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LAW/KR

P.L.2013, CHAPTER 35, *approved March 12, 2013*
Senate Committee Substitute for
Senate, No. 1783

1 AN ACT concerning controlled dangerous substances, amending
2 N.J.S.2C:35-2 and supplementing Title 2C of the New Jersey
3 Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. N.J.S.2C:35-2 is amended to read as follows:
9 2C:35-2. As used in this chapter:

10 "Administer" means the direct application of a controlled
11 dangerous substance or controlled substance analog, whether by
12 injection, inhalation, ingestion, or any other means, to the body of a
13 patient or research subject by: (1) a practitioner (or, in his
14 presence, by his lawfully authorized agent), or (2) the patient or
15 research subject at the lawful direction and in the presence of the
16 practitioner.

17 "Agent" means an authorized person who acts on behalf of or at
18 the direction of a manufacturer, distributor, or dispenser but does
19 not include a common or contract carrier, public warehouseman, or
20 employee thereof.

21 "Controlled dangerous substance" means a drug, substance, or
22 immediate precursor in Schedules I through V, any substance the
23 distribution of which is specifically prohibited in N.J.S.2C:35-3, in
24 section 3 of P.L.1997, c.194 (C.2C:35-5.2), in section 5 of
25 P.L.1997, c.194 (C.2C:35-5.3), or in section 2 of P.L.2011, c.120
26 (C.2C:35-5.3a), or in section 2 of P.L. , c. (C.) (pending
27 before the Legislature as this bill), and any drug or substance
28 which, when ingested, is metabolized or otherwise becomes a
29 controlled dangerous substance in the human body. When any
30 statute refers to controlled dangerous substances, or to a specific
31 controlled dangerous substance, it shall also be deemed to refer to
32 any drug or substance which, when ingested, is metabolized or
33 otherwise becomes a controlled dangerous substance or the specific
34 controlled dangerous substance, and to any substance that is an
35 immediate precursor of a controlled dangerous substance or the
36 specific controlled dangerous substance. The term shall not include
37 distilled spirits, wine, malt beverages, as those terms are defined or
38 used in R.S.33:1-1 et seq., or tobacco and tobacco products. The

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 term, wherever it appears in any law or administrative regulation of
2 this State, shall include controlled substance analogs.

3 "Controlled substance analog" means a substance that has a
4 chemical structure substantially similar to that of a controlled
5 dangerous substance and that was specifically designed to produce
6 an effect substantially similar to that of a controlled dangerous
7 substance. The term shall not include a substance manufactured or
8 distributed in conformance with the provisions of an approved new
9 drug application or an exemption for investigational use within the
10 meaning of section 505 of the "Federal Food, Drug and Cosmetic
11 Act," 52 Stat. 1052 (21 U.S.C. s.355).

12 "Counterfeit substance" means a controlled dangerous substance
13 or controlled substance analog which, or the container or labeling of
14 which, without authorization, bears the trademark, trade name, or
15 other identifying mark, imprint, number, or device, or any likeness
16 thereof, of a manufacturer, distributor, or dispenser other than the
17 person or persons who in fact manufactured, distributed, or
18 dispensed the substance and which thereby falsely purports or is
19 represented to be the product of, or to have been distributed by,
20 such other manufacturer, distributor, or dispenser.

21 "Deliver" or "delivery" means the actual, constructive, or
22 attempted transfer from one person to another of a controlled
23 dangerous substance or controlled substance analog, whether or not
24 there is an agency relationship.

25 "Dispense" means to deliver a controlled dangerous substance or
26 controlled substance analog to an ultimate user or research subject
27 by or pursuant to the lawful order of a practitioner, including the
28 prescribing, administering, packaging, labeling, or compounding
29 necessary to prepare the substance for that delivery. "Dispenser"
30 means a practitioner who dispenses.

31 "Distribute" means to deliver other than by administering or
32 dispensing a controlled dangerous substance or controlled substance
33 analog. "Distributor" means a person who distributes.

34 "Drugs" means (a) substances recognized in the official United
35 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the
36 United States, or official National Formulary, or any supplement to
37 any of them; and (b) substances intended for use in the diagnosis,
38 cure, mitigation, treatment, or prevention of disease in man or other
39 animals; and (c) substances (other than food) intended to affect the
40 structure or any function of the body of man or other animals; and
41 (d) substances intended for use as a component of any article
42 specified in subsections (a), (b), and (c) of this section; but does not
43 include devices or their components, parts, or accessories.

