Ref: NCR 2/1/8 S/F 12

LEGISLATIVE COUNCIL BRIEF

Dangerous Drugs Ordinance (Chapter 134) DANGEROUS DRUGS ORDINANCE (AMENDMENT OF FIRST SCHEDULE) ORDER 2015

INTRODUCTION

At the meeting of the Executive Council on 23 June 2015, the Council **ADVISED** and the Chief Executive **ORDERED** that the Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2015 (the Order), at **Annex A**, be made under section 50 (1) of the Dangerous Drugs Ordinance (the Ordinance) (Chapter 134), to impose control on new types of synthetic cannabinoids and NBOMe compounds.

JUSTIFICATIONS

Synthetic Cannabinoids

2. Synthetic cannabinoids are substances with structural features which allow binding to one of the known cannabinoid receptors present in human cells. They mimic the effects of *tetrahydrocannabinol* (THC) – the active ingredients of cannabis. The harmful effects, propensity for misuse and addictive potency of synthetic cannabinoids are broadly comparable with those of cannabis. These include hallucination, increased agitation, elevated blood pressure and heart rates, and seizures. Products containing synthetic cannabinoids have the potential to be more harmful than cannabis as the potency and quantity of these compounds are unknown to the abuser. The increasing prevalence of different forms of synthetic cannabinoids has become an issue of concern in many overseas jurisdictions, particularly Europe.

3. In response to the potential health concerns, the Administration tabled a proposal in the Legislative Council for negative vetting on 12 January 2011 that synthetic cannabinoids should be brought under control in Hong Kong. Thereafter, in April 2011, five generic definitions of synthetic cannabinoids and five substances listed by name

were brought under control in the First Schedule to the Ordinance. These definitions were similar to those in force in the United Kingdom (the UK) and the United States (the US) at the time.

4. The form of synthetic cannabinoids has been evolving around the world. This has caused many overseas jurisdictions, including the UK, the US, Australia and New Zealand, to update the definition of synthetic cannabinoids in their legislation to include new types identified. Similar to these overseas jurisdictions, we notice the appearance of new types of synthetic cannabinoids outside the scope of existing legislative control in Hong Kong as part of our on-going monitoring of synthetic drugs. To bridge the gap, it is necessary to make appropriate legislative amendments to bring these under control.

5. We have, with reference to developments overseas, reviewed the definition of synthetic cannabinoids in Part I of the First Schedule to the Ordinance as set out in **Annex B**. According to known medical literature, the new substances do not have recognized medical use and are not found in any registered pharmaceutical products in Hong Kong. There is also no record of import and export of these new substances in trade declarations. In 2014, 60.3 kg of new types of synthetic cannabinoids were seized in Hong Kong.

NBOMe compounds

6. NBOMe compounds are highly potent hallucinogens and are designed to mimic the effects of LSD, the common name referring to *lysergamide*, *lysergide* and other *N-alkyl* derivatives of *lysergamide*, currently controlled in the Ordinance as *lysergamide* and *lysergide* and other *N-alkyl* derivatives of *lysergamide*. Abusers of NBOMe compounds could experience an altered state of reality, as well as shaking, nausea, insomnia and paranoia. NBOMe compounds are commonly used in a blotter or in powder form and are controlled in many overseas jurisdictions, such as Australia, the UK and the US.

7. Among the different types of NBOMe compounds, 25I-NBOMe [*4-iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine*] (item 1 in **Annex C**) is more commonly abused around the world. According to the Advisory Council on the Misuse of Drugs of the UK, it acts as a highly potent agonist[1] for the human 5HT2A receptor in the nervous system. There is a high risk of overdose because of the

[1] An agonist is a chemical that binds to a receptor and activates the receptor to produce a biological response.

extremely high potency of these materials. There have been reported fatalities associated with the abuse of NBOMe compounds, both in the UK and internationally. In Australia, 25I-NBOMe is commonly known as 'wizard', which was reported to have caused several deaths and large number of overdoses in various provinces in the past few years.

