



2022 South Dakota Legislature

Senate Bill 3

Introduced by: **Senators** Rohl, Breitling, Heinert, Rusch, V. J. Smith, and Wheeler and **Representatives** Bartels, Bordeaux, Chaffee, Derby, Duba, Ernie Otten, Rehfeldt, and Willadsen at the request of the Marijuana Interim Study Committee

1 **An Act to provide for the use and regulated sale of marijuana.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 22-42-1 be AMENDED:**

4 **22-42-1.** Terms used in this chapter mean:

- 5 (1) "Controlled drug or substance," a drug or substance, or an immediate precursor of
6 a drug or substance, listed in Schedules I through IV. The term includes an altered
7 state of a drug or substance listed in Schedules I through IV absorbed into the
8 human body;
- 9 (2) "Counterfeit substance," a controlled drug or substance which, or the container of
10 labeling of which, without authorization, bears the trade-mark, trade name, or
11 other identifying mark, imprint, number, or device, or any likeness thereof, of a
12 manufacturer, distributor, or dispenser other than the person or persons who
13 manufactured, distributed, or dispensed such substance and which thereby falsely
14 purports or is represented to be the product of, or to have been distributed by,
15 such other manufacturer, distributor, or dispenser;
- 16 (3) "~~Deliver~~ or "delivery," the actual or constructive transfer of a controlled drug,
17 substance, or marijuana whether or not there exists an agency relationship;
- 18 (4) "Dispense," to deliver a controlled drug or substance to the ultimate user or human
19 research subject by or pursuant to the lawful order of a practitioner, including the
20 prescribing, administering, packaging, labeling, or compounding necessary to
21 prepare the substance for such delivery, and a dispenser is one who dispenses;
- 22 (5) "Distribute," to deliver a controlled drug, substance, or marijuana. Distribution
23 means the delivery of a controlled drug, substance, or marijuana;
- 24 (6) "Equivalent weight" the weight that a given quantity of marijuana products counts
25 against a quantity of marijuana;

- 1 (7) "Manufacture," the production, preparation, propagation, compounding, or
2 processing of a controlled drug or substance, either directly or indirectly by
3 extraction from substances of natural origin, or independently by means of
4 chemical synthesis or by a combination of extraction and chemical synthesis. A
5 manufacturer includes any person who packages, repackages, or labels any
6 container of any controlled drug or substance, except practitioners who dispense
7 or compound prescription orders ~~for delivery~~ to deliver to the ultimate user;
- 8 ~~(7)~~(8) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not,
9 in its natural and unaltered state, except for drying or curing and crushing or
10 crumbling. ~~The term includes an altered state of marijuana absorbed into the~~
11 ~~human body.~~ The term does not include fiber produced from the mature stalks of
12 such plant, or oil or cake made from the seeds of such plant. The term does not
13 include the plant Cannabis sativa L. and any part of that plant, including the seeds
14 thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts
15 of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol
16 concentration of not more than three-tenths of one percent on a dry weight basis;
- 17 ~~(8)~~(9) "Marijuana concentrate," the resin extracted from any part of a marijuana plant
18 and every compound, manufacture, salt, derivative, mixture, or preparation from
19 such resin;
- 20 (10) "Marijuana products," products infused with marijuana concentrate and intended
21 for use or consumption by humans;
- 22 (11) "Practitioner," a doctor of medicine, osteopathy, podiatry, dentistry, optometry, or
23 veterinary medicine licensed to practice his profession, or pharmacists licensed to
24 practice their profession; physician's assistants certified to practice their
25 profession; government employees acting within the scope of their employment;
26 and persons permitted by certificates issued by the Department of Health to
27 distribute, dispense, conduct research with respect to, or administer a substance
28 controlled by chapter 34-20B;
- 29 ~~(9)~~(12) "Precursor" or "immediate precursor," a substance which the Department of
30 Health has found to be and by rule designates as being a principal compound
31 commonly used or produced primarily for use, and which is an immediate chemical
32 intermediary used or likely to be used, in the manufacture of a controlled drug or
33 substance, the control of which is necessary to prevent, curtail, or limit such
34 manufacture;

1 ~~(10)~~(13) "Schedule I," "Schedule II," "Schedule III," and "Schedule IV," those
 2 schedules of drugs, substances, and immediate precursors listed in chapter 34-
 3 20B;

4 ~~(11)~~(14) "Ultimate user," a person who lawfully possesses a controlled drug or
 5 substance for that person's own use or for the use of a member of that person's
 6 household or for administration to an animal owned by that person or by a member
 7 of that person's household.

8 **Section 2. That § 22-42-6 be AMENDED:**

9 **22-42-6.** ~~No person may knowingly possess marijuana. It is a Class 1 Class 2~~
 10 ~~misdemeanor for any person under the age of twenty-one to possess two ounces of~~
 11 ~~marijuana or less than four ounces of marijuana, including an equivalent weight of~~
 12 ~~marijuana products. It is a Class 6 felony for any person under the age of twenty-one to~~
 13 ~~possess four or more ounces of marijuana, including an equivalent weight of marijuana~~
 14 ~~products. It is a Class 2 misdemeanor for any person twenty-one or older to possess more~~
 15 ~~than one ounce but less than four ounces of marijuana, including an equivalent weight of~~
 16 ~~marijuana products. It is a Class 6 felony Class 1 misdemeanor for any person twenty-~~
 17 ~~one or older to possess more than two ounces of marijuana but less than one-half pound~~
 18 ~~four to sixteen ounces of marijuana, including an equivalent weight of marijuana products.~~
 19 ~~It is a Class 5 Class 6 felony for any person twenty-one or older to possess one-half pound~~
 20 ~~but less than one pound more than sixteen ounces of marijuana, including an equivalent~~
 21 ~~weight of marijuana products. It is a Class 4 felony to possess one to ten pounds of~~
 22 ~~marijuana. It is a Class 3 felony to possess more than ten pounds of marijuana. A civil~~
 23 ~~penalty may be imposed, in addition to any criminal penalty, upon a conviction of a~~
 24 ~~violation of this section not to exceed ten thousand dollars. This section does not apply to~~
 25 ~~any person licensed or registered with the state to undertake an activity involving the~~
 26 ~~possession of marijuana or marijuana products who acts in compliance with the~~
 27 ~~authorizing law.~~

28 **Section 3. That § 22-42-7 be AMENDED:**

29 **22-42-7.** ~~The distribution, or possession with intent to distribute, of less than one-~~
 30 ~~half ounce of marijuana without consideration is a Class 1 misdemeanor; otherwise, the~~
 31 ~~distribution, or possession with intent to distribute, for consideration, of one ounce or less~~
 32 ~~than four ounces of marijuana, including an equivalent weight of marijuana products, to~~
 33 ~~any person twenty-one or older is a Class 6 felony Class 1 misdemeanor. The distribution,~~

