

# **NAMSDL**



**National Alliance for Model State Drug Laws**

## **CATHINONE AND CATHINONE DERIVATIVES BILLS, STATUTES & REGULATIONS**

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The substances with which this memo will deal are as follows: cathinone; methcathinone, mephedrone, methedrone, 4-fluoromethcathinone, 3-fluoromethcathinone, methylone, and methylenedioxypropylone (MDPV), all of which are analogs or derivatives of cathinone. Highlighted bills have passed and been signed by that state's governor.

## I. CATHINONE & METHCATHINONE

States that already schedule cathinone and/or methcathinone:

Alaska:	§11.71.140 (methcathinone)
Arizona:	§13-3401 (both) §36-2512 (methcathinone)
California:	Health & Safety §11055 (cathinone)
Colorado:	§18-18-203 (both)
Delaware:	16 § 4714 (both)
D.C.:	§48-902.04 (cathinone)
Florida:	§893.03 (both)
Georgia:	§16-13-25 (both)
Hawaii:	§329-14 (both)
Idaho:	§37-2705 (both)
Illinois:	720 § 570/204 (both)
Indiana:	§35-48-2-4 (both)
Iowa:	§124.204 (both)
Kansas:	§65-4105 (both)
Kentucky:	§218A.050 (methcathinone)
Louisiana:	§40:964 (both)
Michigan:	§333.7212 (both)
Minnesota:	§152.02 (both)
Mississippi:	§41-29-113 (both)
Missouri:	§195.017 (both)
Montana:	§50-32-222 (both)
Nebraska:	§28-405 (both)
New Hampshire:	NH ADC HE-C 501.03 (both – references the federal code)
New York:	Public Health Law §3306 (both)
North Carolina:	§90-89 (both)
North Dakota:	§19-03.1-05 (both)
Ohio:	§3719.41 (both)
Oklahoma:	63 § 2-204 (methcathinone)
South Dakota:	§34-20B-14 (both)
Tennessee:	§39-17-406 (methcathinone; <i>Catha edulis</i> when cathinone is present) §39-17-412 ( <i>Catha edulis</i> when cathinone is absent but cathine is present – schedule IV drug)
Texas:	Health & Safety §481.103 (both)

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	Health & Safety §481.032 (both)
Utah:	§58-37-4 (both)
Virginia:	§18.2-248 (methcathinone) §54.1-3446 (both)
Washington:	§69.50.204 (both)
West Virginia:	§60A-2-204 (both)
Wisconsin:	§961.14 (both)
Wyoming:	§35-7-1014 (both)

All of the foregoing states with the exception of Alaska include scheduling language to the effect of “any material, compound, mixture or preparation which contains any quantity of the following substances and their salts ...”

The following states schedule one or both substances by regulation:

Alabama:	AL ADC Ch. 420-7-2, App. (both)
Arkansas:	AR ADC 007.07.2 (both)
Connecticut:	CT ADC §21a-243-7 (both)
Kentucky:	902 KY ADC 55:015 (both)
Nevada:	NV ADC 453.510 (both)
New Mexico:	NM ADC 16.19.20 (both)
Oregon:	OR ADC 855-080-0021 (both)
Pennsylvania:	18 PA ADC §25.72 (both)
Tennessee:	TN ADC 0940-06-01-.01 (both)
Vermont:	VT ADC 12-5-23:I (methcathinone)

## II. MEPHEDRONE

Mephedrone (4-methylmethcathinone) is a derivative of cathinone. It is currently only scheduled by Michigan (M.C.L.A. §333.7212) as “mephadrone” with the above stated chemical designation. Mephedrone is known by the trade or slang names of MCAT, 4-MMC, meow meow, bounce, bubbles, and mad cow. The following states have bills proposing to schedule mephedrone:

- 2011 Cong. US S 409
- 2011 Cong. US HR 1254
- Alabama: 2011 AL H.B. 91
- Alabama: 2011 AL S.B. 117
- Arizona: 2011 AZ H.B. 2510 – adds methylmethcathinone generally
- **Arkansas: 2011 AR S.B. 423**
- Florida: 2011 FL S.B. 336
- Florida: 2011 FL H.B. 1039
- Florida: 2011 FL S.B. 1886

