For discussion on
10 April 2015

Legislative Council Panel on Security

Proposed amendments to the First schedule to the Dangerous Drugs Ordinance (Cap. 134)

PURPOSE

This paper seeks Members' views on the Administration's proposal to –

(a) update the definition of synthetic cannabinoids as specified in **Annex A** in the First Schedule to the Dangerous Drugs Ordinance (DDO) (Cap. 134); and

(b) bring NBOMe compounds as specified in **Annex B** under control in the same ordinance.

BACKGROUND

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 had consulted members on 11 November 2010 vide LC Paper No. CB(2)205/10-11(01) for bringing synthetic cannabinoids 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 DDO. 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 DDO as set out in **Annex A**. 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. More seizure details in the past three years are set out in Table 1 of **Annex C**.

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 DDO 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 B**) is more commonly abused around the world. According to the Advisory Council on the Misuse of Drugs (ACMD) 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 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 are no record of import and export in trade declarations. Locally, NBOMe compounds in blotter form are known as 'smiley paper'. They are available over the internet and some young people in Hong Kong are aware of their existence as non-controlled substances and their effects. In 2014, 702 gram of NBOMe compounds were seized in Hong Kong. More seizure details in the past three years are set out in Table 2 of **Annex C**.

9. According to the report of the 36th Expert Committee on Drug Dependence (ECDD) of 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 B**) in Schedule I of the 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 put 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 DDO.

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

RECOMMENDATIONS

10. In order to enable law enforcement agencies in Hong Kong to effectively respond to the latest drug trend as set out at paragraphs 2 to 9 above, we propose to update the existing definitions of synthetic cannabinoids in Part I of the First Schedule to the DDO, as described in **Annex A** by -

(a) updating four existing generic definitions [paragraphs 6 to 9];
(b) inserting three new generic definitions [paragraphs 11 to 13]; and
(c) including 14 substances listed by name [paragraphs 14 to 27].

11. With respect to NBOMe compounds, we propose to include seven NBOMe compounds listed in **Annex B** in Part I of the First Schedule to the DDO.

12. Under the DDO, 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). The import and export of these substances will require a licence from DH. Illicit trafficking, manufacturing, possession, consumption, cultivation, supply, import and export of the substances will be subject to a maximum penalty of life imprisonment and $5 million fine.

CONSULTATION

13. The Administration has consulted relevant trades, as well as licensees of the DDO and the Pharmacy and Poisons Ordinance (Cap. 138). There was no adverse comment.

14. The Administration has also consulted the Action Committee Against Narcotics, which supports the proposed control.

WAY FORWARD

15. Pursuant to section 50(1) of the DDO, the Chief Executive may by order published in the Gazette amend the First Schedule to the DDO.

16. Having consulted Members' views on the above proposals, we plan to table the relevant amendment orders in the Legislative Council for negative vetting in July 2015.

ADVICE SOUGHT

17. Members are invited to comment on the Administration's proposal as set out in paragraph 1 above.

Narcotics Division
Security Bureau
March 2015

Annex A

Proposed amendments to the First schedule to the Dangerous Drugs Ordinance (Cap. 134)
re. Synthetic cannabinoids
(Note: Proposed amendments are shaded)

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~~ 1*H*-indol-3-yl-(1-naphthyl)methane or 1*H*-indol-3-yl-(2-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*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, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*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, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*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, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*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, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (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, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*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, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*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-1*H*-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)-1*H*-indole-3-carboxamide

18. 3-(1,1-dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6*H*-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-1*H*-indole-3-carboxylate

21. quinolin-8-yl 1-fluoropentyl-1*H*-indole-3-carboxylate

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

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

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

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

26. *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3- carboxamide

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

Notes

(a) Original text which is not highlighted has been brought under the control of Dangerous Drugs Ordinance (Cap. 134) since 1 April 2011.

(b) Proposed updates are shaded.

Annex B

Proposed amendments to the First schedule to the Dangerous Drugs Ordinance (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

Annex C

Seizures[2] of new types of synthetic cannabinoids and NBOMe compounds in the past three years

Table 1: Synthetic cannabinoids

Drug name	2012	2013	2014	Remark
MAM2201	-	2.6 g	-	Item 6 of Annex A
UR-144	-	103 g	-	Item 13 of Annex A
XLR-11	37.7 g	-	32.27 kg	Item 13 of Annex A
AB-PINACA	-	-	3.02 kg	Item 23 of Annex A
AB-CHMINACA	-	-	24.02 kg	Item 26 of Annex A
QUCHIC (BB-22)	-	-	0.99 kg	Item 27 of Annex A

Table 2: NBOMe compounds

Drug name	2012	2013	2014	Remark
25I-NBOMe	-	0.12 g	Traces	4-iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine (Item 1 of Annex B)
25B-NBOMe	-	-	702 g	4-bromo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine (Item 3 of Annex B)

[2] Source: Government Laboratory