

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2685

BY DELEGATE WALKER

[Introduced February 23, 2021; Referred to the
Committee on Agriculture and Natural Resources
then the Judiciary]

1 A BILL to amend and reenact §19-16-3 and §19-16-3a of the Code of West Virginia, 1931, as
2 amended; to amend said code by adding thereto a new section, designated §19-16-3c;
3 and to amend and reenact §60A-2-204 of said code, all relating to state certification of
4 industrial hemp and medical cannabis seed; authorizing the Commissioner of Agriculture
5 to issue special business and residential incubator permits; encouraging state research
6 and development; providing rule-making authority; prohibiting civil asset forfeiture for
7 permittees; and removing cannabis from Schedule 1 consistent with state law.

Be it enacted by the Legislature of West Virginia:

CHAPTER 19. AGRICULTURE.

ARTICLE 16. WEST VIRGINIA SEED LAW.

§19-16-3. Certificate of registration; seed fees; payment of fees; disposition of funds.

1 (a) No person may distribute any agricultural, vegetable, tree and shrub, or flower seeds,
2 or seed potatoes without a valid certificate of registration issued by the commissioner. Application
3 forms shall be provided by the commissioner and the application fee shall be set forth in a
4 legislative rule. Each certificate of registration expires on December 31 following the next date of
5 issue. A dealer may not be required to register, if he or she can prove that the person he or she
6 is obtaining the seed from has a valid certificate of registration.

7 (b) A person shall apply for a certificate of registration at least 15 days prior to the
8 expiration of the current registration; or at least 15 days prior to the date that the person intends
9 to engage in business in this state. Each application shall be accompanied by the required
10 application fee. The commissioner shall add a penalty to the fee for each registration, as set forth
11 in legislative rules, that is not applied for or renewed within the time limit.

12 (c) Certificates of registration are not transferable with respect to persons or locations.

13 (d) The commissioner may refuse to grant, or may suspend or revoke, a certificate of
14 registration when it is determined that the applicant or registrant has violated the provisions of

15 this article or any rule promulgated under this article: *Provided*, That the applicant or registrant
16 may request a hearing prior to the denial of the application or suspension or revocation of the
17 registration.

18 (e) Each person who holds a valid certificate of registration is required to pay a tonnage
19 fee on seed sold in this state and shall report to the commissioner the net pounds or kilograms of
20 seeds distributed and sold by kind or variety, except for seed potatoes, on a quarterly basis. Each
21 report shall be filed under oath and is due before the last day of January, April, July, and October
22 of each year for the preceding three-month period. He or she shall pay the tonnage fee according
23 to the fee schedule for agriculture, vegetable, tree and shrub, and flower seeds as set by
24 legislative rules. The commissioner may add a penalty, as set forth in legislative rules, to the
25 tonnage fee for each tonnage report that is not filed on time.

26 (f) Persons distributing vegetable and flower seeds packaged in containers of eight ounces
27 or 226.8 grams or less and sold from display units are exempt from reporting poundage and
28 paying a poundage fee: *Provided*, That a seed stamp be purchased from the commissioner, at
29 the rate set by legislative rules, and placed in a conspicuous place on each display unit.

30 (g) Persons first distributing seed potatoes into West Virginia trade channels shall report
31 to the commissioner the net pounds or kilograms of seed potatoes distributed monthly in arrears:
32 *Provided*, That payments for the previous month shall be made not later than the 15th day of the
33 following month, as set by legislative rules.

34 (h) A person who holds a valid certificate of registration shall keep accurate records, as
35 may be necessary or required by the commissioner, to indicate the pounds of agricultural,
36 vegetable, tree and shrub, or flower seeds, or seed potatoes distributed in this state.

37 (i) The commissioner may issue Special Business Incubator Permits to individuals,
38 business entrepreneurs, research laboratories, and other permit projects as the commissioner
39 may describe, for the purpose of encouraging West Virginia residents and entrepreneurs to
40 develop certified seed stock strains of industrial hemp or medical cannabis as authorized pursuant

41 to the provisions of §19-16-3c, of this code, and pursuant to the provisions of chapter §16A-1-1
42 et. seq., and §19-12E-1 et seq. of this code.

43 ~~(f)~~(i) All fees and penalties collected under the provisions of this article shall be deposited
44 with the State Treasurer in a special revenue account. These moneys shall be expended by the
45 Commissioner of Agriculture for inspection, sampling, analysis, and other expenses necessary
46 for the administration of this article.

