

SENATE BILL NO. 228—SENATORS SETTELMAYER, HARDY, GUSTAVSON, PARKS, CEGAVSKE; BREEDEN, BROWER, COPENING, DENIS, HALSETH, KIECKHEFER, LEE, LESLIE, MCGINNESS, RHOADS, ROBERSON, SCHNEIDER AND WIENER

MARCH 9, 2011

Referred to Committee on Health and Human Services

SUMMARY—Requires certain substances known as synthetic marijuana to be included on the list of schedule I controlled substances. (BDR 40-698)

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.

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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



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16 passage and approval and require the Board to adopt the regulations to add these
17 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:

1 **Section 1.** NRS 453.146 is hereby amended to read as follows:
2 453.146 1. The Board shall administer the provisions of NRS
3 453.011 to 453.552, inclusive, and may add substances to or delete
4 or reschedule all substances enumerated in schedules I, II, III, IV
5 and V by regulation.

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

8 (a) The actual or relative potential for abuse;
9 (b) The scientific evidence of its pharmacological effect, if
10 known;

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

13 (d) The history and current pattern of abuse;

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

15 (f) The risk to the public health;

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

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

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

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

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

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

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

37 6. *The Board shall designate as a controlled substance*
38 *included in schedule I any material, compound, mixture or*
39 *preparation which contains any quantity of the following*



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1 *substances or their salts, isomers or salts of isomers, whenever the*
2 *existence of such salts, isomers and salts of isomers is possible*
3 *within the specific chemical designation:*

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

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

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

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

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

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

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