8. NBOMe compounds have no recognized medical use and there is no registered pharmaceutical product containing such substances in Hong Kong. There is no record of import and export in trade declarations. Locally, NBOMe compounds in blotter form are known as 'smiley paper'. In 2014, 702 grams of NBOMe compounds were seized in Hong Kong.

9. According to the report of the 36th Expert Committee on Drug Dependence (ECDD) of the World Health Organization, NBOMe compounds are clandestinely manufactured with no recognized therapeutic use by any party. Having considered the evidence of abuse of NBOMe compounds, ECDD put forward a recommendation to place three NBOMe compounds (item 1 to item 3 in **Annex C**) in Schedule I of the Convention on Psychotropic Substances 1971 ("1971 Convention"). During the 58th Session of United Nations Commission on Narcotic Drugs (UNCND) held on 13-17 March 2015, member states adopted ECDD's recommendation to list these compounds in Schedule I of the 1971 Convention. Locally, the effect of UNCND's decision is similar to including the NBOMe compounds into Part I of the First Schedule of the Ordinance.

THE PROPOSAL

10. We propose to amend Part I of the First Schedule to the Ordinance with a view to updating the definition of synthetic cannabinoids and imposing control on NBOMe compounds.

11. Under the Ordinance, substances included in Part I of the First Schedule are dangerous drugs and are subject to the control of a licensing scheme administered by the Department of Health (DH). As stipulated under the Ordinance, the manufacture, import, export, as well as supply of these substances will require licences from DH. Illicit trafficking and manufacturing of the substances will be subject to a maximum penalty of life imprisonment and a fine of $5 million. Possession, consumption and supply of the substances would also constitute criminal offences.

THE ORDER

12. The Order, at **Annex A**, seeks to update the definition of synthetic cannabinoids (as specified in **Annex B**) and add NBOMe compounds (as specified in **Annex C**) to Part I of the First Schedule to the Ordinance.

LEGISLATIVE TIMETABLE

13. The legislative timetable will be –

Gazettal of the Order	3 July 2015
Tabling at the Legislative Council for negative vetting	8 July 2015
Commencement date of the Order	27 November 2015

IMPLICATIONS OF THE PROPOSAL

14. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Ordinance. It has no economic, productivity, environmental or gender implications. The proposal is also in line with the sustainability principle of pursuing policies which protect the health of the people of Hong Kong. Apart from inflicting health damage on the abuser, drug abuse is also often found to have a profound impact on an abuser's family, e.g. causing mixed emotions such as anger and frustration among family members, and giving rise to family financial crisis after paying off relevant drug debts. The proposal represents our on-going efforts to closely monitor emerging new synthetic drugs and ensure that these are brought under control in a timely manner. This would help prevent possible family problems and tension that may be aroused by drug-abusing family members. The additional workload and financial implications arising from the implementation of the proposal are expected to be minimal and any additional requirements will be absorbed by the relevant bureaux and departments with existing resources.

PUBLIC CONSULTATION

15. We have consulted relevant traders, as well as licensees of the Ordinance and the Pharmacy and Poisons Ordinance (Chapter 138). They raised no objection to the proposal.

16. We have also consulted the Action Committee Against Narcotics and the Panel on Security of the Legislative Council on 27 March and 10 April 2015 respectively. They supported the proposal.

PUBLICITY

17. The Order will be published in the Gazette on 3 July 2015. A press release will be issued on 30 June 2015, and a spokesperson will be available for answering media enquiries.

BACKGROUND

18. The growing predominance of psychotropic substance abuse and the continuous emergence of new synthetic drugs pose new challenges to legislative control and law enforcement globally. We need to remain vigilant in closely monitoring the drug trends both overseas and locally, and take timely action to bring new drugs under legislative control.

