

1 HB163
2 126092-1
3 By Representative Farley
4 RFD: Judiciary
5 First Read: 03-MAR-11

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8 SYNOPSIS: Under existing law, the possession of
9 certain named chemical compounds of synthetic
10 cannabinoids is prohibited and subject to criminal
11 penalties. Possession of the substances is a Class
12 C felony except possession for personal use on the
13 first offense is a Class A misdemeanor.

14 This bill would add certain named chemical
15 compounds of synthetic cannabinoid to the law and
16 would specify that any other chemical compound
17 capable of exhibiting cannabinoid like
18 psychoactivity would be prohibited. Violations
19 would be subject to the existing penalties.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Section 1 of Act 2010-717 of the 2010
19 Regular Session (Acts 2010, p. 1778), now appearing as Section
20 13A-12-214.1 of the Code of Alabama 1975; to further prohibit
21 subject to existing penalties certain named chemical compounds
22 of synthetic cannabinoid and to specify that any other
23 chemical compound capable of exhibiting cannabinoid like
24 psychoactivity would be prohibited; and in connection
25 therewith would have as its purpose or effect the requirement
26 of a new or increased expenditure of local funds within the
27 meaning of Amendment 621 of the Constitution of Alabama of

1 1901, now appearing as Section 111.05 of the Official
2 Recompilation of the Constitution of Alabama of 1901, as
3 amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Act 2010-717 of the 2010 Regular Session
6 (Acts 2010, p. 1778), now appearing as Section 13A-12-214.1 of
7 the Code of Alabama 1975, is amended to read as follows:

8 "§13A-12-214.1.

9 "(a) The possession of the following chemical
10 compounds shall be illegal in this state:

11 "(1) (6aR,10aR)-9-(hydroxymethyl)-6,
12 6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a -
13 tetrahydrobenzo[c]chromen-1-ol, some trade or other names:
14 HU-210.

15 "(2) 1-Pentyl-3-(1-naphthoyl)indole, some trade or
16 other names: JWH-018.

17 "(3) 1-Butyl-3-(1-naphthoyl)indole, some trade or
18 other names: JWH-073.

19 "(4)
20 (6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-y
21 l)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or
22 other names: HU-211.

23 "(5) 1-Pentyl-2-methyl-3-(1-naphthoyl)indole, some
24 trade or other names: JWH-007.

25 "(6)
26 (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone,
27 some trade or other names: JWH-015.

1 "(7) 1-Hexyl-3-(naphthalen-1-oyl)indole, some trade
2 or other names: JWH-019.

3 "(8)
4 (1-(2-Morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone
5 , some trade or other names: JWH-200.

6 "(9)
7 2-(2-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone, some trade
8 or other names: JWH-250.

9 "(10) 1-Pentyl-3-(4-Chloro-1-naphthoyl)indole, some
10 trade or other names: JWH 398.

11 "(11)
12 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol,
13 some trade or other names: CP 47, 497.

14 "(12) Any chemical compound that is capable of
15 exhibiting cannabinoid like psychoactivity.

16 ~~"(4)~~ (13) Salvia divinorum or salvinorum A; all parts
17 of the plant presently classified botanically as salvia
18 divinorum, whether growing or not, the seeds thereof, any
19 extract from any part of such plant, and every compound,
20 manufacture, salts, derivative, mixture, or preparation of
21 such plant, its seeds or extracts.

22 "(b) A violation of subsection (a) shall be subject
23 to the same penalties as a violation of Sections 13A-12-213
24 and 13A-12-214."

25 Section 2. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official ReCompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

6 Section 3. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.