

NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

CONTROLLED DANGEROUS SUBSTANCES

ORDER OF THE DIRECTOR

WHEREAS, synthetic cannabinoids are chemical compounds that are being marketed and sold in New Jersey and throughout the United States in retail establishments such as tobacco and smoke shops, drug paraphernalia shops, and convenience stores, and over the Internet, as herbal mixtures, potpourri, or incense, with brand names such as "Spice," "K2," "Blaze," and "Red Dawn X," and despite often carrying a "not for human consumption" label in order to disguise the true purpose of the substances, such products are produced for the sole purpose of mimicking the effects of marijuana, a Schedule I controlled dangerous substance under federal law and New Jersey law, when smoked or ingested; and

WHEREAS, synthetic cannabinoids have properties similar to delta-9-tetrahydrocannabinol (THC), an active compound of marijuana, and are sometimes marketed and sold as a "legal alternative" to marijuana or as "legal marijuana" because such substances produce a marijuana-like high when smoked or ingested; and

WHEREAS, synthetic cannabinoids have been reported to be more potent than THC in certain studies, and use of such products has been reported to produce significant, negative effects on the central nervous system and cardiovascular system, including increased blood pressure and heart rate, vomiting, disorientation, and convulsions, as well

as negative psychological side effects, such as anxiety attacks, agitation, hallucinations, psychotic episodes, and violent outbursts; and

WHEREAS, the number of calls to poison control centers throughout the United States regarding synthetic cannabinoid exposure has increased dramatically, with approximately 6,955 calls in 2011, compared to approximately 2,906 calls in 2010; and

WHEREAS, the New Jersey Poison Information and Education System has experienced a significant increase in the number of reports about the use of synthetic cannabinoids in 2011, with a total of 146 reported instances of exposure to such substances being reported in 2011, compared to approximately 15 reported instances of exposure in 2010; and

WHEREAS, on or about March 1, 2011, the United States Drug Enforcement Administration temporarily scheduled five synthetic cannabinoids, JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol, as Schedule I substances under the federal Controlled Substances Act (21 U.S.C. § 812(c)) in order to avoid an imminent hazard to public safety, because the substances have a high potential for abuse and have no currently accepted medical use in treatment in the United States, and federal legislation, H.R.1254, introduced on or about March 30, 2011, and its companion bill, S.605, which are now pending in the 112th Congress, ban these five substances and other cannabimimetic substances - synthetic substances that mimic cannabis or marijuana - by making the substances Schedule I controlled dangerous substances under the federal Controlled Substances Act; and

WHEREAS, following growing concern about reported instances of harm resulting from exposure to synthetic cannabinoids, Denmark, Germany, Estonia, France,

Ireland, Italy, Latvia, Lithuania, Luxembourg, Austria, Poland, Romania, Sweden, and the United Kingdom have enacted measures to control synthetic cannabinoids, and other countries are actively considering similar measures; and

WHEREAS, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming have enacted legislation, and legislation is pending in Alabama, Massachusetts, New Hampshire, New York, South Carolina, and Washington, to criminalize the possession of one or more of the five synthetic cannabinoids temporarily scheduled by the United States Drug Enforcement Administration and other synthetic cannabinoids and/or to schedule such substances as controlled dangerous substances; and

WHEREAS, legislation is now pending in the New Jersey Assembly (A446) that would make the synthetic cannabinoids HU-210, JWH-018, and JWH-073 Schedule I controlled dangerous substances under the New Jersey Controlled Dangerous Substances Act, N.J.S.A. 24:21 et seq.; and

WHEREAS, Iowa and Washington have taken emergency, administrative action to ban the possession, sale, and distribution of synthetic cannabinoids by making one or more of the five synthetic cannabinoids temporarily scheduled by the United States Drug Enforcement Administration and other synthetic cannabinoids Schedule I controlled dangerous substances because of imminent threat to the public health from these substances; and

WHEREAS, the Division of Consumer Affairs has worked closely with the New Jersey State Police, Office of Forensic Science, to identify specific synthetic cannabinoid products, as well as general structural classes of cannabinoids from which new synthetic cannabinoid products, with altered chemical structures, may emerge; and

