

SENATE BILL 48

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4 and Title 55, Chapter 10, Part 4, relative to illegal drugs and analogues of drugs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-438, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) It is an offense to knowingly produce, manufacture, distribute, possess or possess with intent to produce, manufacture or distribute the active chemical ingredient in the hallucinogenic plant *salvia divinorum* or the following synthetic cannabinoids:

(A) (6a,10a)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2methyloctan-2-yl)-6a, 7,10,10a-tetrahydrobenzo[c]chromen-1-ol; including, but not limited to HU 210 or HU 211;

(B) Naphthoylindoles being any compound structurally derived from 3-(1-naphthoyl) indole with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent; including, but not limited to JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210, AM-1220, MAM-2201 or AM-2201;

(C) Naphthylmethylyndoles being any compound structurally derived from a 1 H-indole-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring whether or not further

substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent; including, but not limited to JWH-175, JWH-184 or JWH-199;

(D) Naphthoylpyrroles, being any compound structurally derived from 3-(1-naphthoyl) pyrrole with substitution at the nitrogen atom of the pyrrole ring whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent; including, but not limited to JWH-307;

(E) Naphthylmethylenes, being any compound structurally derived from 1-(1-naphthylmethyl) indene with substitution at the 3-position of the indene ring whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent; including, but not limited to JWH-176;

(F) Phenylacetylindoles, being any compound structurally derived from 3-phenylacetylindole with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent; including but not limited to JWH-167, JWH-201, JWH-203, JWH-250, JWH-251, JWH-302 or RCS-8;

(G) Cyclohexylphenols, being any compound structurally derived from 2-(3-hydroxycyclohexyl) phenol with substitution at the 5-position of the phenolic ring whether or not further substituted in the whether or not substituted in the cyclohexyl ring to any extent; including, but not limited to CP 47,497 or the dimethylhexyl, dimethyloctyl or dimethylnonyl homologues of CP 47,497;

(H) Tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabiniol or of its tetrahydro derivatives, except where contained in cannabis or cannabis resin;

(I) Benzoylindoles, being any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent; including, but not limited to AM-694, Pravadoline (WIN 48, 098), RCS-4, AM-1241 or AM-2233;

(J) WIN-55, 212-2 or 2, 3-Dihydro-5-methyl-3-(4 Morpholinylmethyl) pyrrolo [1,2,3-de]-1, 4—benzoxazin-6-yl]-1-naphthalenylmethanone;

(K) Cyclopropanoylindoles, being any compound structurally derived from a 3-(cyclopropylmethanoyl)indole structure with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent and whether or not substituted in the cyclopropyl ring to any extent; including, but not limited to UR-144, XLR-11 or A-796,260;

(L) Adamantoylindoles, being any compound structurally derived from a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent; including, but not limited to AM-1248 or AB-001;

(M) Adamantoylindolecarboxamides, being any compound structurally derived from a N-adamantyl-1-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent and whether or not substituted

in the adamantyl ring to any extent; including but not limited to STS-135, 2NE1;

(N) Adamantylindazolecarboxamides, being any compound structurally derived from a N-adamantyl-1-indazole-3-carboxamide with substitution at the nitrogen atom of the indazole ring, whether or not further substituted in the indazole ring to any extent and whether or not substituted in the adamantyl ring to any extent; including, but not limited to AKB-48; and

(O) Naphthoynaphthalene, being any compound structurally derived from naphthalene-1-yl-(naphthalene-1-yl) methanone with substitutions on either of the naphthalene rings to any extent; including, but not limited to CB-13.

(2) Subdivision (a)(1) concerning synthetic cannabinoids shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal food and drug administration.

SECTION 2. Tennessee Code Annotated, Section 39-17-454, is amended by deleting subdivision (a)(1) and substituting instead the following:

(1) As used in this section, "controlled substance analogue" means a capsule, pill, powder, product or other substance, however constituted, that has the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance; and

(A) Has a chemical structure which is a derivative or structural analogue of the chemical structure of a controlled substance; provided, that as used in this subdivision, "analogue" means the structure of the tested item differs in no more

than two (2) atoms, one (1) functional group, or one (1) double bond, from the structure of a controlled substance; or

(B) Is prohibited by § 39-17-452.

SECTION 3. Tennessee Code Annotated, Section 39-17-454, is amended by deleting subdivision (f)(1) and substituting instead the following:

(1) It is an offense for a person to represent, orally or in writing, advertise, infer or intend that a controlled substance analogue has the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance; and

(A) Has a chemical structure which is a derivative or structural analogue of the chemical structure of a controlled substance; provided, that as used in this subdivision, "analogue" means the structure of the tested item differs in no more than two (2) atoms, one (1) functional group, or one (1) double bond, from the structure of a controlled substance; or

(B) Is prohibited by § 39-17-452.

SECTION 4. Tennessee Code Annotated, Section 39-17-454, is amended by deleting subdivision (f)(2)(B) and substituting instead the following:

(B) Does not have a chemical structure which is a derivative or analogue, as defined in subdivision (f)(1)(A), of the chemical structure of a controlled substance;

SECTION 5. Tennessee Code Annotated, Section 39-17-452, is amended by deleting subdivision (a)(2)(F) in its entirety.

SECTION 6. Tennessee Code Annotated, Section 39-17-452(a)(2), is amended by adding the following language as new, appropriately designated subdivisions:

- ( ) Mitragynine and hydroxymitragynine;
- ( ) Desoxypipradol;
- ( ) URB 754;

( ) URB602;

SECTION 7. Tennessee Code Annotated, Section 39-17-454(h), is amended by adding the following language as a new, appropriately designated subdivision:

(3) If the chemical analysis of a controlled substance analogue determines that it also contains a hazardous substance as defined by § 68-131-102, nothing in this section shall preclude a violation of this section from also being prosecuted and punished under title 68, chapter 131, part 1.

SECTION 8. Tennessee Code Annotated, Section 55-10-402, is amended by deleting the language “controlled substance” and substituting instead the language “controlled substance, controlled substance analogue,”.

SECTION 9. Tennessee Code Annotated, Section 55-10-402, is amended by deleting the language “controlled substances” and substituting instead the language “controlled substances, controlled substance analogues,”.

SECTION 10. This act shall take effect July 1, 2013, the public welfare requiring it.