**§19-16-3a. Industrial hemp and medical cannabis seed certification program;
requirements; fees; rulemaking.**

1 (a) The commissioner may create and administer an industrial hemp, business incubator
2 and medical cannabis seed certification program to obtain and develop varieties of seeds which
3 meet the purposes and provisions of §19-12E-1 et seq. and §16A-1-1 et seq. of this code. The
4 program shall be consistent with this article, §16A-1-1 et seq. of this code, and applicable federal
5 law. This program may include West Virginia landrace cannabis seed varieties. For the purposes
6 of this article, “West Virginia landrace cannabis seed” means seed from the plant cannabis sativa
7 that possesses characteristics of a unique and specialized cannabis seed variety that is present
8 in West Virginia or has been recognized as produced in West Virginia.

9 (b) Persons or entities, licensed pursuant to §19-12E-1 et seq. of this code, or §16A-1-1
10 et seq. of this code, may obtain a license for the development of industrial hemp or medical
11 cannabis varieties for certification. The commissioner may assess a fee, consistent with the
12 provisions of ~~§19-12E-7 of this code~~ this article, to operate and administer the seed certification
13 program. The fees shall be deposited in the Agricultural Fees Fund established by §19-1-4c of
14 this code.

15 (c) The commissioner may promulgate emergency rules and shall propose rules for
16 legislative approval pursuant to §29A-3-1 et seq. of this code for the purpose of implementing the
17 provisions of this section.

§19-16-3c. Special Business and Resident Incubator Permit program; rulemaking;

permitting resident cultivation; and prohibiting asset forfeiture.

1 (a) The Legislature finds and declares that agricultural hemp has been decriminalized in
2 this state since 2002 (Senate Bill 477), and federally in the 2018 Farm Bill, medical cannabis is
3 further recognized in this state, nullifying the federal schedule of cannabis as having no medical
4 properties, and medical cannabis is recognized in 30 other states as having medical benefit, and
5 West Virginia can be a leader in the development of certified seed stock for industrial hemp and
6 medical cannabis strains and varieties, therefore a Special Business and Resident Incubator
7 Permit program is created under the Commissioner of Agriculture to regulate what can be a
8 vibrant industrial hemp and medical cannabis seed certification program.

9 (b) The commissioner shall propose rules based on the best industry standards for
10 legislative approval by June 1, 2021, specifying the requirements for applying for, issuance and
11 renewal of a Special Business or Residential Incubator Permit, and encouraging the research and
12 development of commercial seed stock strains of industrial hemp or medical cannabis in this state.
13 Seed stock developed pursuant to and in substantial compliance with the provisions of this article
14 may be named, labeled, or otherwise branded as certified by the State of West Virginia.

15 (c) The legislative rules for the Special Business and Resident Incubator Permit program
16 promulgated by the commissioner pursuant to §29A-3-1 et seq., of this code, shall describe:

17 (1) The permit fees for commercial growing operations larger than 100 mature flowering
18 plants per strain: *Provided*, That state residents may be permitted to cultivate less than 36 mature
19 flowering plants per strain on an experimental basis, pursuant to the provision of this section and
20 the rules thereunder: *Provided, however*, That where the resident is an individual experimenting
21 with relevant horticultural activities pursuant to this article, §19-12E-1 et seq., of this code, or
22 §16A-1-1 et seq., of this code, and without remuneration, the commissioner shall issue a Resident
23 Incubator Permit to a qualifying resident of this state, and the permit holder may not be charged
24 a fee;

25 (2) The application requirements for a Special Business Incubator Permit for commercial

26 growers;

27 (3) The application requirements for a Resident Incubator Permit for individual cultivation;

28 (4) Testing requirements for the CBD and THC potency content of each strain, including
29 provisions for research and development of strains and varieties that can exceed the thresholds
30 specified in §19-12E-1 et seq., of this code;

31 (5) Testing requirements for pesticides, heavy metals, and other health factors deemed
32 appropriate by the commissioner;

33 (6) Provisions for preventing diversion of any product or by-product of cannabis as an
34 authorized activity pursuant to the provisions of this section; and

35 (7) Security measures for special incubator permittees.

36 (d) Permittees in substantial compliance with the provisions of this section promoting West
37 Virginia industrial hemp and medical cannabis seed development and certification may not be
38 subject to civil asset forfeiture under any provision of this code.

