CHAPTER 204
SB 106-FN - FINAL VERSION

02/12/2015 0230s
6May2015... 1390h
06/11/2015 2130EBA

2015 SESSION

15-0319
04/09

SENATE BILL ***106-FN***

AN ACT restricting the sale or possession of synthetic drugs.

SPONSORS: Sen. Kelly, Dist 10; Sen. Stiles, Dist 24; Sen. Carson, Dist 14; Sen. Woodburn, Dist 1; Sen. Pierce, Dist 5; Sen. Watters, Dist 4; Sen. Lasky, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Daniels, Dist 11; Sen. Bradley, Dist 3; Sen. Morse, Dist 22; Sen. Sanborn, Dist 9; Sen. Soucy, Dist 18; Sen. Fuller Clark, Dist 21; Rep. Emerson, Ches 11

COMMITTEE: Commerce

ANALYSIS

This bill prohibits the sale, use, or possession of synthetic drugs in this state. The bill also requires the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to make recommendations for public awareness and education on the dangers of synthetic drugs.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 204
SB 106-FN - FINAL VERSION

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT restricting the sale or possession of synthetic drugs.

Be it Enacted by the Senate and House of Representatives in General Court convened:

204:1 New Paragraph; Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery; Report Required. Amend 12-J:4 by inserting after paragraph II the following new paragraph:

II-a. The commission shall prepare a report, including recommendations for policies to be implemented for coordinating public awareness of and education in the dangers of synthetic drugs and other emerging or designer synthetic drug substances. The report shall include substantive input from the commission's member agencies, including the department of health and human services, bureau of drug and alcohol services, the attorney general, the department of safety, and the department of education. The commission shall submit its initial report, including recommendations, to the senate president, the speaker of the house of representatives, and the governor no later than 3 months after the effective date of this paragraph. The commission shall submit subsequent reports, including recommendations, to the senate president, the speaker of the house of representatives, and the governor annually thereafter.

204:2 New Subparagraph; Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery; Meetings and Reports. Amend RSA 12-J:4, II by inserting after subparagraph (h) the following new subparagraph:

(i) Incorporate the findings and recommendations of the report required under paragraph II-a and make specific findings and recommendations regarding public awareness, education, and legislation to address the dangers of synthetic drugs.

204:3 New Section; Alcoholic Beverages; Enforcement Proceedings and Penalties. Amend RSA 179 by inserting after section 62 the following new section:

179:63 Sale or Distribution of Synthetic Drugs. Any licensee who sells or distributes any substance containing a synthetic drug shall be guilty of a violation. Any licensee who violates this section shall be subject to the provisions of RSA 179:57, except that the maximum fine for each violation of this section shall be $1,000, plus penalty assessment. "Synthetic drug" shall have the same meaning as defined in RSA 359-O:2.

204:4 New Paragraph; Horse and Dog Racing; Authorization; Sale of Lottery Tickets;

Advertising. Amend RSA 284:21-h by inserting after paragraph III the following new paragraph:

III-a.(a) Any owner of a retail establishment or sale outlet who sells or distributes any substance containing a synthetic drug as defined in RSA 359-O:2 shall be guilty of a violation.

(b) The lottery commission shall deny an application for issuance or renewal of a license, or suspend or revoke a license, when the commission finds that the applicant or owner of a retail establishment or sale outlet is guilty of selling or distributing any substance containing a synthetic drug. In case of an appeal, the license of an owner of a retail establishment or sale outlet may be suspended at the discretion of the commission during the pendency of such appeal.

204:5 New Section; Food Service Licensure; Sale or Distribution of Synthetic Drugs Prohibited. Amend RSA 143-A by inserting after section 9-a the following new section:

143-A:9-b Sale of Synthetic Drugs Prohibited. Any licensee who sells or distributes any substance containing a synthetic drug as defined in RSA 359-O:2 in any food service establishment or retail food store shall be guilty of a violation. Any licensee who violates this section shall be subject to the provisions of RSA 143-A:7.

