

# Sub. House Bill 64

Spice/K2,  
Bath Salts



Nicole Dehner,  
Chief Policy Advisor

Shawn Rowley,  
Law Enforcement Liaison

(614)466-0286



# New language in Ohio Revised Code

- 2925.02 – Corrupting another with drugs
- 2925.03 – Trafficking
- 2925.11 – Possession
- 3719.01 – Definitions/Controlled Substances
- 3719.41 – Controlled Substance Schedules

# Sub. House Bill 64

- **Adds synthetic cannabinoids commonly known as K2 or Spice to the list of Schedule I controlled substances;**
- **Prohibits the possession of Spice;**
- **Prohibits trafficking in Spice;**
- **Provides that if Spice is the drug involved in a violation of the offense of corrupting another with drugs the penalty for the violation will be the same as if marijuana was the drug involved in the offense;**

# Sub. House Bill 64

- **Adds six synthetic derivatives of cathinone that have been found in bath salts to the list of Schedule I controlled substances;**
- **Defines a "controlled substance analog" for purposes of the Controlled Substances Law;**
- **Treats controlled substance analogs as Schedule I controlled substances;**
- **Specifies that the residential and familial information of probation officers and bailiffs is not a public record.**

**Sub. H.B. 64 passed in summer,  
2011**

**Becomes effective:  
TODAY**

**October 17, 2011**

# 3719.41 Schedule of Controlled Substances

## Schedule I

(A) Narcotics Opiates

(B) Narcotics-opium derivatives

(C) Hallucinogens

- Any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation. For the purposes of this division only, “isomer” includes the optical isomers, position isomers, and geometric isomers.

# 3719.41(C): K-2/Spice

(35) 1-Pentyl-3-(1-naphthoyl)indole (some trade or other names: JWH-018);

(36) 1-Butyl-3-(1-naphthoyl)indole (some trade or other names: JWH-073);

(37) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole (some trade or other names: JWH-200);

(38) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: CP-47,497);

(39) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: cannabicyclohexanol; CP-47,497 C8 homologue);

# 3719.41(C) - Bath Salts

(40) Methylone (3,4-methylenedioxy methcathinone);

(41) MDPV (3,4-methylenedioxy pyrovalerone);

(42) Mephedrone (4-methylmethcathinone);

(43) 4-methoxymethcathinone;

(44) 4-fluoromethcathinone;

(45) 3-fluoromethcathinone.

# 3719.013

A controlled substance analog, to the extent intended for human consumption, shall be treated for purposes of any provision of the Revised Code as a controlled substance in schedule I.

# 3719.01 Definitions

(HH)(1) “Controlled substance analog” means, except as provided in division (HH)(2) of this section, a substance to which both of the following apply:

(a) The chemical structure of the substance is substantially similar to the structure of a controlled substance in schedule I or II.

# 3719.01 Definitions

b) One of the following applies regarding the substance:

(i) The **substance** 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 in schedule I or II.

(ii) With respect to a particular **person**, that person represents or intends the substance to have 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 in schedule I or II.

# 3719.01 Definitions

(HH)(2) “Controlled substance analog” does not include any of the following:

- (a) A controlled substance;
- (b) Any substance for which there is an approved new drug application;
- (c) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption;
- (d) Any substance to the extent it is not intended for human consumption before the exemption described in division (HH)(2)(b) of this section takes effect with respect to that substance.

# Corrupting Another w/ Drugs: 2925.02

(A) No person shall knowingly do any of the following:

(1) By force, threat, or deception, administer to another or induce or cause another to use a controlled substance;

(2) By any means, administer or furnish to another or induce or cause another to use a controlled substance with purpose to cause serious physical harm to the other person, or with purpose to cause the other person to become drug dependent;

(3) By any means, administer or furnish to another or induce or cause another to use a controlled substance, and thereby cause serious physical harm to the other person, or cause the other person to become drug dependent;

# Corrupting Another w/ Drugs: 2925.02(A)

(4) By any means, do any of the following:

(a) Furnish or administer a controlled substance to a juvenile who is at least two years the offender's junior, when the offender knows the age of the juvenile or is reckless in that regard;

(b) Induce or cause a juvenile who is at least two years the offender's junior to use a controlled substance, when the offender knows the age of the juvenile or is reckless in that regard;

(c) Induce or cause a juvenile who is at least two years the offender's junior to commit a felony drug abuse offense, when the offender knows the age of the juvenile or is reckless in that regard;

(d) Use a juvenile, whether or not the offender knows the age of the juvenile, to perform any surveillance activity that is intended to prevent the detection of the offender or any other person in the commission of a felony drug abuse offense or to prevent the arrest of the offender or any other person for the commission of a felony drug abuse offense.

