 t) 3-Methyl-6-[3-trifluoromethyl]phenyl]-1,2,4-triazolo[4,3-b]pyridazine (also
174 known as CL218872).
- 175 u) 1-(1,2-diphenylethyl)piperidine (also known as diphenidine).
- 176 v) 1-Cyclohexyl-4-(1,2-diphenylethyl)piperazine (also known as MT-45).
- 177 w) (3-diethylamino-2,2-dimethylpropyl)-4-nitrobenzoate (also known as nitrocaine
178 or nitracaine).
- 179 x) (E)-4-chloro-N-1(phenylethylpiperidin-2-ylidene)sulfonamide (also known as W-
180 15).
- 181 y) (E)-4-chloro-N-(1-(4-nitrophenylethyl)piperidin-2-ylidene)sulfonamide (also
182 known as W-18).
- 183 z) 4-fluoroamphetamine.
- 184 aa) 1-(thiophen-2-yl)-2-methylaminopropane (also known as methiopropamine).
- 185 11) This definition shall not include:
- 186 a) Endocannabinoids that are naturally found in the human body;

187 b) Delta-9 Tetrahydrocannabinol (THC) or other marijuana-derived cannabinoids, in
188 the form of marinol, dronabinol, or another generic pharmaceutical equivalent, provided the
189 medication has been issued as the result of a valid prescription; or

190 c) Any other drugs that have cannabinoid receptor activity that are currently
191 approved by the United States Food and Drug Administration for medical use; or marijuana and
192 extracts of marijuana authorized for therapeutic use.

193 SECTION 5. Section 31 of chapter 94C is further amended by adding to “CLASS D” the
194 following additional subsections:-

195 (d) Any substance controlled in Schedule I of Title 21 of the Code of Federal Regulations
196 Part 1308.11 or in Schedule II of Title 21 of the Code of Federal Regulations Part 1308.12,
197 unless specifically excepted or unless listed in another class in this section.

198 (e) Public notice of this section shall be prepared by the Commissioner of the Department
199 of Public Health and the Attorney General, and such notice shall be posted on the public
200 websites of both the Department of Public Health and the Office of the Attorney General
201 continuously for 180 days before the effective date of this act.