44 "Drug or alcohol dependent person" means a person who as a
45 result of using a controlled dangerous substance or controlled
46 substance analog or alcohol has been in a state of psychic or
47 physical dependence, or both, arising from the use of that controlled

1 dangerous substance or controlled substance analog or alcohol on a
2 continuous or repetitive basis. Drug or alcohol dependence is
3 characterized by behavioral and other responses, including but not
4 limited to a strong compulsion to take the substance on a recurring
5 basis in order to experience its psychic effects, or to avoid the
6 discomfort of its absence.

7 "Hashish" means the resin extracted from any part of the plant
8 Genus Cannabis L. and any compound, manufacture, salt,
9 derivative, mixture, or preparation of such resin.

10 "Manufacture" means the production, preparation, propagation,
11 compounding, conversion, or processing of a controlled dangerous
12 substance or controlled substance analog, either directly or by
13 extraction from substances of natural origin, or independently by
14 means of chemical synthesis, or by a combination of extraction and
15 chemical synthesis, and includes any packaging or repackaging of
16 the substance or labeling or relabeling of its container, except that
17 this term does not include the preparation or compounding of a
18 controlled dangerous substance or controlled substance analog by
19 an individual for his own use or the preparation, compounding,
20 packaging, or labeling of a controlled dangerous substance: (1) by
21 a practitioner as an incident to his administering or dispensing of a
22 controlled dangerous substance or controlled substance analog in
23 the course of his professional practice, or (2) by a practitioner (or
24 under his supervision) for the purpose of, or as an incident to,
25 research, teaching, or chemical analysis and not for sale.

26 "Marijuana" means all parts of the plant Genus Cannabis L.,
27 whether growing or not; the seeds thereof, and every compound,
28 manufacture, salt, derivative, mixture, or preparation of the plant or
29 its seeds, except those containing resin extracted from the plant;
30 but shall not include the mature stalks of the plant, fiber produced
31 from the stalks, oil, or cake made from the seeds of the plant, any
32 other compound, manufacture, salt, derivative, mixture, or
33 preparation of mature stalks, fiber, oil, or cake, or the sterilized
34 seed of the plant which is incapable of germination.

35 "Narcotic drug" means any of the following, whether produced
36 directly or indirectly by extraction from substances of vegetable
37 origin, or independently by means of chemical synthesis, or by a
38 combination of extraction and chemical synthesis:

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

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

42 (c) A substance (and any compound, manufacture, salt,
43 derivative, or preparation thereof) which is chemically identical
44 with any of the substances referred to in subsections (a) and (b),
45 except that the words "narcotic drug" as used in this act shall not
46 include decocainized coca leaves or extracts of coca leaves, which
47 extracts do not contain cocaine or ecogine.

1 "Opiate" means any dangerous substance having an addiction-
2 forming or addiction-sustaining liability similar to morphine or
3 being capable of conversion into a drug having such addiction-
4 forming or addiction-sustaining liability. It does not include, unless
5 specifically designated as controlled pursuant to the provisions of
6 section 3 of P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer
7 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).
8 It does include its racemic and levorotatory forms.

9 "Opium poppy" means the plant of the species *Papaver*
10 *somniferum* L., except the seeds thereof.

11 "Person" means any corporation, association, partnership, trust,
12 other institution or entity, or one or more individuals.

13 "Plant" means an organism having leaves and a readily
14 observable root formation, including, but not limited to, a cutting
15 having roots, a rootball or root hairs.

16 "Poppy straw" means all parts, except the seeds, of the opium
17 poppy, after mowing.

18 "Practitioner" means a physician, dentist, veterinarian, scientific
19 investigator, laboratory, pharmacy, hospital, or other person
20 licensed, registered, or otherwise permitted to distribute, dispense,
21 conduct research with respect to, or administer a controlled
22 dangerous substance or controlled substance analog in the course of
23 professional practice or research in this State.

24 (a) "Physician" means a physician authorized by law to practice
25 medicine in this or any other state and any other person authorized
26 by law to treat sick and injured human beings in this or any other
27 state.

28 (b) "Veterinarian" means a veterinarian authorized by law to
29 practice veterinary medicine in this State.

30 (c) "Dentist" means a dentist authorized by law to practice
31 dentistry in this State.

32 (d) "Hospital" means any federal institution, or any institution
33 for the care and treatment of the sick and injured, operated or
34 approved by the appropriate State department as proper to be
35 entrusted with the custody and professional use of controlled
36 dangerous substances or controlled substance analogs.