1 or possession with intent to distribute, of ~~more than one ounce~~ four ounces but less than
2 ~~one-half~~ one pound of marijuana, including an equivalent weight of marijuana products,
3 to a person twenty-one or older is a ~~Class 5 felony~~ Class 6 felony. The distribution, or
4 possession with intent to distribute, of ~~one-half pound but less than one pound~~ or more
5 of marijuana, including an equivalent weight of marijuana products, to a person twenty-
6 one or older is a ~~Class 4~~ Class 5 felony. The distribution, or possession with intent to
7 ~~distribute, of one pound or more of marijuana~~ is a ~~Class 3~~ felony. The distribution, or
8 possession with intent to distribute, of less than one-half ounce of marijuana, including
9 an equivalent weight of marijuana products, to a minor any person under the age of
10 twenty-one without consideration is a ~~Class 6 felony~~ Class 1 misdemeanor; otherwise, the
11 distribution, or possession with intent to distribute, of ~~one ounce~~ four ounces or less of
12 marijuana, including an equivalent weight of marijuana products, to a minor any person
13 under the age of twenty-one is a ~~Class 5~~ Class 6 felony. The distribution, or possession
14 with intent to distribute, of more than ~~one ounce~~ four ounces but less than ~~one-half~~ one
15 pound of marijuana, including an equivalent weight of marijuana products, to a minor any
16 person under the age of twenty-one is a ~~Class 4~~ Class 5 felony. The distribution, or
17 ~~possession with intent to distribute, of one-half pound but less than one pound of~~
18 ~~marijuana to a minor~~ is a ~~Class 3~~ felony. The distribution, or possession with intent to
19 distribute, of one pound or more of marijuana, including an equivalent weight of marijuana
20 products, to a minor any person under the age of twenty-one is a ~~Class 2~~ Class 4 felony.
21 A first conviction of a felony under this section shall be punished by a mandatory sentence
22 in the state penitentiary or county jail of at least thirty days, which sentence may not be
23 suspended. A second or subsequent conviction of a felony under this section shall be
24 punished by a mandatory sentence of at least one year. Conviction of a ~~Class 1~~
25 ~~misdemeanor~~ under this section shall be punished by a mandatory sentence in county jail
26 of not less than fifteen days, which sentence may not be suspended. A civil penalty, not
27 to exceed ten thousand dollars, may be imposed, in addition to any criminal penalty, upon
28 a conviction of a felony violation of this section. This section does not apply to any person
29 licensed or registered with the state to undertake an activity involving the distribution, or
30 possession with intent to distribute, of marijuana or marijuana products who acts in
31 compliance with the authorizing law.

32 **Section 4. That chapter 22-42 be amended with a NEW SECTION:**

33 The equivalent weight of the following marijuana products to one ounce of
34 marijuana is:

- 1 (1) Eight grams net weight of marijuana concentrate in smokable form;
- 2 (2) Eight grams net weight of vaporizer pens or cartridges;
- 3 (3) Eight hundred milligrams delta-9 tetrahydrocannabinol in edibles, excluding oils;
- 4 (4) Five grams net weight of oils in oral dosage syringe or capsule form;
- 5 (5) Twelve fluid ounces of liquid topical application, including ointment, cream, or
- 6 lotion;
- 7 (6) One ounce of dried topical application, included dried plant material or powder; or
- 8 (7) Eight hundred milligrams delta-9 tetrahydrocannabinol in transdermal patches.

9 **Section 5. That § 22-42-15 be AMENDED:**

10 **22-42-15.** Any person who intentionally ingests, inhales, or otherwise takes into
11 the body any substance, except marijuana, marijuana concentrate, marijuana products or
12 alcoholic beverages as defined in § 35-1-1, for purposes of becoming intoxicated, unless
13 such substance is prescribed by a practitioner of the medical arts lawfully practicing within
14 the scope of the practitioner's practice, is guilty of a Class 1 misdemeanor. The venue for
15 a violation of this section exists in either the jurisdiction in which the substance was
16 ingested, inhaled, or otherwise taken into the body or the jurisdiction in which the
17 substance was detected in the body of the accused.

18 **Section 6. That § 22-42-24 be AMENDED:**

19 **22-42-24.** While a motor vehicle is located upon a public highway or the right-of-
20 way of a public highway, it is a Class 2 misdemeanor if any person operating or in actual
21 physical control of a motor vehicle smokes or consumes ~~marijuana~~, marijuana
22 concentrate, or marijuana products while the vehicle is being operated. ~~For purposes of~~
23 ~~this section and § 22-42-25, marijuana concentrate is the resin extracted from any part~~
24 ~~of a marijuana plant and every compound, manufacture, salt, derivative, mixture, or~~
25 ~~preparation from such resin.~~

26 **Section 7. That chapter 22-42 be amended with a NEW SECTION:**

27 No person may smoke, eat, consume, or vape marijuana, marijuana concentrate,
28 or marijuana products in any public place or place of employment. A violation of this
29 section is a Class 2 misdemeanor. A second or subsequent violation is a Class 1
30 misdemeanor.

31 **Section 8. That § 22-42A-3 be AMENDED:**

1 **22-42A-3.** No person, knowing the drug-related nature of the object, may use or
2 ~~to~~-possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow,
3 harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack,
4 repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the
5 human body any controlled substance ~~or marijuana~~ in violation of this chapter. Any person
6 who violates any provision of this section is guilty of a Class 2 misdemeanor.

7 **Section 9. That § 22-42A-4 be AMENDED:**

8 **22-42A-4.** No person, knowing the drug related nature of the object, may deliver,
9 possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia,
10 knowing, or under circumstances where one reasonably should know, that it will be used
11 to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,
12 process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest,
13 inhale, or otherwise introduce into the human body a controlled substance ~~or marijuana~~
14 in violation of this chapter. Any person who violates any provision of this section is guilty
15 of a Class 6 felony.

16 **Section 10. That chapter 22-42A be amended with a NEW SECTION:**

17 For the purposes of this chapter, marijuana, marijuana concentrate, and marijuana
18 products, as defined in § 22-42-1, are not controlled substances.

19 **Section 11. That § 34-20B-1 be AMENDED:**

20 **34-20B-1.** Terms as used in this chapter mean:

- 21 (1) "Administer," to deliver a controlled drug or substance to the ultimate user or
22 human research subject by injection, inhalation, or ingestion, or by any other
23 means;
- 24 (2) "Agent," an authorized person who acts on behalf of or at the direction of a
25 manufacturer, distributor, or dispenser and includes a common or contract carrier,
26 public warehouseman, or employee thereof;
- 27 (3) "Control," to add, remove, or change the placement of a drug, substance, or
28 immediate precursor under §§ 34-20B-27 and 34-20B-28;
- 29 (4) "Counterfeit substance," a controlled drug or substance which, or the container or
30 labeling of which, without authorization, bears the trademark, trade name, or other
31 identifying mark, imprint, number, or device, or any likeness thereof, of a

- 1 manufacturer, distributor, or dispenser other than the person or persons who
2 manufactured, distributed, or dispensed such substance and which thereby falsely
3 purports or is represented to be the product of, or to have been distributed by,
4 such other manufacturer, distributor, or dispenser;
- 5 (5) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a
6 controlled drug, or substance, ~~or marijuana~~ whether or not there exists an agency
7 relationship;
- 8 (6) "Department," the Department of Health created by chapter 1-43;
- 9 (7) "Dispense," to deliver a controlled drug or substance to the ultimate user or human
10 research subject by or pursuant to the lawful order of a practitioner, including the
11 prescribing, administering, packaging, labeling, or compounding necessary to
12 prepare the substance for such delivery, and a dispenser is one who dispenses;
- 13 (8) "Distribute," to deliver a controlled drug, or substance, ~~or marijuana~~. A distributor
14 is a person who delivers a controlled drug, or substance, ~~or marijuana~~;
- 15 (9) ~~"Hashish," the resin extracted from any part of any plant of the genus cannabis that
16 contains a delta-9 tetrahydrocannabinol concentration of more than three tenths
17 of one percent on a dry weight basis;~~
- 18 ~~(10)~~ "Imprisonment," imprisonment in the state penitentiary unless the penalty
19 specifically provides for imprisonment in the county jail;
- 20 ~~(11)~~(10) "Manufacture," the production, preparation, propagation, compounding, or
21 processing of a controlled drug or substance, either directly or indirectly by
22 extraction from substances of natural origin, or independently by means of
23 chemical synthesis or by a combination of extraction and chemical synthesis. A
24 manufacturer includes any person who packages, repackages, or labels any
25 container of any controlled drug or substance, except practitioners who dispense
26 or compound prescription orders for delivery to the ultimate consumer;
- 27 ~~(12)~~ ~~"Marijuana," all parts of any plant of the genus cannabis, whether growing or not;
28 the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or
29 preparation of such plant or its seeds. The term does not include fiber produced
30 from the mature stalks of the plant, or oil or cake made from the seeds of the
31 plant, or the resin when extracted from any part of the plant or cannabidiol in a
32 drug product approved by the United States Food and Drug Administration. The
33 term does not include the plant Cannabis sativa L. and any part of that plant,
34 including the seeds thereof and all derivatives, extracts, cannabinoids, isomers,
35 acids, salts, and salts of isomers, whether growing or not, with a delta-9~~

