

2022 South Dakota Legislature

Senate Bill 3**AMENDMENT 3B FOR THE INTRODUCED BILL**

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;

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

1 substance, the control of which is necessary to prevent, curtail, or limit such
2 manufacture;

3 ~~(10)~~(13) "Schedule I," "Schedule II," "Schedule III," and "Schedule IV," those
4 schedules of drugs, substances, and immediate precursors listed in chapter 34-
5 20B;

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

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

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

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

31 ~~22-42-7. The distribution, or possession with intent to distribute, of less than one~~
32 ~~half ounce of marijuana without consideration is a Class 1 misdemeanor; otherwise, the~~
33 ~~distribution, or possession with intent to distribute, for consideration, of one ounce or less~~

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

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

1 The equivalent weight of the following marijuana products to one ounce of
2 marijuana is:

3 (1) Eight grams net weight of marijuana concentrate in smokable form;

4 (2) Eight grams net weight of vaporizer pens or cartridges;

5 (3) Eight hundred milligrams delta-9 tetrahydrocannabinol in edibles, excluding oils;

6 (4) Five grams net weight of oils in oral dosage syringe or capsule form;

7 (5) Twelve fluid ounces of liquid topical application, including ointment, cream, or
8 lotion;

9 (6) One ounce of dried topical application, included dried plant material or powder; or

10 (7) Eight hundred milligrams delta-9 tetrahydrocannabinol in transdermal patches.

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

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

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

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

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

29 No person may smoke, eat, consume, or vape marijuana, marijuana concentrate,
30 or marijuana products in any public place or place of employment. A violation of this

1 section is a Class 2 misdemeanor. A second or subsequent violation is a Class 1
2 misdemeanor.

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

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

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

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

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

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

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

23 **34-20B-1.** Terms as used in this chapter mean:

- 24 (1) "Administer," to deliver a controlled drug or substance to the ultimate user or
25 human research subject by injection, inhalation, or ingestion, or by any other
26 means;
- 27 (2) "Agent," an authorized person who acts on behalf of or at the direction of a
28 manufacturer, distributor, or dispenser and includes a common or contract carrier,
29 public warehouseman, or employee thereof;

- 1 (3) "Control," to add, remove, or change the placement of a drug, substance, or
2 immediate precursor under §§ 34-20B-27 and 34-20B-28;
- 3 (4) "Counterfeit substance," a controlled drug or substance which, or the container or
4 labeling of which, without authorization, bears the trademark, trade name, or other
5 identifying mark, imprint, number, or device, or any likeness thereof, of a
6 manufacturer, distributor, or dispenser other than the person or persons who
7 manufactured, distributed, or dispensed such substance and which thereby falsely
8 purports or is represented to be the product of, or to have been distributed by,
9 such other manufacturer, distributor, or dispenser;
- 10 (5) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a
11 controlled drug, or substance, ~~or marijuana~~ whether or not there exists an agency
12 relationship;
- 13 (6) "Department," the Department of Health created by chapter 1-43;
- 14 (7) "Dispense," to deliver a controlled drug or substance to the ultimate user or human
15 research subject by or pursuant to the lawful order of a practitioner, including the
16 prescribing, administering, packaging, labeling, or compounding necessary to
17 prepare the substance for such delivery, and a dispenser is one who dispenses;
- 18 (8) "Distribute," to deliver a controlled drug, or substance, ~~or marijuana~~. A distributor
19 is a person who delivers a controlled drug, or substance, ~~or marijuana~~;
- 20 (9) "Hashish," ~~the resin extracted from any part of any plant of the genus cannabis that~~
21 ~~contains a delta-9 tetrahydrocannabinol concentration of more than three tenths~~
22 ~~of one percent on a dry weight basis;~~
- 23 ~~(10)~~ "Imprisonment," imprisonment in the state penitentiary unless the penalty
24 specifically provides for imprisonment in the county jail;
- 25 ~~(11)~~(10) "Manufacture," the production, preparation, propagation, compounding, or
26 processing of a controlled drug or substance, either directly or indirectly by
27 extraction from substances of natural origin, or independently by means of
28 chemical synthesis or by a combination of extraction and chemical synthesis. A
29 manufacturer includes any person who packages, repackages, or labels any
30 container of any controlled drug or substance, except practitioners who dispense
31 or compound prescription orders for delivery to the ultimate consumer;
- 32 ~~(12)~~ "Marijuana," ~~all parts of any plant of the genus cannabis, whether growing or not;~~
33 ~~the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or~~
34 ~~preparation of such plant or its seeds. The term does not include fiber produced~~
35 ~~from the mature stalks of the plant, or oil or cake made from the seeds of the~~

