

1 HB487  
2 156923-1  
3 By Representative Todd  
4 RFD: Judiciary  
5 First Read: 13-FEB-14

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill would provide that industrial hemp  
9 is not considered marijuana for purposes of the  
10 listing of Schedule I controlled substances.  
11

12 A BILL  
13 TO BE ENTITLED  
14 AN ACT  
15

16 To amend Section 20-2-23, Code of Alabama 1975,  
17 relating to Schedule I controlled substances; to provide that  
18 industrial hemp is not marijuana for purposes of the listing.  
19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall be known and may be cited  
21 as the Alabama Industrial Hemp Act.

22 Section 2. Section 20-2-23, Code of Alabama 1975, is  
23 amended to read as follows:

24 "§20-2-23.

25 "(a) The Legislature finds the following:

26 "(1) New synthetic substances are being created  
27 which are not controlled under the provisions of existing

1 state law but which have a potential for abuse similar to or  
2 greater than that for substances controlled under existing  
3 state law. These new synthetic substances are called  
4 "controlled substance analogs," and can be designed to produce  
5 a desired pharmacological effect and to evade the controlling  
6 statutory provisions. Controlled substance analogs are being  
7 manufactured, distributed, possessed, and used as substitutes  
8 for controlled substances.

9 "(2) The hazards attributable to the traffic in and  
10 use of controlled substance analogs are increased because  
11 their unregulated manufacture produces variations in purity  
12 and concentration.

13 "(3) Many new synthetic substances are untested, and  
14 it cannot be immediately determined whether they have useful  
15 medical or chemical purposes.

16 "(4) The uncontrolled importation, manufacture,  
17 distribution, possession, or use of controlled substance  
18 analogs has a substantial and detrimental impact on the health  
19 and safety of the people of this state.

20 "(5) Controlled substance analogs can be created  
21 more rapidly than they can be identified and controlled by  
22 action of the Legislature. There is a need for a speedy  
23 determination of their proper classification under existing  
24 law. It is therefore necessary to identify and classify new  
25 substances that have a potential for abuse, so that they can  
26 be controlled in the same manner as other substances  
27 controlled under existing state law.

1           "(b) The controlled substances listed in this  
2 section are included in Schedule I:

3           "(1) Any of the following opiates, including their  
4 isomers, esters, ethers, salts, and salts of isomers, esters  
5 and ethers, unless specifically excepted, whenever the  
6 existence of these isomers, esters, ethers and salts is  
7 possible within the specific chemical designation:

- 8           "a. Acetylmethadol;
- 9           "b. Allylprodine;
- 10          "c. Alphacetylmethadol;
- 11          "d. Alphameprodine;
- 12          "e. Alphamethadol;
- 13          "f. Benzethidine;
- 14          "g. Betacetylmethadol;
- 15          "h. Betameprodine;
- 16          "i. Betamethadol;
- 17          "j. Betaprodine;
- 18          "k. Clonitazene;
- 19          "l. Dextromoramide;
- 20          "m. Dextrorphan;
- 21          "n. Diampromide;
- 22          "o. Diethylthiambutene;
- 23          "p. Dimenoxadol;
- 24          "q. Dimepheptanol;
- 25          "r. Dimethylthiambutene;
- 26          "s. Dioxaphetyl butyrate;
- 27          "t. Dipipanone;

1 "u. Ethylmethylthiambutene;  
2 "v. Etonitazene;  
3 "w. Etoxeridine;  
4 "x. Furethidine;  
5 "y. Hydroxypethidine;  
6 "z. Ketobemidone;  
7 "aa. Levomoramide;  
8 "bb. Levophenacylmorphan;  
9 "cc. Morpheridine;  
10 "dd. Noracymethadol;  
11 "ee. Norlevorphanol;  
12 "ff. Normethadone;  
13 "gg. Norpipanone;  
14 "hh. Phenadoxone;  
15 "ii. Phenampromide;  
16 "jj. Phenomorphan;  
17 "kk. Phenoperidine;  
18 "ll. Piritramide;  
19 "mm. Proheptazine;  
20 "nn. Properidine;  
21 "oo. Racemoramide;  
22 "pp. Trimeperidine.

23 "(2) Any of the following opium derivatives, their  
24 salts, isomers and salts of isomers, unless specifically  
25 excepted, whenever the existence of these salts, isomers and  
26 salts of isomers is possible within the specific chemical  
27 designation:

- 1 "a. Acetorphine;
- 2 "b. Acetyldihydrocodeine;
- 3 "c. Benzylmorphine;
- 4 "d. Codeine methylbromide;
- 5 "e. Codeine-N-Oxide;
- 6 "f. Cyprenorphine;
- 7 "g. Desomorphine;
- 8 "h. Dihydromorphine;
- 9 "i. Etorphine;
- 10 "j. Heroin;
- 11 "k. Hydromorphanol;
- 12 "l. Methyldesorphine;
- 13 "m. Methyldihydromorphine;
- 14 "n. Morphine methylbromide;
- 15 "o. Morphine methylsulfonate;
- 16 "p. Morphine-N-Oxide;
- 17 "q. Myrophine;
- 18 "r. Nicocodeine;
- 19 "s. Nicomorphine;
- 20 "t. Normorphine;
- 21 "u. Pholcodine;
- 22 "v. Thebacon.

