SENATE, No. 1705

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator THOMAS H. KEAN, JR.
District 21 (Morris, Somerset and Union)

Co-Sponsored by:
Senator Brown

SYNOPSIS

Adds illicit fentanyls to Schedule I in the "New Jersey Controlled Dangerous Substances Act."

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/5/2020)

AN ACT concerning certain controlled dangerous substances and amending P.L.1970, c.226.

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

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

5. Schedule I.

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

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

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

(1) Acetylmethadol
(2) Allylprodine
(3) Alphacetylmethadol
(4) Alphameprodine
(5) Alphamethadol
(6) Benzethidine
(7) Betacetylmethadol
(8) Betameprodine
(9) Betamethadol
(10) Betaprodine
(11) Clonitazene
(12) Dextromoramide
(13) Dextrorphan
(14) Diampromide
(15) Diethylthiambutene
(16) Dimenoxadol
(17) Dimepheptanol
(18) Dimethylthiambutene
(19) Dioxaphetyl butyrate
(20) Dipipanone
(21) Ethylmethylthiambutene
(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 <u>thus</u> is new matter.

(23) Etoxeridine
(24) Furethidine
(25) Hydroxypethidine
(26) Ketobemidone
(27) Levomoramide
(28) Levophenacylmorphan
(29) Morpheridine
(30) Noracymethadol
(31) Norlevorphanol
(32) Normethadone
(33) Norpipanone
(34) Phenadoxone
(35) Phenampromide
(36) Phenomorphan
(37) Phenoperidine
(38) Piritramide
(39) Proheptazine
(40) Properidine
(41) Racemoramide
(42) Trimeperidine.

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

(1) Acetorphine
(2) Acetylcodone
(3) Acetyldihydrocodeine
(4) Benzylmorphine
(5) Codeine methylbromide
(6) Codeine-N-Oxide
(7) Cyprenorphine
(8) Desomorphine
(9) Dihydromorphine
(10) Etorphine
(11) Heroin
(12) Hydromorphinol
(13) Methyldesorphine
(14) Methylhydromorphine
(15) Morphine methylbromide
(16) Morphine methylsulfonate
(17) Morphine-N-Oxide
(18) Myrophine
(19) Nicocodeine
(20) Nicomorphine
(21) Normorphine
(22) Phoclodine
(23) Thebacon.

e. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 3,4-methylenedioxy amphetamine

(2) 5-methoxy-3,4-methylenedioxy amphetamine

(3) 3,4,5-trimethoxy amphetamine

(4) Bufotenine

(5) Diethyltryptamine

(6) Dimethyltryptamine

(7) 4-methyl-2,5-dimethoxylamphetamine

(8) Ibogaine

(9) Lysergic acid diethylamide

(10) ⟦Marihuana⟧ Marijuana

(11) Mescaline

(12) Peyote

(13) N-ethyl-3-piperidyl benzilate

(14) N-methyl-3-piperidyl benzilate

(15) Psilocybin

(16) Psilocyn

(17) Tetrahydrocannabinols, except when found in hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

f. Illicit fentanyls. Illicit fentanyls include 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 the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogs), and salts of isomers, and homologues (analogs) unless specifically excepted whenever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designations:i. Furanyl Fentanyl, with a chemical composition of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide, monohydrochloride or N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide;

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

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

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

v. Norfentanyl, with a chemical composition of N-phenyl-N-4-piperidinyl-propanamide;

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.

(cf: P.L.2019, c.238, s.12)

2. This act shall take effect immediately.

STATEMENT

This bill would add "illicit fentanyls" 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 fentanyls are derivatives of the regulated prescription drug fentanyl. In September 2016, the Office of the Attorney General issued an emergency order that temporarily added seven illicit fentanyls 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 fentanyls 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 fentanyls. Illicit fentanyls include 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

the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogs), and salts of isomers, and homologues (analogs) unless specifically excepted whenever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designations:i. Furanyl Fentanyl, with a chemical composition of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide, monohydrochloride or N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide;

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

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

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

v. Norfentanyl, with a chemical composition of N-phenyl-N-4-piperidinyl-propanamide;

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.