

HCS HB 641 -- CONTROLLED SUBSTANCES

SPONSOR: Franz

COMMITTEE ACTION: Voted "do pass" by the Committee on General Laws by a vote of 11 to 2.

This substitute changes the laws regarding the designation of controlled substances. In its main provisions, the substitute:

(1) Adds the following to the list of controlled substances in Schedule I:

(a) Synthetic cannabinoids which include any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist including, but not limited to, the synthetic cannabinoids specifically listed in Section 195.017, RSMo, and any analogues, homologues, isomers, esters, ethers, and salts. These include the compounds commonly found in K3. However, synthetic cannabinoids will not include any approved pharmaceutical authorized by the United States Food and Drug Administration; and

(b) Methylenedioxypyrovalerone or [(MDPV) (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone)], commonly known as bath salts (Sections 195.010 and 195.017);

(2) Specifies that any analogue or homologue of a Schedule I controlled substance must be treated as a controlled substance in Schedule I for the purposes of any state law (Section 195.022);

(3) Specifies that any person who possesses any controlled substance except 35 grams or less of marijuana or any synthetic cannabinoid will be guilty of a class C felony. Any person who possesses not more than 35 grams of marijuana or any synthetic cannabinoid will be guilty of a class A misdemeanor. Currently, these provisions apply to a person possessing marijuana or certain specified substances (Section 195.202); and

(4) Specifies that no person may intentionally or willfully induce the symptoms of intoxication, dizziness, dulling of the senses or nervous system, or other similar effects as specified by the use or abuse of any substance not approved for human consumption by the United States Food and Drug Administration (Section 578.255).

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.

PROPONENTS: Supporters say that after banning the compounds found in K2 last year, a new breed of synthetics has appeared and the use of bath salts has become prevalent. The use of these substances has led to increased crime including burglaries, assaults, and rapes.

Testifying for the bill were Representative Franz; Shawn Rhoads; Frank Till, Missouri Narcotic Officers Association; Missouri State Troopers Association; Steve Olinger; Robert W. Welsh, Missouri Safety Center, University of Central Missouri; Anthony J. Scalzo, M.D., Division of Toxicology, Saint Louis University; and Tracey Durbin.

OPPONENTS: Those who oppose the bill say that possession of these compounds is a nonviolent crime. Those convicted should be provided treatment instead of being imprisoned.

Testifying against the bill was Dan Viets.

OTHERS: Others testifying on the bill say that the bill should not be used as a means to criminalize legal tobacco products. By slightly changing the compound, people are circumventing the current statutes. Distributors of K3 and bath salt products are allegedly making massive amounts of money from products that should be illegal. There is no known legitimate medical or industrial use for these chemical compounds.

Testifying on the bill were C. Andy Arnold, Dirt Cheap Cigarettes and Beer; National Tobacco Company; and Crime Laboratory Division, State Highway Patrol.