

ASSEMBLY BILL NO. 339—ASSEMBLYMEN ELLISON,
GOICOECHEA; AND GRADY

MARCH 21, 2011

Referred to Committee on Judiciary

SUMMARY—Requires certain substances known as synthetic marijuana to be included on the list of schedule I controlled substances. (BDR 40-546)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to controlled substances; requiring the State Board of Pharmacy to include certain substances known as synthetic marijuana on the list of schedule I controlled substances; providing criminal and civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations to add substances to, or delete or reschedule substances included in, the schedules of controlled substances. (NRS 453.146) Existing law also provides criminal penalties for various acts involving a schedule I controlled substance, including, without limitation, possession, manufacture, compounding, importation, distribution, sale, transfer, trafficking or driving under the influence of a schedule I controlled substance. (NRS 453.321, 453.322, 453.336, 453.337, 453.3385, 484C.110) In addition to criminal penalties, existing law provides for civil penalties against a person who engages in certain acts involving the unlawful manufacture, distribution or sale of a schedule I controlled substance. (NRS 453.553-453.5533)

Section 1 of this bill requires the Board to designate certain substances commonly known as synthetic marijuana in the list of schedule I controlled substances. When these substances are added to schedule I, the substances will be subject to the same criminal and civil penalties applicable to other schedule I controlled substances. **Sections 2 and 3** of this bill make this bill effective upon passage and approval and require the Board to adopt the regulations to add these substances to schedule I on or before October 1, 2011.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 453.146 is hereby amended to read as follows:
453.146 1. The Board shall administer the provisions of NRS 453.011 to 453.552, inclusive, and may add substances to or delete or reschedule all substances enumerated in schedules I, II, III, IV and V by regulation.

2. In making a determination regarding a substance, the Board shall consider the following:

(a) The actual or relative potential for abuse;

(b) The scientific evidence of its pharmacological effect, if known;

(c) The state of current scientific knowledge regarding the substance;

(d) The history and current pattern of abuse;

(e) The scope, duration and significance of abuse;

(f) The risk to the public health;

(g) The potential of the substance to produce psychic or physiological dependence liability; and

(h) Whether the substance is an immediate precursor of a controlled substance.

3. The Board may consider findings of the federal Food and Drug Administration or the Drug Enforcement Administration as prima facie evidence relating to one or more of the determinative factors.

4. After considering the factors enumerated in subsection 2, the Board shall make findings with respect thereto and adopt a regulation controlling the substance if it finds the substance has a potential for abuse.

5. The Board shall designate as a controlled substance a steroid or other product which is used to enhance athletic performance, muscle mass, strength or weight without medical necessity. The Board may not designate as a controlled substance an anabolic steroid which is:

(a) Expressly intended to be administered through an implant to cattle, poultry or other animals; and

(b) Approved by the Food and Drug Administration for such use.

6. The Board shall designate as a controlled substance included in schedule I any material, compound, mixture or preparation which contains any quantity of the following substances or their salts, isomers or salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:



* A B 3 3 9 *

1 (a) 1-pentyl-3-(1-naphthoyl)indole, which is also known as
2 JWH-018.

3 (b) 1-butyl-3-(1-naphthoyl)indole, which is also known as
4 JWH-073.

5 (c) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, which is
6 also known as JWH-200.

7 (d) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-
8 phenol, which is also known as CP-47,497.

9 (e) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-
10 phenol, which is also known as cannabicyclohexanol and
11 CP-47,497 C8 homologue.

12 **Sec. 2.** The State Board of Pharmacy shall adopt regulations to
13 carry out the amendatory provisions of this act on or before
14 October 1, 2011.

15 **Sec. 3.** This act becomes effective upon passage and approval.

