



Novel Psychoactive Substances and Analogues: 2017 Legislative Session Bill Status Update

Research current through July 5, 2017.

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Enacted Legislation and Adopted Regulations

<u>State and Bill Number</u>	<u>Description</u>	<u>Status and Date of Last Action</u>
<p>U.S.</p> <p>2017 SRES 83</p>	<p>Expresses the sense of the Senate that:</p> <ul style="list-style-type: none"> • the use of illicit fentanyl in the United States and the resulting overdose deaths are a public health crisis; • the trafficking of illicit fentanyl into the United States, especially by transnational criminal organizations, is a problem that requires close cooperation between the U.S. government and the governments of Mexico and China; and • all three such countries have a shared interest in, and responsibility for, stopping the production of illicit fentanyl and its trafficking into the United States. <p>Calls for the United States to:</p> <ul style="list-style-type: none"> • support the efforts by the governments of Mexico and China to stop such production and trafficking into the United States; • take further measures to reduce and prevent heroin and fentanyl consumption through enhanced enforcement to reduce the illegal supply and increased use of evidence-based prevention, treatment, and recovery services; and • use its broad diplomatic and law enforcement resources, in partnership with the governments of China and Mexico, to stop such production and trafficking. 	<p>3/15/2017 – resolution agreed to in Senate without amendment.</p>
<p>U.S.</p> <p>82 FR 26349-01</p>	<p>DEA announces that it will permanently maintain acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide) in federal schedule I.</p>	<p>6/7/2017 – final order issued.</p>
<p>U.S.</p> <p>82 FR 20544-01</p>	<p>DEA temporarily places the synthetic opioid, N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl fentanyl or para-fluoroisobutyryl fentanyl), into schedule I. The scheduling action will remain in effect until May 3, 2019.</p>	<p>5/3/2017 – temporary scheduling order issued.</p>

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<p>U.S.</p> <p>82 FR 17119-01</p>	<p>DEA temporarily places the following six synthetic cannabinoids into schedule I. The temporary scheduling lasts until April 10, 2019:</p> <ul style="list-style-type: none"> • methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate [5F-ADB; 5F-MDMB-PINACA]; • methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate [5F-AMB]; • N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide [5F-APINACA, 5F-AKB48]; • N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide [ADB-FUBINACA]; • methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate [MDMB-CHMICA, MMB-CHMINACA]; • methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate [MDMB-FUBINACA]. 	<p>4/10/2017 – temporary scheduling order issued.</p>
<p>U.S.</p> <p>82 FR 12171-02</p>	<p>DEA permanently places 10 synthetic cathinones into schedule I:</p> <ul style="list-style-type: none"> • 4-methyl-N-ethylcathinone (4-MEC); • 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP); • alpha-pyrrolidinopentiophenone (α-PVP); • 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone, bk-MBDB e); • 2-(methylamino)-1-phenylpentan-1-one (pentedrone); • 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone, bk-MBDP); • 4-fluoro-N-methylcathinone (4-FMC, flephedrone); • 3-fluoro-N-methylcathinone (3-FMC); • 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone); • alpha-pyrrolidinobutiophenone (α-PBP). 	<p>3/1/2017 – final rule issued.</p>

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<p>U.S.</p> <p>82 FR 8590-02</p>	<p>DEA extends the temporary scheduling of the following three substances into schedule I until 1/29/2018:</p> <ul style="list-style-type: none"> • N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA); • N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA); • [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone (THJ-2201). 	<p>1/27/2017 – temporary order issued.</p>
<p>Arizona</p> <p>2017 HB 2033</p>	<p>Among other things, the bill adds individual NPS and amends certain definitions of structural classes within the definition of “cannabimimetic substances” in both the list of dangerous drugs and schedule I. The amended definitions include Indole-3-carboxamide or indazole-3-carboxamide, 8-quinolinyl-indole-3-carboxylate or 8-quinolinyl-indazole-3-carboxylate, and Naphthalenyl-indole-3-carboxylate or naphthalenyl-indazole-3-carboxylate.</p>	<p>3/23/2017 – enacted (2017 Laws Chapter 53); effective August 2017.</p>
<p>Arkansas</p> <p>AR ADC 007.07.2</p>	<p>Regulation containing Arkansas list of controlled substance schedules was amended to add 16 NPS to schedule I, including several fentanyl derivatives.</p>	<p>4/20/2017 – adopted; effective 4/24/2017.</p>
<p>Delaware</p> <p>24 DE ADC CSA 10.0</p>	<p>Adds 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700) to schedule I through emergency regulation.</p>	<p>4/11/2017 – adopted; effective 4/11/2017.</p>
<p>Florida</p> <p>2017 HB 477</p>	<p>Enhances existing penalties and creates new penalties for synthetic opioid drugs by: (1) adding certain fentanyl related controlled substances to the substances for which distribution that results in death and is the proximate cause of a user’s death, is punishable as murder; (2) adding a class of fentanyl derivatives and five “research drugs” to schedule I; (3) creating a first degree felony for possession of 10 grams or more of certain schedule II substances including certain fentanyl related substances; and (4) creating trafficking offenses for fentanyl, synthetic cannabinoids, and n-benzyl phenethylamines.</p>	<p>6/14/2017 – enacted (2017 Laws Chapter 107); effective 10/1/2017.</p>