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- Georgia: 2011 GA H.B. 199
- Georgia: 2011 GA S.B. 93
- Hawaii: 2011 HI H.B. 1085
- Hawaii: 2011 HI H.B. 1217
- Hawaii: 2011 HI S.B. 1305
- Hawaii: 2011 HI S.B. 1359
- Hawaii: 2011 HI H.R. 239-11 – requests that the Advisory Committee on Drug Abuse determine if mephedrone should be designated as a controlled substance
- Hawaii: 2011 HI H.C.R. 272-11 – same as H.R. 239-11
- Iowa: 2011 IA H.F. 186 – proposes to schedule “mephedrine” with the trade name of 4-MMC and the appropriate chemical designation for mephedrone
- **Kentucky: 2011 KY H.B. 121**
- Kentucky: 2011 KY S.B. 129
- Maryland: 2011 MD H.B. 845
- Maryland: 2011 MD H.B. 892
- Michigan: 2011 MI S.B. 259 – changes “mephadrone” to “mephedrone”
- Michigan: 2011 MI S.R. 24 – resolution to memorialize Congress and US DEA to make it illegal to possess, use or sell mephedrone
- Mississippi: 2011 MS S.B. 2226
- **Mississippi: 2011 MS H.B. 1205**
- Nevada: 2011 NV S.B. 224
- New Mexico: 2011 NM H.B. 606
- New York: 2011 NY A.B. 4769
- New York: 2011 NY S.B. 3322
- New York: 2011 NY A.B. 5456
- **North Carolina: 2011 NC S.B. 7**
- North Carolina: 2011 NC H.B. 13
- North Dakota: 2011 ND S.B. 2119
- Ohio: 2011 OH H.B. 127
- Ohio: 2011 OH S.B. 126
- Oklahoma: 2011 OK S.B. 919
- Pennsylvania: 2011 PA H.B. 567
- Pennsylvania: 2011 PA H.B. 365
- Rhode Island: 2011 RI H.B. 5403
- South Carolina: 2011 SC H.B. 3793
- Tennessee: 2011 TN S.B. 329
- Tennessee: 2011 TN H.B. 304
- Tennessee: 2011 TN S.B. 504
- Tennessee: 2011 TN H.B. 529
- Tennessee: 2011 TN H.B. 457
- Tennessee: 2011 TN S.B. 396
- Tennessee: 2011 TN S.B. 729

- Tennessee: 2011 TN S.B. 735
- Tennessee: 2011 TN H.B. 1344
- Tennessee: 2011 TN H.B. 1890
- Tennessee: 2011 TN S.B. 1891
- Tennessee: 2011 TN H.B. 1930
- Texas: 2011 TX H.B. 1548
- Texas: 2011 TX H.B. 2118
- Texas: 2011 TX S.B. 1066
- Texas: 2011 TX S.B. 1423
- Utah: 2011 UT H.B. 23
- Virginia: 2010 VA H.B. 1434ER (prior bill amended to add on 2/26/11)
- West Virginia: 2011 WV H.B. 2505 – adds mephedrone to its list of “other names” for methcathinone
- West Virginia: 2011 WV S.B. 63 – adds mephedrone to its list of “other names” for methcathinone
- Wisconsin: 2011 WI A.B. 57
- Wyoming: 2011 H.B. 62.

The following states have scheduled mephedrone by regulation:

- Florida: 2ER11-1.
  - o The Florida State Attorney General issued an emergency rule on January 26, 2011 which scheduled mephedrone.
- Louisiana: 2011 LA Reg. Text 247982
  - o The Department of Health and Hospitals scheduled mephedrone on an emergency basis on January 20, 2011.
- North Dakota: ND ADC 61-13-01-03
  - o The North Dakota State Board of Pharmacy scheduled mephedrone effective February 26, 2010.