ENQUIRIES

19. Any enquiries concerning this brief can be directed to the following officer –

Miss Rosalind Cheung
Principal Assistant Secretary for Security (Narcotics)1
Tel. No.: 2867 5676

Narcotics Division
Security Bureau
June 2015

Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2015

(Made by the Chief Executive under section 50(1) of the Dangerous Drugs Ordinance (Cap. 134) after consultation with the Executive Council)

1. Commencement

This Order comes into operation on 27 November 2015.

2. Dangerous Drugs Ordinance amended

The Dangerous Drugs Ordinance (Cap. 134) is amended as set out in section 3.

3. First Schedule amended

(1) First Schedule, Part I, paragraph 1(a), after item "Nabilone"—

Add

"Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone".

(2) First Schedule, Part I, paragraph 1(a), after item "Quinalbarbitone"—

Add

"Quinolin-8-yl 1-(cyclohexylmethyl)-1H-indole-3-carboxylate

Quinolin-8-yl 1-fluoropentyl-1H-indole-3-carboxylate

Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate".

(3) First Schedule, Part I, paragraph 1(a), after item "Zipeprol"—

Add

"N-(Adamant-1-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide

N-(Adamant-1-yl)-1-pentyl-1H-indazole-3-carboxamide

N-(Adamant-1-yl)-1-pentyl-1H-indole-3-carboxamide

N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide

N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide

N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide

N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide".

(4) First Schedule, Part I, paragraph 1(a), after item "1-Benzylpiperazine"—

Add

"4-Bromo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine

4-Chloro-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine".

(5) First Schedule, Part I, paragraph 1(a), before item "N,N-dimethylamphetamine"—

Add

"2,5-Dimethoxy-N-(2-methoxybenzyl)phenethylamine".

(6) First Schedule, Part I, paragraph 1(a), after item "N,N-dimethylamphetamine"—

Add

"3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran

4-[4-(1,1-Dimethylheptyl)-2,6-dimethoxyphenyl]-6,6-dimethyl-bicyclo[3.1.1]hept-2-ene-2-methanol".

(7) First Schedule, Part I, paragraph 1(a), after item "3-Dimethylheptyl-11-hydroxyhexahydrocannabinol"—

Add

"4-Fluoro-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine".

(8) First Schedule, Part I, paragraph 1(a)—

Repeal

"9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol

[9-Hydroxy-6-methyl-3-[5-phenylpentan-2-yl] oxy-5, 6, 6a, 7, 8, 9, 10, 10a-octahydrophenanthridin-1-yl] acetate"

Substitute

"3-Hydroxy-2-[6-isopropenyl-3-methyl-cyclohex-2-en-1-yl]-5-pentyl-1,4-benzoquinone

[9-Hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate

9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol".

(9) First Schedule, Part I, paragraph 1(a), before item "N-[α-Methyl-3,4-(methylenedioxy)phenethyl] hydroxylamine"—

Add

"4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine

N-(2-Methoxybenzyl)-1-[3-bromo-2,5-dimethoxybicyclo[4.2.0]octa-1,3,5-trien-7-yl]methanamine".

(10) First Schedule, Part I, paragraph 1(a), after item "4-Methyl aminorex"—

Add

"4-Methyl-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine".

(11) First Schedule, Part I, paragraph 1(g)—

(a) **Repeal**

"3-(1-naphthoyl)indole or"

Substitute

"3-(1-naphthoyl)indole, 3-(2-naphthoyl)indole,";

(b) After "1H-indol-3-yl-(1-naphthyl)methane"—

Add

"or 1H-indol-3-yl-(2-naphthyl)methane";

(c) After "cycloalkylethyl"—

Add

", cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl".

(12) First Schedule, Part I, paragraph 1(h)—

(a) After "3-(1-naphthoyl)pyrrole"—

Add

"or 3-(2-naphthoyl)pyrrole";

(b) After "cycloalkylethyl"—

Add

", cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl".