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Georgia 2017 HB 231	Among other things, adds the following three structural classes to statutory schedule I and adds other NPS to statutory schedule I: fentanyl analog, piperidinyl-sulfonamide, and 1-cyclohexyl-4-(1,2-diphenylethyl)-piperazine (MT-45).	4/17/2017 – enacted (2017 Laws Chapter 17); effective 4/17/2017.
Idaho 2017 HB 6	Adds U-47700 to schedule I and amends one part of synthetic cannabinoid structural class definition.	2/13/2017 – enacted (2017 Laws Chapter 6); effective 2/13/2017.
Indiana 2017 HB 1019	Adds the substance U-47700 to schedule I.	3/29/2017 – enacted (2017 Laws Chapter 8); effective 1/1/2017.
Indiana 856 IAC 2-2-2	Temporarily amends regulation to add acrylfentanyl to schedule I.	6/28/2017 – emergency rule adopted; effective 7/16/2017.
Iowa 2017 HF 296	According to the official bill summary, the bill allows the Iowa Board of Pharmacy to designate, by administrative rule, a new substance as a controlled substance temporarily for up to two years without legislation. In addition, the bill transfers the regulation of imitation controlled substances to Iowa Code Chapter 124, which currently regulates controlled substances. Moreover, penalties for imitation controlled substances are amended into the penalties that are applicable to the manufacture, delivery, possession with intent to deliver, or possession of controlled substances. Finally, the bill adds the following four NPS to schedule I: Furanyl fentanyl, Butyryl fentanyl, beta-hydroxythiofentanyl, and U-47700.	5/12/2017 – enacted; effective 7/1/2017.
Iowa 2017 SF 332	Among other things, adds the following five NPS to statutory schedule I: AH-7921, furanyl fentanyl, butyryl fentanyl, beta-hydroxythiofentanyl, and U-47700.	4/7/2017 – enacted; effective 4/7/2017.

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Kansas 2017 SB 51	Amends the definition of a controlled substance analog and expands the authority of the Board of Pharmacy to allow greater flexibility in the emergency scheduling of controlled substance analogs. Adds several new substances to the controlled substance schedules, including synthetic opioids and updating existing synthetic cannabinoid class definitions.	4/21/2017 – enacted (2017 Laws Chapter 57); effective 5/4/2017.
Kentucky 2017 HB 333	Defines “fentanyl,” “carfentanil,” and “fentanyl derivatives.” Schedules fentanyl derivatives as schedule I controlled substances. Amends law against importing heroin to include carfentanil, fentanyl, or fentanyl derivatives. Amends law against trafficking controlled substances to make trafficking in any amount of fentanyl, carfentanil, or fentanyl derivatives subject to elevated penalties. Amends law against aggravated trafficking of controlled substances to include carfentanil, fentanyl, or fentanyl derivatives. Also provides that a person is guilty of trafficking in a misrepresented controlled substance when he or she knowingly and unlawfully sells or distributes any schedule I controlled substance, carfentanil, or fentanyl while misrepresenting the identity of it as being a legitimate pharmaceutical product.	4/10/2017 – enacted (2017 Laws Chapter 168); effective 7/1/2017
Kentucky 902 KAR 55:015E	U-47700 added to schedule I via emergency regulation.	3/3/2017 – adopted.
Louisiana 2017 SB 220	Among other things, amends criminal penalties associated with synthetic cannabinoids and substances containing both heroin and fentanyl.	6/15/2017 – enacted (2017 Laws Act 281); effective 8/1/2017.

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Maine 2017 SP 541	The bill clarifies that any compound, mixture or preparation containing narcotic drugs in any quantity is a schedule W drug unless listed or described in another schedule. Adds the following to the list of schedule W drugs: U-47700, W-18, W-15,AH-7921, carfentanil, sufentanil, fentanyl powder, “any derivative of fentanyl powder by any substitution on or replacement of the phenethyl group, any substitution on the piperidine ring, any substitution on or replacement of the propanamide group, any substitution on the phenyl group or any combination thereof, including, but not limited to, despropionyl fentanyl, furanylfentanyl, fluorofentanyl, 4-fluoroisobutyryl.”	6/23/2017 – enacted.
Maryland 2017 SB 539	According to the official summary, the legislation prohibits a person from knowingly distributing or possessing with the intent to distribute: (1) a mixture of controlled dangerous substances that contains heroin and a detectable amount of fentanyl or any analogue of fentanyl; or (2) fentanyl or any analogue of fentanyl. A violation is a felony and, in addition to any other penalty imposed, is subject to imprisonment for up to 10 years. A sentence imposed for a violation of this prohibition must be served consecutively to any other sentence imposed.	5/25/2017 – enacted (2017 Laws Chapter 569); effective 5/25/2017.
Minnesota 2017 HF 470	Among other things, adds the following NPS to schedule I: U47700, furanyl fentanyl, 4-AcO-MET, deschloroketamine, 4-MEAPP, 4-chloro-PPP, Dibutylone (bk-DMBDB), and MMB-CHMICA.	5/30/2017 – enacted (2017 Laws Chapter 95); effective 8/1/2017.
Mississippi 2017 SB 2194	Among other things, adds <u>butyryl fentanyl</u> and beta-hydroxythiofentanyl to schedule I.	3/27/2017 – enacted; effective 7/1/2017.
Missouri 19 CSR 30-1.002	Regulations to update the list of controlled substances to reflect statutory changes to federal schedules. Includes numerous additions of NPS into controlled substance schedule I.	4/3/2017 – adopted; effective 5/30/2017.
Nebraska 2017 LB 487	Among other things, includes U-47700 as a schedule I controlled substance.	4/27/2017 – enacted; effective on or about 8/23/2017.

