

DRAFT LBDC

A BUDGET BILL submitted by the Governor  
in accordance with Article VII of the Constitution

AN ACT to amend the public health law and the penal law, in relation to expanding the list of controlled substances (Part \_\_);

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

## PART \_\_\_\_\_

Section 1. Section 3302 of the public health law is amended by adding a new subdivision 44 to read as follows:

44. "Controlled substance analog" means

(a) a capsule, liquid, pill, powder, product, spray, tablet or other substance, however constituted:

(i) the chemical structure of which is derivative of, or substantially similar to, the chemical structure of a controlled substance; or

(ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance; or

(iii) with respect to a particular person, which such person represents or intends to have the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance.

(b) "Controlled substance analog" does not include:

(i) a controlled substance;

1     (ii) any substance for which there is an approved new drug applica-  
2     tion;

3     (iii) with respect to a particular person, any substance, if an  
4     exemption is in effect for investigational use, for that person, under  
5     21 USCA § 355, to the extent the conduct with respect to the substance  
6     is pursuant to such exemption; or

7     (iv) any compound, mixture, or preparation that contains any  
8     controlled substance or controlled substance analog that is not for  
9     administration to a human being or animal, and that is packaged in such  
10    a form or concentration, or with adulterants or denaturants, so that as  
11    packaged it does not present any significant potential for abuse.

12    (c) Controlled substance analog treated as a Schedule I substance. A  
13    controlled substance analog must be treated, for the purposes of any New  
14    York State statute or regulation, as a substance included in Schedule I  
15    of section thirty-three hundred six of this article.

16    § 2. Subdivision (a) of schedule I of section 3306 of the public  
17    health law, as added by chapter 664 of the laws of 1985, is amended to  
18    read as follows:

19    (a) Schedule I shall consist of the drugs and other substances, by  
20    whatever official name, common or usual name, chemical name, or brand  
21    name designated, listed in this section, and controlled substance  
22    analogs as defined by subdivision forty-four of section thirty-three  
23    hundred two of this article.

24    § 3. Subdivision 5 of section 220.00 of the penal law, as amended by  
25    chapter 537 of the laws of 1998, is amended to read as follows:

26    5. "Controlled substance" means any substance listed in schedule I,  
27    II, III, IV or V of section thirty-three hundred six of the public  
28    health law other than marihuana, but including concentrated cannabis as

1 defined in paragraph (a) of subdivision four of section thirty-three  
2 hundred two of such law, and including controlled substance analogs as  
3 defined in subdivision forty-four of section thirty-three hundred two of  
4 such law.

5 § 4. Subdivision (b) of schedule I of section 3306 of the public  
6 health law is amended by adding nineteen new paragraphs 56, 57, 58, 59,  
7 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74 to read as  
8 follows:

9 (56) 3,4-dichloro-N-{(1-dimethylamino) cyclohexylmethyl}benzamide.

10 Some trade or other names: AH-7921.

11 (57) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (Acetyl Fenta-  
12 nyl).

13 (58) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide (Butyryl Fenta-  
14 nyl).

15 (59) N-{1-{2-hydroxy-2-(thiophen-2-yl)ethyl}piperidin-4-yl}-N-phenyl-  
16 propionamide (Beta-Hydroxythiofentanyl).

17 (60) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (Fura-  
18 nyl Fentanyl).

19 (61) U-47700 (3,4-Dichloro-N-{2-(dimethylaminio)cyclohexyl}-N- methyl-  
20 benzamide).

21 (62) N-Phenyl-N-{1-(2-phenylethyl)piperidin-4-yl}prop-2-enamide (Acryl  
22 Fentanyl or Acryloylfentanyl). Some trade or other names:  
23 N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide; N-phenyl-N-{1-(2-  
24 phenylethyl)-4-piperidinyl}-2-propenamide.

25 (63) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide.

26 Other names: 4-fluoroisobutyryl fentanyl, para-fluoroisobutyryl fenta-  
27 nyl).

(64) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide(Ortho-Fluorofentanyl or 2-fluorofentanyl).

(65) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide(Tetrahydrofuranyl Fentanyl).

(66) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide(Methoxyacetyl Fentanyl).

(67) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide.

Some trade or other names: Cyclopropyl Fentanyl.

(68) N-(1-phenethylpiperidin-4-yl)-N-phenylpentamide. Some trade or other names: Valeryl Fentanyl.

(69) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide. Some trade or other names: Para-fluorobutyryl Fentanyl.

(70) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide. Some trade or other names: Para-methoxybutyryl Fentanyl.

(71) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide. Some trade or other names: Para-chlorisobutyryl Fentanyl.

(72) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide. Some trade or other names: Isobutyryl Fentanyl.

(73) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide. Some trade or other names: Cyclopentyl Fentanyl.

(74) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide. Some trade or other names: Ocfentanil.