WHEREAS, because unscrupulous individuals can easily thwart state and/or federal regulatory, administrative, or statutory bans by developing or synthesizing new cannabinoid products that are not expressly covered under these bans, certain states, including North Carolina and Colorado, have banned or scheduled entire classes of synthetic cannabinoids and/or have banned any synthetic chemical compound that is a cannabinoid receptor agonist and that mimics the pharmacological effect of naturally occurring cannabinoids, in an effort to control all possible variations of such substances; and

WHEREAS, the instances of exposure to synthetic cannabinoids reported to the New Jersey Poison Information and Education System reinforce the alarming nature of the symptoms associated with use of such substances, with 92 percent of the 146 reported instances of exposure in 2011 resulting in symptoms significant enough to warrant treatment in a healthcare facility; and

WHEREAS, the New Jersey Controlled Dangerous Substances Act confers upon the Director of the Division of Consumer Affairs the authority to add a substance to the list of controlled dangerous substances in the State by regulation if he finds that a substance has a potential for abuse (N.J.S.A. 24:21-3.a.), and in particular, to place a substance in Schedule I if he finds that the substance has high potential for abuse and has no accepted medical use in treatment in the United States (N.J.S.A. 24:21-5.a.); and

WHEREAS, the New Jersey Controlled Dangerous Substances Act confers upon the Director of the Division of Consumer Affairs the authority to issue an order scheduling any controlled dangerous substance under the Act when the delay occasioned by acting through the promulgation of a regulation would constitute an imminent danger to the public health or safety pursuant to N.J.S.A. 24:21-31.b.(3).

NOW, THEREFORE, I, THOMAS R. CALCAGNI, Director of the New Jersey Division of Consumer Affairs, in order to combat the imminent danger to the health, safety, and welfare of the people of the State of New Jersey posed by the use, sale, and distribution of synthetic cannabinoids as established by the foregoing, **ORDER** that:

1. Synthetic cannabinoids are hereby controlled dangerous substances, added to Schedule I, under the New Jersey Controlled Dangerous Substances Act and the regulations promulgated pursuant thereto.

2. Synthetic cannabinoids include any material, compound, mixture, or preparation that is not listed as a controlled substance in Schedule I through V, is not a federal Food and Drug Administration (FDA) approved drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues(analog), and salts of isomers and homologues(analog), unless specifically excepted, whenever the existence of these salts, isomers, homologues(analog), and salts of isomers and homologues(analog) is possible within the specific chemical designation:

i. Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-

morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH 015, JWH 018, JWH 019, JWH 073, JWH 081, JWH 122, JWH 200, JWH 210, JWH 398, AM 2201, and WIN 55 212.

ii. Naphthylmethylindeles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-175, and JWH-184.

iii. Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH 307.

iv. Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-176.

v. Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of this structural class include but are not limited to: RCS-8 (SR-18), JWH 250, JWH 203, JWH-251, and JWH-302.

vi. Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Examples of this structural class include but are not limited to: CP 47,497 (and homologues(analog)), cannabicyclohexanol, and CP 55, 940.

vii. Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of this structural class include but are not limited to: AM 694, Pravadoline (WIN 48,098), RCS 4, and AM-679.

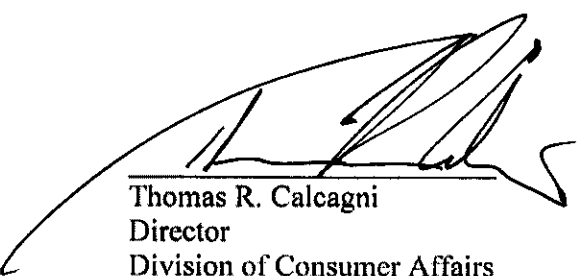
viii. [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de] -1, 4-benzoxazin-6-yl]-1-napthalenylmethanone. Examples of this structural class include but are not limited to: WIN 55,212-2.

ix. (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl) - 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol 7370. Examples of this structural class include but are not limited to: HU-210.

x. Adamantoylindoles. Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the adamantyl ring system to any extent. Examples of this structural class include but are not limited to: AM-1248.

xi. Any other synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids that is not listed in Schedules II through V or is not an FDA approved drug.

3. This order shall take effect immediately and shall remain in effect for 270 days, consistent with the provisions of N.J.S.A. 24:21-31.b.(3)(a), or until such time as a regulation is formally proposed and adopted pursuant to this Order, whichever occurs first.



Thomas R. Calcagni
Director
Division of Consumer Affairs

2-28-2012
Date