

SENATE, No. 2436

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED DECEMBER 11, 2008

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

SYNOPSIS

Criminalizes the manufacture, distribution and possession of Salvia divinorum.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2008)

1 AN ACT concerning controlled substances and amending P.L.1970,
2 c.226.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 5 of P.L.1970, c.226 (C.24:21-5) is amended to read
8 as follows:

9 5. Schedule I.

10 a. Tests. The director shall place a substance in Schedule I if he
11 finds that the substance: (1) has high potential for abuse; and (2)
12 has no accepted medical use in treatment in the United States; or
13 lacks accepted safety for use in treatment under medical
14 supervision.

15 b. The controlled dangerous substances listed in this section are
16 included in Schedule I, subject to any revision and republishing by
17 the director pursuant to subsection d. of section 3 of P.L.1970,
18 c.226 (C.24:21-3), and except to the extent provided in any other
19 schedule.

20 c. Any of the following opiates, including their isomers, esters,
21 and ethers, unless specifically excepted, whenever the existence of
22 such isomers, esters, ethers and salts is possible within the specific
23 chemical designation:

- 24 (1) Acetylmethadol
25 (2) Allylprodine
26 (3) Alphacetylmethadol
27 (4) Alphameprodine
28 (5) Alphamethadol
29 (6) Benzethidine
30 (7) Betacetylmethadol
31 (8) Betameprodine
32 (9) Betamethadol
33 (10) Betaprodine
34 (11) Clonitazene
35 (12) Dextromoramide
36 (13) Dextrorphan
37 (14) Diampromide
38 (15) Diethylthiambutene
39 (16) Dimenoxadol
40 (17) Dimepheptanol
41 (18) Dimethylthiambutene
42 (19) Dioxaphetyl butyrate
43 (20) Dipipanone
44 (21) Ethylmethylthiambutene
45 (22) Etonitazene

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 (23) Etoperidine
- 2 (24) Furethidine
- 3 (25) Hydroxypethidine
- 4 (26) Ketobemidone
- 5 (27) Levomoramide
- 6 (28) Levophenacymorphan
- 7 (29) Morpheridine
- 8 (30) Noracymethadol
- 9 (31) Norlevorphanol
- 10 (32) Normethadone
- 11 (33) Norpipanone
- 12 (34) Phenadoxone
- 13 (35) Phenampromide
- 14 (36) Phenomorphan
- 15 (37) Phenoperidine
- 16 (38) Piritramide
- 17 (39) Proheptazine
- 18 (40) Properidine
- 19 (41) Racemoramide
- 20 (42) Trimeperidine.

21 d. Any of the following narcotic substances, their salts, isomers
22 and salts of isomers, unless specifically excepted, whenever the
23 existence of such salts, isomers and salts of isomers is possible
24 within the specific chemical designation:

- 25 (1) Acetorphine
- 26 (2) Acetylcodeine
- 27 (3) Acetyldihydrocodeine
- 28 (4) Benzylmorphine
- 29 (5) Codeine methylbromide
- 30 (6) Codeine-N-Oxide
- 31 (7) Cyprenorphine
- 32 (8) Desomorphine
- 33 (9) Dihydromorphine
- 34 (10) Etorphine
- 35 (11) Heroin
- 36 (12) Hydromorphanol
- 37 (13) Methyldesorphine
- 38 (14) Methylhydromorphine
- 39 (15) Morphine methylbromide
- 40 (16) Morphine methylsulfonate
- 41 (17) Morphine-N-Oxide
- 42 (18) Myrophine
- 43 (19) Nicocodeine
- 44 (20) Nicomorphine
- 45 (21) Normorphine
- 46 (22) Phoclodine
- 47 (23) Thebacon.

- 1 e. Any material, compound, mixture or preparation which
2 contains any quantity of the following hallucinogenic substances,
3 their salts, isomers and salts of isomers, unless specifically
4 excepted, whenever the existence of such salts, isomers, and salts of
5 isomers is possible within the specific chemical designation:
- 6 (1) 3,4-methylenedioxy amphetamine
 - 7 (2) 5-methoxy-3,4-methylenedioxy amphetamine
 - 8 (3) 3,4,5-trimethoxy amphetamine
 - 9 (4) Bufotenine
 - 10 (5) Diethyltryptamine
 - 11 (6) Dimethyltryptamine
 - 12 (7) 4-methyl-2,5-dimethoxylamphetamine
 - 13 (8) Ibogaine
 - 14 (9) Lysergic acid diethylamide
 - 15 (10) Marihuana
 - 16 (11) Mescaline
 - 17 (12) Peyote
 - 18 (13) N-ethyl-3-piperidyl benzilate
 - 19 (14) N-methyl-3-piperidyl benzilate
 - 20 (15) Psilocybin
 - 21 (16) Psilocyn
 - 22 (17) Tetrahydrocannabinols
 - 23 (18) Salvia divinorum
 - 24 (19) Salvinorin A.
 - 25 (cf: P.L.2007, c.244, s.3.)

26
27 2. This act shall take effect on the 60th day following enactment.
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30 STATEMENT

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32 Salvia divinorum is gaining increased attention as a drug of
33 abuse. It is a perennial herb that is native to parts of Mexico and can
34 be grown indoors. When the plant or its extract, Salvinorin A, is
35 ingested or smoked, it causes vivid hallucinations and confusion.
36 According to the federal Drug Enforcement Administration, Salvia
37 divinorum is sold over the Internet and in some "head shops."
38 Possession and distribution of Salvia divinorum is not barred by
39 federal or New Jersey law.

40 This bill would amend N.J.S.A.24:21-5 to classify Salvia
41 divinorum and Salvinorin A as Schedule I controlled substances in
42 New Jersey. A Schedule I substance has (1) high potential for
43 abuse; and (2) no accepted medical use in treatment in the United
44 States; or lacks accepted safety for use in treatment under medical
45 supervision. Other substances listed in Schedule I include
46 mescaline, peyote and LSD. Under the Criminal Code, persons who
47 manufacture, distribute, dispense or possess Schedule I substances

1 are subject to imprisonment and fines under the “Comprehensive
2 Drug Reform Act of 1987” (N.J.S.A.2C:35-1 et seq.).

3 According to the federal Drug Enforcement Administration, as of
4 June 2008 nine states have enacted legislation placing *Salvia*
5 *divinorum* or *Salvinorin A* into Schedule I of their states’ drug laws.
6 A tenth state (Louisiana) criminalizes the manufacture, distribution
7 and possession of the plant.