23 "(3) Any material, compound, mixture or preparation  
24 which contains any quantity of the following hallucinogenic  
25 substances, their salts, isomers and salts of isomers, unless  
26 specifically excepted, whenever the existence of these salts,

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

3 "a. 3,4-methylenedioxy amphetamine;

4 "b. 5-methoxy-3,4-methylenedioxy amphetamine;

5 "c. 3,4,5-trimethoxy amphetamine;

6 "d. Bufotenine;

7 "e. Diethyltryptamine;

8 "f. Dimethyltryptamine;

9 "g. 4-methyl-2,5-dimethoxy amphetamine;

10 "h. Ibogaine;

11 "i. Lysergic acid diethylamide;

12 "j. ~~Marihuana~~ Marijuana subject to the exclusion  
13 provided in subdivision (6);

14 "k. Mescaline;

15 "l. Peyote;

16 "m. N-ethyl-3-piperidyl benzilate;

17 "n. N-methyl-3-piperidyl benzilate;

18 "o. Psilocybin;

19 "p. Psilocyn;

20 "q. Tetrahydrocannabinols.

21 "(4) Any of the following chemical compounds:

22 "a. 3,4-Methylenedioxymethcathinone (Methylone),  
23 some trade or other names: N-methylcathinone.

24 "b. 3,4-Methylenedioxypyrovalerone (MDPV), some  
25 trade or other names: N-methylcathinone.

26 "c. 4-Methylmethcathinone (Mephedrone), some trade  
27 or other names: N-methylcathinone.

1 "d. 4-Methoxymethcathinone, some trade or other  
2 names: PMMA.

3 "e. 3-Fluoromethcathinone, some trade or other  
4 names: 3-FMC.

5 "f. 4-Fluoromethcathinone, some trade or other  
6 names: 4-FMC.

7 "g.  
8 1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone,  
9 some trade or other names: AM-694.

10 "h.  
11 1-[(5-fluoropentyl)-1H-indol-3-yl]-(naphthalen-1-yl)methanone,  
12 some trade or other names: AM-2201.

13 "i. 2-[(1R,3S)-3-hydroxycyclohexyl]-  
14 5-(2-methylnonan-2-yl)phenol phenol, some trade or other  
15 names: Cannabicyclohexanol.

16 "j. (6aR, 10aR)-9-(hydroxymethyl)-6,  
17 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[  
18 c]chromen-1-ol, some trade or other names: HU-210.

19 "k.  
20 (6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-y  
21 l)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or  
22 other names: HU-211, Dexanabinol.

23 "l. 1-Pentyl-2-methyl-3-(1-naphthoyl)indole, some  
24 trade or other names: JWH-007.

25 "m.  
26 (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone,  
27 some trade or other names: JWH-015.



1                    "n. Naphthalen-1-yl-(1-pentylindol-3-yl)methanone,  
2                    some trade or other names: JWH-018.

3                    "o. 1-Hexyl-3-(naphthalen-1-oyl)indole, some trade  
4                    or other names: JWH-019.

5                    "p. Naphthalen-1-yl-(butylindol-3-yl)methanone, some  
6                    trade or other names: JWH-073.

7                    "q.  
8                    4-Methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone, some  
9                    trade or other names: JWH-081.

10                   "r.  
11                   4-Methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)  
12                   methanone, some trade or other names: JWH-098.

13                   "s.  
14                   4-Methylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone, some  
15                   trade or other names: JWH-122.

16                   "t.  
17                   (1-(2-Morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone  
18                   , some trade or other names: JWH-200.

19                   "u.  
20                   2-(2-Chlorophenyl)-1-(1-pentylindol-3-yl)ethanone, some trade  
21                   or other names: JWH-203.

22                   "v.  
23                   4-Ethyl-naphthalen-1-yl-(1-pentylindol-3-yl)methanone, some  
24                   trade or other names: JWH-210.

25                   "w.  
26                   2-(2-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone, some trade  
27                   or other names: JWH-250.

1 "x.  
2 5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethano  
3 ne, some trade or other names: JWH-307.

4 "y. 1-Pentyl-3-(4-Chloro-1-naphthoyl)indole, some  
5 trade or other names: JWH-398.

