

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

2

SENATE BILL 9\*  
Judiciary II Committee Substitute Adopted 2/7/11

Short Title: Make Synthetic Cannabinoids Illegal.

(Public)

Sponsors:

Referred to:

January 31, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ADD SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED  
3 SUBSTANCES, WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE,  
4 OR SALE OR DELIVERY OF SYNTHETIC CANNABINOIDS CRIMINAL OFFENSES  
5 AND TO CREATE THE CRIMINAL OFFENSE OF TRAFFICKING IN SYNTHETIC  
6 CANNABINOIDS.

7 Whereas, the General Assembly finds that there is a growing use of the unregulated  
8 synthetic cannabinoids commonly known as K2 or synthetic marijuana; and

9 Whereas, preliminary studies indicate that synthetic cannabinoid substances  
10 unregulated in North Carolina are from three to over 100 times more potent than THC, the  
11 active ingredient found in marijuana; and

12 Whereas, many states have already included one or more of these chemical  
13 compounds on schedules of controlled substances, but none of these chemicals are currently  
14 listed on North Carolina's schedule of controlled substances; and

15 Whereas, synthetic cannabinoids are referred to as the new marijuana, and K2 is  
16 gaining in popularity at an alarming rate among high school and college students and persons  
17 on probation and parole; and

18 Whereas, while having the same or stronger physiological effects as high potency  
19 marijuana, synthetic marijuana or K2 does not show a positive reading in a urinalysis test,  
20 which adds to the desirability and increased growth among drug abusers and increases the  
21 threat to public health and safety by avoiding detection; and

22 Whereas, the General Assembly should address the growing threat of synthetic  
23 cannabinoids to the health, safety, and welfare of our citizens before the problem becomes  
24 epidemic in the State of North Carolina; Now, therefore,

25 The General Assembly of North Carolina enacts:

26 **SECTION 1.** G.S. 90-94 reads as rewritten:  
27 **"§ 90-94. Schedule VI controlled substances.**

28 This schedule includes the controlled substances listed or to be listed by whatever official  
29 name, common or usual name, chemical name, or trade name designated. In determining that  
30 such substance comes within this schedule, the Commission shall find: no currently accepted  
31 medical use in the United States, or a relatively low potential for abuse in terms of risk to  
32 public health and potential to produce psychic or physiological dependence liability based upon  
33 present medical knowledge, or a need for further and continuing study to develop scientific  
34 evidence of its pharmacological effects.

35 The following controlled substances are included in this schedule:

- 36 (1) Marijuana.  
37 (2) Tetrahydrocannabinols.



- 1           (3)   Synthetic cannabinoids. – Any material, compound, mixture, or preparation  
2           that is not listed as a controlled substance in Schedule I through V, is not an  
3           FDA approved drug, and contains any quantity of the following substances,  
4           their salts, isomers (whether optical, positional, or geometric), homologues,  
5           and salts of isomers and homologues, unless specifically excepted, whenever  
6           the existence of these salts, isomers, homologues, and salts of isomers and  
7           homologues is possible within the specific chemical designation:
- 8           a.    Naphthoylindoles. Any compound containing a  
9           3-(1-naphthoyl)indole structure with substitution at the nitrogen atom  
10           of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
11           cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or  
12           2-(4-morpholinyl)ethyl group, whether or not further substituted in  
13           the indole ring to any extent and whether or not substituted in the  
14           naphthyl ring to any extent. Some trade or other names: JWH-015,  
15           JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200,  
16           JWH-210, JWH-398, AM-2201, WIN 55-212.
- 17           b.    Naphthylmethylindoles. Any compound containing a  
18           1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the  
19           nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,  
20           cycloalkylmethyl, cycloalkylethyl,  
21           1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,  
22           whether or not further substituted in the indole ring to any extent and  
23           whether or not substituted in the naphthyl ring to any extent.
- 24           c.    Naphthoylpyrroles. Any compound containing a  
25           3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen  
26           atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl,  
27           cycloalkylmethyl, cycloalkylethyl,  
28           1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,  
29           whether or not further substituted in the pyrrole ring to any extent  
30           and whether or not substituted in the naphthyl ring to any extent.  
31           Another name: JWH-307.
- 32           d.    Naphthylmethylindenes. Any compound containing a  
33           naphthylideneindene structure with substitution at the 3-position of  
34           the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
35           cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or  
36           2-(4-morpholinyl)ethyl group, whether or not further substituted in  
37           the indene ring to any extent and whether or not substituted in the  
38           naphthyl ring to any extent.
- 39           e.    Phenylacetylindoles. Any compound containing a  
40           3-phenylacetylindole structure with substitution at the nitrogen atom  
41           of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
42           cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or  
43           2-(4-morpholinyl)ethyl group, whether or not further substituted in  
44           the indole ring to any extent and whether or not substituted in the  
45           phenyl ring to any extent. Some trade or other names: SR-18,  
46           RCS-8, JWH-250, JWH-203.
- 47           f.    Cyclohexylphenols. Any compound containing a  
48           2-(3-hydroxycyclohexyl)phenol structure with substitution at the  
49           5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl,  
50           cycloalkylmethyl, cycloalkylethyl,  
51           1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,

1                    whether or not substituted in the cyclohexyl ring to any extent. Some  
 2                    trade or other names: CP 47,497 (and homologues),  
 3                    cannabicyclohexanol.

- 4                    g.    Benzoylindoles. Any compound containing a 3-(benzoyl)indole  
 5                    structure with substitution at the nitrogen atom of the indole ring by  
 6                    an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
 7                    1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,  
 8                    whether or not further substituted in the indole ring to any extent and  
 9                    whether or not substituted in the phenyl ring to any extent. Some  
 10                    trade or other names: AM-694, Pravadoline (WIN 48,098), RCS-4.  
 11                    h.    2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,  
 12                    4-benzoxazin-6-yl]-1-naphthalenylmethanone. Some trade or other  
 13                    names: WIN 55,212-2.  
 14                    i.    (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)  
 15                    - 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol 7370. Some trade or  
 16                    other names: HU-210."

17                    **SECTION 2.** G.S. 90-95(b) reads as rewritten:

18                    "(b) Except as provided in subsections (h) and (i) of this section, any person who  
 19 violates G.S. 90-95(a)(1) with respect to:

- 20                    ...  
 21                    (2) A controlled substance classified in Schedule III, IV, V, or VI shall be  
 22                    punished as a Class I felon, except that the sale of a controlled substance  
 23                    classified in Schedule III, IV, V, or VI shall be punished as a Class H felon.  
 24                    The transfer of less than 5 grams of marijuana or less than 5 grams of a  
 25                    synthetic cannabinoid or any mixture containing such substance for no  
 26                    remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1)."

27                    **SECTION 3.** G.S. 90-95(d) reads as rewritten:

28                    "(d) Except as provided in subsections (h) and (i) of this section, any person who  
 29 violates G.S. 90-95(a)(3) with respect to:

- 30                    ...  
 31                    (4) A controlled substance classified in Schedule VI shall be guilty of a Class 3  
 32                    misdemeanor, but any sentence of imprisonment imposed must be suspended  
 33                    and the judge may not require at the time of sentencing that the defendant  
 34                    serve a period of imprisonment as a special condition of probation. If the  
 35                    quantity of the controlled substance exceeds one-half of an ounce  
 36                    (avoirdupois) of ~~marijuana~~ marijuana, one-half of an ounce of a synthetic  
 37                    cannabinoid or any mixture containing such substance, or one-twentieth of  
 38                    an ounce (avoirdupois) of the extracted resin of marijuana, commonly  
 39                    known as hashish, the violation shall be punishable as a Class 1  
 40                    misdemeanor. If the quantity of the controlled substance exceeds one and  
 41                    one-half ounces (avoirdupois) of ~~marijuana~~ marijuana, one and one-half  
 42                    ounces of a synthetic cannabinoid or any mixture containing such substance,  
 43                    or three-twentieths of an ounce (avoirdupois) of the extracted resin of  
 44                    marijuana, commonly known as hashish, or if the controlled substance  
 45                    consists of any quantity of synthetic tetrahydrocannabinols or  
 46                    tetrahydrocannabinols isolated from the resin of marijuana, the violation  
 47                    shall be punishable as a Class I felony."

48                    **SECTION 4.** G.S. 90-95(h) is amended by adding a new subdivision to read:

49                    "(1a) Any person who sells, manufactures, delivers, transports, or possesses in  
 50                    excess of 35 grams of a synthetic cannabinoid or any mixture containing  
 51                    such substance shall be guilty of a felony, which felony shall be known as

1                           "trafficking in synthetic cannabinoids." The person shall be punished as a  
2                           Class F felon and shall be sentenced to a minimum term of 70 months and a  
3                           maximum term of 84 months in the State's prison and shall be fined not less  
4                           than fifty thousand dollars (\$50,000)."

5                   **SECTION 5.** This act becomes effective April 1, 2011, and applies to offenses  
6 committed on or after that date.