39 (e) The commissioner may issue a special incubator permit for seed research and
40 development conducted by any institution of education in this state.

CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-204. Schedule I.

1 (a) Schedule I shall consist of the drugs and other substances, by whatever official name,
2 common or usual name, chemical name, or brand name designated, listed in this section including
3 their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence
4 of such isomers, esters, ethers and salts is possible within the specific chemical designation.

5 (b) Opiates.

6 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl) -4-piperidiny]—
7 phenylacetamide);

- 8 Acetylmethadol;
- 9 Allylprodine;
- 10 Alphacetylmethadol (except levoalphacetylmethadol also known as levo-alpha-
- 11 acetylmethadol, levomethadyl acetate, or LAAM);
- 12 Alphameprodine;
- 13 Alphamethadol;
- 14 Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide;
- 15 1-(1-methyl-2-phenylethyl)-4-((propanilido) piperidine);
- 16 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl- 4-piperidiny]—
- 17 phenylpropanamide);
- 18 Benzethidine;
- 19 Betacetylmethadol;
- 20 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl) -4- piperidiny]-N-
- 21 phenylpropanamide);
- 22 Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- hydroxy-2-phenethyl)-3-methyl-4-
- 23 piperidiny]-N-phenylpropanamide);
- 24 Betameprodine;
- 25 Betamethadol;
- 26 Betaprodine;
- 27 Clonitazene;
- 28 Dextromoramide;
- 29 Diampromide;
- 30 Diethylthiambutene;
- 31 Difenoxin;
- 32 Dimenoxadol;
- 33 Dimepheptanol;

- 34 Dimethylthiambutene;
- 35 Dioxaphetyl butyrate;
- 36 Dipipanone;
- 37 Ethylmethylthiambutene;
- 38 Etonitazene;
- 39 Etoxidine;
- 40 Furethidine;
- 41 Hydroxypethidine;
- 42 Ketobemidone;
- 43 Levomoramide;
- 44 Levophenacymorphan;
- 45 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- 46 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl) ethyl-4-piperidyl]—phenylpropanamide);
- 47 Morpheridine;
- 48 MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 49 Noracymethadol;
- 50 Norlevorphanol;
- 51 Normethadone;
- 52 Norpipanone;
- 53 Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidyl] propanamide);
- 54 PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 55 Phenadoxone;
- 56 Phenampromide;
- 57 Phenomorphan;
- 58 Phenoperidine;
- 59 Piritramide;

- 60 Proheptazine;
- 61 Properidine;
- 62 Propiram;
- 63 Racemoramide;
- 64 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- piperidinyl]-propanamide);
- 65 Tilidine;
- 66 Trimeperidine.
- 67 (c) Opium derivatives:
- 68 Acetorphine;
- 69 Acetyldihydrocodeine;
- 70 Benzylmorphine;
- 71 Codeine methylbromide;
- 72 Codeine-N-Oxide;
- 73 Cyprenorphine;
- 74 Desomorphine;
- 75 Dihydromorphine;
- 76 Drotebanol;
- 77 Etorphine (except HCl Salt);
- 78 Heroin;
- 79 Hydromorphinol;
- 80 Methyldesorphine;
- 81 Methyldihydromorphine;
- 82 Morphine methylbromide;
- 83 Morphine methylsulfonate;
- 84 Morphine-N-Oxide;
- 85 Myrophine;

- 86 Nicocodeine;
- 87 Nicomorphine;
- 88 Normorphine;
- 89 Pholcodine;
- 90 Thebacon.
- 91 (d) Hallucinogenic substances.
- 92 Alpha-ethyltryptamine; some trade or other names: etryptamine; Monase; alpha-ethyl-1H-
- 93 indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and AET;
- 94 4-bromo-2, 5-dimethoxy-amphetamine; some trade or other names: 4-bromo-2,5-
- 95 dimethoxy-alpha-methylphenethylamine; 4-bromo- 2,5-DMA;
- 96 4-Bromo-2,5-dimethoxyphenethylamine; some trade or other names: 2-(4-bromo-2,5-
- 97 dimethoxyphenyl)-1-aminoethane; alpha- desmethyl DOB; 2C-B, Nexus;
- 98 N-(2-Methoxybenzyl)-4-bromo-2, 5-dimethoxyphenethylamine. The substance has the
- 99 acronym 25B-NBOMe.
- 100 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C-NBOMe)
- 101 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I-NBOMe)
- 102 2,5-dimethoxyamphetamine; some trade or other names: 2,5-dimethoxy-alpha-
- 103 methylphenethylamine; 2,5-DMA;
- 104 2,5-dimethoxy-4-ethylamphet-amine; some trade or other names: DOET;
- 105 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
- 106 4-methoxyamphetamine; some trade or other names: 4-methoxy-alpha-
- 107 methylphenethylamine; paramethoxyamphetamine; PMA;
- 108 5-methoxy-3, 4-methylenedioxy-amphetamine;
- 109 4-methyl-2,5-dimethoxy-amphetamine; some trade and other names: 4-methyl-2,5-
- 110 dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP";
- 111 3,4-methylenedioxy amphetamine;