- 1 ~~tetrahydrocannabinol concentration of not more than three tenths of one percent~~
2 ~~on a dry weight basis;~~
- 3 ~~(13)~~(11) "Narcotic drug," any of the following, whether produced directly or indirectly
4 by extraction from substances of vegetable origin or independently by means of
5 chemical synthesis, or by a combination of extraction and chemical synthesis:
6 (a) Opium, coca leaves, and opiates;
7 (b) A compound, manufacture, salt, derivative, or preparation of opium, coca
8 leaves, or opiates;
9 (c) A substance (and any compound, manufacture, salt, derivative, or
10 preparation thereof) which is chemically identical with any of the substances
11 referred to in subsections (a) and (b) of this subdivision;
12 except that the term, narcotic drug, as used in this chapter does not include
13 decocainized coca leaves or extracts of coca leaves, which extracts do not contain
14 cocaine or ecgonine;
- 15 ~~(14)~~(12) "Opiate" or "Opioid," any controlled drug or substance having an addiction-
16 sustaining liability similar to morphine or being capable of conversion into a drug
17 having such addiction-forming or addiction-sustaining liability;
- 18 ~~(15)~~(13) "Opium poppy," the plant of the species papaver somniferum L., except the
19 seeds thereof;
- 20 ~~(16)~~(14) "Person," any corporation, association, limited liability company, partnership
21 or one or more individuals;
- 22 ~~(17)~~(15) "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;
- 23 ~~(18)~~(16) "Practitioner," a doctor of medicine, osteopathy, podiatry, optometry,
24 dentistry, or veterinary medicine licensed to practice their profession, or
25 pharmacists licensed to practice their profession; physician assistants certified to
26 practice their profession; certified nurse practitioners, certified nurse midwives,
27 and certified registered nurse anesthetists to practice their profession; government
28 employees acting within the scope of their employment; and persons permitted by
29 certificates issued by the department to distribute, dispense, conduct research with
30 respect to, or administer a substance controlled by this chapter;
- 31 ~~(19)~~(17) "Prescribe," an order of a practitioner for a controlled drug or substance.
- 32 ~~(20)~~(18) "Production," the manufacture, planting, cultivation, growing, or harvesting
33 of a controlled drug or substance;
- 34 ~~(21)~~(19) "State," the State of South Dakota;

1 ~~(22)~~(20) "Ultimate user," a person who lawfully possesses a controlled drug or
2 substance for personal use or for the use of a member of the person's household
3 or for administration to an animal owned by the person or by a member of the
4 person's household;

5 ~~(23)~~(21) "Controlled substance analogue," any of the following:

- 6 (a) A substance that differs in its chemical structure to a controlled substance
7 listed in or added to the schedule designated in schedule I or II only by
8 substituting one or more hydrogens with halogens or by substituting one
9 halogen with a different halogen; or
- 10 (b) A substance that is an alkyl homolog of a controlled substance listed in or
11 added to schedule I or II; or
- 12 (c) A substance intended for human consumption; and
- 13 (i) The chemical structure of which is substantially similar to the chemical
14 structure of a controlled substance in schedule I or II;
- 15 (ii) Which has a stimulant, depressant, or hallucinogenic effect on the
16 central nervous system that is substantially similar to or greater than
17 the stimulant, depressant, or hallucinogenic effect on the central
18 nervous system of a controlled substance in schedule I or II; or
- 19 (iii) With respect to a particular person, which such person represents or
20 intends to have a stimulant, depressant, or hallucinogenic effect on
21 the central nervous system that is substantially similar to or greater
22 than the stimulant, depressant, or hallucinogenic effect on the
23 central nervous system of a controlled substance in schedule I or II;

24 However, the term, controlled substance analogue, does not include a controlled
25 substance or any substance for which there is an approved new drug application.

26 **Section 12. That § 34-20B-14 be AMENDED:**

27 **34-20B-14.** Any material, compound, mixture, or preparation which contains any
28 quantity of the following hallucinogenic substances, their salts, isomers, and salts of
29 isomers, is included in Schedule I, unless specifically excepted, whenever the existence of
30 such salts, isomers, and salts of isomers is possible within the specific chemical
31 designation:

- 32 (1) Bufotenine;
- 33 (2) Diethyltryptamine (DET);
- 34 (3) Dimethyltryptamine (DMT);

- 1 (4) 5-methoxy-N, N-Dimethyltryptamine (5-MeO-DMT);
- 2 (5) 5-methoxy-3, 4-methylenedioxy amphetamine;
- 3 (6) 4-bromo-2, 5-dimethoxyamphetamine;
- 4 (7) 4-methoxyamphetamine;
- 5 (8) 4-methoxymethamphetamine;
- 6 (9) 4-methyl-2, 5-dimethoxyamphetamine;
- 7 (10) Hashish and hash oil;
- 8 (11) Ibogaine;
- 9 (12) Lysergic acid diethylamide;
- 10 (13) Mescaline;
- 11 (14) N-ethyl-3-piperidyl benzilate;
- 12 (15) N-methyl-3-piperidyl benzilate;
- 13 (16) 1-(-(2-thienyl)cyclohexyl) piperidine (TCP);
- 14 (17) Peyote, except that when used as a sacramental in services of the Native American
- 15 church in a natural state which is unaltered except for drying or curing and cutting
- 16 or slicing, it is hereby excepted;
- 17 (18) Psilocybin;
- 18 (19) Psilocyn;
- 19 (20) ~~Tetrahydrocannabinol, other than that which occurs in industrial hemp as defined~~
- 20 ~~in § 38-35-1 or marijuana in its natural and unaltered state, including any~~
- 21 ~~compound, except nabilone or compounds listed under a different schedule,~~
- 22 ~~structurally derived from 6,6'-dimethyl-benzo[c]chromene by substitution at the~~
- 23 ~~3-position with either alkyl (C3 to C8), methyl cycloalkyl, or adamantyl groups,~~
- 24 ~~whether or not the compound is further modified in any of the following ways:~~
- 25 ~~(a) By partial to complete saturation of the C-ring; or~~
- 26 ~~(b) By substitution at the 1 position with a hydroxyl or methoxy group; or~~
- 27 ~~(c) By substitution at the 9 position with a hydroxyl, methyl, or methylhydroxyl group;~~
- 28 ~~or~~
- 29 ~~(d) By modification of the possible 3-alkyl group with a 1,1'-dimethyl moiety, a 1,1'-~~
- 30 ~~cyclic moiety, an internal methylene group, an internal acetylene group, or a~~
- 31 ~~terminal halide, cyano, azido, or dimethylcarboxamido group.~~
- 32 ~~Some trade and other names: JWH 051; JWH 057; JWH 133; JWH 359; HHC; AM-~~
- 33 ~~087; AM 411; AM 855, AM 905; AM 906; AM 2389; HU 210; HU 211; HU 243;~~
- 34 ~~HU 336;~~
- 35 (21) 3, 4, 5-trimethoxy amphetamine;