1 ~~plant, or the resin when extracted from any part of the plant or cannabidiol in a~~
2 ~~drug product approved by the United States Food and Drug Administration. The~~
3 ~~term does not include the plant Cannabis sativa L. and any part of that plant,~~
4 ~~including the seeds thereof and all derivatives, extracts, cannabinoids, isomers,~~
5 ~~acids, salts, and salts of isomers, whether growing or not, with a delta-9~~
6 ~~tetrahydrocannabinol concentration of not more than three tenths of one percent~~
7 ~~on a dry weight basis;~~

8 ~~(13)~~(11) "Narcotic drug," any of the following, whether produced directly or indirectly
9 by extraction from substances of vegetable origin or independently by means of
10 chemical synthesis, or by a combination of extraction and chemical synthesis:

11 (a) Opium, coca leaves, and opiates;

12 (b) A compound, manufacture, salt, derivative, or preparation of opium, coca
13 leaves, or opiates;

14 (c) A substance (and any compound, manufacture, salt, derivative, or
15 preparation thereof) which is chemically identical with any of the substances
16 referred to in subsections (a) and (b) of this subdivision;

17 except that the term, narcotic drug, as used in this chapter does not include
18 decocainized coca leaves or extracts of coca leaves, which extracts do not contain
19 cocaine or ecgonine;

20 ~~(14)~~(12) "Opiate" or "Opioid," any controlled drug or substance having an addiction-
21 sustaining liability similar to morphine or being capable of conversion into a drug
22 having such addiction-forming or addiction-sustaining liability;

23 ~~(15)~~(13) "Opium poppy," the plant of the species papaver somniferum L., except the
24 seeds thereof;

25 ~~(16)~~(14) "Person," any corporation, association, limited liability company, partnership
26 or one or more individuals;

27 ~~(17)~~(15) "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;

28 ~~(18)~~(16) "Practitioner," a doctor of medicine, osteopathy, podiatry, optometry,
29 dentistry, or veterinary medicine licensed to practice their profession, or
30 pharmacists licensed to practice their profession; physician assistants certified to
31 practice their profession; certified nurse practitioners, certified nurse midwives,
32 and certified registered nurse anesthetists to practice their profession; government
33 employees acting within the scope of their employment; and persons permitted by
34 certificates issued by the department to distribute, dispense, conduct research with
35 respect to, or administer a substance controlled by this chapter;

- 1 ~~(19)~~(17) "Prescribe," an order of a practitioner for a controlled drug or substance.
- 2 ~~(20)~~(18) "Production," the manufacture, planting, cultivation, growing, or harvesting
3 of a controlled drug or substance;
- 4 ~~(21)~~(19) "State," the State of South Dakota;
- 5 ~~(22)~~(20) "Ultimate user," a person who lawfully possesses a controlled drug or
6 substance for personal use or for the use of a member of the person's household
7 or for administration to an animal owned by the person or by a member of the
8 person's household;
- 9 ~~(23)~~(21) "Controlled substance analogue," any of the following:
- 10 (a) A substance that differs in its chemical structure to a controlled substance
11 listed in or added to the schedule designated in schedule I or II only by
12 substituting one or more hydrogens with halogens or by substituting one
13 halogen with a different halogen; or
- 14 (b) A substance that is an alkyl homolog of a controlled substance listed in or
15 added to schedule I or II; or
- 16 (c) A substance intended for human consumption; and
- 17 (i) The chemical structure of which is substantially similar to the chemical
18 structure of a controlled substance in schedule I or II;
- 19 (ii) Which has a stimulant, depressant, or hallucinogenic effect on the
20 central nervous system that is substantially similar to or greater than
21 the stimulant, depressant, or hallucinogenic effect on the central
22 nervous system of a controlled substance in schedule I or II; or
- 23 (iii) With respect to a particular person, which such person represents or
24 intends to have a stimulant, depressant, or hallucinogenic effect on
25 the central nervous system that is substantially similar to or greater
26 than the stimulant, depressant, or hallucinogenic effect on the
27 central nervous system of a controlled substance in schedule I or II;
- 28 However, the term, controlled substance analogue, does not include a controlled
29 substance or any substance for which there is an approved new drug application.