# Penalty for Corrupting Another with Drugs: 2925.02(C)

Whoever violates this section is guilty of corrupting another with drugs. The penalty...shall be determined as follows:

(1) Schedule I or II substance (includes Bath Salts) = F2, “shall impose mandatory prison term...”

- if the offense was committed in the vicinity of a school, F1

(2) \*\*\*

(3) K2/Spice = F4

- if the offense was committed in the vicinity of a school, F3

# 2925.03 Sale/Trafficking

- (A) No person shall knowingly do any of the following:
- (1) Sell or offer to sell a controlled substance;
  - (2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance, when the offender knows or has reasonable cause to believe that the controlled substance is intended for sale or resale by the offender or another person.

# Penalty for Agg. Trafficking Schedule I (includes Bath Salts) 2925.03(C)

{Bath Salts = Aggravated Trafficking}

Whoever violates division (A) of this section is guilty of one of the following:

- (1) If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or schedule II...is guilty of aggravated trafficking in drugs. The penalty shall be determined as follows:

# Penalty for Agg. Trafficking Schedule I (includes Bath Salts) 2925.03(C)

- (a) Agg. Trafficking = F4
- (b) Agg. Trafficking in vicinity of school OR juvenile = F3
- (c) If amount of drug  $\geq$  bulk < 5x bulk = F3 w/ mandatory prison, school/juv = F2 w/ mandatory prison
- (d) If amount of drug  $\geq$  5x bulk < 50x bulk = F2, mandatory prison, school/juv = F1 w/ mandatory prison

# Penalty for Agg. Trafficking Schedule I (includes Bath Salts) 2925.03(C)

(e) If amount of drug  $\geq 50x$  bulk  $< 100x$  bulk = F1 w/ mandatory prison (doesn't matter if school/juv)

(f) If amount of drug  $\geq 100x$  bulk = F1 w/ mandatory maximum prison + may impose additional term for "major drug offender" (2929.14(D))

# What is bulk?

2925.01(D) Bulk Amount means...

- (1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III...whichever of the following is applicable: \*\*\*
  - (c) An amount equal to or exceeding 30 grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen...

# Penalty for Trafficking Spice 2925.03(C)

{K2/Spice = Trafficking}

(8) If the drug involved in the violation is 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or a compound, mixture, preparation, or substance containing 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, **whoever violates division (A) of this section is guilty of trafficking in spice.**

The penalty for the offense shall be determined as follows:

# Spice/K2 Trafficking Penalty 2925.03(C)(8):

(a) Spice Trafficking = F5, 2929.13(C) applies in determining whether to impose a prison term on the offender

(b) If committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in spice = F4, 2929.13(C) applies in determining whether to impose a prison term on the offender

# Possession of a Controlled Substance: 2925.11

(A) No person shall knowingly obtain, possess, or use a controlled substance.

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(C) Whoever violates division (A) of this section is guilty of one of the following:

# Penalty for Agg. Possession of Schedule I (includes Bath Salts) 2925.11(C)

- (1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II...is guilty of aggravated possession of drugs.

The penalty...shall be determined as follows:

# Penalty for Agg. Possession of Schedule I (includes Bath Salts) 2925.11(C)(1)

- (a) Agg. Possession = F5
- (b) If amount of drug  $\geq$  bulk < 5x bulk = F3 w/ presumption of prison
- (c) If amount of drug  $\geq$  5x bulk < 50x bulk = F2, mandatory prison
- (d) If amount of drug  $\geq$  50x bulk < 100x bulk = F1 w/ mandatory prison
- (e) If amount of drug  $\geq$  100x bulk = “major drug offender,” F1 w/ mandatory maximum prison + may impose additional term for “major drug offender”

# Spice/K2 Possession Penalty

## 2925.11(C)

(8) If the drug involved is 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or a compound, mixture, preparation, or substance containing 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, **whoever violates division (A) of this section is guilty of possession of spice, a minor misdemeanor.**

# Local Ordinances

## Mansfield Municipal Ordinance #11-079:

- 513.17 Prohibition on the use, possession, and sale of synthetic cannabinoids and other synthetic drugs
- Passed June, 7, 2011
- Emergency passage...took effect immediately

(1) Synthetic Cannabinoids – means any material, compound, mixture, or preparation containing any detectable quantity of synthetically produced cannabinoids, their salts, isomers...