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New Jersey N.J.A.C. 13:45H-10.1	Regulation adding the following “illicit fentanyl” to schedule I: Furanyl Fentanyl, 3-Methylfentanyl, 3-Methyl Butyrylfentanyl, Valeryl Fentanyl, Norfentanyl, Para-Fluorobutyryl-Fentanyl, and Carfentanyl.	6/5/2017 – adopted.
New Mexico NMAC 16.19.20.65	Adds 10 substances, including NPS, to the opium derivatives section of the state’s list of schedule I controlled substances. Adds nine NPS to the synthetic cannabinoid section of the state’s list of schedule I controlled substances.	3/14/2017 – adopted; effective 3/29/2017.
New York Westchester County Laws Chapter 536	Bans the sale or possession of certain “synthetic drugs,” as defined. A violation is a misdemeanor punishable by a fine of up to \$500 and/or one year in jail. In addition, a violator is subject to a civil penalty of between \$500-\$2,000.	5/8/2017 – adopted.
North Dakota 2017 HB 1041	Among other things, reduces the criminal penalty for a first offense of using a controlled substance analog from a Class C felony to a Class A misdemeanor.	4/21/2017 – enacted (2017 Laws No. 382); effective 4/21/2017.
North Dakota 2017 SB 2096	Among other things, adds a number of NPS to statutory schedule I, including a structural class definition of fentanyl derivatives.	3/13/2017 – enacted (2017 Laws No. 70); effective 3/13/2017.
Oklahoma 2017 SB 770	Among other things, expands the state controlled substance schedules to include U-47700.	6/6/2017 – enacted (2017 Laws Chapter 390); effective 6/6/2017.
Rhode Island 2017 HB 5517	Makes it unlawful for any person to possess, manufacture, sell, or deliver a mixture or substance containing a detectable amount of fentanyl. If the amount in question is between one ounce and one kilogram, the violator faces a prison term of up to 50 years and fine of not more than \$500,000. If the amount is over one kilogram, the punishment may be up to life in prison and a fine of up to \$1 million.	6/30/2017 – enacted; effective 6/30/2017.
Rhode Island 2017 HB 5738	Adds a number of fentanyl analogs and synthetic opioids into schedule I and schedule II of the list of uniform controlled substances.	6/27/2017 – enacted; effective 6/27/2017.

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Rhode Island 2017 SB 805	Similar to 2017 HB 5517.	6/30/2017 – enacted; effective 6/30/2017.
Rhode Island 2017 SB 812	Similar to 2017 HB 5738.	6/27/2017 – enacted; effective 6/27/2017.
South Dakota 2017 HB 1041	Among other things, adds furanyl fentanyl and U-47700 to schedule I.	2/3/2017 – enacted (2017 Laws Chapter 156); effective 2/3/2017.
Texas 2017 HB 2612	Provides that a person who produces, distributes, sells, or provides certain synthetic substances to others or who aids in such activities may be held civilly liable. Authorizes district and county attorneys to act under the Deceptive Trade Practices-Consumer Protection Act with respect to these substances.	6/15/2017 – enacted; effective 9/1/2017.
Texas 2017 HB 2671	Adds the following substances to Penalty Group 1: phenazepam, U-47700, AH-7921, ADB-FUBINACA, AMB-FUBINACA, and MDMB-CHMICA.	6/9/2017 – enacted ; effective 9/1/2017.
Texas 2017 SB 341	Specifies that the requirement for the applicable county judge to deny an original application for a retail dealer's on-premise license because of a finding by the judge that the license applicant or the applicant's spouse, during the five years immediately preceding the application, was finally convicted of an offense involving certain controlled substances applies to offense involving a synthetic cannabinoid. The bill includes the possession of a synthetic cannabinoid or any equipment used or designed for the administering of a synthetic cannabinoid among the acts that a person authorized to sell beer at retail and the person's agent, servant, or employee are prohibited from engaging in or permitting the conduct of on the retailer's premises on the basis of such an act constituting conduct that is lewd, immoral, or offensive to public decency.	6/9/2017 – enacted; effective 9/1/2017.
Texas	Amendments to regulations adding substances newly scheduled at the federal level.	5/26/2017 – adopted.

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Texas	Amendments to regulations adding substances newly scheduled at the federal level.	5/21/2017 – adopted.
Texas	Annual publication of state’s list of controlled substance schedules include the addition of several NPS.	3/17/2017 – adopted.
Utah 2017 HB 110	Adds the following NPS to schedule : U-47700, acetyl fentanyl, butyryl fentanyl, furanyl fentanyl, ADB-CHMINACA, ADB-FUBINACA, and FUB-AMB.	3/21/2017 – enacted (2017 Laws Chapter 172); effective 3/21/2017.
Virginia 2016 HB 1610	Permanently adds a number of NPS to schedule I.	3/13/2017 – enacted (2017 Laws Chapter 414); effective 7/1/2017.
Virginia 2016 SB 1546	Same as 2016 HB 1610.	3/13/2017 – enacted (2017 Laws Chapter 434); effective 7/1/2017.
Virginia 18 VAC 110-20-322	Temporary scheduling of numerous substances into schedule I via regulation.	Various dates.
West Virginia 2017 HB 2329	Adds fentanyl analogs or derivatives to schedule I. Criminalizes the unlawful production, manufacture or possession of fentanyl, its derivatives, or any Schedule I substance that is misrepresented.	4/24/2017 – Enacted (2017 Laws Chapter 38); effective 7/7/2017.
West Virginia 2017 HB 2526	Among other things, adds (via individual listing) synthetic phenethylamines, synthetic opioids, opioid receptor antagonists, and additional NPS to schedule I.	4/26/2017 – Enacted (2017 Laws Chapter 39); effective 7/7/2017.
Wisconsin CSB 2.50	Addition of AB-CHMINACA, AB-PINACA, and THJ-2201 to schedule I.	3/27/2017 – adopted.
Wisconsin CSB 2.51	Addition of MAB-CHMINACA to schedule I.	3/27/2017 – adopted.

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Wisconsin CSB 2.52	Addition of 4-MePPP and a-PBP to schedule I.	4/10/2017 – adopted.
Wisconsin CSB 2.53	An order of the Controlled Substances Board to create CSB 2.53 relating to scheduling acryl fentanyl.	4/20/2017 – adopted.
Wisconsin CSB 2.55	Addition of 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA to schedule I.	5/15/2017 – adopted.
Wyoming WY ADC ATTG SICS Ch. 1 s 1, 2, 3	Emergency regulations adopted in January and May 2017 to schedule temporarily certain synthetic cannabinoids, synthetic opioids, synthetic opioid analgesics, and analgesics.	Various dates.