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

31 **34-20B-14.** Any material, compound, mixture, or preparation which contains any
32 quantity of the following hallucinogenic substances, their salts, isomers, and salts of
33 isomers, is included in Schedule I, unless specifically excepted, whenever the existence of

1 such salts, isomers, and salts of isomers is possible within the specific chemical
2 designation:

- 3 (1) Bufotenine;
- 4 (2) Diethyltryptamine (DET);
- 5 (3) Dimethyltryptamine (DMT);
- 6 (4) 5-methoxy-N, N-Dimethyltryptamine (5-MeO-DMT);
- 7 (5) 5-methoxy-3, 4-methylenedioxy amphetamine;
- 8 (6) 4-bromo-2, 5-dimethoxyamphetamine;
- 9 (7) 4-methoxyamphetamine;
- 10 (8) 4-methoxymethamphetamine;
- 11 (9) 4-methyl-2, 5-dimethoxyamphetamine;
- 12 (10) Hashish and hash oil;
- 13 (11) Ibogaine;
- 14 (12) Lysergic acid diethylamide;
- 15 (13) Mescaline;
- 16 (14) N-ethyl-3-piperidyl benzilate;
- 17 (15) N-methyl-3-piperidyl benzilate;
- 18 (16) 1-(-(2-thienyl)cyclohexyl) piperidine (TCP);
- 19 (17) Peyote, except that when used as a sacramental in services of the Native American
20 church in a natural state which is unaltered except for drying or curing and cutting
21 or slicing, it is hereby excepted;
- 22 (18) Psilocybin;
- 23 (19) Psilocyn;
- 24 (20) ~~Tetrahydrocannabinol, other than that which occurs in industrial hemp as defined~~
25 ~~in § 38-35-1 or marijuana in its natural and unaltered state, including any~~
26 ~~compound, except nabilone or compounds listed under a different schedule,~~
27 ~~structurally derived from 6,6'-dimethyl-benzo[c]chromene by substitution at the~~
28 ~~3-position with either alkyl (C3 to C8), methyl cycloalkyl, or adamantyl groups,~~
29 ~~whether or not the compound is further modified in any of the following ways:~~
30 ~~(a) By partial to complete saturation of the C-ring; or~~
31 ~~(b) By substitution at the 1-position with a hydroxyl or methoxy group; or~~
32 ~~(c) By substitution at the 9-position with a hydroxyl, methyl, or methylhydroxyl group;~~
33 ~~or~~

- 1 ~~(d) By modification of the possible 3-alkyl group with a 1,1'-dimethyl moiety, a 1,1'~~
2 ~~cyclic moiety, an internal methylene group, an internal acetylene group, or a~~
3 ~~terminal halide, cyano, azido, or dimethylcarboxamido group.~~
4 ~~Some trade and other names: JWH 051; JWH 057; JWH 133; JWH 359; HHC; AM-~~
5 ~~087; AM 411; AM 855, AM 905; AM 906; AM 2389; HU 210; HU 211; HU 243;~~
6 ~~HU 336;~~
- 7 ~~(21)~~ 3, 4, 5-trimethoxy amphetamine;
8 ~~(22)~~(21) 3, 4-methylenedioxy amphetamine;
9 ~~(23)~~(22) 3-methoxyamphetamine;
10 ~~(24)~~(23) 2, 5-dimethoxyamphetamine;
11 ~~(25)~~(24) 2-methoxyamphetamine;
12 ~~(26)~~(25) 2-methoxymethamphetamine;
13 ~~(27)~~(26) 3-methoxymethamphetamine;
14 ~~(28)~~(27) Phencyclidine;
15 ~~(29)~~(28) 3, 4-methylenedioxymethamphetamine (MDMA);
16 ~~(30)~~(29) 3, 4-methylenedioxy-N-ethylamphetamine;
17 ~~(31)~~(30) N-hydroxy-3, 4-methylenedioxyamphetamine;
18 ~~(32)~~(31) 4-methylaminorex (also known as 2-Amino-4-methyl/x-5-phenyl-2-
19 oxazoline);
20 ~~(33)~~(32) 2,5 Dimethoxy-4-ethylamphetamine;
21 ~~(34)~~(33) N,N-Dimethylamphetamine;
22 ~~(35)~~(34) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine;
23 ~~(36)~~(35) Aminorex;
24 ~~(37)~~(36) Cathinone and other variations, defined as any compound, material, mixture,
25 preparation or other product unless listed in another schedule or an approved FDA
26 drug (e.g. bupropion, pyrovalerone), structurally derived from 2-aminopropan-1-
27 one by substitution at the 1-position with either phenyl, naphthyl, or thiophene
28 ring systems, whether or not the compound is further modified in any of the
29 following ways:
30 (a) By substitution in the ring system to any extent with alkyl, alkylenedioxy,
31 alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further
32 substituted in the ring system by one or more other univalent substituents;
33 (b) By substitution at the 3-position with an acyclic alkyl substituent;

1 (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
 2 methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a
 3 cyclic structure.