6 "z.  
7 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol,  
8 some trade or other names: CP 47, 497, and homologues.

9 "aa.  
10 2-(2-Methoxyphenyl)-1-[1-(2-cyclohexylethyl)indol-3-yl]ethanon  
11 e, some trade or other names: RCS-8, SR-18.

12 "bb.  
13 2-(4-Methoxyphenyl)-1-(1-pentyl-indol-3-yl)methanone, some  
14 trade or other names: RCS-4.

15 "cc.  
16 (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1  
17 ,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone, some  
18 trade or other names: WIN 55,212-2.

19 "dd.  
20 (4-Methoxyphenyl)-[2-methyl-1-(2-morpholin-4-ylethyl)indol-3-y  
21 l]methanone, some trade or other names: WIN 48,098,  
22 Pravadoline.

23 "(5) a. A controlled substance analog, being a  
24 material, mixture, or preparation that contains any chemical  
25 structure of which is chemically similar to the chemical  
26 structure of any other controlled substance in Schedule I or  
27 Schedule II and that satisfies any one of the following:

1           "1. Has a stimulant, depressant, or hallucinogenic  
2 effect on the central nervous system that mimics or is similar  
3 to or greater than the stimulant, depressant, or  
4 hallucinogenic effect on the central nervous system of a  
5 controlled substance in Schedule I or Schedule II.

6           "2. With respect to a particular person, if the  
7 person represents or intends that the substance have a  
8 stimulant, depressant, or hallucinogenic effect on the central  
9 nervous system that is substantially similar to or greater  
10 than the stimulant, depressant, or hallucinogenic effect on  
11 the central nervous system of a controlled substance in  
12 Schedule I or Schedule II.

13           "3. Has been demonstrated to have binding activity  
14 at one or more cannabinoid receptors.

15           "4. Is capable of exhibiting cannabinoid-like  
16 activity.

17           "5. Any compound structurally derived from  
18 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by  
19 substitution at the nitrogen atom of the indole ring by alkyl,  
20 alkenyl, cycloalkylmethyl, cycloalkylethyl or  
21 2-(4-morpholinyl)ethyl whether or not further substituted in  
22 the indole ring to any extent, whether or not substituted in  
23 the naphthyl ring to any extent.

24           "6. Any compound structurally derived from  
25 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of  
26 the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl,  
27 cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not

1 further substituted in the pyrrole ring to any extent, whether  
2 or not substituted in the naphthyl ring to any extent.

3 "7. Any compound structurally derived from  
4 1-(1-naphthylmethyl)indene by substitution at the 3-position  
5 of the indene ring by alkyl, alkenyl, cycloalkylmethyl,  
6 cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not  
7 further substituted in the indene ring to any extent, whether  
8 or not substituted in the naphthyl ring to any extent.

9 "8. Any compound structurally derived from  
10 3-phenylacetylindole by substitution at the nitrogen atom of  
11 the indole ring with alkyl, alkenyl, cycloalkylmethyl,  
12 cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not  
13 further substituted in the indole ring to any extent, whether  
14 or not substituted in the phenyl ring to any extent.

15 "9. Any compound structurally derived from  
16 2-(3-hydroxycyclohexyl)phenol by substitution at the  
17 5-position of the phenolic ring by alkyl, alkenyl,  
18 cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl,  
19 whether or not substituted in the cyclohexyl ring to any  
20 extent.

21 "b. A controlled substance analog does not include  
22 any of the following:

23 "1. Any substance for which there is an approved new  
24 drug application under the Federal Food, Drug, and Cosmetic  
25 Act.

26 "2. With respect to a particular person, any  
27 substance, if an exemption is in effect for investigational

1 use, for that person, as provided by 21 U.S.C. § 355, and the  
2 person is registered as a controlled substance researcher as  
3 required under section 152.12, subdivision 3, to the extent  
4 conduct with respect to the substance is pursuant to the  
5 exemption and registration.

6 "c. A controlled substance analog, to the extent  
7 intended for human consumption, is treated as a controlled  
8 substance in Schedule I.

9 "d. After the Alabama Department of Forensic  
10 Sciences has determined a substance to be a controlled  
11 substance analog under this section, the department shall  
12 notify the Alabama Department of Public Health with  
13 information relevant to scheduling as provided by Section  
14 20-2-20.

15 "(6) The term marijuana in paragraph j. of  
16 subdivision (3) of subsection (b) does not include industrial  
17 hemp. For purposes of this subsection, industrial hemp is a  
18 plant of the genus cannabis and any part of such plant,  
19 whether growing or not, with a delta-9 tetrahydrocannabinol  
20 concentration that does not exceed three-tenths percent on a  
21 dry weight basis."

22 Section 3. This act shall become effective on the  
23 first day of the third month following its passage and  
24 approval by the Governor, or its otherwise becoming law.