### **III. METHEDRONE, 4-FLUOROMETHCATHINONE & 3-FLUOROMETHCATHINONE**

The following states have proposed legislation to schedule methedrone (4-methoxymethcathinone), 4-fluoromethcathinone (also known as flephedrone and 4-FMC) and 3-fluoromethcathinone (also known as 3-FMC):

- 2011 Cong. US HR 1254 (does not schedule 3-FMC)
- Alabama: 2011 AL H.B. 91 (does not schedule methedrone)
- Alabama: 2011 AL S.B. 117 (does not schedule methedrone)
- Arkansas: 2011 AR S.B. 423

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- Florida: 2011 H.B. 1039 (does not schedule methedrone, but may have it as 3-methoxymethcathinone)
- Florida: 2011 S.B. 1886 – same as H.B. 1039
- Georgia: 2011 GA H.B. 199 (does not add 3-fluoromethcathinone)
- Georgia: 2011 GA S.B. 93 (does not add 3-fluoromethcathinone)
- Maryland: 2011 MD H.B. 845
- Maryland: 2011 MD H.B. 892
- Missouri: 2011 MO H.B. 641 (does not schedule 3-fluoromethcathinone or 4-methcathinone)
- Nevada: 2011 NV S.B. 224
- New Mexico: 2011 NM H.B. 606 (does not schedule methedrone but may have it as 3-methoxymethcathinone)
- New York: 2011 NY S.B. 3322
- New York: 2011 NY A.B. 5456
- Ohio: 2011 OH H.B. 127
- Ohio: 2011 OH S.B. 126
- Oklahoma: 2011 OK S.B. 919
- Pennsylvania: 2011 PA H.B. 567
- Pennsylvania: 2011 PA H.B. 365
- Tennessee: 2011 TN S.B. 329
- Tennessee: 2011 TN H.B. 304
- Tennessee: 2011 TN S.B. 504
- Tennessee: 2011 TN H.B. 529
- Tennessee: 2011 TN H.B. 457
- Tennessee: 2011 TN S.B. 396
- Tennessee: 2011 TN S.B. 729
- Tennessee: 2011 TN S.B. 735
- Tennessee: 2011 TN H.B. 1344
- Tennessee: 2011 TN H.B. 1890
- Tennessee: 2011 TN S.B. 1891 (does not schedule methedrone but may have it as 3-methoxymethcathinone)
- Tennessee: 2011 TN H.B. 1930 (does not schedule methedrone but may have it as 3-methoxymethcathinone)
- Texas: 2011 TX H.B. 2119 (does not schedule methedrone)
- Texas: 2011 TX S.B. 1066
- Texas: 2011 TX S.B. 1423 (does not schedule methedrone)
- Utah: 2011 UT H.B. 23
- Wyoming: 2011 WY H.B. 62.

Louisiana scheduled all three substances on an emergency basis on January 20, 2011. 2011 LA Reg. Text 247982.

Florida scheduled 4-fluoromethcathinone and 3-fluoromethcathinone on an emergency basis by rule on January 26, 2011 under 2ER11-1.

Rhode Island (2011 RI H.B. 5403) and South Carolina (2011 SC H.B. 3793) are proposing to schedule methoxymethcathinone and fluoromethcathinone generally.

#### IV. METHYLONE

The following states have proposed legislation to schedule methylone (3,4-methylenedioxy-N-methylcathinone), also known as bk-MDMA, MDMC, Arlone and Explosion:

- 2011 Cong. US HR 1254
- Alabama: 2011 AL H.B. 91
- Alabama: 2011 AL S.B. 117
- Arizona: 2011 AZ H.B. 2510 – adds methylenedioxymethcathinone generally
- **Arkansas: 2011 AR S.B. 423**
- Florida: 2011 FL H.B. 1039
- Florida: 2011 FL S.B. 1886
- Georgia: 2011 GA H.B. 199
- Georgia: 2011 GA S.B. 93
- **Kentucky: 2011 KY H.B. 121**
- Kentucky: 2011 KY S.B. 129
- Maryland: 2011 MD H.B. 845
- Maryland: 2011 MD H.B. 892
- Nevada: 2011 NV S.B. 224
- New Mexico: 2011 NM H.B. 606
- New York: 2011 NY S.B. 3322
- New York: 2011 NY A.B. 5456
- Ohio: 2011 OH H.B. 127
- Ohio: 2011 OH S.B. 126
- Oklahoma: 2011 OK S.B. 919
- Pennsylvania: 2011 PA H.B. 567
- Pennsylvania: 2011 PA H.B. 365
- Rhode Island: 2011 RI H.B. 5403
- South Carolina: 2011 SC H.B. 3793
- Tennessee: 2011 TN S.B. 329
- Tennessee: 2011 TN H.B. 304
- Tennessee: 2011 TN S.B. 504
- Tennessee: 2011 TN H.B. 529
- Tennessee: 2011 TN H.B. 457
- Tennessee: 2011 TN S.B. 396
- Tennessee: 2011 TN S.B. 729
- Tennessee: 2011 TN S.B. 735

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- Tennessee: 2011 TN H.B. 1344
- Tennessee: 2011 TN H.B. 1890
- Tennessee: 2011 TN S.B. 1891
- Tennessee: 2011 TN H.B. 1930
- Texas: 2011 H.B. 2119
- Texas: 2011 S.B. 1066
- Texas: 2011 TX S.B. 1423
- Utah: 2011 UT H.B. 23
- Wyoming: 2011 H.B. 62.

Louisiana scheduled methylene on an emergency basis on January 20, 2011. 2011 LA Reg. Text 247982.

Florida scheduled methylene on an emergency basis by rule on January 26, 2011 under 2ER11-1.

### V. METHYLENEDIOXYPYROVALERONE (MDPV)

North Dakota scheduled methylenedioxypropylvalerone, also known as MDPV and 3,4-methylenedioxypropylvalerone, by regulation under ND ADC 61-13-01-03. Louisiana scheduled it on an emergency basis on January 20, 2011 per 2011 LA Reg. Text 247982, and Florida scheduled it on an emergency basis on January 26, 2001 per 2ER11-1. The following states have proposed legislation to schedule MDPV:

- 2011 Cong. US S 409
- 2011 Cong. US HR 1254
- Alabama: 2011 AL H.B. 91
- Alabama: 2011 AL S.B. 117
- Arizona: 2011 AZ H.B. 2510
- Arkansas: 2011 AR S.B. 423
- Florida: 2011 FL H.M. 731
- Florida: 2011 FL H.B. 1039
- Florida: 2011 FL S.B. 1886
- Florida: 2011 FL S.M. 1762
- Georgia: 2011 GA H.B. 199
- Georgia: 2011 GA S.B. 93
- Hawaii: 2011 HI H.B. 1085
- Hawaii: 2011 HI H.B. 1217
- Hawaii: 2011 HI S.B. 1305
- Hawaii: 2011 HI S.B. 1359
- Hawaii: 2011 HI H.R. 239-11 – requests that the Advisory Committee on Drug Abuse determine if MDPV should be designated as a controlled substance
- Hawaii: 2011 HI H.C.R. 272-11 – same as H.R. 239-11
- Illinois: 2011 IL H.B. 1655