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**Legislation Pending in States with Active 2017 Legislative Sessions and
Proposed but-not-yet Adopted Regulations**

State and Bill Number	Description	Status and Date of Last Action
U.S. 2017 HR 449	“Synthetic Drug Awareness Act of 2017.” According to the official summary, this bill requires the Surgeon General to report to Congress on the public health effects of the increased use since January 2010 by individuals who are 12 to 18 years old of drugs developed and manufactured to avoid control under the Controlled Substances Act.	1/11/2017 – introduced and referred to Committee on Energy & Commerce.
U.S. 2017 HR 664	“Stem the Tide of Overdose Prevalence from Opiate Drugs Act of 2017.” According to the official bill summary, this bill permits the Centers for Disease Control and Prevention (“CDC”) to award grants: (1) to expand educational efforts to prevent abuse of opioids, which are drugs with effects similar to opium, such as heroin; (2) to promote treatment of persons who abuse opioids; and (3) to promote understanding of addiction. The bill also provides that the Department of Health and Human Services may award grants to: (1) support first responders carrying and administering naloxone, which is a prescription drug used to rapidly reverse an opioid overdose; (2) establish processes for referral to treatment for opioid abuse; and (3) reimburse for testing for fentanyl in opioid overdoses and reporting the results to the CDC.	1/24/2017 – introduced and referred to committees.
U.S. 2017 HR 1057	“Synthetics Trafficking and Overdose Prevention Act of 2017.” The bill amends the Tariff Act of 1930 to ensure that merchandise arriving through the mail is subject to review by U.S. Customs and Border Protection and to require the provision of advance electronic information on shipments of mail to U.S. Customs and Border Protection.	2/14/2017 – introduced and referred to committees.
U.S. 2017 HR 1354	“Stop Trafficking in Fentanyl Act of 2017.” Reduces the amount of fentanyl needed to invoke the most severe trafficking penalties under the Controlled Substances Act for an individual trafficking and manufacturing the drug from 400 grams to 20 grams.	3/2/2017 – introduced and referred to committees.

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U.S. 2017 HR 1732	“Synthetic Drug Control Act of 2017.” Requires the U.S. Attorney General to classify approximately 250 synthetic substances under Schedule I of the Controlled Substances Act. The categories of these substances include: Phenylalkylamines, Cannabimimetic agents, Arylcyclohexamines, Tryptamines, Benzylpiperidines, Benzodiazepines, Opioids and opioid-like substances, Piperazines, Tropane and alkaloids.	3/27/2017 – introduced and referred to committees.
U.S. 2017 HR 1781	“Comprehensive Fentanyl Control Act.” The bill would add up to five years to the sentence of a trafficker who cuts any controlled substance with fentanyl. It also reduces from 400 grams to 20 grams the minimum possession threshold to trigger federal mandatory minimum sentences. In addition, this bill would make it illegal to mail pill presses to unauthorized users. Allows the Attorney General to issue a temporary scheduling order concerning “recently emerged” synthetic opioids	3/29/2017 – introduced and referred to committees.
U.S. 2017 HR 2142	“International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology Act” (or the “INTERDICT Act”). The bill proposes to improve the ability of U.S. Customs and Border Protection (“Customs”) to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States by providing that the Secretary of Homeland Security shall: (1) increase the number of chemical screening devices available to Customs; and (2) make such additional chemical screening devices available to Customs as are necessary. Authorizes the appropriation of \$15 million to Customs.	4/25/2017 – introduced and referred to Committee on Homeland Security.
U.S. 2017 HR 2851	Similar to 2017 S 1327.	6/8/2017 – introduced and referred to committees.

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U.S. 2017 HR 2900	“Synthetic Drug Prevention, Treatment, and Education Act.” Provides that the CDC must complete a study on strategies for preventing and treating the use of synthetic recreational drugs including best rehabilitation practices. Provides that the Secretary of Health, in coordination with the Administrator of DEA, shall establish and maintain a database of synthetic recreational drugs. Provides for an interagency national outreach campaign to educate law enforcement personnel, state and local agencies, health care professionals, community health organizations, parents, youth, and other community members about preventing and treating the use of cannabimimetic agents. Provides that CDC may make grants (of up to \$250,000) to federally-qualified health centers for programs to increase public awareness about, and prevent and treat, the use of cannabimimetic agents. Appropriates \$5 million.	6/14/2017 – introduced and referred to Committee on Energy and Commerce.
U.S. 2017 HRES 268	Similar to 2017 SRES 83.	4/6/2017 – introduced and referred to committees.
U.S. 2017 S 207	<p>“Synthetic Abuse and Labeling of Toxic Substances Act of 2017.” Amends definition of “controlled substance analogue” to include the following factors to determine if a substance is intended for human consumption:</p> <ul style="list-style-type: none"> • Marketing, advertising, and labeling of the substance. • Known efficacy or usefulness of the substance for the marketed, advertised, or labeled purpose. • Difference between the price at which the substance is sold and the price at which the substance it is purported to be or advertised as is normally sold. • Diversion of the substance from legitimate channels and the clandestine importation, manufacture, or distribution of the substance. • Whether the defendant knew or should have known the substance was intended to be consumed by injection, inhalation, ingestion, or any other immediate means. 	1/24/2017 – introduced and referred to Committee on the Judiciary.