- 1 ~~(22)~~(21) 3, 4-methylenedioxy amphetamine;
- 2 ~~(23)~~(22) 3-methoxyamphetamine;
- 3 ~~(24)~~(23) 2, 5-dimethoxyamphetamine;
- 4 ~~(25)~~(24) 2-methoxyamphetamine;
- 5 ~~(26)~~(25) 2-methoxymethamphetamine;
- 6 ~~(27)~~(26) 3-methoxymethamphetamine;
- 7 ~~(28)~~(27) Phencyclidine;
- 8 ~~(29)~~(28) 3, 4-methylenedioxymethamphetamine (MDMA);
- 9 ~~(30)~~(29) 3, 4-methylenedioxy-N-ethylamphetamine;
- 10 ~~(31)~~(30) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 11 ~~(32)~~(31) 4-methylaminorex (also known as 2-Amino-4-methyl/x-5-phenyl-2-
- 12 oxazoline);
- 13 ~~(33)~~(32) 2,5 Dimethoxy-4-ethylamphetamine;
- 14 ~~(34)~~(33) N,N-Dimethylamphetamine;
- 15 ~~(35)~~(34) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine;
- 16 ~~(36)~~(35) Aminorex;
- 17 ~~(37)~~(36) Cathinone and other variations, defined as any compound, material, mixture,
- 18 preparation or other product unless listed in another schedule or an approved FDA
- 19 drug (e.g. bupropion, pyrovalerone), structurally derived from 2-aminopropan-1-
- 20 one by substitution at the 1-position with either phenyl, naphthyl, or thiophene
- 21 ring systems, whether or not the compound is further modified in any of the
- 22 following ways:
- 23 (a) By substitution in the ring system to any extent with alkyl, alkylendioxy,
- 24 alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further
- 25 substituted in the ring system by one or more other univalent substituents;
- 26 (b) By substitution at the 3-position with an acyclic alkyl substituent;
- 27 (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
- 28 methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a
- 29 cyclic structure.
- 30 Some trade or other names: methcathinone, 4-methyl-N-methylcathinone
- 31 (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methylone); 3,4-
- 32 methylenedioxyprovalerone (MDPV); Naphthylpyrovalerone (naphyrone); 4-
- 33 flouromethcathinone (flephedrone); 4-methoxymethcathinone (methedrone; Bk-
- 34 PMMA); Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone
- 35 (ethylone); Beta-keto-N-methyl-3,4-benzodioxypolybutanamine (butylone); N,N-

1 dimethylcathinone (metamfepramone); Alpha-pyrrolidinopropiophenone (alpha-
2 PPP); 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP); 3,4-
3 methylenedioxyalphapyrrolidinopropiophenone (MDPPP); Alpha-
4 pyrrolidinovalerophenone (alpha-PVP); 3-fluoromethcathinone; 4'-Methyl-alpha-
5 pyrrolidinobutiophenone (MPBP); Methyl-~~and~~-pyrrolidinopropiophenone
6 (MPPP); Methyl-~~and~~-pyrrolidino-hexanophenone (MPHP); Buphedrone; Methyl-
7 N-ethylcathinone; Pentedrone; Dimethylmethcathinone (DMMC);
8 Dimethylethcathinone (DMEC); Methylenedioxymethcathinone (MDMC);
9 Pentylone; Ethylethcathinone; Ethylmethcathinone; Fluoroethcathinone; methyl-
10 alpha-pyrrolidinobutiophenone (MPBP); Methylcathinone (MEC); Methylenedioxy-
11 alpha-pyrrolidinobutiophenone (MDPBP); Methoxymethcathinone (MOMC);
12 Methylbuphedrone (MBP); Benzedrone (4-MBC); Dibutylone (DMBDB);
13 Dimethylone (MDDMA); Diethylcathinone; Eutylone (EBDB); N-ethyl-N-
14 Methylcathinone; N-ethylbuphedrone, 1-(1,3-benzodioxol-5-yl)2-
15 (ethylamino)pentan-1-one (N-Ethylpentylone); 4'-Methyl-alpha-
16 pyrrolidinopropiophenone (4-MEPPP, MPPP or MaPPP); alpha-
17 Pyrrolidinobutiophenone (α ;PBP); 1-(1,3-benzodioxol-5-yl)-2-(tert-
18 butylamino)propan-1-one (Tertylone); 1-(1,3-benzodioxol-5-yl)-2-
19 (ethylamino)hexan-1-one (N-ethyl Hexylone); 1-(1,3-benzodioxol-5-yl)-2-
20 (methylamino)pentan-1-one (Pentylone);
21 ~~(38)~~(37) 2,5-Dimethoxy-4-ethylamphetamine (DOET);
22 ~~(39)~~(38) Alpha-ethyltryptamine;
23 ~~(40)~~(39) 4-Bromo-2,5-dimethoxy phenethylamine;
24 ~~(41)~~(40) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);
25 ~~(42)~~(41) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);
26 ~~(43)~~(42) Alpha-methyltryptamine (AMT);
27 ~~(44)~~(43) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
28 ~~(45)~~(44) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
29 ~~(46)~~(45) Synthetic cannabinoids. Any material, compound, mixture, or preparation
30 that is not listed as a controlled substance in another schedule, is not an FDA-
31 approved drug, and contains any quantity of the following substances, their salts,
32 isomers (whether optical, positional, or geometric), homologues, modifications of
33 the indole ring by nitrogen heterocyclic analog substitution or nitrogen heterocyclic
34 analog substitution of the phenyl, benzyl, naphthyl, adamantly, cyclopropyl, cumyl,
35 or propionaldehyde structure, and salts of isomers, homologues, and modifications,

1 unless specifically excepted, whenever the existence of these salts, isomers,
2 homologues, modifications, and salts of isomers, homologues, and modifications is
3 possible within the specific chemical designation:

4 (a) Naphthoylindoles. Any compound containing a 2-(1-naphthoyl)indole or 3-
5 (1-naphthoyl)indole structure with substitution at the nitrogen atom of the
6 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
7 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-
8 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
9 (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not
10 further substituted on the indole ring to any extent and whether or not
11 substituted on the naphthyl ring to any extent.

12 Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthoyl)indole
13 (JWH-018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-butyl-3-(1-
14 naphthoyl)indole (JWH-073); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole
15 (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-[2-(4-
16 morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); JWH-210; JWH-398;
17 1-pentyl-3-(1-naphthoyl)indole (AM-678); 1-(5-fluoropentyl)-3-(1-
18 naphthoyl)indole (AM-2201); WIN 55-212; JWH-004; JWH-007; JWH-009;
19 JWH-011; JWH-016; JWH-020; JWH-022; JWH-046; JWH-047; JWH-048;
20 JWH-049; JWH-050; JWH-070; JWH-071; JWH-072; JWH-076; JWH-079;
21 JWH-080; JWH-082; JWH-094; JWH-096; JWH-098; JWH-116; JWH-120;
22 JWH-148; JWH-149; JWH-164; JWH-166; JWH-180; JWH-181; JWH-182;
23 JWH-189; JWH-193; JWH-198; JWH-211; JWH-212; JWH-213; JWH-234;
24 JWH-235; JWH-236; JWH-239; JWH-240; JWH-241; JWH-258; JWH-262;
25 JWH-386; JWH-387; JWH-394; JWH-395; JWH-397; JWH-399; JWH-400;
26 JWH-412; JWH-413; JWH-414; JWH-415; JWH-424; AM-678; AM-1220;
27 AM-1221; AM-1235; AM-2232, THJ-2201;

28 (b) Naphthylmethylindoles. Any compound containing a 1H-indol-2-yl-(1-
29 naphthyl)methane or 1H-indol-3-yl-(1-naphthyl)methane structure with
30 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
31 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
32 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-
33 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-
34 4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted

1 on the indole ring to any extent and whether or not substituted on the
2 naphthyl ring to any extent.

3 Some trade or other names: JWH-175; JWH-184; JWH-185; JWH-192;
4 JWH-194; JWH-195; JWH-196; JWH-197; JWH-199;

5 (c) Phenylacetylindoles. Any compound containing a 2-phenylacetylindole or 3-
6 phenylacetylindole structure with substitution at the nitrogen atom of the
7 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
8 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-
9 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
10 (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not
11 further substituted on the indole ring to any extent and whether or not
12 substituted on the phenyl ring to any extent.

13 Some trade or other names: 1-cyclohexylethyl-3-(2-
14 methoxyphenylacetyl)indole (SR-18); 1-cyclohexylethyl-3-(2-
15 methoxyphenylacetyl)indole (RCS-8); 1-pentyl-3-(2-
16 methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-(2-
17 chlorophenylacetyl)indole (JWH-203); JWH-167; JWH-201; JWH-202; JWH-
18 204; JWH-205; JWH-206; JWH-207; JWH-208; JWH-209; JWH-237; JWH-
19 248; JWH-249; JWH-251; JWH-253; JWH-302; JWH-303; JWH-304; JWH-
20 305; JWH-306; JWH-311; JWH-312; JWH-313; JWH-314; JWH-315; JWH-
21 316; Cannabipiperidiethanone;

22 (d) Benzoylindoles. Any compound containing a 2-(benzoyl)indole or 3-
23 (benzoyl)indole structure with substitution at the nitrogen atom of the
24 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
25 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-
26 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
27 (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not
28 further substituted on the indole ring to any extent and whether or not
29 substituted on the phenyl ring to any extent.

30 Some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole
31 (AM-694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19); Pravadoline
32 (WIN 48,098); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (RCS-4); AM-630;
33 AM-661; AM-2233; AM-1241;

34 (e) Naphthoypyrroles. Any compound containing a 2-(1-naphthoyl)pyrrole or 3-
35 (1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the

1 pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
2 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,
3 cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
4 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl
5 group, whether or not further substituted on the pyrrole ring to any extent
6 and whether or not substituted on the naphthyl ring to any extent.

7 Some trade or other names: JWH-307; JWH-030; JWH-031; JWH-145;
8 JWH-146; JWH-147; JWH-150; JWH-156; JWH-242; JWH-243; JWH-244;
9 JWH-245; JWH-246; JWH-292; JWH-293; JWH-308; JWH-309; JWH-346;
10 JWH-348; JWH-363; JWH-364; JWH-365; JWH-367; JWH-368; JWH-369;
11 JWH-370; JWH-371; JWH-373; JWH-392;

12 (f) Naphthylmethylindenes. Any compound containing a naphthylideneindene
13 structure with substitution at the 3-position of the indene ring by an alkyl,
14 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
15 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-
16 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-
17 4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted
18 on the indene ring to any extent and whether or not substituted on the
19 naphthyl ring to any extent.

20 Some trade or other names: JWH-171; JWH-176; JWH-220;

21 (g) Cyclohexylphenols. Any compound containing a 2-(3-
22 hydroxycyclohexyl)phenol structure with substitution at the 5-position of
23 the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
24 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
25 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
26 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl
27 group, whether or not substituted on the cyclohexyl ring to any extent.

28 Some trade or other names: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-
29 hydroxycyclohexyl]-phenol (CP 47, 497 and homologues, which includes
30 C8); cannabicyclohexanol; CP-55,490; CP-55,940; CP-56,667

31 (h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
32 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names:
33 HU-210;

- 1 (i) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-
2 benzoxazin-6-yl]-1-naphthalenyl. Some trade or other names: WIN 55, 212-
3 2;
- 4 (j) Substituted Acetylintoles. Any compound containing a 2-acetyl indole or 3-
5 acetyl indole structure substituted at the acetyl by replacement of the
6 methyl group with a tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or
7 propionaldehyde substituent whether or not further substituted on the
8 tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde
9 substituent to any extent and whether or not further substituted at the
10 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
11 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
12 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
13 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl
14 group whether or not further substituted on the indole ring to any extent.
15 Some trade and other names: (1-Pentylindol-3-yl)-(2,2,3,3-
16 tetramethylcyclopropyl)methanone (UR-144); (1-(5-fluoropentyl)indol-3-
17 yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11); (1-(2-
18 morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-
19 tetramethylcyclopropyl)methanone (A-796,260); 1-[(N-methylpiperidin-2-
20 yl)methyl]-3-(adamant-1-yl)indole (AM-1248); 1-Pentyl-3-(1-
21 adamantyl)indole (AB-001 and JWH-018 adamantyl analog); AM-679;
- 22 (k) Substituted Carboxamide Indole. Any compound containing a 2-carboxamide
23 indole or 3-carboxamide indole structure substituted at the nitrogen of the
24 carboxamide with a tetramethylcyclopropyl, naphthyl, adamantyl, cumyl,
25 phenyl, or propionaldehyde substituent, whether or not further substituted
26 on the tetramethylcyclopropyl, adamantyl, cumyl, naphthyl, phenyl, or
27 propionaldehyde substituent to any extent and whether or not further
28 substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
29 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
30 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
31 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-
32 4-yl)methyl, benzyl, or halobenzyl group whether or not further substituted
33 on the indole ring to any extent.
34 Some trade and other names: JWH-018 adamantyl carboxamide; STS-135;
35 MN-18; 5-Fluoro-MN-18, 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-

- 1 pyrrolo[2,3-b]pyridine-3-carboxamide (5F-CUMYL-P7AICA) ; N-
 2 (Adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-
 3 APINACA); methyl (2R)-2-[[1-(5-fluoropentyl)indazole-3-carbonyl]amino]-
 4 3,3-dimethylbutanoate (5F-ADB); N-(1-amino-3-methyl-1-oxobutan-2-yl)-
 5 1-(cyclohexylmethyl)indazole-3-carboxamide (AB-CHMINACA); 1-(4-
 6 cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (4-CN-
 7 CUMYL-BUTINACA); N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
 8 (cyclohexylmethyl)indazole-3-carboxamide (ADB-CHMINACA or MAB-
 9 CHMINACA); methyl (2S)-2-[[1-[4-fluorophenyl)methyl]indazole-3-
 10 carbonyl]amino]-3,3-dimethylbutanoate (MDMB-FUBINACA); methyl 2-(1-
 11 (cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (MMB-
 12 CHMICA); methyl (2S)-2-[[1-[4-fluorophenyl)methyl]indazole-3-
 13 carbonyl]amino]-3-methylbutanoate (AMB-FUBINACA); Methyl 2-(1-(5-
 14 fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5F-AMB);
 15 methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-
 16 dimethylbutanoate (5F-MDMB-PICA); methyl (S)-3,3-dimethyl-2-[(1-(pent-
 17 4-enylindazole-3-carbonyl)amino)]butanoate (MDMB-4en-PINACA); methyl
 18 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
 19 (4F-MDMB-BUTINACA);
- 20 (I) Substituted Carboxylic Acid Indole. Any compound containing a 1H-indole-2-
 21 carboxylic acid or 1H-indole-3-carboxylic acid substituted at the hydroxyl
 22 group of the carboxylic acid with a phenyl, benzyl, naphthyl, adamantyl,
 23 cyclopropyl, quinoliny, isquinoliny, cumyl, or propionaldehyde substituent
 24 whether or not further substituted on the phenyl, benzyl, naphthyl,
 25 adamantyl, cyclopropyl, cumyl, quinoliny, isquinoliny, or propionaldehyde
 26 substituent to any extent and whether or not further substituted at the
 27 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
 28 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, 2-(4-
 29 morpholiny)ethyl, 1-(N-methyl-2-pyrrolidiny)methyl, 1-(N-methyl-3-
 30 morpholiny)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group
 31 whether or not further substituted on the indole ring to any extent.
 32 Some trade and other names: Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-
 33 3-carboxylate (NM2201);
- 34 ~~(47)~~(46) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI);
 35 ~~(48)~~(47) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