37 (e) "Laboratory" means a laboratory to be entrusted with the
38 custody of narcotic drugs and the use of controlled dangerous
39 substances or controlled substance analogs for scientific,
40 experimental, and medical purposes and for purposes of instruction
41 approved by the Department of Health.

42 "Production" includes the manufacture, planting, cultivation,
43 growing, or harvesting of a controlled dangerous substance or
44 controlled substance analog.

45 "Immediate precursor" means a substance which the Division of
46 Consumer Affairs in the Department of Law and Public Safety has
47 found to be and by regulation designates as being the principal

1 compound commonly used or produced primarily for use, and
2 which is an immediate chemical intermediary used or likely to be
3 used in the manufacture of a controlled dangerous substance or
4 controlled substance analog, the control of which is necessary to
5 prevent, curtail, or limit such manufacture.

6 "Residential treatment facility" means any facility licensed and
7 approved by the Department of Human Services and which is
8 approved by any county probation department for the inpatient
9 treatment and rehabilitation of drug or alcohol dependent persons.

10 "Schedules I, II, III, IV, and V" are the schedules set forth in
11 sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-
12 8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified
13 by any regulations issued by the Director of the Division of
14 Consumer Affairs in the Department of Law and Public Safety
15 pursuant to the director's authority as provided in section 3 of
16 P.L.1970, c.226 (C.24:21-3).

17 "State" means the State of New Jersey.

18 "Ultimate user" means a person who lawfully possesses a
19 controlled dangerous substance or controlled substance analog for
20 his own use or for the use of a member of his household or for
21 administration to an animal owned by him or by a member of his
22 household.

23 "Prescription legend drug" means any drug which under federal
24 or State law requires dispensing by prescription or order of a
25 licensed physician, veterinarian, or dentist and is required to bear
26 the statement "Rx only" or similar wording indicating that such
27 drug may be sold or dispensed only upon the prescription of a
28 licensed medical practitioner and is not a controlled dangerous
29 substance or stramonium preparation.

30 "Stramonium preparation" means a substance prepared from any
31 part of the stramonium plant in the form of a powder, pipe mixture,
32 cigarette, or any other form with or without other ingredients.

33 "Stramonium plant" means the plant *Datura Stramonium* Linne,
34 including *Datura Tatula* Linne.

35 (cf: P.L.2012, c.17, s.2)

36

37 2. (New section) a. It is a crime for any person knowingly or
38 purposely to manufacture, distribute or dispense, or to possess or
39 have under his control with intent to manufacture, distribute, or
40 dispense a synthetic cannabinoid.

41 b. A person who violates subsection a. of this section where the
42 quantity involved, including adulterants and dilutants, is one ounce
43 or more is guilty of a crime of the second degree.

44 c. A person who violates subsection a. of this section where the
45 quantity involved, including adulterants and dilutants, is less than
46 one ounce is guilty of a crime of the third degree.

1 d. As used in this chapter, the term, “synthetic cannabinoid”
2 shall include any material, compound, mixture, or preparation that
3 is not included in Schedule I, II, III, IV, and V, other than as a
4 synthetic cannabinoid; is not a federal Food and Drug
5 Administration (FDA) approved drug; and contains any quantity of
6 the following substances, their salts, isomers (whether optical,
7 positional, or geometric), homologues (analogs), and salts of
8 isomers and homologues (analogs), unless specifically excepted,
9 whenever the existence of these salts, isomers, homologues
10 (analogs), and salts of isomers and homologues (analogs) is
11 possible within the specific chemical designation:

12 (1) Naphthoylindoles. Any compound containing a 3-(1-
13 naphthoyl)indole structure with substitution at the nitrogen atom of
14 the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
15 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
16 morpholinyl)ethyl group, whether or not further substituted in the
17 indole ring to any extent and whether or not substituted in the
18 naphthyl ring to any extent. This structural class includes but is not
19 limited to: JWH 015; JWH 018; JWH 019; JWH 073; JWH 081;
20 JWH 122; JWH 200; JWH 210; JWH 398; AM 2201; and WIN 55
21 212.

22 (2) Naphthylmethylindoles. Any compound containing a 1H-
23 indol-3-yl-(1-naphthyl)methane structure with substitution at the
24 nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
25 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
26 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not
27 further substituted in the indole ring to any extent and whether or
28 not substituted in the naphthyl ring to any extent. This structural
29 class includes but is not limited to: JWH-175; and JWH-184.

30 (3) Naphthoylpyrroles. Any compound containing a 3-(1-
31 naphthoyl)pyrrole structure with substitution at the nitrogen atom of
32 the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
33 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
34 morpholinyl)ethyl group, whether or not further substituted in the
35 pyrrole ring to any extent and whether or not substituted in the
36 naphthyl ring to any extent. This structural class includes but is not
37 limited to JWH 307.

