

1 HB456  
2 150287-1  
3 By Representative Hubbard (J)  
4 RFD: Public Safety and Homeland Security  
5 First Read: 20-MAR-13

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill would add the drug commonly  
9 referred to as 25-I or 25I-NBOMe to the list of  
10 banned 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 controlled substances; to add the drug commonly  
18 referred to as 25-I or 25I-NBOMe to the list of banned  
19 controlled substances.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 20-2-23, Code of Alabama 1975, is  
22 amended to read as follows:

23 "§20-2-23.

24 "(a) The Legislature finds the following:

25 "(1) New synthetic substances are being created  
26 which are not controlled under the provisions of existing  
27 state law but which have a potential for abuse similar to or

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

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

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

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

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

13 "k. Mescaline;

14 "l. Peyote;

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

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

17 "o. Psilocybin;

18 "p. Psilocyn;

19 "q. Tetrahydrocannabinols.

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

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

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

25 "c. 4-Methylmethcathinone (Mephedrone), some trade  
26 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 "ee.  
24 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethana  
25 mine, some trade or other names: 25-I, 25I-NBOMe.

26 "(5) a. A controlled substance analog, being a  
27 material, mixture, or preparation that contains any chemical

1 structure of which is chemically similar to the chemical  
2 structure of any other controlled substance in Schedule I or  
3 Schedule II and that satisfies any one of the following:

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

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

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

18 "4. Is capable of exhibiting cannabinoid-like  
19 activity.

20 "5. Any compound structurally derived from  
21 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by  
22 substitution at the nitrogen atom of the indole ring by alkyl,  
23 alkenyl, cycloalkylmethyl, cycloalkylethyl or  
24 2-(4-morpholinyl)ethyl whether or not further substituted in  
25 the indole ring to any extent, whether or not substituted in  
26 the naphthyl ring to any extent.

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

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

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

19                   "9. Any compound structurally derived from  
20 2-(3-hydroxycyclohexyl)phenol by substitution at the  
21 5-position of the phenolic ring by alkyl, alkenyl,  
22 cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl,  
23 whether or not substituted in the cyclohexyl ring to any  
24 extent.

25                   "b. A controlled substance analog does not include  
26 any of the following:

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

4           "2. With respect to a particular person, any  
5 substance, if an exemption is in effect for investigational  
6 use, for that person, as provided by 21 U.S.C. § 355, and the  
7 person is registered as a controlled substance researcher as  
8 required under section 152.12, subdivision 3, to the extent  
9 conduct with respect to the substance is pursuant to the  
10 exemption and registration.

11           "c. A controlled substance analog, to the extent  
12 intended for human consumption, is treated as a controlled  
13 substance in Schedule I.

14           "d. After the Alabama Department of Forensic  
15 Sciences has determined a substance to be a controlled  
16 substance analog under this section, the department shall  
17 notify the Alabama Department of Public Health with  
18 information relevant to scheduling as provided by Section  
19 20-2-20."

20           Section 2. This act shall be known and may be cited  
21 as the Gil Collar Act.

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.