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State and Bill Number	Description	Status and Date of Last Action
U.S. 2017 S 372	Identical to 2017 HR 1057.	2/14/2017 – introduced and referred to Committee on Finance.
U.S. 2017 S 658	“Illegal Synthetic Drug Safety Act of 2017.” According to the official summary, this bill amends the Controlled Substances Act to modify the treatment of controlled substance analogues. Specifically, a controlled substance analogue that is not a chemical substance under the Toxic Substances Control Act is treated as a schedule I controlled substance, whether or not it is intended for human consumption.	3/15/2017 – introduced and referred to Committee on the Judiciary.
U.S. 2017 S 708	Identical to HR 2142.	3/23/2017 – introduced and referred to Committee on Homeland Security and Governmental Affairs.
U.S. 2017 S 1327	“Stop the Importation and Trafficking of Synthetic Analogues Act of 2017” (or “SITSA”). Creates federal “schedule A” for controlled substance analogues. Inclusion in the schedule requires both: (1) a chemical structure that is substantially similar to an existing controlled substance; and (2) an “actual or predicted stimulant, depressant, or hallucinogenic effect” on the human body equal to or greater than a controlled substance. Places 13 fentanyl analogues into schedule A. Provides that a temporary scheduling order into schedule A can last for up to five years.	6/8/2017 – introduced and referred to Committee on Judiciary.

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State and Bill Number	Description	Status and Date of Last Action
2017 2017 S 1355	“Combating the Heroin Epidemic Through Forensic Drug Testing Act of 2017.” Provides that the Attorney General, through the Bureau of Justice Assistance, may make grants to states to address the distribution, sale, and use of heroin, fentanyl, and associated synthetic drugs to enhance public safety. Among other things, these grants may be used to reimburse state, local, or other forensic science laboratories: (1) to help address backlogs of untested samples of heroin, fentanyl, and associated synthetic drugs; and (2) for procuring equipment, technology, or other support systems. Appropriates \$10 million for each of fiscal years 2018, 2019, and 2020.	6/14/2017 – introduced and referred to Committee on Judiciary.
U.S. 82 FR 25564-01	Notice of intent from DEA to temporarily place the synthetic opioid, N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or acryloylfentanyl), into Schedule I.	6/2/2017 – notice of intent issued.
U.S. 82 FR 8593-01	DEA proposes placing the following three substances permanently into schedule I: <ul style="list-style-type: none"> • N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA); • N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA); • [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone (THJ-2201). 	1/27/2017 – notice of proposed rulemaking.
Alaska 2017 HB 24	Classifies U-47700 as a schedule IA controlled substance.	4/3/2017 – amended version passed by Senate; returned to House.
Alaska 2017 SB 20	Similar to 2017 HB 24.	2/27/2017 – committee hearing scheduled.

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State and Bill Number	Description	Status and Date of Last Action
California 2017 SB 139	This bill would allow a city, county, or city and county, to regulate, by ordinance, the sale of a substance used as a recreational drug that poses a threat to human life or health and a particular risk to minors if specified conditions are met, including the fact that the substance is sold under a product name or label that is clearly identifiable, there is substantial evidence that the substance has been advertised, purchased, sold, or consumed as a recreational drug, and there is substantial evidence that the substance can cause intoxication, disability, or death if ingested smoked, inhaled, or injected into the body.	3/30/2017 – scheduled second hearing cancelled.
California 2017 SB 176	Adds substances containing fentanyl or carfentanil to the list of substances that are subject to additional jail time and/or fines above and beyond those of other controlled substances (currently heroin, cocaine base, and cocaine)	4/26/2017 – failed passage in committee.
Hawaii 2017 SB 997	Updates the state’s controlled substances list to make it consistent with amendments in federal controlled substances law, including the additional of AH-7921, butyrl fentanyl, beta-hydroxythiofentanyl, furanyl fentanyl, U-47700, and 5F-MDMB-PINACA to schedule I.	5/4/2017 – enrolled bill sent to Governor.
Illinois 2017 HB 2534	Eliminates duplications from the state’s list of schedule I controlled substances. Adds various synthetic drugs and cannabinoids to schedule I. Defines “controlled substance analog” for the purpose of criminal provisions as a substance that is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or possessed in accordance with state or federal law.	6/28/2017 – enrolled bill sent to Governor.
Illinois 2017 SB 702	Adds 3,4-Dichloro-N-[2-(dimethylamino)cyclohexy-N-methylbenzamide (U-47700) as a schedule I controlled substance.	6/30/2017 – final action deadline extended to 7/7/2017.
Massachusetts 2017 HB 1	Among many other things, amends provision relating to fentanyl trafficking.	4/10/2017 – reported by committee in part as 2017 HB 3600.

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Massachusetts 2017 HB 710	Replaces the term “controlled substance analogue” with the new term “synthetic drug,” defined as “a drug with properties and effects similar to a known hallucinogen or narcotic but having an altered chemical structure, including any substance within a structural group listed in ‘CLASS D.’” Defines structural “Class D” in comprehensive fashion.	6/30/2017 – hearing scheduled 7/18/2017.
Massachusetts 2017 HB 975	Adds a section to Massachusetts law providing that a person who unlawfully distributes fentanyl or traffics in fentanyl where a death results from the use of such fentanyl, is guilty of homicide by distribution of a controlled substance and faces imprisonment for not less than 10 years and not more than 20 years and by a fine of not more than \$25,000.	6/30/2017 – hearing scheduled 7/18/2017.
Massachusetts 2017 HB 988	Amends the offense of fentanyl trafficking to include “any derivative thereof.”	6/30/2017 – hearing scheduled 7/18/2017.
Massachusetts 2017 SB 881	Similar to 2017 HB 988.	6/30/2017 – hearing scheduled 7/18/2017.
Massachusetts 2017 SB 889	Amends Massachusetts law to include multiple synthetic hallucinogenic substances in the Class D illegal controlled substances schedule.	6/30/2017 – hearing scheduled 7/18/2017.
Nevada NAC 453.510	Regulation containing controlled substance schedule I amended, including the addition of and modification to several NPS.	5/13/2017 – initial draft.
New Jersey 2016 AB 2176	Under the bill, it is a crime to manufacture, distribute, dispense, or have under ones control with intent to manufacture, distribute, or dispense, a substance containing alpha-PVP. The bill establishes a second degree crime if the substance containing alpha-PVP is in an amount of one ounce or more and a third degree crime if the amount is less than one ounce. The possession of one ounce or more of a substance containing alpha-PVP would be a third degree crime and possession of less than one ounce would be a fourth degree crime.	6/26/2017 – passed Senate.

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New Jersey 2016 AB 2425	Increases penalties for unlawfully manufacturing, distributing, or dispensing fentanyl. Under the bill, the penalties would match the penalties for manufacturing, distributing, or dispensing heroin or cocaine under current law.	2/4/2016 – introduced and referred to Judiciary Committee.
New Jersey 2016 AB 4367	Criminalizes the manufacture, sale, and possession of controlled dangerous substance U-47700.	12/5/2016 – introduced and referred to committee.
New Jersey 2016 SB 156	Similar to 2016 AB 2176.	6/26/2017 – substituted by 2017 AB 2176.
New Jersey 2016 SB 1026	Similar to 2016 AB 2425.	9/26/2016 – referred to Budget and Appropriations Committee.
New Jersey 2016 SR 31	Establishes the South Jersey Task Force on Heroin. The purpose of the task force is to study state law and current trends and policies concerning heroin and drug abuse and addiction, including identifying the causes of heroin abuse and addiction, the need for treatment centers in the state, alternative treatment options, and evaluating the treatment programs in other States. The task force also shall make recommendations for legislation and strategies to create more effective policies and enforceable penalties.	2/16/2016 – introduced and referred to Health, Human Services, and Senior Citizens Committee.
North Carolina 2017 HB 464	Revises the state’s schedule of controlled substances to add synthetic fentanyls, designer hallucinogenics, synthetic cannabinoids, system depressants, and other substances.	6/28/2017 – enrolled bill sent to Governor.
Ohio 2017 HB 141	Provides that causing or contributing to the death of another person due to the sale, distribution, dispensation, or administration of a controlled substance or controlled substance analog is a violation of the offense of involuntary manslaughter and makes this offense a strict liability offense.	3/29/2017 – referred to committee.

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Ohio 2017 SB 1	Increases penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound.	5/9/2017 – referred to House committee.
Rhode Island 2017 HB 5035	Adds the synthetic opioid U-47700 to the list of schedule I controlled substances.	6/27/2017 – Senate committee recommends passage in concurrence.
Vermont VT ADC 12-5-23:1.0, et seq.	Proposed regulation adding new drugs and other chemical substances to regulated drug list including acetylfentanyl, and newly emerged synthetic recreational drugs.	3/14/2017 – proposed.
Wisconsin 2017 AB 335	Adds fentanyl analogs to the synthetic opiates category under schedule I and reorganizes some substances from the general synthetic opiates category to the specific fentanyl analog category. Provides that a person who possesses a fentanyl analog is guilty of a Class I felony and a person who manufactures, distributes, or delivers a fentanyl analog is guilty of a Class E felony.	6/22/2017 – received in Senate from Assembly.
Wisconsin 2017 SB 262	Similar to 2017 AB 335.	5/25/2017 – introduced and referred to committee.

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Legislation Proposed in States Where 2017 Legislative Sessions Have Ended

<u>State and Bill Number</u>	<u>Description</u>	<u>Status and Date of Last Action</u>
Alabama 2017 HB 203	Creates felony violations for unlawfully distributing or trafficking in “fentanyl or any synthetic controlled substance Fentanyl analogue.” In addition to weight-based classifications, a trafficking charge may be brought where a person has 50 or more individual packages containing a qualifying substance.	5/19/2017 – conference committee first substitute offered.
Alabama 2017 SB 154	Similar to 2017 HB 203	5/17/2017 – indefinitely postponed.
Arkansas 2917 HB 2246	An act concerning synthetic marijuana (contains title only).	5/1/2017 – died in committee.
Connecticut 2017 HB 5976	Provides that Title 21a of the general statutes be amended to increase penalties for dealing synthetic drugs that are controlled substances intended for human consumption and are structurally or pharmacologically similar to, or represented as being similar to heroin, opium or other opioids.	1/19/2017 – introduced and referred to Joint Committee on Judiciary.
Connecticut 2017 HB 5993	Provides that Title 21a of the general statutes be amended to increase penalties for dealing synthetic drugs.	1/19/2017 – introduced and referred to Joint Committee on Judiciary.
Connecticut 2017 HB 6000	Provides that Title 21a of the general statutes be amended to increase the penalties for selling fentanyl and fentanyl derivatives, including furanyl fentanyl, by adding such substances to the definition of “narcotic substance.”	1/19/2017 – introduced and referred to Joint Committee on Judiciary.
Connecticut 2017 HB 6628	Provides that Title 21a of the general statutes be amended to increase penalties for dealing synthetic drugs.	1/24/2017 – introduced and referred to Joint Committee on Judiciary.

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Connecticut 2017 HB 6641	Provides that Title 21a of the general statutes be amended to criminalize the false advertisement or misbranding of synthetic drug products.	1/24/2017 – introduced and referred to Joint Committee on Judiciary.
Connecticut 2017 HB 6650	Provides that Title 21a of the general statutes be amended to increase the penalties for selling fentanyl and fentanyl derivatives, including furanyl fentanyl, by adding such substances to the definition of “narcotic substance.”	1/24/2017 – introduced and referred to Joint Committee on Judiciary.
Connecticut 2017 HB 7290	This bill codifies the classification of fentanyl as a narcotic substance. By law, the penalties for certain illegal actions involving narcotics are higher than for certain other controlled substances. These actions include illegally manufacturing, distributing, selling, and prescribing the substances. The bill specifies that a “narcotic substance” includes (1) fentanyl or (2) any salt, compound, derivative, or preparation of fentanyl that (a) is similar in chemical structure or in physiological effect and (b) shows a similar potential for abuse, which is a controlled substance unless modified.	4/18/2017 – favorable report from committee.
Connecticut 2017 SB 1039	Establishes the crime of manslaughter by causing a death of another person by drug overdose. Makes the possession of a narcotic a class D felony. Criminalizes the false labeling of synthetic drugs to include as illegally supplying a drug, a prescribed narcotic to a person for whom it is not prescribed, and to require opiates be labeled to better warn of addictive qualities.	3/16/2017 – referred to Joint Committee on Judiciary.
Florida 2017 HB 183	Adds Mitragynine & 7-Hydroxymitragynine, constituents of Kratom, to schedule I.	5/5/2017 – died in committee.
Florida 2017 HB 1303	Prohibits specified offenses involving synthetic cannabinoids on or within specified distance of real property comprising public park. Authorizes warrantless arrest for possession of synthetic cannabinoids if probable cause is present.	5/5/2017 – died in committee.

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Florida 2017 SB 150	Substituted by 2017 HB 477.	5/2/2017 – bill substituted.
Florida 2017 SB 424	Similar to 2017 HB 183.	5/5/2017 – died in committee.
Georgia 2017 HB 213	Adds the sale, manufacture, delivery, or possession of fentanyl within the prohibition of trafficking certain drugs.	3/28/2017 – tabled
Hawaii 2017 HB 701	Amends the term “drug” for Operating a Vehicle Under the Influence of an Intoxicant (OVUII) offenses under Chapter 291E, Hawaii Revised Statutes, to include substances that may not be scheduled (such as emerging synthetic drugs).	1/25/2017 – referred to committee.
Hawaii 2017 HB 1131	Updates controlled substances list to include emergency scheduling as required under HRS § 329-11 incorporating amendments made to the federal controlled substance list.	1/25/2017 – passed first reading.
Hawaii 2017 SB 321	Similar to 2017 HB 701.	1/23/2017 – passed first reading.
Indiana 2017 SB 411	Makes possessing or dealing a substance that is a controlled substance analog an offense of the same level as possession of or dealing the controlled substance of which the substance is an analog. Repeals crimes concerning synthetic drug lookalike substances.	1/10/2017 – first reading; referred to committee.
Kansas 2017 SB 52	Among other things, proposes to add substances to schedule I.	3/29/2017 – referred to Committee on Appropriations.

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Kentucky 2017 HB 52	Amends Kentucky law to allow the Office of Drug Control Policy to request that the Cabinet for schedule fentanyl analogues not approved for human use by the United States Food and Drug Administration. Amends Kentucky law to include fentanyl analogues not approved for human use by the Food and Drug Administration as a Schedule I controlled substance. Amends the law to create the offense of aggravated fentanyl trafficking and to increase the penalties for trafficking in fentanyl.	1/3/2017 – introduced and referred to committee.
Kentucky 2017 SB 46	Amends Kentucky law to make trafficking in any amount of fentanyl or carfentanil subject to elevated penalties.	1/3/2017 – introduced and referred to committee.
Maryland 2017 SB 612	Creates a specific criminal penalty for distributing heroin or fentanyl, the use of which is a contributing cause of the death of another.	2/1/2017 – hearing scheduled for 2/28/2017.
Maryland 2017 SB 619	Similar to 2017 SB 539.	2/8/2017 – hearing scheduled for 3/2/2017.
Minnesota 2017 HF 896	Among other things, includes the addition of some NPS to schedule I.	3/29/2017 – committee report to adopt as amended.
Minnesota 2017 HF 1875	Modified controlled substance schedules, including some NPS added to schedule I.	3/1/2017 – introduced and referred to committee.
Minnesota 2017 SF 803	With respect to NPS, similar to 2017 HF 896.	4/3/2017 – Senate did not concur with House amendment.
Minnesota 2017 SF 1851	Similar to 2017 HF 1875.	3/6/2017 – referred to committee.
Mississippi 2017 HB 1031	Among other things, adds several NPS to schedule I.	2/28/2017 – died in committee.

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Mississippi 2017 SB 2277	Amends definition of “synthetic cathinone” in schedule I.	1/31/2017 – died in committee.
New Hampshire 2017 HB 153	Establishes a criminal penalty for causing the death of another person by providing heroin or fentanyl to such person.	1/26/2017 – deemed inexpedient to legislate.
New Mexico 2017 HB 38	Establishes as an additional unfair practice the sale of a natural or synthetic substance (including a drug) that the seller knew or should have known would have as a primary use the production of an altered mental state, when that substance’s specified use (on its label, packaging, or instructions) was otherwise.	1/23/2017 – committee report adopted without recommendation.
New York 2017 AB 316	Designates certain substances as schedule I opiate controlled substances.	4/17/2017 – amended and recommitted to committee.
New York 2017 AB 1384	Adds cannabimimetic agents to the schedule of controlled substances.	6/8/2017 – delivered to Senate after passing Assembly.
New York 2017 AB 1609	Relates to synthetic cannabinoids, synthetic cannabinoid analog and substituted cathinones and prohibits the production and sale thereof.	1/12/2017 – referred to committee.
New York 2017 AB 1959	Designates alpha-PVP, its salts, optical isomers and salts of optical isomers, as schedule I stimulant controlled substances.	1/17/2017 – referred to committee.
New York 2017 AB 2970	Provides that a controlled substance analogue will be treated for all purposes as the controlled substance to which it is substantially similar or mimics.	4/27/2017 – amended and recommitted to committee.
New York 2017 AB 3030	Adds W-18(4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]2piperidinylidene]benzenesulfonamide) to the schedule of controlled substances.	1/24/2017 – referred to committee.
New York 2017 AB 3273	Defines “synthetic cannabinoid” and “synthetic cannabinoid analog.” Includes these terms within the definition of marijuana.	1/27/2017 – referred to committee.