- 112 3,4-methylenedioxyamphetamine (MDMA);
- 113 3,4-methylenedioxy-N-ethylamphetamine (also known as (ethyl-alpha-methyl-3,4
- 114 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA);
- 115 N-hydroxy-3,4-methylenedioxyamphetamine (also known as (hydroxy-alpha-methyl-3,4
- 116 (methylenedioxy) phenethylamine, and (hydroxy MDA);
- 117 3,4,5-trimethoxy amphetamine;
- 118 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 119 Alpha-methyltryptamine (other name: AMT);
- 120 Bufotenine; some trade and other names: 3-(beta-Dimethylaminoethyl)-5-
- 121 hydroxyindole;3-(2-dimethylaminoethyl) -5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-
- 122 dimethyltryptamine; mappine;
- 123 Diethyltryptamine; sometrade and other names: N, N-Diethyltryptamine; DET;
- 124 Dimethyltryptamine; some trade or other names: DMT;
- 125 5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 126 Ibogaine; some trade and other names: 7-Ethyl-6, 6 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-
- 127 methoxy-6, 9-methano-5H- pyrido [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;
- 128 Lysergic acid diethylamide;
- 129 Marijuana;
- 130 Mescaline;
- 131 Parahexyl-7374; some trade or other names: 3-Hexyl -1-hydroxy-7, 8, 9, 10-tetrahydro-6,
- 132 6, 9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl;
- 133 Peyote; meaning all parts of the plant presently classified botanically as *Lophophora*
- 134 *williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such
- 135 plant, and every compound, manufacture, salts, immediate derivative, mixture or preparation of
- 136 such plant, its seeds or extracts;
- 137 N-ethyl-3-piperidyl benzilate;

- 138 N-methyl-3-piperidyl benzilate;
- 139 Psilocybin;
- 140 Psilocyn;
- 141 ~~Tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant, or~~
- 142 ~~in the resinous extractives of Cannabis, sp. and/or synthetic substances, immediate derivatives~~
- 143 ~~and their isomers with similar chemical structure and pharmacological activity such as the~~
- 144 ~~following:~~
- 145 ~~delta-1 Cis or trans tetrahydrocannabinol, and their optical isomers;~~
- 146 ~~delta-6 Cis or trans tetrahydrocannabinol, and their optical isomers;~~
- 147 ~~delta-3,4 Cis or trans tetrahydrocannabinol, and its optical isomers;~~
- 148 ~~(Since nomenclature of these substances is not internationally standardized, compounds~~
- 149 ~~of these structures, regardless of numerical designation of atomic positions covered.)~~
- 150 Ethylamine analog of phencyclidine; some trade or other names: N-ethyl-1-
- 151 phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,
- 152 cyclohexamine, PCE;
- 153 Pyrrolidine analog of phencyclidine; some trade or other names: 1-(1-phenylcyclohexyl)-
- 154 pyrrolidine, PCPy, PHP;
- 155 Thiophene analog of phencyclidine; some trade or other names: 1-[1-(2-thienyl)-
- 156 cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine; TCP, TCP;
- 157 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other names: TCPy.
- 158 4-methylmethcathinone (Mephedrone);
- 159 3,4-methylenedioxypropylamphetamine (MDPV);
- 160 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
- 161 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)
- 162 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)
- 163 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)

- 164 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)
- 165 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)
- 166 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)
- 167 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)
- 168 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)
- 169 3,4-Methylenedioxy-N-methylcathinone (Methylone)
- 170 2,5-dimethoxy-4-(n)-propyltghiophenethylamine (2C-T-7, itsoptical isomers, salts and
- 171 salts of isomers
- 172 5-methoxy-N,N-dimethyltryptamine some trade or other names: 5-methoxy-3-[2-
- 173 (dimethylamino)ethyl]indole; 5-MeO-DMT(5-MeO-DMT)
- 174 Alpha-methyltryptamine (other name: AMT)
- 175 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT)
- 176 Synthetic Cannabinoids as follows:
- 177 2-[(1R,3S)-3-hydroxycyclohexyl]-5- (2-methyloctan-2-yl)phenol {also known as CP
- 178 47,497 and homologues};
- 179 rel-2-[(1S,3R)-3-hydroxycyclohexyl] -5-(2-methylnonan-2-yl)phenol {also known as CP
- 180 47,497-C8 homolog};
- 181 [(6aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7,10,10a-
- 182 tetrahydrobenzo[c]chromen-1-ol)] {also known as HU-210};
- 183 (dexanabinol);
- 184 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
- 185 tetrahydrobenzol[c]chromen-1-ol) {also known as HU-211};
- 186 1-Pentyl-3-(1-naphthoyl)indole {also known as JWH-018};
- 187 1-Butyl-3-(1-naphthoyl)indole {also known as JWH-073};
- 188 (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-015};
- 189 (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-019};

190 [1-[2-(4-morpholinyl) ethyl] -1H-indol-3-yl]-1-naphthalenyl-methanone {also known as
191 JWH-200};
192 1-(1-pentyl-1H-indol-3-yl)-2-(3-hydroxyphenyl)-ethanone {also known as JWH-250};
193 2-((1S,2S,5S)-5-hydroxy-2- (3-hydroxypropyl)cyclohexyl) -5-(2-methyloctan-2-yl)phenol
194 {also known as CP 55,940};
195 (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl) -methanone {also known as JWH-122};
196 (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl) -methanone {also known as JWH-398};
197 (4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone {also known as RCS-4};
198 1-(1-(2-cyclohexylethyl) -1H-indol-3-yl) -2-(2-methoxyphenyl) ethanone {also known as
199 RCS-8};
200 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);
201 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201); and
202 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694).
203 Synthetic cannabinoids:
204 CP 47,497 AND homologues, 2-[(1R,3S)-3-Hydroxycyclohexyl]-5-(2-methyloctan-2-
205 YL)phenol);
206 HU-210, [(6AR,10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-Methyloctan-2-YL)-6A,7,10,
207 10A-tetrahydrobenzo[C] chromen-1-OL)];
208 HU-211, (dexanabinol, (6AS,10AS)-9-(hydroxymethyl)-6,6-Dimethyl-3-(2-methyloctan-2-
209 YL)-6A,7,10,10atetrahydrobenzo[C]chromen-1-OL);
210 JWH-018, 1-pentyl-3-(1-naphthoyl)indole;
211 JWH-019, 1-hexyl-3-(1-naphthoyl)indole;
212 JWH-073, 1-butyl-3-(1-naphthoyl)indole;
213 JWH-200, (1-(2-morpholin-4-ylethyl)indol-3-yl)- Naphthalen-1-ylmethanone;
214 JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl)indole.]
215 Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-

- 216 ADB);
- 217 Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5F-AMB);
- 218 Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (FUB-
- 219 AMB);
- 220 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA);
- 221 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide
- 222 (ADB-FUBINACA);
- 223 Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate
- 224 (MDMB-CHMICA);
- 225 Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
- 226 (MDMB-FUBINACA);
- 227 ~~Tetrahydrocannabinols:~~
- 228 ~~DELTA-1 CIS OR trans tetrahydrocannabinol and their Optical isomers.~~
- 229 ~~DELTA-6 CIS OR trans tetrahydrocannabinol and their optical isomers.~~
- 230 ~~DELTA-3,4 CIS or their trans tetrahydrocannabinol and their optical isomers.~~
- 231 Synthetic Phenethylamines
- 232 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe/ 2C-I-
- 233 NBOMe);
- 234 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe/2C-C-
- 235 NBOMe);
- 236 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe/ 2C-B-
- 237 NBOMe);
- 238 Synthetic Opioids (including their isomers, esters, ethers, salts and salts of isomers, esters
- 239 and ethers):
- 240 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 241 furanyl fentanyl;

242 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (also known as U-
243 47700);

244 N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-
245 phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl fentanyl);

246 N-[1-[2-hydroxy-2-(thiophen-2-yl)ethylpiperidin-4-yl]-N-phenylpropionamide, also known
247 as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide, (beta-
248 hydroxythiofentanyl).

249 N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl)

250 N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl)

251 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopropyl fentanyl)

252 2-(2,4-dichlorophenyl)-N-((1S,2S)-2-(dimethylamino)cyclohexyl)-N-methylacetamide

253 (also known as U-48800)

254 Trans-3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-benzamide (also known as
255 U-49900)

256 Trans-3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzeneacetamide (also
257 known as U-51754)

258 Opioid Receptor Agonist

259 AH-7921 (3,4-dichloro-N-(1dimethylamino)cyclohexylmethyl]benzamide).

260 Naphthoylindoles or any compound containing a 3-(-1- Naphthoyl) indole structure with
261 substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole
262 ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall
263 include the following:

264 JWH 015;

265 JWH 018;

266 JWH 019;

267 JWH 073;

268 JWH 081;
269 JWH 122;
270 JWH 200;
271 JWH 210;
272 JWH 398;
273 AM 2201;
274 WIN 55,212.

275 Naphylmethylindoles or any compound containing a 1indol-3-yl-(1-naphthyl) methane
276 structure with a substitution at the nitrogen atom of the indole ring whether or not further
277 substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to
278 any extent. This shall include, but not be limited to, JWH 175 and JWH 184.

279 Naphthoylpyrroles or any compound containing a 3-(1- Naphthoyl) pyrrole structure with
280 substitution at the nitrogen atom of the pyrrole ring whether or not further substituted in the pyrrole
281 ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall
282 include, but not be limited to, JWH 147 and JWH 307.

283 Naphthylmethylindenenes or any compound containing a Naphthylideneindene structure
284 with substitution at the 3- Position of the indene ring whether or not further substituted in the
285 indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. This
286 shall include, but not be limited to, JWH 176.

287 Phenylacetylindoles or any compound containing a 3- Phenylacetylindole structure with
288 substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole
289 ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include
290 the following:

291 RCS-8, SR-18 OR BTM-8;
292 JWH 250;
293 JWH 203;

294 JWH 251;

295 JWH 302.

296 Cyclohexylphenols or any compound containing a 2-(3- hydroxycyclohexyl) phenol
297 structure with a substitution at the 5-position of the phenolic ring whether or not substituted in the
298 cyclohexyl ring to any extent. This shall include the following:

299 CP 47,497 and its homologues and analogs;

300 Cannabicyclohexanol;

301 CP 55,940.

302 Benzoylindoles or any compound containing a 3-(benzoyl) indole structure with
303 substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole
304 ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include
305 the following:

306 AM 694;

307 Pravadoline WIN 48,098;

308 RCS 4;

309 AM 679.

310 [2,3-dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-DE]-1, 4-benzoxazin-6-YL]-1-
311 naphthalenymethanone. This shall include WIN 55,212-2.

312 Dibenzopyrans or any compound containing a 11-hydroxydelta 8-tetrahydrocannabinol
313 structure with substitution on the 3-pentyl group. This shall include HU-210, HU-211, JWH 051
314 and JWH 133.

315 Adamantoylindoles or any compound containing a 3-(-1- Adamantoyl) indole structure with
316 substitution at the nitrogen atom of the indole ring whether or not further substituted in the
317 adamantoyl ring system to any extent. This shall include AM1248.

318 Tetramethylcyclopropylindoles or any compound containing A 3-
319 tetramethylcyclopropylindole structure with substitution at the nitrogen atom of the indole ring

320 whether or not further substituted in the indole ring to any extent and whether or not substituted
321 in the tetramethylcyclopropyl ring to any extent. This shall include UR-144 and XLR-11.

322 N-(1-Adamantyl)-1-pentyl-1h-indazole-3-carboxamide. This shall include AKB48.

323 Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as
324 demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and
325 V, not federal Food and Drug Administration approved drug or used within legitimate, approved
326 medical research. Since nomenclature of these substances is not internationally standardized,
327 any immediate precursor or immediate derivative of these substances shall be covered.

328 Tryptamines:

329 5- methoxy- N- methyl-N-isopropyltryptamine (5-MeO-MiPT)

330 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT)

331 4-hydroxy-N-methyl-N-isopropyltryptamine (4-HO-MiPT)

332 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET)

333 4-acetoxy-N,N-diisopropyltryptamine (4-AcO-DiPT)

334 5-methoxy- α -methyltryptamine (5-MeO-AMT)

335 4-methoxy-N,N-Dimethyltryptamine (4-MeO-DMT)

336 4-hydroxy Diethyltryptamine (4-HO-DET)

337 5- methoxy- N,N- diallyltryptamine (5-MeO-DALT)

338 4-acetoxy-N,N-Dimethyltryptamine (4-AcO DMT)

339 4-hydroxy Diethyltryptamine (4-HO-DET)

340 (e) Depressants.

