

ASSEMBLY, No. 2742

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Assemblywoman NANCY F. MUNOZ
District 21 (Morris, Somerset and Union)

SYNOPSIS

Adds illicit fentanyl to Schedule I in the “New Jersey Controlled Dangerous Substances Act.”

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning certain controlled dangerous substances and
2 amending P.L.1970, 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) Dextrophan
- 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) Etoxeridine
- 2 (24) Furethidine
- 3 (25) Hydroxypethidine
- 4 (26) Ketobemidone
- 5 (27) Levomoramide
- 6 (28) Levophenacylmorphin
- 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) Acetylcodone
- 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) Hydromorphenol
- 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】** Marijuana
- 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, except when found in hemp or a
23 hemp product cultivated, handled, processed, transported, or sold
24 pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238
25 (C.4:28-6 et al.).

26 f. Illicit fentanyl. Illicit fentanyls include any material,
27 compound, mixture, or preparation that is not listed as a controlled
28 substance in Schedules I through V, is not a Federal Food and Drug
29 Administration (FDA) approved drug, and contains any quantity of
30 the following substances, their salts, isomers (whether optical,
31 positional, or geometric), homologues (analogs), and salts of
32 isomers, and homologues (analogs) unless specifically excepted
33 whenever the existence of these salts, isomers, homologues
34 (analogs), and salts of isomers and homologues (analogs) is
35 possible within the specific chemical designations:
36 i. Furanyl Fentanyl, with a chemical composition of N-phenyl-N-[1-(2-
37 phenylethyl)-4-piperidinyl]-2-furancarboxamide,
38 monohydrochloride or N-(1-phenethylpiperidin-4-yl)-N-
39 phenylfuran-2-carboxamide;

40 ii. 3-Methylfentanyl, with a chemical composition of 3-methyl-
41 N-phenyl-N-[1-(2-phenethyl-4-piperidyl)-propanamide];

42 iii. 3-Methyl Butyrylfentanyl, with a chemical composition of 3-
43 Methyl, N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide,
44 monohydrochloride;

45 iv. Valeryl Fentanyl, with a chemical composition of N-phenyl-
46 N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide,
47 monohydrochloride;

vi. Para-Fluorobutyryl-Fentanyl, with a chemical composition of
N-(4-fluorophenyl)-N-[1-(2-phenylethyl) -4-piperidinyl]-
butanamide, monohydrochloride; and

vii. Carfentanyl, with a chemical composition of 2-hydroxypropane-1, 2, 3-tricarboxylic acid; methyl 1-(2-phenylethyl)-4-(N-propanoylanilino) piperidine-4-carboxylateor.

2. This act shall take effect immediately.

This bill would add “illicit fentanyl” to Schedule I in the “New Jersey Controlled Dangerous Substances Act.” Schedule I substances have high potential for abuse, and either have no accepted medical use in treatment in the United States, or lack accepted safety for use in treatment under medical supervision. Illicit fentanyl is a derivative of the regulated prescription drug fentanyl. In September 2016, the Office of the Attorney General issued an emergency order that temporarily added seven illicit fentanyl to Schedule I. On March 21, 2017 this designation was made permanent, when these substances were added to Schedule I in the Administrative Code (N.J.A.C. 13:45H-10.1.) This bill would codify the Schedule I placement of illicit fentanyl in the statutes.

This bill would not change the designation of prescription fentanyl, which is a Schedule II substance. A substance is placed in Schedule II if it: (1) has high potential for abuse; (2) has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and (3) abuse may lead to severe psychic or physical dependence.

Under subsection b. of N.J.S.A.2C:35-5, unlawfully manufacturing, distributing, or dispensing any Schedule I or II substance in a quantity of one ounce or more is a crime of the second degree (punishable by a term of imprisonment of five to ten years or a fine up to \$150,000, or both). Unlawfully manufacturing, distributing or dispensing in a quantity of less than one ounce is a crime of the third degree (generally punishable by a term of three to five years or a fine up to \$15,000, or both, but in this case also punishable by an increased fine of up to \$75,000).

Specifically, the bill adds the following substances to Schedule I:

Illicit fentanyl. Illicit fentanyl includes any material, compound, mixture, or preparation that is not listed as a controlled substance in Schedules I through V, is not a Federal Food and Drug Administration (FDA) approved drug, and contains any quantity of

1 the following substances, their salts, isomers (whether optical,
2 positional, or geometric), homologues (analogs), and salts of
3 isomers, and homologues (analogs) unless specifically excepted
4 whenever the existence of these salts, isomers, homologues
5 (analogs), and salts of isomers and homologues (analogs) is
6 possible within the specific chemical designations: i. Furanyl
7 Fentanyl, with a chemical composition of N-phenyl-N-[1-(2-
8 phenylethyl)-4-piperidinyl]-2-furancarboxamide,
9 monohydrochloride or N-(1-phenethylpiperidin-4-yl)-N-
10 phenylfuran-2-carboxamide;
11 ii. 3-Methylfentanyl, with a chemical composition of 3-methyl-
12 N-phenyl-N-[1-(2-phenethyl-4-piperidyl)-propanamide];
13 iii. 3-Methyl Butyrylfentanyl, with a chemical composition of 3-
14 Methyl, N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide,
15 monohydrochloride;
16 iv. Valeryl Fentanyl, with a chemical composition of N-phenyl-
17 N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide,
18 monohydrochloride;
19 v. Norfentanyl, with a chemical composition of N-phenyl-N-4-
20 piperidinyl-propanamide;
21 vi. Para-Fluorobutyryl-Fentanyl, with a chemical composition of
22 N-(4-fluorophenyl)-N-[1-(2-phenylethyl) -4-piperidinyl]-
23 butanamide, monohydrochloride; and
24 vii. Carfentanyl, with a chemical composition of 2-
25 hydroxypropane-1, 2, 3-tricarboxylic acid; methyl 1-(2-
26 phenylethyl)-4-(N-propanoylanilino) piperidine-4-carboxylate.