Since the nomenclature of these synthetically produced cannabinoids are not internationally standardized and may continually evolve, these structures or compounds of these structures shall be included...regardless of their specific numerical designation of atomic positions covered, **as long as it can be determined through some form of scientific testing or analysis that the substance contains properties that fit within one or more of the following categories:**

# Mansfield Muni. Ordinance:

- (A) Tetrahydrocannabinols...
- (B) Naphthoylindoles...
- (C) Naphthylmethylinindoles...
- (D) Naphthoylpyrroles...
- (E) Naphthylmethylinindenes...
- (F) Phenylacetylindoles...
- (G) Cyclohexylphenols
- (H) Benzoylindoles
- (I) 2,3-Dihydro-5-methly-3...
- (J) Tricyclic Benzopyrans

# Mansfield Muni. Ordinance:

(2) “Substituted Cathinones” means any compound (except bupropion), mixture, or preparation structurally derived from....

These include but are not limited to...MDPV...MMC...Methylone.

These compounds are often found in a class of novelty products commonly sold as “bath salts” these substances are sold with trade names including but not limited to MDPK, Magic, Super Coke, PV, POSH, Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Vanilla Sky, Bonzai Grow, Blue Silk, Serenity Now, Lovey Dovey, Euphoria, Aura, Red Dove and White Dove.

# Mansfield Muni. Ordinance:

## Criminalizes:

- ✓ Selling, giving, exchanging, manufacturing, or otherwise distributing...
- ✓ Display for Sale or Possess with intent to distribute...
- ✓ Use, Possess with Intent to use, ingest, inhale, or otherwise introduce into the human body...

Penalty: M1

# Other Muni. Ordinances?

- <http://www.conwaygreene.com/municipalCodes.htm>
- Search for MDPV:
  - Millersburg
  - Ontario
  - Mansfield

# 3719.01 Definitions

(HH)(1) “Controlled substance analog” means, except as provided in division (HH)(2) of this section, a substance to which both of the following apply:

(a) The chemical structure of the substance is substantially similar to the structure of a controlled substance in schedule I or II.

# 3719.01 Definitions

b) One of the following applies regarding the substance:

(i) The substance 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 in schedule I or II.

(ii) With respect to a particular person, that person represents or intends the substance to have 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 in schedule I or II.

# 3719.013

A controlled substance analog, **to the extent intended for human consumption**, shall be treated for purposes of any provision of the Revised Code as a controlled substance in schedule I.

# Bath Salts & the Feds

- September 7, 2011 – U.S. DEA used its emergency scheduling authority to temporarily control 3 synthetic stimulants
  - ✓ Mephedrone
  - ✓ 3, 4-methylenedioxypropylamphetamine (MDPV)
  - ✓ Methylone

(similar to OH but a few less compounds)

# DEA

- Notice of Intent to temporarily control was published in Federal Register 9/7/11
- 21 CFR Part 1308
- Final Order will be published ~30 (+) days
- Will temporarily control the substances for at least 12 months w/ possibility of 6 month extension
- Designated as Schedule I substances

# What is risk to public health?

- Synthetic cathinones produce a number of stimulant-like adverse effects, such as:
  - Palpitation
  - Seizure
  - Vomiting
  - Sweating
  - Headache
  - Discoloration of skin
  - Hypertension
  - Hyper-reflexia

# Adverse effects associated with consumption

- Nose bleeds
- Teeth grinding
- Paranoia
- Hot flashes
- Dilated pupils
- Blurred vision
- Dry mouth/thirst
- Palpitations
- Muscular tension in jaw and limbs
- Headache
- Agitation
- Anxiety
- Tremor
- Fever
- Sweating