4 Some trade or other names: methcathinone, 4-methyl-N-methylcathinone
 5 (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methylone); 3,4-
 6 methylenedioxypropylvalerone (MDPV); Naphthylpyrovalerone (naphyrone); 4-
 7 fluoromethcathinone (flephedrone); 4-methoxymethcathinone (methedrone; Bk-
 8 PMMA); Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone
 9 (ethylone); Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (butylone); N,N-
 10 dimethylcathinone (metamfepramone); Alpha-pyrrolidinopropiophenone (alpha-
 11 PPP); 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPPP); 3,4-
 12 methylenedioxyalpha-pyrrolidinopropiophenone (MDPPP); Alpha-
 13 pyrrolidinovalerophenone (alpha-PVP); 3-fluoromethcathinone; 4'-Methyl-alpha-
 14 pyrrolidinobutiophenone (MPBP); Methyl- α -pyrrolidinopropiophenone
 15 (MPPP); Methyl- α -pyrrolidino-hexanophenone (MPHP); Buphedrone; Methyl-
 16 N-ethylcathinone; Pentedrone; Dimethylmethcathinone (DMMC);
 17 Dimethylethcathinone (DMEC); Methylenedioxy-methcathinone (MDMC);
 18 Pentylone; Ethylethcathinone; Ethylmethcathinone; Fluoroethcathinone; methyl-
 19 alpha-pyrrolidinobutiophenone (MPBP); Methylecathinone (MEC); Methylenedioxy-
 20 alpha-pyrrolidinobutiophenone (MDPBP); Methoxymethcathinone (MOMC);
 21 Methylbuphedrone (MBP); Benzedrone (4-MBC); Dibutylone (DMBDB);
 22 Dimethylone (MDDMA); Diethylcathinone; Eutylone (EBDB); N-ethyl-N-
 23 Methylcathinone; N-ethylbuphedrone, 1-(1,3-benzodioxol-5-yl)-2-
 24 (ethylamino)pentan-1-one (N-Ethylpentylone); 4'-Methyl-alpha-
 25 pyrrolidinopropiophenone (4-MEPPP, MPPP or MaPPP); alpha-
 26 Pyrrolidinobutiophenone (α ;PBP); 1-(1,3-benzodioxol-5-yl)-2-(tert-
 27 butylamino)propan-1-one (Tertylone); 1-(1,3-benzodioxol-5-yl)-2-
 28 (ethylamino)hexan-1-one (N-ethyl Hexylone); 1-(1,3-benzodioxol-5-yl)-2-
 29 (methylamino)pentan-1-one (Pentylone);

30 ~~(38)~~(37) 2,5-Dimethoxy-4-ethylamphetamine (DOET);

31 ~~(39)~~(38) Alpha-ethyltryptamine;

32 ~~(40)~~(39) 4-Bromo-2,5-dimethoxy phenethylamine;

33 ~~(41)~~(40) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);

34 ~~(42)~~(41) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);

35 ~~(43)~~(42) Alpha-methyltryptamine (AMT);

1 ~~(44)~~(43) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

2 ~~(45)~~(44) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

3 ~~(46)~~(45) Synthetic cannabinoids. Any material, compound, mixture, or preparation
4 that is not listed as a controlled substance in another schedule, is not an FDA-
5 approved drug, and contains any quantity of the following substances, their salts,
6 isomers (whether optical, positional, or geometric), homologues, modifications of
7 the indole ring by nitrogen heterocyclic analog substitution or nitrogen heterocyclic
8 analog substitution of the phenyl, benzyl, naphthyl, adamantly, cyclopropyl, cumyl,
9 or propionaldehyde structure, and salts of isomers, homologues, and modifications,
10 unless specifically excepted, whenever the existence of these salts, isomers,
11 homologues, modifications, and salts of isomers, homologues, and modifications is
12 possible within the specific chemical designation:

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

21 Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthoyl)indole
22 (JWH-018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-butyl-3-(1-
23 naphthoyl)indole (JWH-073); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole
24 (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-[2-(4-
25 morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); JWH-210; JWH-398;
26 1-pentyl-3-(1-naphthoyl)indole (AM-678); 1-(5-fluoropentyl)-3-(1-
27 naphthoyl)indole (AM-2201); WIN 55-212; JWH-004; JWH-007; JWH-009;
28 JWH-011; JWH-016; JWH-020; JWH-022; JWH-046; JWH-047; JWH-048;
29 JWH-049; JWH-050; JWH-070; JWH-071; JWH-072; JWH-076; JWH-079;
30 JWH-080; JWH-082; JWH-094; JWH-096; JWH-098; JWH-116; JWH-120;
31 JWH-148; JWH-149; JWH-164; JWH-166; JWH-180; JWH-181; JWH-182;
32 JWH-189; JWH-193; JWH-198; JWH-211; JWH-212; JWH-213; JWH-234;
33 JWH-235; JWH-236; JWH-239; JWH-240; JWH-241; JWH-258; JWH-262;
34 JWH-386; JWH-387; JWH-394; JWH-395; JWH-397; JWH-399; JWH-400;

1 JWH-412; JWH-413; JWH-414; JWH-415; JWH-424; AM-678; AM-1220;
2 AM-1221; AM-1235; AM-2232, THJ-2201;

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

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

- 14 (c) Phenylacetyloindoles. Any compound containing a 2-phenylacetyloindole or 3-
15 phenylacetyloindole structure with substitution at the nitrogen atom of the
16 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
17 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-
18 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
19 (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not
20 further substituted on the indole ring to any extent and whether or not
21 substituted on the phenyl ring to any extent.

22 Some trade or other names: 1-cyclohexylethyl-3-(2-
23 methoxyphenylacetyl)indole (SR-18); 1-cyclohexylethyl-3-(2-
24 methoxyphenylacetyl)indole (RCS-8); 1-pentyl-3-(2-
25 methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-(2-
26 chlorophenylacetyl)indole (JWH-203); JWH-167; JWH-201; JWH-202; JWH-
27 204; JWH-205; JWH-206; JWH-207; JWH-208; JWH-209; JWH-237; JWH-
28 248; JWH-249; JWH-251; JWH-253; JWH-302; JWH-303; JWH-304; JWH-
29 305; JWH-306; JWH-311; JWH-312; JWH-313; JWH-314; JWH-315; JWH-
30 316; Cannabipiperidiethanone;

- 31 (d) Benzoyloindoles. Any compound containing a 2-(benzoyl)indole or 3-
32 (benzoyl)indole structure with substitution at the nitrogen atom of the
33 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
34 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-
35 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,

1 (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not
2 further substituted on the indole ring to any extent and whether or not
3 substituted on the phenyl ring to any extent.

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

8 (e) Naphthoylpyrroles. Any compound containing a 2-(1-naphthoyl)pyrrole or 3-
9 (1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the
10 pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
11 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,
12 cyanoalkyl, 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 pyrrole ring to any extent
15 and whether or not substituted on the naphthyl ring to any extent.

16 Some trade or other names: JWH-307; JWH-030; JWH-031; JWH-145;
17 JWH-146; JWH-147; JWH-150; JWH-156; JWH-242; JWH-243; JWH-244;
18 JWH-245; JWH-246; JWH-292; JWH-293; JWH-308; JWH-309; JWH-346;
19 JWH-348; JWH-363; JWH-364; JWH-365; JWH-367; JWH-368; JWH-369;
20 JWH-370; JWH-371; JWH-373; JWH-392;

21 (f) Naphthylmethylindenes. Any compound containing a naphthylideneindene
22 structure with substitution at the 3-position of the indene ring by an alkyl,
23 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
24 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-
25 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-
26 4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted
27 on the indene ring to any extent and whether or not substituted on the
28 naphthyl ring to any extent.

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

30 (g) Cyclohexylphenols. Any compound containing a 2-(3-
31 hydroxycyclohexyl)phenol structure with substitution at the 5-position of
32 the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
33 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
34 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-

- 1 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl
2 group, whether or not substituted on the cyclohexyl ring to any extent.
3 Some trade or other names: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-
4 hydroxycyclohexyl]-phenol (CP 47, 497 and homologues, which includes
5 C8); cannabicyclohexanol; CP-55,490; CP-55,940; CP-56,667
- 6 (h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
7 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names:
8 HU-210;
- 9 (i) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-
10 benzoxazin-6-yl]-1-naphthalenyl. Some trade or other names: WIN 55, 212-
11 2;
- 12 (j) Substituted Acetylintoles. Any compound containing a 2-acetyl indole or 3-
13 acetyl indole structure substituted at the acetyl by replacement of the
14 methyl group with a tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or
15 propionaldehyde substituent whether or not further substituted on the
16 tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde
17 substituent to any extent and whether or not further substituted at the
18 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
19 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
20 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
21 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl
22 group whether or not further substituted on the indole ring to any extent.
23 Some trade and or names: (1-Pentylindol-3-yl)-(2,2,3,3-
24 tetramethylcyclopropyl)methanone (UR-144); (1-(5-fluoropentyl)indol-3-
25 yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11); (1-(2-
26 morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-
27 tetramethylcyclopropyl)methanone (A-796,260); 1-[(N-methylpiperidin-2-
28 yl)methyl]-3-(adamant-1-oyl)indole (AM-1248); 1-Pentyl-3-(1-
29 adamantoyl)indole (AB-001 and JWH-018 adamantyl analog); AM-679;
- 30 (k) Substituted Carboxamide Indole. Any compound containing a 2-carboxamide
31 indole or 3-carboxamide indole structure substituted at the nitrogen of the
32 carboxamide with a tetramethylcyclopropyl, naphthyl, adamantyl, cumyl,
33 phenyl, or propionaldehyde substituent, whether or not further substituted
34 on the tetramethylcyclopropyl, adamantyl, cumyl, naphthyl, phenyl, or
35 propionaldehyde substituent to any extent and whether or not further

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

7 Some trade and other names: JWH-018 adamantyl carboxamide; STS-135;
8 MN-18; 5-Fluoro-MN-18, 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-
9 pyrrolo[2,3-b]pyridine-3-carboxamide (5F-CUMYL-P7AICA) ; N-
10 (Adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-
11 APINACA); methyl (2R)-2-[[1-(5-fluoropentyl)indazole-3-carbonyl]amino]-
12 3,3-dimethylbutanoate (5F-ADB); N-(1-amino-3-methyl-1-oxobutan-2-yl)-
13 1-(cyclohexylmethyl)indazole-3-carboxamide (AB-CHMINACA); 1-(4-
14 cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (4-CN-
15 CUMYL-BUTINACA); N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
16 (cyclohexylmethyl)indazole-3-carboxamide (ADB-CHMINACA or MAB-
17 CHMINACA); methyl (2S)-2-[[1-[4-fluorophenyl)methyl]indazole-3-
18 carbonyl]amino]-3,3-dimethylbutanoate (MDMB-FUBINACA); methyl 2-(1-
19 (cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (MMB-
20 CHMICA); methyl (2S)-2-[[1-[4-fluorophenyl)methyl]indazole-3-
21 carbonyl]amino]-3-methylbutanoate (AMB-FUBINACA); Methyl 2-(1-(5-
22 fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5F-AMB);
23 methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-
24 dimethylbutanoate (5F-MDMB-PICA); methyl (S)-3,3-dimethyl-2-[[1-(pent-
25 4-enylindazole-3-carbonyl)amino]butanoate (MDMB-4en-PINACA); methyl
26 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
27 (4F-MDMB-BUTINACA);

- 28 (I) Substituted Carboxylic Acid Indole. Any compound containing a 1H-indole-2-
29 carboxylic acid or 1H-indole-3-carboxylic acid substituted at the hydroxyl
30 group of the carboxylic acid with a phenyl, benzyl, naphthyl, adamantyl,
31 cyclopropyl, quinolinyl, isquinolinyl, cumyl, or propionaldehyde substituent
32 whether or not further substituted on the phenyl, benzyl, naphthyl,
33 adamantyl, cyclopropyl, cumyl, quinolinyl, isquinolinyl, or propionaldehyde
34 substituent to any extent and whether or not further substituted at the
35 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,

1 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, 2-(4-
2 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
3 morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group
4 whether or not further substituted on the indole ring to any extent.

5 Some trade and other names: Naphthalen-1-yl 1-(5-fluoropntyl)-1H-indole-
6 3-carboxylate (NM2201);

7 ~~(47)~~(46) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI);

8 ~~(48)~~(47) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

9 ~~(49)~~(48) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

10 ~~(50)~~(49) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

11 ~~(51)~~(50) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

12 ~~(52)~~(51) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

13 ~~(53)~~(52) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

14 ~~(54)~~(53) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

15 ~~(55)~~(54) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

16 ~~(56)~~(55) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);

17 ~~(57)~~(56) Substituted phenethylamine. Any compound, unless specifically exempt,
18 listed as a controlled substance in another schedule or an approved FDA drug,
19 structurally derived from phenylethan-2-amine by substitution on the phenyl ring
20 in any of the following ways, that is to say--by substitution with a fused
21 methylenedioxy, fused furan, or fused tetrahydrofuran ring system; by substitution
22 with two alkoxy groups; by substitution with one alkoxy and either one fused furan,
23 tetrahydrofuran, or tetrahydropyran ring system; by substitution with two fused
24 ring systems from any combination of the furan, tetrahydrofuran, or
25 tetrahydropyran ring systems; whether or not the compound is further modified in
26 any of the following ways:

27 (a) By substitution on the phenyl ring by any halo, hydroxyl, alkyl,
28 trifluoromethyl, alkoxy, or alkylthio groups;

29 (b) By substitution on the 2-position by any alkyl groups; or

30 (c) By substitution on the 2-amino nitrogen atom with acetyl, alkyl, dialkyl,
31 benzyl, methoxybenzyl, or hydroxybenzyl groups.

32 Some trade and other names: 2-(2,5-dimethoxy-4-
33 (methylthio)phenyl)ethanamine (2C-T or 4-methylthio-2,5-
34 dimethoxyphenethylamine); 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine
35 (DOI or 2, 5-Dimethoxy-4-iodoamphetamine); 1-(4-Bromo-2,5-

1 dimethoxyphenyl)-2-aminopropane (DOB or 2,5-Dimethoxy-4-
2 bromoamphetamine); 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (DOC
3 or 2,5-Dimethoxy-4-chloroamphetamine); 2-(4-bromo-2,5-dimethoxyphenyl)-N-
4 [(2-methoxyphenyl)methyl]ethanamine (2C-B-NBOMe; 25B-NBOMe or 2,5-
5 Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine); 2-(4-iodo-2,5-
6 dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-I-NBOMe; 25I-
7 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine); N-(2-
8 Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine (Mescaline-NBOMe or 3,4,5-
9 trimethoxy-(2-methoxybenzyl)phenethylamine); 2-(4-chloro-2,5-
10 dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-C-NBOMe; 25C-
11 NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine); 2-(7-
12 Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine (2CB-5-hemiFLY);
13 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (2C-B-
14 FLY); 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
15 yl)ethanamine (2C-B-butterFLY); -(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-
16 tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane (2C-B-FLY-NBOMe);
17 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (bromo-
18 benzodifuranyl-isopropylamine or bromo-dragonFLY); -(2-Hydroxybenzyl)-4-iodo-
19 2,5-dimethoxyphenethylamine (2C-I-NBOH or 25I-NBOH); 5-(2-
20 Aminopropyl)benzofuran (5-APB); 6(2-Aminopropyl)benzofuran (6-APB); 5-(2-
21 Aminopropyl)-2,3-dihydrobenzofuran (5-APDB); 6-(2-Aminopropyl)-2,3-
22 dihydrobenzofuran (6-APDB);

23 ~~(58)~~(57) Substituted tryptamines. Any compound, unless specifically exempt, listed as
24 a controlled substance in another schedule or an approved FDA drug, structurally
25 derived from 2-(1H-indol-3-yl)ethanamine (i.e, tryptamine) by mono- or di-
26 substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of
27 the amino nitrogen atom in a cyclic structure whether or not the compound is
28 further substituted at the alpha-position with an alkyl group or whether or not
29 further substituted on the indole ring to any extent with any alkyl, alkoxy, halo,
30 hydroxyl, or acetoxy groups.

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

35 ~~(59)~~(58) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone (CB-13);

- 1 ~~(60)~~(59) N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide (AKB 48);
- 2 ~~(61)~~(60) 1-(4-Fluorophenyl)piperazine (pFPP);
- 3 ~~(62)~~(61) 1-(3-Chlorophenyl)piperazine (mCPP);
- 4 ~~(63)~~(62) 1-(4-Methoxyphenyl)piperazine (pMeOPP);
- 5 ~~(64)~~(63) 1,4-Dibenzylpiperazine (DBP);
- 6 ~~(65)~~(64) Isopentedrone;
- 7 ~~(66)~~(65) Fluoromethamphetamine;
- 8 ~~(67)~~(66) Fluoroamphetamine;
- 9 ~~(68)~~(67) Fluorococaine;
- 10 ~~(69)~~(68) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- 11 ~~(70)~~(69) 1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid (5 Fluoro-
- 12 PB-22);
- 13 ~~(71)~~(70) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-
- 14 carboxamide (AB-PINACA);
- 15 ~~(72)~~(71) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-
- 16 carboxamide (5 Fluoro-AB-PINACA);
- 17 ~~(73)~~(72) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
- 18 carboxamide (AB-FUBINACA);
- 19 ~~(74)~~(73) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-
- 20 carboxamide (ADB-PINACA (ADBICA));
- 21 ~~(75)~~(74) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-
- 22 carboxamide (5 Fluoro-ADB-PINACA (5 Fluoro-ADBICA)); and
- 23 ~~(76)~~(75) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-
- 24 3-carboxamide (ADB-FUBINACA).

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

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

- 27 (1) "Cultivator," an entity licensed pursuant to this chapter that acquires, possesses,
- 28 cultivates, delivers, transfers, transports, supplies, or sells marijuana and related
- 29 supplies to a marijuana facility;
- 30 (2) "Dispensary," an entity licensed pursuant to this chapter that acquires, possesses,
- 31 stores, delivers, transfers, transports, sells, supplies, or dispenses marijuana,
- 32 marijuana products, and related supplies to a consumer;

1 (3) "Manufacturer," an entity licensed pursuant to this chapter that acquires,
2 possesses, manufactures, delivers, transfers, transports, supplies, or sells
3 marijuana products to a marijuana facility;

4 (4) "Marijuana," as defined in § 22-42-1;

5 (5) "Marijuana facility," an entity licensed pursuant to this chapter to cultivate, test,
6 manufacture, or dispense marijuana or marijuana products;

7 (6) "Marijuana product," any product infused with marijuana concentrate, as defined
8 in § 22-42-1, and intended for use or consumption by humans;

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

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

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

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

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

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

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

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

25 After submitting an application under section 16 of this Act, the applicant for a
26 manufacturer, cultivator, or dispensary license shall submit the application to the
27 governing body of the municipality in which the applicant intends to operate, or if outside
28 the corporate limits of a municipality, to the governing body of the county in which the
29 applicant intends to operate. The governing body may charge a reasonable fee that must
30 accompany the application. The license fee shall be retained by the local governing body

1 in which the license shall be issued. If the application is rejected, the fee shall be promptly
2 returned to the applicant.

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

5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 If the governing body of the municipality or county does not approve the
9 application, the governing body shall endorse on the application the reasons for the denial
10 and return the application and fee to the applicant. No further application may be received
11 from the applicant until after the expiration of one year from the date of a denied
12 application. However, if the body denied the application based on the suitability of the
13 location for the license, no further application may be received from the applicant until
14 after three months from the date of the denied application, if the subsequent application
15 is for a different location.

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

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

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

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

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

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

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

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

6 (1) Any provision of this chapter;

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

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

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

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

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

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

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

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

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

2 The governing body of a municipality or county may recommend to the secretary
3 of revenue following a hearing that any manufacturer, cultivator, or dispensary license
4 issued under this chapter be suspended or revoked for violation of any of the provisions
5 of this chapter or for violations of any ordinance or regulation of the governing body
6 relevant to marijuana control that occurs on the premises of the licensee. Upon receipt of
7 the recommendation, the secretary shall proceed as provided in this chapter.

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

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

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

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

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

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

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

26 No manufacturer, cultivator, or dispensary licensee under this chapter, whose
27 license is revoked, may be granted any license under this chapter for one year after the
28 revocation. If any relative of any such former licensee or any of the former licensee's
29 employees or former employees, applies for any such license before the one-year period

1 has elapsed, the license may be granted only upon affirmative and satisfactory proof that
2 the former licensee has no interest in the business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 A marijuana facility may not engage in advertising that:
22 (1) Is false or misleading;
23 (2) Promotes overconsumption of marijuana or marijuana products;
24 (3) Depicts the actual consumption of marijuana or marijuana products;
25 (4) Depicts a person under the age of twenty-one consuming marijuana or marijuana
26 products;
27 (5) Makes any health, therapeutic, or medicinal claims about marijuana or marijuana
28 products; or

1 (6) Is designed in a way that is likely to appeal to a person under the age of twenty-
2 one or includes cartoons, animals, children, or any other likeness to images,
3 characters, or phrases that are designed in any manner to be appealing or to
4 encourage consumption of marijuana or marijuana products by a person under the
5 age of twenty-one.

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

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

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

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

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

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

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

1 This chapter does not:

2 (1) Require that an employer permit or accommodate conduct allowed by this chapter;

3 (2) Affect an employer's ability to restrict the use of marijuana or marijuana products
4 by employees;

5 (3) Limit the right of a person who occupies, owns, or controls private property from
6 prohibiting or otherwise regulating conduct permitted by this chapter on or in that
7 property; or

8 (4) Limit the ability of the state or local government to prohibit or restrict any conduct
9 otherwise permitted under this chapter within a building owned, leased, or
10 occupied by the state or local government.

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

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

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

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

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

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

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

25 (a) Oversight requirements;

26 (b) Record-keeping requirements;

27 (c) Security requirements, including lighting, physical security, and alarm
28 requirements;

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

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

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

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