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- Illinois: 2011 IL H.B. 2089
- Iowa: 2011 IA H.F. 186
- **Kentucky: 2011 KY H.B. 121**
- Kentucky: 2011 KY S.B. 129
- Maryland: 2011 MD H.B. 845
- Maryland: 2011 MD H.B. 892
- Michigan: 2011 MI S.B. 259
- Michigan: 2011 MI S.R. 24 – resolution to memorialize Congress and US DEA to make it illegal to possess, use or sell MDPV
- Mississippi: 2011 MS S.B. 2226
- **Mississippi: 2011 MS H.B. 1205**
- Missouri: 2011 MO H.B. 551
- Missouri: 2011 MO H.B. 572
- Missouri: 2011 MO H.B. 641
- Missouri: 2011 MO S.B. 354
- Nevada: 2011 NV S.B. 224
- New Mexico: 2011 NM H.B. 606
- New York: 2011 NY A.B. 4769
- New York: 2011 NY S.B. 3322
- New York: 2011 NY A.B. 5456
- **North Carolina: 2011 NC S.B. 77**
- North Dakota: 2011 ND S.B. 2119
- Ohio: 2011 OH H.B. 127
- Ohio: 2011 OH S.B. 126
- Oklahoma: 2011 OK S.B. 919
- Pennsylvania: 2011 PA H.B. 365
- Pennsylvania: 2011 PA H.B. 567
- Rhode Island: 2011 RI H.B. 5403
- South Carolina: 2011 SC H.B. 3793
- Tennessee: 2011 TN S.B. 329
- Tennessee: 2011 TN H.B. 304
- Tennessee: 2011 TN S.B. 504
- Tennessee: 2011 TN H.B. 529
- Tennessee: 2011 TN H.B. 457
- Tennessee: 2011 TN S.B. 396
- Tennessee: 2011 TN S.B. 729
- Tennessee: 2011 TN S.B. 735
- Tennessee: 2011 TN H.B. 1344
- Tennessee: 2011 TN H.B. 1890
- Tennessee: 2011 TN S.B. 1891
- Tennessee: 2011 TN H.B. 1930
- Texas: 2011 TX H.B. 1548

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- Texas: 2011 TX H.B. 2119
- Texas: 2011 TX S.B. 1066
- Texas: 2011 TX S.B. 1423
- Texas: 2011 TX H.B. 2097
- Utah: 2011 UT H.B. 23
- Virginia: 2010 VA H.B. 1434ER (prior bill amended to add on 2/26/11)
- West Virginia: 2011 WV H.B. 2505 – has the correct chemical designation but refers to MDPV as MPVD; adds MDPV as an alternate name for methcathinone
- West Virginia: 2011 WV S.B. 63 – adds MDPV with the correct acronym to its list of “other names” for methcathinone
- Wisconsin: 2011 WI A.B. 57
- Wyoming: 2011 H.B. 62.

## VI. GENERIC LANGUAGE

The Advisory Council on the Misuse of Drugs (ACMD), a panel of experts tasked with advising the British government on the regulation and control of substances, has proposed a generic definition for the control of cathinones as follows:

Any compound (not being bupropion ... ) structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways, that is to say,

- (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
- (ii) by substitution at the 3-position with an alkyl substituent;
- (iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.

The following states have bills proposing to add this generic language or a version thereof:

- Arkansas: 2011 AR S.B. 423
- Idaho: 2011 ID H.B. 119
- Illinois: 2011 IL H.B. 3486
- Kansas: 2011 KS H.B. 2249
- Louisiana: 2011 LA H.B. 10
- Louisiana: 2011 LA H.B. 12
- Mississippi: 2011 MS S.B. 2226
- Mississippi: 2011 MS H.B. 1205
- New York: 2011 NY A.B. 5456
- North Carolina: 2011 NC S.B. 7
- Texas: 2011 TX H.B. 2118.

## VII. NAPHTHYL PYROVALERONE ANALOGS

The ACMD recently provided a report to the British government regarding the naphthyl pyrovalerone analogs of cathinone. Currently, there are three states in the United States that schedule any of the naphthyl pyrovalerone analogs, including naphyrone, or have any proposed legislation or bills to schedule these drugs. They are: Kentucky (2011 KY H.B. 121 proposes to schedule naphthylprovalerone); Michigan (2011 MI S.B. 259 proposes to schedule naphyrone and pyrovalerone); and Texas (2011 TX H.B. 2118 and 2011 TX S.B. 1423 propose to schedule naphyrone, butylone, pentylone, eutylone, and ethylone plus others). The United States Congress is also proposing to schedule naphyrone, ethcathinone, ethylone and butylone (2011 Cong. US HR 1254).

Please see the ACMD report entitled “Consideration of the naphthylpyrovalerone analogues and related compounds” for more information.