38 (4) Naphthylmethylindenenes. Any compound containing a
39 naphthylideneindene structure with substitution at the 3-position of
40 the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
41 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
42 morpholinyl)ethyl group, whether or not further substituted in the
43 indene ring to any extent and whether or not substituted in the
44 naphthyl ring to any extent. This structural class includes but is not
45 limited to JWH-176.

46 (5) Phenylacetylindoles. Any compound containing a 3-
47 phenylacetylindole structure with substitution at the nitrogen atom

1 of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
2 cycloalkylethyl. 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
3 morpholinyl)ethyl group, whether or not further substituted in the
4 indole ring to any extent and whether or not substituted in the
5 phenyl ring to any extent. This structural class includes but is not
6 limited to: RCS-8 (SR-18); JWH 250; JWH 203; JWH-251; and
7 JWH-302.

8 (6) Cyclohexylphenols. Any compound containing a 2-(3-
9 hydroxycyclohexyl)phenol structure with substitution at the 5-
10 position of the phenolic ring by an alkyl, haloalkyl, alkenyl,
11 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
12 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not
13 substituted in the cyclohexyl ring to any extent. This structural class
14 includes but is not limited to CP 47,497 (and
15 homologues(analogs)); cannabicyclohexanol; and CP 55, 940.

16 (7) Benzoylindoles. Any compound containing a 3-
17 (benzoyl)indole structure with substitution at the nitrogen atom of
18 the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
19 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
20 morpholinyl)ethyl group, whether or not further substituted in the
21 indole ring to any extent and whether or not substituted in the
22 phenyl ring to any extent. This structural class includes but is not
23 limited to: AM 694; Pravadoline (WIN 48,098); RCS 4; and AM-
24 679.

25 (8) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-
26 de]-1, 4-benzoxazin-6-yl]-1-naphthalenylmethanone. This structural
27 class includes but is not limited to WIN 55,212-2.

28 (9) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
29 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
30 7370. This structural class includes but is not limited to HU-210.

31 (10) Adamantoylindoles. Any compound containing a 3-(1-
32 adamantoyl)indole structure with substitution at the nitrogen atom
33 of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
34 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
35 morpholinyl)ethyl group, whether or not further substituted in the
36 adamantyl ring system to any extent. This structural class includes
37 but is not limited to AM-1248.

38 (11) Any other synthetic chemical compound that is a
39 cannabinoid receptor agonist and mimics the pharmacological effect
40 of naturally occurring cannabinoids that is not listed in Schedules II
41 through V or is not an FDA approved drug.

42

43 3. (New section) a. It is a crime for any person, knowingly or
44 purposely, to obtain or possess a synthetic cannabinoid, as that term
45 is defined in subsection d. of section 2 of P.L. , c. (C.)
46 (pending before the Legislature as this bill).

1 b. A person who violates subsection a. of this section where the
2 quantity involved is one ounce or more, including adulterants and
3 dilutants, is guilty of a crime of the third degree.

4 c. A person who violates subsection a. of this section where the
5 quantity involved, including adulterants and dilutants, is less than
6 one ounce is guilty of a crime of the fourth degree.

7

8 4. This act shall take effect immediately.

9

10

11

12

13 Prohibits manufacture, sale, or possession of synthetic
14 marijuana.

SENATE, No. 1783

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED MARCH 8, 2012

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senator Holzapfel

SYNOPSIS

Prohibits manufacture, sale, or possession of synthetic marijuana.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/16/2012)

1 AN ACT concerning controlled dangerous substances and amending
2 P.L.1970, c.226.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 5 of P.L.1970, c.226 (C.24:21-5) is amended to read
8 as follows:

9 5. Schedule I.

10 a. Tests. The director shall place a substance in Schedule I if he
11 finds that the substance: (1) has high potential for abuse; and (2)
12 has no accepted medical use in treatment in the United States; or
13 lacks accepted safety for use in treatment under medical
14 supervision.

15 b. The controlled dangerous substances listed in this section are
16 included in Schedule I, subject to any revision and republishing by
17 the director pursuant to subsection d. of section 3 of P.L.1970,
18 c.226 (C.24:21-3), and except to the extent provided in any other
19 schedule.

20 c. Any of the following opiates, including their isomers, esters,
21 and ethers, unless specifically excepted, whenever the existence of
22 such isomers, esters, ethers and salts is possible within the specific
23 chemical designation:

- 24 (1) Acetylmethadol
- 25 (2) Allylprodine
- 26 (3) Alphacetylmethadol
- 27 (4) Alphameprodine
- 28 (5) Alphamethadol
- 29 (6) Benzethidine
- 30 (7) Betacetylmethadol
- 31 (8) Betameprodine
- 32 (9) Betamethadol
- 33 (10) Betaprodine
- 34 (11) Clonitazene
- 35 (12) Dextromoramide
- 36 (13) Dextrorphan
- 37 (14) Diampromide
- 38 (15) Diethylthiambutene
- 39 (16) Dimenoxadol
- 40 (17) Dimepheptanol
- 41 (18) Dimethylthiambutene
- 42 (19) Dioxaphetyl butyrate
- 43 (20) Dipipanone
- 44 (21) Ethylmethylthiambutene
- 45 (22) Etonitazene

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 (23) Etoperidine
- 2 (24) Furethidine
- 3 (25) Hydroxypethidine
- 4 (26) Ketobemidone
- 5 (27) Levomoramide
- 6 (28) Levophenacymorphan
- 7 (29) Morpheridine
- 8 (30) Noracymethadol
- 9 (31) Norlevorphanol
- 10 (32) Normethadone
- 11 (33) Norpipanone
- 12 (34) Phenadoxone
- 13 (35) Phenampromide
- 14 (36) Phenomorphan
- 15 (37) Phenoperidine
- 16 (38) Piritramide
- 17 (39) Proheptazine
- 18 (40) Properidine
- 19 (41) Racemoramide
- 20 (42) Trimeperidine.

21 d. Any of the following narcotic substances, their salts, isomers
22 and salts of isomers, unless specifically excepted, whenever the
23 existence of such salts, isomers and salts of isomers is possible
24 within the specific chemical designation:

- 25 (1) Acetorphine
- 26 (2) Acetylcodone
- 27 (3) Acetyldihydrocodeine
- 28 (4) Benzylmorphine
- 29 (5) Codeine methylbromide
- 30 (6) Codeine-N-Oxide
- 31 (7) Cyprenorphine
- 32 (8) Desomorphine
- 33 (9) Dihydromorphine
- 34 (10) Etorphine
- 35 (11) Heroin
- 36 (12) Hydromorphenol
- 37 (13) Methyldesorphine
- 38 (14) Methylhydromorphine
- 39 (15) Morphine methylbromide
- 40 (16) Morphine methylsulfonate
- 41 (17) Morphine-N-Oxide
- 42 (18) Myrophine
- 43 (19) Nicocodeine
- 44 (20) Nicomorphine
- 45 (21) Normorphine
- 46 (22) Phoclodine
- 47 (23) Thebacon.

1 e. Any material, compound, mixture or preparation which
2 contains any quantity of the following hallucinogenic substances,
3 their salts, isomers and salts of isomers, unless specifically
4 excepted, whenever the existence of such salts, isomers, and salts of
5 isomers is possible within the specific chemical designation:

- 6 (1) 3,4-methylenedioxy amphetamine
- 7 (2) 5-methoxy-3,4-methylenedioxy amphetamine
- 8 (3) 3,4,5-trimethoxy amphetamine
- 9 (4) Bufotenine
- 10 (5) Diethyltryptamine
- 11 (6) Dimethyltryptamine
- 12 (7) 4-methyl-2,5-dimethoxylamphetamine
- 13 (8) Ibogaine
- 14 (9) Lysergic acid diethylamide
- 15 (10) Marihuana
- 16 (11) Mescaline
- 17 (12) Peyote
- 18 (13) N-ethyl-3-piperidyl benzilate
- 19 (14) N-methyl-3-piperidyl benzilate
- 20 (15) Psilocybin
- 21 (16) Psilocyn
- 22 (17) Tetrahydrocannabinols
- 23 (18) Synthetic Cannabinoids.

24 f. For the purposes of this section, "synthetic cannabinoids"
25 include any material, compound, mixture, or preparation that is not
26 listed as a controlled substance in Schedule I through V, is not a
27 federal Food and Drug Administration (FDA) approved drug, and
28 contains any quantity of the following substances, their salts,
29 isomers (whether optical, positional, or geometric), homologues
30 (analogs), and salts of isomers and homologues (analogs), unless
31 specifically excepted, whenever the existence of these salts,
32 isomers, homologues (analogs), and salts of isomers and
33 homologues (analogs) is possible within the specific chemical
34 designation:

35 (1) Naphthoylindoles. Any compound containing a 3-(1-
36 naphthoyl)indole structure with substitution at the nitrogen atom of
37 the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
38 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
39 morpholinyl)ethyl group, whether or not further substituted in the
40 indole ring to any extent and whether or not substituted in the
41 naphthyl ring to any extent. Examples of this structural class
42 include but are not limited to: JWH 015, JWH 018, JWH 019, JWH
43 073, JWH 081, JWH 122, JWH 200, JWH 210, JWH 398, AM
44 2201, and WIN 55 212.

45 (2) Naphthylmethyloindoles. Any compound containing a 1H-
46 indol-3-yl-(1-naphthyl)methane structure with substitution at the
47 nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
48 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-

1 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not
2 further substituted in the indole ring to any extent and whether or
3 not substituted in the naphthyl ring to any extent. Examples of this
4 structural class include but are not limited to: JWH-175, and JWH-
5 184.

6 (3) Naphthoylpyrroles. Any compound containing a 3-(1-
7 naphthoyl)pyrrole structure with substitution at the nitrogen atom of
8 the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
9 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
10 morpholinyl)ethyl group, whether or not further substituted in the
11 pyrrole ring to any extent and whether or not substituted in the
12 naphthyl ring to any extent. Examples of this structural class
13 include but are not limited to: JWH 307.

14 (4) Naphthylmethylenes. Any compound containing a
15 naphthylideneindene structure with substitution at the 3-position of
16 the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
17 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
18 morpholinyl)ethyl group, whether or not further substituted in the
19 indene ring to any extent and whether or not substituted in the
20 naphthyl ring to any extent. Examples of this structural class
21 include but are not limited to: JWH-176.

22 (5) Phenylacetylindoles. Any compound containing a 3-
23 phenylacetylindole structure with substitution at the nitrogen atom
24 of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
25 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
26 morpholinyl)ethyl group, whether or not further substituted in the
27 indole ring to any extent and whether or not substituted in the
28 phenyl ring to any extent. Examples of this structural class include
29 but are not limited to: RCS-8 (SR-18), JWH 250, JWH 203, JWH-
30 251, and JWH-302.

31 (6) Cyclohexylphenols. Any compound containing a 2-(3-
32 hydroxycyclohexyl)phenol structure with substitution at the 5-
33 position of the phenolic ring by an alkyl, haloalkyl, alkenyl,
34 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
35 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not
36 substituted in the cyclohexyl ring to any extent. Examples of this
37 structural class include but are not limited to: CP 47,497 (and
38 homologues(analogs)), cannabicyclohexanol, and CP 55, 940.

39 (7) Benzoylindoles. Any compound containing a 3-
40 (benzoyl)indole structure with substitution at the nitrogen atom of
41 the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
42 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
43 morpholinyl)ethyl group, whether or not further substituted in the
44 indole ring to any extent and whether or not substituted in the
45 phenyl ring to any extent. Examples of this structural class include
46 but are not limited to: AM 694, Pravadoline (WIN 48,098), RCS 4,
47 and AM-679.

S1783 TURNER, BATEMAN

7

1 This bill makes it clear that synthetic marijuana is an illegal drug
2 and that persons who violate the bill's provisions will be subject to
3 the most severe penalties under this State's controlled dangerous
4 substance law.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1783**

STATE OF NEW JERSEY

DATED: OCTOBER 11, 2012

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1783.

This committee substitute criminalizes the manufacture, sale, and possession of synthetic marijuana. Under the substitute, a person who manufactures or sells one ounce or more of synthetic marijuana, including adulterants and dilutants, is guilty of a crime of the second degree. A person who manufactures or sells less than one ounce of synthetic marijuana, including adulterants and dilutants, is guilty of a crime of the third degree.

The substitute further provides that a person who obtains or possesses one ounce or more of synthetic marijuana, including adulterants and dilutants, is guilty of a crime of the third degree. A person who obtains or possesses less than one ounce of synthetic marijuana, including adulterants and dilutants, is guilty of a crime of the fourth degree.

The committee substitute also includes a detailed definition of “synthetic cannabinoid,” the technical term for synthetic marijuana.

According to the sponsor, synthetic marijuana, marketed under such other names as “Spice,” “K2,” “Blaze,” and “Red Dawn X,” is designed to mimic the effects of marijuana. These “designer drugs” are sold in tobacco and smoke shops, drug paraphernalia shops, convenience stores, and over the Internet, and often are labeled as incense or potpourri to evade law enforcement.

The sponsor also states that the use of synthetic marijuana reportedly has been growing in popularity despite serious side effects, including violent seizures, dangerously elevated heart rates, anxiety attacks, hallucinations and, in some cases, death. The number of cases of synthetic marijuana abuse as reported by poison control centers and hospitals has been increasing at an alarming rate.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1783**

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2012

The Assembly Law and Public Safety Committee reports favorably Senate Committee Substitute for Senate Bill No. 1783.

The Senate Committee Substitute for Senate Bill No. 1783 criminalizes the manufacture, sale, and possession of synthetic marijuana. Under the committee substitute, a person who manufactures or sells one ounce or more of synthetic marijuana, including adulterants and dilutants, is guilty of a crime of the second degree. A person who manufactures or sells less than one ounce of synthetic marijuana, including adulterants and dilutants, is guilty of a crime of the third degree.

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As reported by the committee, this committee substitute is identical to the Assembly Committee Substitute for Assembly Bill No. 2673, also reported by the committee on this same date.

ASSEMBLY, No. 2673

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MARCH 8, 2012

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman MARLENE CARIDE

District 36 (Bergen and Passaic)

SYNOPSIS

Prohibits manufacture, sale, or possession of synthetic marijuana.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/31/2012)

1 AN ACT concerning controlled dangerous substances and amending
2 P.L.1970, c.226.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 5 of P.L.1970, c.226 (C.24:21-5) is amended to read
8 as follows:

9 5. Schedule I.

10 a. Tests. The director shall place a substance in Schedule I if he
11 finds that the substance: (1) has high potential for abuse; and (2)
12 has no accepted medical use in treatment in the United States; or
13 lacks accepted safety for use in treatment under medical
14 supervision.

15 b. The controlled dangerous substances listed in this section are
16 included in Schedule I, subject to any revision and republishing by
17 the director pursuant to subsection d. of section 3 of P.L.1970,
18 c.226 (C.24:21-3), and except to the extent provided in any other
19 schedule.

20 c. Any of the following opiates, including their isomers, esters,
21 and ethers, unless specifically excepted, whenever the existence of
22 such isomers, esters, ethers and salts is possible within the specific
23 chemical designation:

- 24 (1) Acetylmethadol
25 (2) Allylprodine
26 (3) Alphacetylmethadol
27 (4) Alphameprodine
28 (5) Alphamethadol
29 (6) Benzethidine
30 (7) Betacetylmethadol
31 (8) Betameprodine
32 (9) Betamethadol
33 (10) Betaprodine
34 (11) Clonitazene
35 (12) Dextromoramide
36 (13) Dextrorphan
37 (14) Diampromide
38 (15) Diethylthiambutene
39 (16) Dimenoxadol
40 (17) Dimepheptanol
41 (18) Dimethylthiambutene
42 (19) Dioxaphetyl butyrate
43 (20) Dipipanone
44 (21) Ethylmethylthiambutene
45 (22) Etonitazene

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 (23) Etoxidine
- 2 (24) Furethidine
- 3 (25) Hydroxypethidine
- 4 (26) Ketobemidone
- 5 (27) Levomoramide
- 6 (28) Levophenacymorphan
- 7 (29) Morpheridine
- 8 (30) Noracymethadol
- 9 (31) Norlevorphanol
- 10 (32) Normethadone
- 11 (33) Norpipanone
- 12 (34) Phenadoxone
- 13 (35) Phenampromide
- 14 (36) Phenomorphan
- 15 (37) Phenoperidine
- 16 (38) Piritramide
- 17 (39) Proheptazine
- 18 (40) Properidine
- 19 (41) Racemoramide
- 20 (42) Trimeperidine.
- 21 d. Any of the following narcotic substances, their salts, isomers
- 22 and salts of isomers, unless specifically excepted, whenever the
- 23 existence of such salts, isomers and salts of isomers is possible
- 24 within the specific chemical designation:
- 25 (1) Acetorphine
- 26 (2) Acetylcodone
- 27 (3) Acetyldihydrocodeine
- 28 (4) Benzylmorphine
- 29 (5) Codeine methylbromide
- 30 (6) Codeine-N-Oxide
- 31 (7) Cyprenorphine
- 32 (8) Desomorphine
- 33 (9) Dihydromorphine
- 34 (10) Etorphine
- 35 (11) Heroin
- 36 (12) Hydromorphenol
- 37 (13) Methyldesorphine
- 38 (14) Methylhydromorphine
- 39 (15) Morphine methylbromide
- 40 (16) Morphine methylsulfonate
- 41 (17) Morphine-N-Oxide
- 42 (18) Myrophine
- 43 (19) Nicocodeine
- 44 (20) Nicomorphine
- 45 (21) Normorphine
- 46 (22) Phoclodine
- 47 (23) Thebacon.

1 e. Any material, compound, mixture or preparation which
2 contains any quantity of the following hallucinogenic substances,
3 their salts, isomers and salts of isomers, unless specifically
4 excepted, whenever the existence of such salts, isomers, and salts of
5 isomers is possible within the specific chemical designation:

- 6 (1) 3,4-methylenedioxy amphetamine
- 7 (2) 5-methoxy-3,4-methylenedioxy amphetamine
- 8 (3) 3,4,5-trimethoxy amphetamine
- 9 (4) Bufotenine
- 10 (5) Diethyltryptamine
- 11 (6) Dimethyltryptamine
- 12 (7) 4-methyl-2,5-dimethoxylamphetamine
- 13 (8) Ibogaine
- 14 (9) Lysergic acid diethylamide
- 15 (10) Marihuana
- 16 (11) Mescaline
- 17 (12) Peyote
- 18 (13) N-ethyl-3-piperidyl benzilate
- 19 (14) N-methyl-3-piperidyl benzilate
- 20 (15) Psilocybin
- 21 (16) Psilocyn
- 22 (17) Tetrahydrocannabinols
- 23 (18) Synthetic Cannabinoids.

24 f. For the purposes of this section, "synthetic cannabinoids"
25 include any material, compound, mixture, or preparation that is not
26 listed as a controlled substance in Schedule I through V, is not a
27 federal Food and Drug Administration (FDA) approved drug, and
28 contains any quantity of the following substances, their salts,
29 isomers (whether optical, positional, or geometric), homologues
30 (analog), and salts of isomers and homologues(analog), unless
31 specifically excepted, whenever the existence of these salts,
32 isomers, homologues (analog), and salts of isomers and
33 homologues (analog) is possible within the specific chemical
34 designation:

35 (1) Naphthoylindoles. Any compound containing a 3-(1-
36 naphthoyl)indole structure with substitution at the nitrogen atom of
37 the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
38 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
39 morpholinyl)ethyl group, whether or not further substituted in the
40 indole ring to any extent and whether or not substituted in the
41 naphthyl ring to any extent. Examples of this structural class
42 include but are not limited to: JWH 015, JWH 018, JWH 019, JWH
43 073, JWH 081, JWH 122, JWH 200, JWH 210, JWH 398, AM
44 2201, and WIN 55 212.

45 (2) Naphthylmethyloindoles. Any compound containing a 1H-
46 indol-3-yl-(1-naphthyl)methane structure with substitution at the
47 nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
48 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-

1 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not
2 further substituted in the indole ring to any extent and whether or
3 not substituted in the naphthyl ring to any extent. Examples of this
4 structural class include but are not limited to: JWH-175, and JWH-
5 184.

6 (3) Naphthoylpyrroles. Any compound containing a 3-(1-
7 naphthoyl)pyrrole structure with substitution at the nitrogen atom of
8 the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
9 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
10 morpholinyl)ethyl group, whether or not further substituted in the
11 pyrrole ring to any extent and whether or not substituted in the
12 naphthyl ring to any extent. Examples of this structural class
13 include but are not limited to: JWH 307.

14 (4) Naphthylmethylenes. Any compound containing a
15 naphthylideneindene structure with substitution at the 3-position of
16 the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
17 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
18 morpholinyl)ethyl group, whether or not further substituted in the
19 indene ring to any extent and whether or not substituted in the
20 naphthyl ring to any extent. Examples of this structural class
21 include but are not limited to: JWH-176.

22 (5) Phenylacetylindoles. Any compound containing a 3-
23 phenylacetylindole structure with substitution at the nitrogen atom
24 of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
25 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
26 morpholinyl)ethyl group, whether or not further substituted in the
27 indole ring to any extent and whether or not substituted in the
28 phenyl ring to any extent. Examples of this structural class include
29 but are not limited to: RCS-8 (SR-18), JWH 250, JWH 203, JWH-
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A2673 BENSON, CARIDE

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4 substance law.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2673

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2012

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2673.

As reported by the committee, the Assembly Committee Substitute for Assembly Bill No. 2673 criminalizes the manufacture, sale, and possession of synthetic marijuana. Under the committee substitute, a person who manufactures or sells one ounce or more of synthetic marijuana, including adulterants and dilutants, is guilty of a crime of the second degree. A person who manufactures or sells less than one ounce of synthetic marijuana, including adulterants and dilutants, is guilty of a crime of the third degree.

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