- 1 ~~(49)~~(48) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);
- 2 ~~(50)~~(49) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
- 3 ~~(51)~~(50) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
- 4 ~~(52)~~(51) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
- 5 ~~(53)~~(52) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
- 6 ~~(54)~~(53) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 7 ~~(55)~~(54) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
- 8 ~~(56)~~(55) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);
- 9 ~~(57)~~(56) Substituted phenethylamine. Any compound, unless specifically exempt,
- 10 listed as a controlled substance in another schedule or an approved FDA drug,
- 11 structurally derived from phenylethan-2-amine by substitution on the phenyl ring
- 12 in any of the following ways, that is to say--by substitution with a fused
- 13 methylenedioxy, fused furan, or fused tetrahydrofuran ring system; by substitution
- 14 with two alkoxy groups; by substitution with one alkoxy and either one fused furan,
- 15 tetrahydrofuran, or tetrahydropyran ring system; by substitution with two fused
- 16 ring systems from any combination of the furan, tetrahydrofuran, or
- 17 tetrahydropyran ring systems; whether or not the compound is further modified in
- 18 any of the following ways:
- 19 (a) By substitution on the phenyl ring by any halo, hydroxyl, alkyl,
- 20 trifluoromethyl, alkoxy, or alkylthio groups;
- 21 (b) By substitution on the 2-position by any alkyl groups; or
- 22 (c) By substitution on the 2-amino nitrogen atom with acetyl, alkyl, dialkyl,
- 23 benzyl, methoxybenzyl, or hydroxybenzyl groups.
- 24 Some trade and other names: 2-(2,5-dimethoxy-4-
- 25 (methylthio)phenyl)ethanamine (2C-T or 4-methylthio-2,5-
- 26 dimethoxyphenethylamine); 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine
- 27 (DOI or 2, 5-Dimethoxy-4-iodoamphetamine); 1-(4-Bromo-2,5-
- 28 dimethoxyphenyl)-2-aminopropane (DOB or 2,5-Dimethoxy-4-
- 29 bromoamphetamine); 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (DOC
- 30 or 2,5-Dimethoxy-4-chloroamphetamine); 2-(4-bromo-2,5-dimethoxyphenyl)-N-
- 31 [(2-methoxyphenyl)methyl]ethanamine (2C-B-NBOMe; 25B-NBOMe or 2,5-
- 32 Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine); 2-4-iodo-2,5-
- 33 dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-I-NBOMe; 25I-
- 34 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine); N-(2-
- 35 Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine (Mescaline-NBOMe or 3,4,5-

1 trimethoxy-(2-methoxybenzyl)phenethylamine); 2-(4-chloro-2,5-
 2 dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-C-NBOMe; 25C-
 3 NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine); 2-(7-
 4 Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine (2CB-5-hemiFLY);
 5 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (2C-B-
 6 FLY); 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
 7 yl)ethanamine (2C-B-butterFLY); -(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-
 8 tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane (2C-B-FLY-NBOMe);
 9 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (bromo-
 10 benzodifuranyl-isopropylamine or bromo-dragonFLY); -(2-Hydroxybenzyl)-4-iodo-
 11 2,5-dimethoxyphenethylamine (2C-I-NBOH or 25I-NBOH); 5-(2-
 12 Aminopropyl)benzofuran (5-APB); 6(2-Aminopropyl)benzofuran (6-APB); 5-(2-
 13 Aminopropyl)-2,3-dihydrobenzofuran (5-APDB); 6-(2-Aminopropyl)-2,3-
 14 dihydrobenzofuran (6-APDB);

15 ~~(58)~~(57) Substituted tryptamines. Any compound, unless specifically exempt, listed as
 16 a controlled substance in another schedule or an approved FDA drug, structurally
 17 derived from 2-(1H-indol-3-yl)ethanamine (i.e, tryptamine) by mono- or di-
 18 substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of
 19 the amino nitrogen atom in a cyclic structure whether or not the compound is
 20 further substituted at the alpha-position with an alkyl group or whether or not
 21 further substituted on the indole ring to any extent with any alkyl, alkoxy, halo,
 22 hydroxyl, or acetoxy groups.

23 Some trade and other names: 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT); 4-
 24 acetoxy-N,N-dimethyltryptamine (4-AcO-DMT or O-Acetylpsilocin); 4-hydroxy-N-
 25 methyl-N-ethyltryptamine (4-HO-MET); 4-hydroxy-N,N-diisopropyltryptamine (4-
 26 HO-DIPT); 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MIPT);

27 ~~(59)~~(58) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone (CB-13);

28 ~~(60)~~(59) N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide (AKB 48);

29 ~~(61)~~(60) 1-(4-Fluorophenyl)piperazine (pFPP);

30 ~~(62)~~(61) 1-(3-Chlorophenyl)piperazine (mCPP);

31 ~~(63)~~(62) 1-(4-Methoxyphenyl)piperazine (pMeOPP);

32 ~~(64)~~(63) 1,4-Dibenzylpiperazine (DBP);

33 ~~(65)~~(64) Isopentadron;e;

34 ~~(66)~~(65) Fluoromethamphetamine;

35 ~~(67)~~(66) Fluoroamphetamine;

- 1 ~~(68)~~(67) Fluorococaine;
- 2 ~~(69)~~(68) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- 3 ~~(70)~~(69) 1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid (5 Fluoro-
- 4 PB-22);
- 5 ~~(71)~~(70) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-
- 6 carboxamide (AB-PINACA);
- 7 ~~(72)~~(71) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-
- 8 carboxamide (5 Fluoro-AB-PINACA);
- 9 ~~(73)~~(72) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
- 10 carboxamide (AB-FUBINACA);
- 11 ~~(74)~~(73) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-
- 12 carboxamide (ADB-PINACA (ADBICA));
- 13 ~~(75)~~(74) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-
- 14 carboxamide (5 Fluoro-ADB-PINACA (5 Fluoro-ADBICA)); and
- 15 ~~(76)~~(75) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-
- 16 3-carboxamide (ADB-FUBINACA).

17 **Section 13. That a NEW SECTION be added to title 34:**

18 Terms used in sections 13 to 48, inclusive, of this Act mean:

- 19 (1) "Cultivator," an entity licensed pursuant to this chapter that acquires, possesses,
- 20 cultivates, delivers, transfers, transports, supplies, or sells marijuana and related
- 21 supplies to a marijuana facility;
- 22 (2) "Dispensary," an entity licensed pursuant to this chapter that acquires, possesses,
- 23 stores, delivers, transfers, transports, sells, supplies, or dispenses marijuana,
- 24 marijuana products, and related supplies to a consumer;
- 25 (3) "Manufacturer," an entity licensed pursuant to this chapter that acquires,
- 26 possesses, manufactures, delivers, transfers, transports, supplies, or sells
- 27 marijuana products to a marijuana facility;
- 28 (4) "Marijuana," as defined in § 22-42-1;
- 29 (5) "Marijuana facility," an entity licensed pursuant to this chapter to cultivate, test,
- 30 manufacture, or dispense marijuana or marijuana products;
- 31 (6) "Marijuana product," any product infused with marijuana concentrate, as defined
- 32 in § 22-42-1, and intended for use or consumption by humans;

1 (7) "Testing facility," an independent entity registered with the Department of
2 Revenue pursuant to this chapter to analyze the safety and potency of marijuana
3 and marijuana products.

4 **Section 14. That a NEW SECTION be added to title 34:**

5 Neither the secretary of revenue nor any employee of the Department of Revenue
6 whose duties include the licensing of marijuana facilities or regulation of marijuana facility
7 licensees may have any interest, financial or otherwise, in the production, transportation,
8 storage, or sale of marijuana or marijuana products.

9 **Section 15. That a NEW SECTION be added to title 34:**

10 The secretary of revenue shall prescribe the forms for any application for a license
11 provided in this chapter. The application must contain information required by the
12 secretary and necessary to determine the eligibility of the applicant.

13 **Section 16. That a NEW SECTION be added to title 34:**

14 An applicant for a manufacturer, cultivator, or dispensary license under this chapter
15 must initially submit the application to the secretary of revenue.

16 **Section 17. That a NEW SECTION be added to title 34:**

17 After submitting an application under section 16 of this Act, the applicant for a
18 manufacturer, cultivator, or dispensary license shall submit the application to the
19 governing body of the municipality in which the applicant intends to operate, or if outside
20 the corporate limits of a municipality, to the governing body of the county in which the
21 applicant intends to operate. The governing body may charge a reasonable fee that must
22 accompany the application. The license fee shall be retained by the local governing body
23 in which the license shall be issued. If the application is rejected, the fee shall be promptly
24 returned to the applicant.

25 The governing body may approve the application for a manufacturer, cultivator, or
26 dispensary if the governing body deemed the applicant and the proposed location suitable.

27

28 **Section 18. That a NEW SECTION be added to title 34:**

1 Any applicant for a manufacturer, cultivator, or dispensary license under this
2 chapter shall include the applicant's signed affirmation that the premises to be licensed,
3 for the purposes of search and seizure laws of the state and any ordinances of the county
4 or municipality where the license is issued, are considered public premises. In addition,
5 the affirmation must state:

6 (1) The premises and all buildings, safes, cabinets, lockers, and storerooms on the
7 premises are at all times, on demand of the secretary of revenue, the attorney
8 general, or officers charged with law enforcement in the county or municipality,
9 open to inspection;

10 (2) All of the applicant's records and books dealing with the sale and ownership of
11 marijuana are open to the persons specified in subdivision (1) for inspection; and

12 (3) The application and license issued on the application is a contract between the
13 applicant and the state and the county or municipality having jurisdiction, entitling
14 the state and the county or municipality, for the purpose of enforcing the law,
15 rules, and ordinances, to inspect the applicant's premises and books at any time.

16 **Section 19. That a NEW SECTION be added to title 34:**

17 No license for a marijuana manufacturer, cultivator, or dispensary license may be
18 issued to an applicant until a public hearing is conducted pursuant to this chapter.

19 **Section 20. That a NEW SECTION be added to title 34:**

20 The governing body of any incorporated municipality or county presented with an
21 application for a manufacturer, cultivator, or dispensary license shall fix the time and place
22 for the governing body's hearing on the application. The finance officer or county auditor
23 shall publish one notice, at least one week before the hearing, in the official newspaper of
24 the municipality or county:

25 (1) With the heading "Notice of Hearing Upon Applications for Marijuana Facility;"

26 (2) That states the time and place when and where the applications will be considered;
27 and

28 (3) That states that any person interested in the approval or rejection of any
29 application may appear and be heard.

30 At the hearing, the body shall consider the application and any objection to the
31 application before making a final decision on the application.

32 **Section 21. That a NEW SECTION be added to title 34:**

1 If the governing body of the municipality or county does not approve the
2 application, the governing body shall endorse on the application the reasons for the denial
3 and return the application and fee to the applicant. No further application may be received
4 from the applicant until after the expiration of one year from the date of a denied
5 application. However, if the body denied the application based on the suitability of the
6 location for the license, no further application may be received from the applicant until
7 after three months from the date of the denied application, if the subsequent application
8 is for a different location.

9 **Section 22. That a NEW SECTION be added to title 34:**

10 If the governing body of the municipality or county approves the application, the
11 governing body shall endorse the approval on the application. The licensee is entitled to
12 operate under the license for the succeeding licensing year. The license fee must be
13 deposited in the general fund of the municipality or county.

14 **Section 23. That a NEW SECTION be added to title 34:**

15 Any manufacturer, cultivator, or dispensary licensee under this chapter shall be a
16 person of good moral character and never convicted of a felony. If the licensee is a
17 corporation, the managing officers of the corporation must meet the same qualifications.

18 **Section 24. That a NEW SECTION be added to title 34:**

19 Any manufacturer, cultivator, or dispensary licensee under this chapter shall be
20 the owner or actual lessee of the premises where the business is conducted, and the sole
21 owner of the business operated under the license.

22 **Section 25. That a NEW SECTION be added to title 34:**

23 The secretary of revenue, in compliance with chapter 1-26, may revoke or suspend
24 any manufacturer, cultivator, or dispensary license issued under this chapter upon proof
25 of violation by the licensee, by the licensee's agents or employees, or by the manager or
26 contractual operators of the cultivator, manufacturer, or dispensary facility or their agents
27 or employees operating under a county or municipal license, of:

28 (1) Any provision of this chapter;

29 (2) Any rule promulgated pursuant to this chapter; or

1 (3) Any ordinance or regulation relevant to marijuana control adopted by the political
2 subdivision issuing the license.

3 For any licensee with multiple marijuana facility licenses for the same premises,
4 upon suspension or revocation of any license pursuant to this chapter for that premises,
5 the licensee shall cease operation under all marijuana facility licenses held by the licensee
6 for that same premises for the same period as the suspension or revocation.

7 **Section 26. That a NEW SECTION be added to title 34:**

8 No dispensary license may be revoked or suspended by the secretary of revenue
9 because of a violation of any statute, ordinance, rule, or regulation prohibiting the sale or
10 service of marijuana to a person under the age of twenty-one years if the violation was
11 committed by an employee or agent of the dispensary licensee and the licensee has not
12 had more than one violation of any statute, ordinance, rule, or regulation prohibiting the
13 sale or service of marijuana to a person under the age of twenty-one years on the premises
14 where the violation occurred in the previous twenty-four months.

15 If the licensee meets the requirements of the conditions of this section, the
16 secretary shall impose a civil penalty of one thousand dollars for a first violation and two
17 thousand dollars for a second violation. However, if the employee or agent has not been
18 certified by a nationally recognized training program approved by the Department of
19 Revenue that provides instruction on techniques to prevent persons under the age of
20 twenty-one years from purchasing or consuming marijuana, the secretary shall impose a
21 civil penalty of two thousand dollars for a first violation and four thousand dollars for a
22 second violation.

23 A licensee may request an administrative hearing pursuant to chapter 1-26 to
24 contest the imposition of a civil penalty.

25 An agent of a dispensary convicted under § 22-42-7 may not continue to be
26 affiliated with a dispensary and is disqualified from any future affiliation with any
27 marijuana facility under this chapter.

28 **Section 27. That a NEW SECTION be added to title 34:**

29 The governing body of a municipality or county may recommend to the secretary
30 of revenue following a hearing that any manufacturer, cultivator, or dispensary license
31 issued under this chapter be suspended or revoked for violation of any of the provisions
32 of this chapter or for violations of any ordinance or regulation of the governing body

1 relevant to marijuana control that occurs on the premises of the licensee. Upon receipt of
2 the recommendation, the secretary shall proceed as provided in this chapter.

3 **Section 28. That a NEW SECTION be added to title 34:**

4 Any action taken by the governing body of a municipality or county pursuant to
5 this chapter that requires a public hearing shall be noticed to the licensee, at the address
6 given on the license, at least thirty days in advance of the date set for public hearing. The
7 finance officer or the county auditor shall publish the notice of hearing in the official
8 newspaper of the municipality or county at least one week before the hearing, in a form
9 approved by the governing body.

10 **Section 29. That a NEW SECTION be added to title 34:**

11 If the secretary of revenue receives information of a violation by any manufacturer,
12 cultivator, or dispensary licensee of any provision of this chapter, the secretary must
13 investigate the alleged violation. If there is substantial evidence to support a violation of
14 any provision of this chapter, the secretary must proceed in accordance with this chapter.

15 **Section 30. That a NEW SECTION be added to title 34:**

16 A manufacturer, cultivator, or dispensary applicant or licensee under this chapter
17 or any interested person or governing body has a right to a hearing in relation to any
18 action taken upon the application or license. The hearing must occur, under the provisions
19 of chapter 1-26, in the municipality or county with jurisdiction over the license.

20 **Section 31. That a NEW SECTION be added to title 34:**

21 No manufacturer, cultivator, or dispensary licensee under this chapter, whose
22 license is revoked, may be granted any license under this chapter for one year after the
23 revocation. If any relative of any such former licensee or any of the former licensee's
24 employees or former employees, applies for any such license before the one-year period
25 has elapsed, the license may be granted only upon affirmative and satisfactory proof that
26 the former licensee has no interest in the business.

27 **Section 32. That a NEW SECTION be added to title 34:**

1 Upon service of the secretary of revenue's order for revocation of the cultivator,
2 manufacturer, or dispensary license on the licensee, all of the licensee's rights under the
3 license terminate, except in the event of a stay on appeal.

4 **Section 33. That a NEW SECTION be added to title 34:**

5 No manufacturer, cultivator, or dispensary license granted pursuant to this chapter
6 may be issued unless the applicant has first obtained a sales tax license pursuant to
7 chapter 10-45, if applicable, or a use tax license pursuant to chapter 10-46, if applicable.

8 **Section 34. That a NEW SECTION be added to title 34:**

9 The governing body of a municipality or county may, by ordinance, prohibit the
10 locating of marijuana facilities within its jurisdiction.

11 **Section 35. That a NEW SECTION be added to title 34:**

12 Any cultivator, manufacturer, or dispensary licensee or employee of a licensee who
13 is charged with a felony offense involving a minor, a crime of violence pursuant to
14 subdivision 22-1-2(9), or a felony drug-related offense, on the licensed premises may, as
15 a condition of bond, be prohibited from entering onto the licensed premises.

16 **Section 36. That a NEW SECTION be added to title 34:**

17 No marijuana facility may employ any person under the age of twenty-one, or any
18 person with a conviction for a violation of §§ 22-42-2, 22-42-3, 22-42-4, 22-42-4.3, or
19 22-42-7 within the last ten years.

20 **Section 37. That a NEW SECTION be added to title 34:**

21 All cultivation, manufacturing, and packaging of marijuana or marijuana products
22 must take place at the licensed premises. The licensed premises may only be accessed by
23 agents of the marijuana facility, emergency personnel, and adults who are twenty-one
24 years of age and older who are accompanied by a marijuana facility agent.

25 **Section 38. That a NEW SECTION be added to title 34:**

1 A marijuana facility shall implement appropriate security measures designed to
2 deter and prevent theft of marijuana or marijuana products and unauthorized entrance
3 into any area containing marijuana or marijuana products.

4 **Section 39. That a NEW SECTION be added to title 34:**

5 No person under the age of twenty-one may enter a dispensary. A dispensary shall
6 verify the age of every person who enters through a valid government-issued identification
7 card. Each dispensary shall record the name of each person purchasing marijuana or
8 marijuana products from the dispensary. The records kept by a dispensary pursuant to
9 this section are subject to search only through a valid search warrant issued by a judicial
10 officer. A dispensary may not sell or otherwise transfer the records kept pursuant to this
11 section to any person for promotional purposes.

12 **Section 40. That a NEW SECTION be added to title 34:**

13 A marijuana facility may not manufacture or dispense marijuana products made in
14 the shape of a person, animal, insect, fruit, or any other likeness designed to be appealing
15 to a person under the age of twenty-one.

16 **Section 41. That a NEW SECTION be added to title 34:**

17 A cultivator shall cultivate marijuana within a secure, indoor facility out of view of
18 the public.

19 **Section 42. That a NEW SECTION be added to title 34:**

20 A marijuana facility may not engage in advertising that:
21 (1) Is false or misleading;
22 (2) Promotes overconsumption of marijuana or marijuana products;
23 (3) Depicts the actual consumption of marijuana or marijuana products;
24 (4) Depicts a person under the age of twenty-one consuming marijuana or marijuana
25 products;
26 (5) Makes any health, therapeutic, or medicinal claims about marijuana or marijuana
27 products; or
28 (6) Is designed in a way that is likely to appeal to a person under the age of twenty-
29 one or includes cartoons, animals, children, or any other likeness to images,
30 characters, or phrases that are designed in any manner to be appealing or to

1 encourage consumption of marijuana or marijuana products by a person under the
2 age of twenty-one.

3 **Section 43. That a NEW SECTION be added to title 34:**

4 Any person who, in any application, report, or statement, knowingly makes a false
5 statement as to any matter required by any provision of this chapter or any administrative
6 rule promulgated pursuant to this chapter is guilty of a Class 6 felony.

7 **Section 44. That a NEW SECTION be added to title 34:**

8 It is a Class 1 misdemeanor for any person to purchase or otherwise acquire
9 marijuana or marijuana products from a dispensary and to give or resell the marijuana or
10 marijuana products to any person under the age of twenty-one years. A second or
11 subsequent conviction under this section is a Class 6 felony. This section does not apply
12 to any person registered with the state to undertake an activity involving the distribution,
13 or possession with intent to distribute, of marijuana or marijuana products who acts in
14 compliance with the authorizing law.

15 **Section 45. That a NEW SECTION be added to title 34:**

16 This chapter does not limit or affect laws that prohibit or otherwise regulate:
17 (1) Possession or consumption of marijuana or marijuana products or possession of
18 marijuana or marijuana product paraphernalia on the grounds of any preschool,
19 school, in a school bus;
20 (2) Possession or consumption of marijuana or marijuana products on the grounds of
21 any correctional facility;
22 (3) Consumption of marijuana or marijuana products as part of a criminal penalty
23 diversion program;
24 (4) Conduct that endangers others; or
25 (5) Undertaking any task under the influence of marijuana or marijuana products, if
26 doing so would constitute negligence or professional malpractice.

27 **Section 46. That a NEW SECTION be added to title 34:**

28 This chapter does not:
29 (1) Require that an employer permit or accommodate conduct allowed by this chapter;

- 1 (2) Affect an employer's ability to restrict the use of marijuana or marijuana products
2 by employees;
- 3 (3) Limit the right of a person who occupies, owns, or controls private property from
4 prohibiting or otherwise regulating conduct permitted by this chapter on or in that
5 property; or
- 6 (4) Limit the ability of the state or local government to prohibit or restrict any conduct
7 otherwise permitted under this chapter within a building owned, leased, or
8 occupied by the state or local government.

9 **Section 47. That a NEW SECTION be added to title 34:**

10 The rights provided by this chapter do not apply to the extent that they conflict
11 with an employer's obligations under federal law or regulation or to the extent that they
12 would disqualify an employer from a monetary or licensing-related benefit under federal
13 law or regulation.

14 **Section 48. That a NEW SECTION be added to title 34:**

15 The Department of Revenue may promulgate rules pursuant to chapter 1-26:

16 (1) Governing the transportation of marijuana and marijuana products to ensure
17 health, safety, and accurate documentation;

18 (2) Governing how the department shall evaluate, register, and revoke the registration
19 of testing facilities to ensure the health and safety of consumers of marijuana and
20 marijuana products;

21 (3) Governing marijuana facilities to ensure the health and safety of consumers and
22 prevent diversion and theft, including:

23 (a) Oversight requirements;

24 (b) Record-keeping requirements;

25 (c) Security requirements, including lighting, physical security, and alarm
26 requirements;

27 (d) Health and safety regulations, including restrictions on the use of pesticides
28 that are injurious to human health;

29 (e) Standards for the manufacture of marijuana products and indoor cultivation
30 of marijuana by a cultivator;

31 (f) Requirements for the storage of marijuana and marijuana products;

32 (g) Employment and training requirements, including requiring that each
33 marijuana facility create an identification badge for each agent;

- 1 (h) Standards for the safe manufacture of marijuana products;
2 (i) Procedures for the safe packaging and labeling of marijuana and marijuana
3 products; and
4 (j) Testing requirements for marijuana and marijuana products, certification
5 standards for testing facilities, including requirements for equipment and
6 qualifications for personnel;
7 (4) Establishing labeling requirements for marijuana and marijuana products, including
8 requiring labels to include the following:
9 (a) The tetrahydrocannabinol concentration level and length of time it typically
10 takes for marijuana or a marijuana product to take effect;
11 (b) Disclosing ingredients and possible allergens;
12 (c) A nutritional fact panel; and
13 (d) Requiring that edible marijuana products be clearly identifiable, when
14 practicable, with a standard symbol indicating that it contains marijuana;
15 (5) Establishing packaging requirements for marijuana and marijuana products,
16 including that packaging be childproof and resealable;
17 (6) Establishing a seed to sale tracking system to ensure that marijuana plants are
18 tracked from seeds through cultivation, manufacturing, testing, and packaging
19 before sale in a dispensary; and
20 (7) Establishing a requirement that dispensaries conspicuously post warnings to
21 consumers regarding the legal possession limits for marijuana and marijuana
22 products under chapter 22-42 and establishing:
23 (a) Required language;
24 (b) Sign dimensions, font size, and font type; and
25 (c) Acceptable locations for such signage.
26 A violation of a required or prohibited action under any rule authorized by this
27 section is a Class 2 misdemeanor.