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New York 2017 AB 3295	Criminalizes the transport of an opiate controlled substance.	1/27/2017 – referred to committee.
New York 2017 AB 3398	Establishes the crime of homicide by sale of an opiate controlled substance and makes such crime a class A-1 felony.	1/27/2017 – referred to committee.
New York 2017 AB 3708	Provides for the criminal possession of fentanyl if a person knowingly possesses, manufactures, distributes, or uses fentanyl “to enhance another illegal substance.”	4/4/2017 – held for consideration in committee.
New York 2017 AB 4056	Directs the Commissioner of Health to establish and maintain an electronic database, accessible to the public, of known synthetic cannabinoids.	2/1/2017- referred to committee.
New York 2017 AB 4760	Criminalizes the sale, use, and possession of synthetic drugs. Defines the terms synthetic drugs, synthetic cannabinoids, substituted cathinones, substituted phenethylamines, substituted phenylpiperazines, and substituted tryptamines.	2/3/2017 – referred to committee.
New York 2017 AB 6623	Prohibits the sale and distribution of synthetic cannabinoids and establishes a statewide synthetic cannabinoid surrender program.	3/10/2017 – referred to committee.
New York 2017 AB 6649	Criminalizes the sale of synthetic cannabinoids.	3/10/2017 – referred to committee.
New York 2017 AB 7365	Designates certain substances as schedule I opiates controlled substances. Includes within the offenses of criminal sale of a controlled substance in the second and first degrees, the sale of certain amounts of preparations, compounds, mixtures or substances containing heroin and schedule I opiates.	4/25/2017 – referred to committee.
New York 2017 AB 7526	Classifies U-47700 as a schedule I opiate.	5/1/2017 – referred to committee.
New York 2017 AB 7749	Among other things, adds several NPS to schedule I.	5/11/2017 – referred to committee.

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New York 2017 SB 607	Same as 2017 AB 3295.	6/21/2017 – committed to Committee on Senate Rules.
New York 2017 SB 658	Same as 2017 AB 7526.	4/24/2017 – delivered to Assembly after passing Senate.
New York 2017 SB 738	Same as 2017 AB 4760.	6/21/2017 – committed to Committee on Senate Rules.
New York 2017 SB 748	Same as 2017 AB 3273.	1/4/2017 – referred to committee.
New York 2017 SB 816	Same as 2017 AB 1959.	4/24/2017 – delivered to Assembly after passing Senate.
New York 2017 SB 933	Similar to 2017 AB 316.	5/8/2017 – returned to Senate after passing Assembly.
New York 2017 SB 934	Same as 2017 AB 316.	5/1/2017 – amended and recommitted to committee.
New York 2017 SB 1246	Same as 2017 AB 4056.	6/13/2017 – delivered to Assembly after passing Senate.
New York 2017 SB 2722	Same as 2017 AB 2970.	4/24/2017 - delivered to Assembly after passing Senate.

Yellow highlighted text indicates legislation that has been enacted into law.

Red text indicates that the legislature presently is not in session.

Blue text represents updates from the previous NAMS DL Bill Status Update.

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State and Bill Number	Description	Status and Date of Last Action
New York 2017 SB 2761	Same as 2017 AB 3398.	6/13/2017 – delivered to Assembly after passing Senate.
New York 2017 SB 3518	Defines synthetic cannabis and criminal provisions relating to synthetic cannabis.	4/24/2017 - delivered to Assembly after passing Senate.
New York 2017 AB 3829	Same as 2017 AB 1609.	1/27/2017 – referred to committee.
New York 2017 SB 4527	Adds controlled substance analogues to the definition of controlled substances. Defines the term knowingly, with respect to controlled substance offenses.	2/16/2017 – referred to committee.
New York 2017 SB 5112	Same as 2017 AB 3030.	3/8/2017 – referred to committee.
New York 2017 SB 5357	Same as 2017 AB 7749.	6/21/2017 – committed to Committee on Senate Rules.
New York 2017 SB 5619	Same as 2017 AB 6623.	6/13/2017 – delivered to Assembly after passing Senate.
New York 2017 SB 5884	Adds certain fentanyl derivatives to the schedule of controlled substances.	6/13/2017 – delivered to Assembly after passing Senate.
North Carolina 2017 SB 347	Similar to 2017 HB 464.	4/10/2017 – re-referred to committee.
Oklahoma 2017 HB 1772	Among other things, adds U-47700 to schedule I and makes possession of the substance a felony.	2/7/2017 – second reading and referred to committee.

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State and Bill Number	Description	Status and Date of Last Action
South Carolina 2017 HB 3882	Adds to the definition of involuntary manslaughter the sale or delivery of controlled substances or their analogues that cause the death of the user.	3/2/2017 – introduced and referred to committee.
South Carolina 2017 SB 83	Similar to 2017 HB 3882.	3/30/2017 – committee amendment adopted.
Tennessee 2017 HB 337	As introduced, classifies the synthetic opioid U-47700 as a Schedule I controlled substance.	5/8/2017 – taken off subcommittee calendar.
Tennessee 2017 HB 583	As introduced, increases the criminal penalty for the sale or manufacture of fentanyl from a Class C felony to a Class B felony.	5/8/2017 – taken off subcommittee calendar.
Tennessee 2017 SB 192	Similar to 2017 HB 337.	5/8/2017 – placed on Senate committee calendar.
Tennessee 2017 SB 825	Similar to 2017 HB 583.	5/9/2017 – assigned to Senate subcommittee.
Texas 2017 HB 2704	Relating to a study on the use of portable testing equipment to identify synthetic drugs.	3/28/2017 – referred to committee.
Texas 2017 SB 2176	Relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.	4/18/2017 – committee report issued.
Vermont 2017 SB 22	As originally introduced, it proposed to increase the penalties for possessing, selling, dispensing, or trafficking fentanyl. Bill was amended substantially at a later time to provide for legalization of marijuana.	5/22/2017 – vetoed by Governor.

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