

1 SB54  
2 134348-1  
3 By Senators Keahey and Bedford  
4 RFD: Judiciary  
5 First Read: 07-FEB-12  
6 PFD: 10/28/2011

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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.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 To amend Section 13A-12-214.1 of the Code of Alabama  
19 1975, to further prohibit subject to existing penalties  
20 certain named chemical compounds of synthetic cannabinoid and  
21 to specify that any other chemical compound capable of  
22 exhibiting cannabinoid like psychoactivity would be  
23 prohibited; and in connection therewith would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds within the meaning of Amendment 621  
26 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official ReCompilation of the  
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 13A-12-214.1 of the Code of  
5 Alabama 1975, is amended to read as follows:

6 "§13A-12-214.1.

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

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

13 "(2) 1-Pentyl-3-(1-naphthoyl)indole, some trade or  
14 other names: JWH-018.

15 "(3) 1-Butyl-3-(1-naphthoyl)indole, some trade or  
16 other names: JWH-073.

17 "(4)  
18 (6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-y  
19 l)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or  
20 other names: HU-211.

21 "(5) 1-Pentyl-2-methyl-3-(1-naphthoyl)indole, some  
22 trade or other names: JWH-007.

23 "(6)  
24 (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone,  
25 some trade or other names: JWH-015.

26 "(7) 1-Hexyl-3-(naphthalen-1-oyl)indole, some trade  
27 or other names: JWH-019.

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

4                   "(9)  
5                   2-(2-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone, some trade  
6                   or other names: JWH-250.

7                   "(10) 1-Pentyl-3-(4-Chloro-1-naphthoyl)indole, some  
8                   trade or other names: JWH 398.

9                   "(11)  
10                   2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol,  
11                   some trade or other names: CP 47, 497.

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

14                   "~~(4)~~(13) Salvia divinorum or salvinorum A; all parts  
15                   of the plant presently classified botanically as salvia  
16                   divinorum, whether growing or not, the seeds thereof, any  
17                   extract from any part of such plant, and every compound,  
18                   manufacture, salts, derivative, mixture, or preparation of  
19                   such plant, its seeds or extracts.

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

23                   Section 2. Although this bill would have as its  
24                   purpose or effect the requirement of a new or increased  
25                   expenditure of local funds, the bill is excluded from further  
26                   requirements and application under Amendment 621, now  
27                   appearing as Section 111.05 of the Official Recompilation of

1 the Constitution of Alabama of 1901, as amended, because the  
2 bill defines a new crime or amends the definition of an  
3 existing crime.

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