(13) First Schedule, Part I, paragraph 1(i)—

(a) **Repeal**

"1-(1-naphthylmethyl)indene"

Substitute

"1-(1-naphthylmethylene)indene or 1-(2-naphthylmethylene)indene";

(b) After "cycloalkylethyl"—

Add

", cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl".

(14) First Schedule, Part I, paragraph 1(j), after "cycloalkylethyl"—

Add

", cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl".

(15) First Schedule, Part I, paragraph 1(m)(v)—

Repeal the full stop

Substitute a semicolon.

(16) First Schedule, Part I, after paragraph 1(m)—

Add

"(n) any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 3-benzoylindole by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent;

(o) any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 3-(1-adamantoyl)indole or 3-(2-adamantoyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent;

(p) any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent.".

Chief Executive

26th June 2015

Explanatory Note

This Order amends Part I of the First Schedule to the Dangerous Drugs Ordinance (Cap. 134) in order to impose control on the following substances which are capable of being abused—

(a) certain types of synthetic substances that are commonly known as NBOMe compounds;

(b) certain other types of synthetic substances that are commonly known as synthetic cannabinoids.

Annex B

Proposed amendments to the First Schedule to the Dangerous Drugs Ordinance (DDO) (Cap. 134)
re. Synthetic cannabinoids

(Note: Proposed amendments are shaded. Original text which is not highlighted has been brought under the control of the DDO since 1 April 2011)

1. Nabilone

2. [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1, 2, 3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone

3. 3-Dimethylheptyl-11-hydroxyhexahydrocannabinol

4. 9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol

5. [9-Hydroxy-6-methyl-3-[5-phenylpentan-2-yl] oxy-5, 6, 6a, 7, 8, 9, 10, 10a-octahydrophenanthridin-1-yl] acetate

6. any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 3-(1-naphthoyl)indole, 3-(2-naphthoyl)indole, ~~or~~ 1H-indol-3-yl-(1-naphthyl)methane or 1H-indol-3-yl-(2-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent

7. any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 3-(1-naphthoyl)pyrrole or 3-(2-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent

8. any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from ~~1-(1-naphthylmethyl)indene~~ 1-(1-naphthylmethylene)indene or 1-(2-naphthylmethylene)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent

9. any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent

10. any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the cyclohexyl ring to any extent

11. any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 3-benzoylindole by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent

12. any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 3-(1-adamantoyl)indole or 3-(2-adamantoyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, cyanoalkyl, hydroxyalkyl, haloalkyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to

any extent and whether or not substituted in the adamantyl ring to any extent

13. any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, cyanoalkyl, hydroxyalkyl, haloalkyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent

14. N-(Adamant-1-yl)-1-pentyl-1H-indazole-3-carboxamide

15. Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone

16. 4-[4-(1,1-Dimethylheptyl)-2,6-dimethoxyphenyl]-6,6-dimethyl-bicyclo[3.1.1] hept-2-ene-2-methanol

17. N-(Adamant-1-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide

18. 3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran

19. 3-Hydroxy-2-[6-isopropenyl-3-methyl-cyclohex-2-en-1-yl]-5-pentyl-1,4-benzoquinone

20. Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate

21. Quinolin-8-yl 1-fluoropentyl-1H-indole-3-carboxylate

22. N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide

23. N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide

24. N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide

25. N-(Adamant-1-yl)-1-pentyl-1H-indole-3-carboxamide

26. N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-

carboxamide

27. Quinolin-8-yl 1-(cyclohexylmethyl)-1H-indole-3-carboxylate

Annex C

Proposed amendments to the First schedule to the Dangerous Drugs Ordinance (DDO) (Cap. 134)
re. NBOMe compounds

1. 4-iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine

2. 4-chloro-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine

3. 4-bromo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine

4. 4-methyl-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine

5. 2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine

6. N-(2-methoxybenzyl)-1-[3-bromo-2,5-dimethoxybicyclo[4.2.0]octa-1,3,5-trien-7-yl]methanamine

7. 4-fluoro-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine