SPONSOR: Sen. Hall-Long & Rep. Walker, Sens. DeLuca, Blevins, Bushweller, Cloutier, Reps. Mulrooney, Mitchell, Bennett, Scott
Sens. Henry, Sokola, Peterson, Bunting, Connor, Ennis, Venables, Booth, Lawson, Simpson, Sorenson, Reps. Gilligan, Schwartzkopf, Keeley, Lavelle, Hocker, Kowalko, Osienski, Q. Johnson, Heffernan, Hudson, Miro, Atkins, Barbieri, Viola, Jaques, Schooley, Kenton, Outten, Wilson, Lee, M. Smith, Carson, Ramone, Peterman, Blakey, D. Short, Willis

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE BILL NO. 160

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend §4701, Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

~~(46) "Synthetic cannabinoid" means a substance containing 1 or more of the following chemical compounds:~~

~~a. JWH-015;~~

~~b. JWH-018;~~

~~c. JWH-019;~~

~~d. JWH-073;~~

~~e. JWH-081;~~

~~f. JWH-122;~~

~~g. JWH-200;~~

~~h. JWH-250;~~

~~i. JWH-251;~~

~~j. JWH-398;~~

~~k. HU-210;~~

~~l. HU-211;~~

~~m. HU-308;~~

~~n. HU-331;~~

~~o. CP-55,940;~~

~~p. CP 47,497 and its homologues; and~~

~~q. WIN 55212-2.~~

~~(47)~~ (46) "Ultimate user" means a person who lawfully possesses a controlled substance for the person's own use or for the use of a member of the person's household or for administering to an animal owned by the person or by a member of the person's household.

~~(48)~~ (47) "Vehicle" shall have the same definition as that set forth in § 101(80) of Title 21.

Section 2. Amend §4701(9), Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(9) "Designer drug" means a substance that has a chemical structure substantially similar to that of a controlled substance or that was specifically designed to or may produce an effect substantially similar to that of a controlled substance. Examples of chemical classes in which "designer drugs" are found include, but are not limited to, the following: Phenethylamines, N-substituted piperidines, morphinans, ecgonines, quinazolinones, substituted indoles, ~~and~~ arylcycloalkylamines, cannabinoids, cathinones, and any synthetic analogue of a controlled substance. "Designer drug" does not include any substance that was manufactured, delivered or dispensed in conformance with an approved new drug application, or an exemption for investigating use within the meaning of § 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 355), or that was manufactured, delivered or dispensed in conformance with a registration issued by the Attorney General of the United States within the meaning of §§ 301-304 of the Federal Controlled Substances Act (21 U.S.C. §§ 821-824).

Section 2. Amend §4714(d)(26), Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(26) Synthetic cannabanoid~~.~~, which means a substance containing 1 or more of the following chemical compounds:

(a) JWH-015;

(b) JWH-018;

(c) JWH-019;

(d) JWH-073;

(e) JWH-081;

(f) JWH-122;

(g) JWH-200;

(h) JWH-250;

(i) JWH-251;

(j) JWH-398;

(k) HU-210;

(l) HU-211;

(m) HU-308;

(n) HU-331;

(o) CP 55,940;

(p) CP 47,497 and its homologues;

(q) WIN 55212-2;

(r) AM-2201;

(s) AM-694;

(t) JWH-203;

(u) RCS-4; and

(v) RCS-8.

Section 3. Amend §4714(f), Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(1) Fenethylline;

(2) N-Ethylamphetamine;

(3) Cathinone;

(4) Methcathinone;

(5) Aminorex; and

~~(6) Any substance which contains any quantity of the following synthetic cathinones:~~

~~a. Mephedrone;~~

~~b. Methylone; and~~

~~c. Methylenedioxypyrovalerone (MDPV).~~

(6) Synthetic cathinone, which means a substance containing 1 or more of the following chemical compounds:

a. Mephedrone (also known as 4-MMC; 4-Methylephedrone; and 2-(methylamino)-1-(4-methylphenyl)-1-propanone);

b. MDPV (also known as Methylenedioxy Pyrovalerone; 3,4-methylenedioxypyrovalerone; and 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone);

c. Methylone (also known as M1; bk-MDMA; 3,4-Methylenedioxy-N-methylcathinone; and 1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-propanone);

d. Naphyrone (also known as O-2482; NRG-1; Naphpyrovalerone; β-Naphyrone; and 1-(2-naphthalenyl)-2-(1-pyrrolidinyl)-1-pentanone);

e. Flephedrone (also known as 4-FMC; and 1-(4-fluorophenyl)-2-(methylamino)propan-1-one);

f. Methedrone (also known as 4-Methedrone; Methoxyphedrine; PMMC; para-Methoxymethcathinone; 4-methoxymethcathinone; and 1-(4-methoxyphenyl)-2-(methylamino)-1-propanone; 4-methoxymethcathinone);

g. Ethcathinone (also known as Ethylpropion, N-ethylcathinone and 2-ethylaminopropiophenone; βk-Ethylamphetamine; 2-ethylaminopropiophenone; and 2-ethylamino-1-phenyl-propan-1-one, N-ethylcathinone);

h. Ethylone (also known as 3,4-methylenedioxy-*N*-ethylcathinone; MDEC; bk-MDEA; and (*RS*)-1-(1,3-benzodioxol-5-yl)-2-(ethylamino)propan-1-one);

i. Butylone (also known as β-keto MBDB; and 1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-butanone);

j. Metamfepramone (also known as N,N-Dimethylcathinone; and 2-(dimethylamino)-1-phenyl-1-propanone);

k. Alpha-PPP (also known as α-Pyrrolidinopropiophenone; and 1-phenyl-2-(1-pyrrolidinyl)-1-propanone);

l. MOPPP (also known as 4'-Methoxy-α-pyrrolidinopropiophenone; and 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)propan-1-one);

m. MDPPP (also known as 3',4'-Methylenedioxy-α-pyrrolidinopropiophenone; and 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-propanone);

n. Alpha-PVP (also known as α-Pyrrolidinopentiophenone; α-PVP; O-2387; alpha-PVP; and 1-phenyl-2-(1-pyrrolidinyl)-1-pentanone);

o. 3-FMC (also known as 3-Fluoromethcathinone; and 1-(3-fluorophenyl)-2-(methylamino)propan-1-one);

p. MPBP (also known as 4'-Methyl-α-pyrrolidinobutiophenone; and (*RS*)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-butanone); and

q. Methcathinone (also known as α-methylamino-propiophenone; Ephedrone (Europe); and (*RS*)-2-(methylamino)-1-phenyl-propan-1-one).

Section 4. Amend §4751C(1)h., Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

h. 62.5 or more doses or 12.5 or more grams or 12.5 milliliters or more of any substance as described in § 4714 of this title that is not otherwise set forth in this section, a designer drug ~~or any mixture containing any such substance,~~ as described in § 4701(9) of this title, or of any mixture containing any such substance; or

Section 5. Amend §4751C(2)h., Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

h. 50 or more doses or 10 or more grams or 10 milliliters or more of any substance as described in § 4714 of this title that is not otherwise set forth in this section, a designer drug ~~or any mixture containing any such substance,~~ as described in § 4701(9) of this title, or of any mixture containing any such substance;

Section 6. Amend §4751C(3)h., Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

h. 37.5 or more doses or 7.5 or more grams or 7.5 milliliters or more of any substance as described in § 4714 of this title that is not otherwise set forth in this section, a designer drug ~~or any mixture containing any such substance,~~ as described in § 4701(9) of this title, or of any mixture containing any such substance; or

Section 7. Amend §4751C(4)h., Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

h. 25 or more doses or 5 or more grams or 5 milliliters or more of any substance as described in § 4714 of this title that is not otherwise set forth in this section, a designer drug ~~or any mixture containing any such substance,~~ as described in § 4701(9) of this title, or of any mixture containing any such substance;

Section 8. Amend §4751C(5)h., Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

h. 12.5 or more doses or 2.5 or more grams or 2.5 milliliters or more of any substance as described in § 4714 of this title that is not otherwise set forth in this section, a designer drug ~~or any mixture containing any such substance,~~ as described in § 4701(9) of this title, or of any mixture containing any such substance; or

SYNOPSIS

This Act amends the Uniformed Controlled Substances Act by clarifying that the definition of "designer drugs" covers those synthetic analogues of controlled substances that are made and distributed for drug use but due to their novelty have not yet been added to the schedule of controlled substances. This amendment to Delaware's drug code will ensure there are no gaps in the law's coverage of these dangerous substances as they surface. One such recent example is "bath salts." This Act bans the possession, use, sale, or delivery of synthetic cathinones, more commonly known as "bath salts," by categorizing synthetic cathinones as a Schedule I controlled substance under 16 *Del. C.* §4714(f). This Act also removes

"synthetic cannabanoids" from the definition section of the Uniform Controlled Substances Act and categorizes the chemical compounds within the Schedule I controlled substance under 16 *Del. C.* § 4714(d). Finally, this Act creates Tier Quantities for Schedule I controlled substances, such as "bath salts," not otherwise included in 16 *Del. C.* § 4751C.

Author: Senator Hall-Long