341 Mecloqualone;

342 Methaqualone.

343 (f) Stimulants.

344 Aminorex; some other names: aminoxaphen; 2-amino-5- phenyl-2-oxazoline; or 4,5-
345 dihydro-5-phenyl-2-oxazolamine;

346 Cathinone; some trade or other names: 2-amino-1-phenyl-1- propanone, alpha-
347 aminopropiophenone, 2-aminopropiophenone and norephedrone;

348 Fenethylamine;

349 Methcathinone, its immediate precursors and immediate derivatives, its salts, optical
350 isomers and salts of optical isomers; some other names: (2-(methylamino)-propio-
351 phenone; (2-(methylamino)propio-phenone; 2-(methylamino)-1-phenylpropan-1- one; alpha—
352 methylaminopropiophenone; monomethylpropion; 3,4-methylenedioxypropylphenone and/or
353 mephedrone; 3,4-methylenedioxypropylphenone (MPVP); ephedrone; N-methylcathinone;
354 methylcathinone; AL-464; AL-422; AL- 463 and UR1432;

355 (+-) cis-4-methylaminorex; ((+)-cis-4,5-dihydro-4-methyl- 5-phenyl-2-oxazoline);

356 N-ethylamphetamine;

357 N,N-dimethylamphetamine; also known as N,N-alpha- trimethyl-benzeneethanamine;
358 N,N-alpha-trimethylphenethylamine.

359 Alpha-pyrrolidinopropiophenone, also known as alpha-PVP, optical isomers, salts and
360 salts of isomers.

361 Substituted amphetamines:

362 2-Fluoroamphetamine

363 3-Fluoroamphetamine

364 4-Fluoroamphetamine

365 2-chloroamphetamine

366 3-chloroamphetamine

367 4-chloroamphetamine

368 2-Fluoromethamphetamine

369 3-Fluoromethamphetamine

370 4-Fluoromethamphetamine

371 4-chloromethamphetamine

372 (g) Temporary listing of substances subject to emergency scheduling. Any material,
373 compound, mixture or preparation which contains any quantity of the following substances:

374 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts,
375 and salts of isomers.

376 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical
377 isomers, salts and salts of isomers.

378 N-benzylpiperazine, also known as BZP.

379 Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);

380 4-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]-
381 butyramide);

382 Isobutyryl fentanyl (2-methyl-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]-propanamide);

383 Methoxyacetyl fentanyl (2-methoxy-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]-
384 acetamide);

385 3-methylbutyryl fentanyl (N-[3-methyl-1-(2-phenylethyl)piperidin-4-yl]-N-
386 phenylbutyramide);

387 4-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-
388 yl)butyramide);

389 Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)piperidin-4-yl]-acetamide);

390 Tetrahydrofuran fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-
391 carboxamide);

392 Valeryl fentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]pentanamide).

393 (h) The following controlled substances are included in Schedule I:

394 Synthetic Cathinones or any compound, except bupropion or compounds listed under a
395 different schedule, or compounds used within legitimate and approved medical research,
396 structurally derived from 2- Aminopropan-1-one by substitution at the 1-position with Monocyclic
397 or fused polycyclic ring systems, whether or not the compound is further modified in any of the

398 following ways:

399 By substitution in the ring system to any extent with Alkyl, alkylendioxy, alkoxy, haloalkyl,
400 hydroxyl or halide Substituents whether or not further substituted in the ring system by one or
401 more other univalent substituents.

402 By substitution at the 3-position with an acyclic alkyl substituent.

403 By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl
404 groups.

405 By inclusion of the 2-amino nitrogen atom in a cyclic structure.

406 Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as
407 demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and
408 V, not federal Food and Drug Administration approved drug or used within legitimate, approved
409 medical research.

NOTE: The purpose of this bill is to create a Special Business and Resident Incubator Permit for Agriculture Hemp and medical cannabis seed producers for the purpose of developing a vibrant cannabis seed market in this state; prohibiting civil asset forfeiture for permittees; and removing cannabis from Schedule 1 consistent with state law.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.