§ 5. Subdivision (d) of schedule I of section 3306 of the public health law is amended by adding thirty-six new paragraphs 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 and 71 to read as follows:

(36) 5-methoxy-N,N-dimethyltryptamine.

- 1     (37) Alpha-methyltryptamine. Some trade or other names: AMT.
- 2     (38) 5-methoxy-N,N-diisopropyltryptamine. Some trade or other names:
- 3     5-MeO-DIPT.
- 4     (39) 5-(1,1-dimethylheptyl)-2-((1R,3S)-3-hydroxycyclohexyl)-phenol.
- 5     Some trade or other names: CP-47,497.
- 6     (40) 5-(1,1-dimethyloctyl)-2-((1R,3S)-3-hydroxycyclohexyl)-phenol.
- 7     Some trade or other names: cannabicyclohexanol or CP-47,497 C8-homolog.
- 8     (41) 1-pentyl-3-(1-naphthoyl)indole. Some trade of other names:
- 9     JWH-018 and AM678.
- 10    (42) 1-butyl-3-(1-naphthoyl)indole. Some trade of other names:
- 11    JWH-073.
- 12    (43) 1-hexyl-3-(1-naphthoyl)indole. Some trade of other names:
- 13    JWH-019.
- 14    (44) 1-{2-(4-morpholinyl)ethyl}-3-(1-naphthoyl)indole. Some trade or
- 15    other names: JWH-200.
- 16    (45) 1-pentyl-3-(2-methoxyphenylacetyl)indole. Some trade or other
- 17    names: JWH-250.
- 18    (46) 1-pentyl-3-{1-(4-methoxynaphthoyl)}indole. Some trade or other
- 19    names: JWH-081.
- 20    (47) 1-pentyl-3-(4-methyl-1-naphthoyl)indole. Some trade or other
- 21    names: JWH-122.
- 22    (48) 1-pentyl-3-(4-chloro-1-naphthoyl)indole. Some trade or other
- 23    names: JWH-398.
- 24    (49) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole. Some trade or other
- 25    names: AM2201.
- 26    (50) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole. Some trade or other
- 27    names: AM694.

1 (51) 1-pentyl-3-((4-methoxy)-benzoyl)indole. Some trade or other  
2 names: SR-19 and RCS-4.

3 (52) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole. Some trade or  
4 other names: SR-18 and RCS-8.

5 (53) 1-pentyl-3-(2-chlorophenylacetyl) indole. Some trade or other  
6 names: JWH-203.

7 (54) (1-pentyl-1H-indol-3-yl) (2,2,3,3-tetramethylcyclopropyl) metha-  
8 none. Some trade or other names: UR-144.

9 (55) {1-(5-fluoro-pentyl)-1H-indol-3-yl} (2,2,3,3-tetramethylcycloprop-  
10 yl) methanone. Some trade names or other names: 5-fluoro-UR-144, XLR11.

11 (56) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide. Some trade or  
12 other names: APINACA, AKB48.

13 (57) quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate. Some trade or  
14 other names: PB-22; QUPIC.

15 (58) quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate. Some  
16 trade or other names: 5-fluoro-PB-22; 5F-PB-22.

17 (59) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazo-  
18 le-3-carboxamide. Some trade or other names: AB-FUBINACA.

19 (60) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-  
20 indazole-3-carboxamide. Some trade or other names: ADB-PINACA.

21 (61) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-  
22 indazole-3-carboxamide. Some trade or other names: AB-CHMINACA.

23 (62) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole- 3-car-  
24 boxamide. Some trade or other names: AB-PINACA.

25 (63) {1-(5-fluoropentyl)-1H-indazol-3-yl} (naphthalen-1-yl)methanone.  
26 Some trade or other names: THJ-2201.

(64) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide. Some trade or other names: MAB-CHMINACA; ADB-CHMINACA.

(65) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3, 3-dimethylbutanoate. Some trade or other names: 5F-ADB; 5F-MDMB-PINACA.

(66) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate. Some trade or other names: 5F-AMB.

(67) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide. Some trade or other names: 5F-APINACA, 5F-AKB48.

(68) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide. Some trade or other names: ADB-FUBINACA.

(69) methyl 2-(1-cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate. Some trade or other names: MDMB-CHMICA, MMB-CHMINACA.

(70) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate. Some trade or other names: MDMB-FUBINACA.

(71) methyl-2(1-(4-flurobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate. Some trade or other names: FUB-AMB, MMB-FUBINACA, AMB-FUBINACA.

§ 6. Section 3308 of the public health law is amended by adding a new subdivision 7 to read as follows:

7. The commissioner may, by regulation, classify as a Schedule I controlled substance in section thirty-three hundred six of this title any substance listed as an opiate, a hallucinogenic substance, a cannabinimimetic agent or a fentanyl-related substance in Schedule I of the federal schedules of controlled substances in 21 USC §812 or 21 CFR §1308.11(b), (d), (g), (h) or (i).

§ 7. This act shall take effect on the ninetieth day after it shall have become a law.