204:6 New Chapter; Sale of Synthetic Drugs. Amend RSA by inserting after chapter 359-N the following new chapter:

CHAPTER 359-O

SALE OF SYNTHETIC DRUGS

359-O:1 Purpose. The general court has determined that certain businesses and/or individuals within the state are possessing and selling certain synthetic drugs which are described in this chapter, and are potentially dangerous to users and society, and for which the long-term effects are not yet known. The effects of these substances are a health concern to the citizens of the state. Not all of the substances are categorized as illegal controlled substances under state or federal law. By selling these substances for smoking and ingestion under the guise of incense, the manufacturers avoid the United States Food and Drug Administration process for study and approval of such substances prior to distribution for consumption. In addition, by marketing these so-called incense products directed at the controlled drug subculture, the manufacturers and sellers avoid the Schedule I implications of the federal Controlled Substances Act and the state controlled drug act. The state has determined that there is no legitimate purpose for the sale, possession, or use of these substances.

359-O:2 Definitions. In this chapter:

I. "Person" means an individual, including a clerk, manager, or owner of a business.

II. "Business" means a corporation, limited liability company, partnership, wholesaler, retailer, and any licensed or unlicensed business.

III.(a) "Isomer" shall mean and include all optical, geometric, and positional isomers of a controlled substance, synthetic cannabinoid, synthetic cathinone, or miscellaneous psychoactive substance.

(b) A positional isomer shall mean any and all substances which:

(1) Are not already scheduled.

(2) Have the same molecular formula and core structure as a controlled substance, synthetic cannabinoid, substituted cathinone, or listed miscellaneous psychoactive substance.

(3) Have the same functional group(s) and/or substituents as those found in the controlled substance, synthetic cannabinoid, substituted cathinone, or miscellaneous psychoactive substance, attached at any positions on the core structure, but in such manner that no new chemical functionalities are created and no existing chemical functionalities are destroyed, and rearrangements of alkyl moieties within or between functional groups or substituents, or divisions or combinations of alkyl moieties, that do not create new chemical functionalities or destroy existing chemical functionalities, would be within the definition of positional isomer.

IV. "Synthetic drug" means any substance within the following structural classes:

(a) Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with a substituent at the 5-position of the phenolic ring: whether or not substituted on the cyclohexyl ring to any extent.

(b) Any compound containing a 1-(1-naphthylmethyl)indene ring system with a substituent at the 3-position of the indene ring system: whether or not further substituted on the indene ring to any extent, and whether or not substituted on the naphthyl ring to any extent.

(c) Any compound containing an indole ring system with a substituent on the nitrogen atom and bearing an additional substituent at the 3-position of the indole ring system, with a linkage connecting the ring system to the substituent:

(1) Where the linkage connecting the indole ring system to the substituent at its 3-position is any of the following:

(A) Alkyl.

(B) Carbonyl.

(C) Ester.

(D) Thione.

(E) Thioester.

(F) Amino.

(G) Alkylamino.

(H) Amido.

(I) Alkylamido.

(2) Where the substituent at the 3-position of the indole ring system is, disregarding the linkage, any of the following groups:

(A) Naphthyl.

(B) Quinolinyl.

(C) Adamantyl.

(D) Phenyl.

(E) Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl).

(F) Biphenyl.

(G) Allcylamido (limited to ethylamido, propylamido, butanamido, or pentanamido).

(H) Benzyl.

(I) Carboxylic acid.

(J) Ester.

(K) Ether.

(L) Phenylpropylamido.

(M) Phenylopropylamino.

(3) Whether or not the substituent at the 3-position of the indole ring system, disregarding the linkage, is further substituted to any extent.

(4) Whether or not further substituted on the indole ring system to any extent.

(d) Any compound containing an indazole ring system with a substituent at the 1-position nitrogen atom and bearing an additional substituent at the 3-position of the indazole ring system, with a linkage connecting the ring system to the substituent:

(1) Where the linkage connecting the indazole ring system to the substituent at its 3-position is any of the following:

(A) Alkyl.

(B) Carbonyl.

(C) Ester.

(D) Thione.

(E) Thioester.

(F) Amino.

(G) Alkylamino.

(H) Amido.

(I) Alkylamido.

(2) Where the substituent at the 3-position of the indazole ring system is, disregarding the linkage, any of the following groups:

(A) Naphthyl.

(B) Quinolinyl.

(C) Adamantyl.

(D) Phenyl.

(E) Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl).

(F) Biphenyl.

(G) Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido).

(H) Benzyl.

(I) Carboxylic acid.

(J) Ester.

(K) Ether.

(L) Phenylpropylamido.

(M) Phenylopropylamino.

(3) Whether or not the substituent at the 3-position of the indazole ring system, disregarding the linkage, is further substituted to any extent.

(4) Whether or not further substituted on the indazole ring system to any extent.

(e) Any compound containing a pyrrole ring with a substituent on the nitrogen atom and bearing an additional substituent at the 3-position of the pyrrole ring, with a linkage connecting the ring to the substituent:

(1) Where the linkage connecting the pyrrole ring to the substituent at its 3-position is any of the following:

(A) Alkyl.

(B) Carbonyl.

(C) Ester.

(D) Thione.

(E) Thioester.

(F) Amino.

(G) Alkylamino.

(H) Amido.

(I) Alkylamido.

(2) Where the substituent at the 3-position of the pyrrole ring is, disregarding the linkage, any of the following groups:

(A) Naphthyl.

(B) Quinolinyl.

(C) Adamantyl.

(D) Phenyl.

(E) Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl).

(F) Biphenyl.

(G) Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido).

(H) Benzyl.

(I) Carboxylic acid.

(J) Ester.

(K) Ether.

(L) Phenylpropylamido.

(M) Phenylopropylamino.

(3) Whether or not the substituent at the 3-position of the pyrrole ring, disregarding the linkage, is further substituted to any extent.

(4) Whether or not further substituted on the pyrrole ring to any extent.

(f) Any compound containing a pyrazole ring with a substituent at the 1-position nitrogen atom and bearing an additional substituent at the 3-position of the pyrazole ring with a linkage connecting the ring to the substituent:

(1) Where the linkage connecting the pyrazole ring to the substituent at its 3-position is any of the following:

(A) Alkyl.

(B) Carbonyl.

(C) Ester.

(D) Thione.

(E) Thioester.

(F) Amino.

(G) Alkylamino.

(H) Amido.

(I) Alkylamido.

(2) Where the substituent at the 3-position of the pyrazole ring is, disregarding the linkage, any of the following groups:

(A) Naphthyl.

(B) Quinolinyl.

(C) Adamantyl.

(D) Phenyl.

(E) Cyclopentyl, or cyclohexyl.

(F) Cycloalkyl (limited to cyclopropyl, cyclobutyl, or biphenyl).

(G) Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido).

(H) Benzyl.

(I) Carboxylic acid.

(J) Ester.

(K) Ether.

(L) Phenylpropylamido.

(M) Phenylopropylamino.

(3) Whether or not the substituent at the 3-position of the pyrazole ring, disregarding the linkage, is further substituted to any extent.

(4) Whether or not further substituted on the pyrazole ring to any extent.

(g) Any compound containing a pyrazole ring with a substituent at the 1-position nitrogen atom and bearing an additional substituent at the 3-position of the pyrazole ring with a linkage connecting the ring to the substituent:

(1) Where the linkage connecting the pyrazole ring to the substituent at its 3 position is any of the following:

(A) Alkyl.

(B) Carbonyl.

(C) Ester.

(D) Thione.

(E) Thioester.

(F) Amino.

(G) Alkylamino.

(H) Amido.

(I) Alkylamido.

(2) Where the substituent at the 3 position of the pyrazole ring is, disregarding the linkage, any of the following groups:

(A) Naphthyl.

(B) Quinolinyl.

(C) Adamantyl.

(D) Phenyl.

(E) Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl).

(F) Biphenyl.

(G) Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido).

(H) Benzyl.

(I) Carboxylic acid.

(J) Ester.

(K) Ether.

(L) Phenylpropylamido.

(M) Phenylpropylamino.

(3) Whether or not the substituent at the 3 position of the pyrazole ring, disregarding the linkage, is further substituted to any extent.

(4) Whether or not further substituted on the pyrazole ring to any extent.

(h) Any compound containing a naphthalene ring system with a substituent on the 1 position carbon atom and bearing an additional substituent at the 4 position of the naphthalene ring system, with a linkage connecting the ring system to the substituent:

(1) Where the linkage connecting the naphthalene ring system to the substituent at its 4 position is any of the following:

(A) Alkyl.

(B) Carbonyl.

(C) Ester.

(D) Thione.

(E) Thioester.

(F) Amino.

(G) Alkylamino.

(H) Amido.

(I) Alkylamido.

(2) Where the substituent at the 4 position of the naphthalene ring system is, disregarding the linkage, any of the following groups:

(A) Naphthyl.

(B) Quinolinyl.

(C) Adamantyl.

(D) Phenyl.

(E) Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl).

(F) Biphenyl.

(G) Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido).

(H) Benzyl.

(I) Carboxylic acid.

(J) Ester.

(K) Ether.

(L) Phenylpropylamido.

(M) Phenylpropylamino.

(3) Whether or not the substituent at the 4 position of the naphthalene ring system, disregarding the linkage, is further substituted to any extent.

(4) Whether or not further substituted on the naphthalene ring system to any extent.

(i) Any compound containing a carbazole ring system with a substituent on the nitrogen atom and bearing an additional substituent at the 1, 2, or 3 position of the carbazole ring system, with a linkage connecting the ring system to the substituent:

(1) Where the linkage connecting the carbazole ring system to the substituent at its 1, 2, or 3 position is any of the following:

(A) Alkyl.

(B) Carbonyl.

(C) Ester.

(D) Thione.

(E) Thioester.

(F) Amino.

(G) Alkylamino.

(H) Amido.

(I) Alkylamido.

(2) Where the substituent at the 1, 2, or 3 position of the carbazole ring system is, disregarding the linkage, any of the following groups:

(A) Naphthyl.

(B) Quinolinyl.

(C) Adamantyl.

(D) Phenyl.

(E) Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl).

(F) Biphenyl.

(G) Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido).

(H) Benzyl.

(I) Carboxylic acid.

(J) Ester.

(K) Ether.

(L) Phenylpropylamido.

(M) Phenylpropylamino.

(3) Whether or not the substituent at the 1, 2, or 3 position of the carbazole ring system, disregarding the linkage, is further substituted to any extent.

(4) Whether or not further substituted on the carbazole ring system to any extent.

(j) Any substance which includes, but is not limited to the following:

(1) QUCHIC/BB-22.

(2) STS-135.

(3) APICA/SDB-001.

(4) ADBICA.

(5) ADB-FUBINACA.

(6) AB-001.

(7) SDB-006.

(8) EG-018.

(9) CB-13.

(10) 5-chloro-UR-144.

(11) FUB-PB-22.

(k) Any synthetic cathinone, which shall be defined as any of the following chemical structures, their salts, isomers and salts of isomers, whenever the existence of these is possible within the specific chemical designation, including any compound structurally derived from 2-aminopropanal by substitution at the 1-position with a monocyclic or fused polycyclic ring system, including compounds further modified by:

(1) Substitution on the ring system to any extent (including, but not limited to alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents), whether or not further substituted in the ring system by other substituents; and/or

(2) Substitution at the 3-position with a saturated or unsaturated hydrocarbon substituent; and/or

(3) Mono- or di- substitution at the 2-amino nitrogen atom with saturated or unsaturated hydrocarbon groups, or inclusion of the 2-amino nitrogen atom in a cyclic structure, whether or not that cyclic structure contains any further substitutions;

(4) Includes, but is not limited to:

(A) 3,4-dimethylmethcathinone (3,4-DMMC)

(B) Beta-keto-ethylbenzodioxolylbutanamine (eutylone)

(C) 3,4-methylenedioxy-N-ethylcathinone (ethylone)

(5) 4-methoxymethcathinone (methedrone). This term shall not include substances that are otherwise scheduled under the Controlled Substances Act: (e.g. cathinone, methcathinone, methylone, mephedrone, MDPV, diethylpropion, pyrovalerone), are FDA-approved pharmaceutical products (i.e. bupropion), or are FDA-approved research products.

(l) Any synthetic psychoactive compound or substance which shall be defined as substances and their salts, isomers, and salts of isomers, wherever the existence of these is possible, within the following specific chemical designation:

(1) 2,5-dimethoxy-4-methyl-N-(2-methoxybenzyl)phenethylamine (also known as 25D-NBOMe).

(2) 2,5-dimethoxy-4-ethyl-N-(2-methoxybenzyl)phenethylamine (also known as 25E-NBOMe).

(3) 2,5-dimethoxy-4-nitro-N-(2-methoxybenzyl)phenethylamine (also known as 25N-NBOMe).

(4) 2,5-dimethoxy-4-n-propyl-N-(2-methoxybenzyl)phenethylamine (also known as 25P-NBOMe).

(5) 2,5-dimethoxy-4-ethylthio-N-(2-methoxybenzyl)phenethylamine (also known as 25T2-NBOMe).

(6) 2,5-dimethoxy-4-sec-propylthio-N-(2-methoxybenzyl)phenethylamine (also known

as 25T4-NBOMe).

(7) 2,5-dimethoxy-4-n-propylthio-N-(2-methoxybenzyl)phenethylamine (also known as 25T7-NBOMe).

(8) N-(2-methoxybenzyl)-3,4-dimethoxyamphetamine (also known as 34-DMA NBOMe).

(9) 1-(1-Benzofuran-2-yl)propan-2-amine (also known as 2-APB).

(10) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (also known as 5-APDB).

(11) 2-(2-ethylaminopropyl)benzofuran (also known as 2-EAPB).

(12) 1-(Benzofuran-5-yl)-N-methylpropan-2-amine (also known as 5-MAPB).

(13) 3,4-dichloromethylphenidate.

(14) 5,6-methylenedioxy-2-aminoindan (also known as 5,6-MDAI).

(15) 4-hydroxy-diethyltryptamine (also known as 4-hydroxy-DET).

(16) 4-methoxyphencyclidine (also known as 4-methoxy-PCP or methoxydine).

(17) 3,4-dichloro-N-([1-(dimethylamino)cyclohexyl]methyl)benzamide (also known as AH-7921).

(18) Benocyclidine (also known as BTCP).

(19) Methoxetamine (also known as MXE).

(20) 3-Methyl-6-[3-trifluoromethyl)phenyl]-1,2,4-triazolo[4,3-b]pyridazine (also known as CL218872).

(21) 1-(1,2-diphenylethyl)piperidine (also known as diphenidine).

(22) 1-Cyclohexyl-4-(1,2-diphenylethyl)piperazine (also known as MT-45).

(23) (3-diethylamino-2,2-dimethylpropyl)-4-nitrobenzoate (also known as nitrocaine or nitracaine).

(24) (E)-4-chloro-N-1(phenylethylpiperidin-2-ylidene)sulfonamide (also known as W-15).

(25) (E)-4-chloro-N-(1-(4-nitrophenylethyl)piperidin-2-ylidene)sulfonamide (also known as W-18).

(26) 4-fluoroamphetamine.

(27) 1-(thiophen-2-yl)-2-methylaminopropane (also known as methiopropamine).

(m) This definition shall not include:

(1) Endocannabinoids that are naturally found in the human body;

(2) Delta-9 Tetrahydrocannabinol (THC) or other marijuana-derived cannabinoids, in the form of marinol, dronabinol, or another generic pharmaceutical equivalent, provided the medication has been issued as the result of a valid prescription; or

(3) Any other drugs that have cannabinoid receptor activity that are currently approved by the United States Food and Drug Administration for medical use; or marijuana and

extracts of marijuana authorized for therapeutic use pursuant to RSA 126-X.

359-O:3 Prohibited Activities. No person or business shall sell, barter, give, publicly display for sale or attempt to sell, possess, or transport, any material, compound, mixture, or preparation which contains any quantity of a synthetic drug or its optical, positional, and geometric isomers, salts, and salts of isomers, whenever the existence of such isomers, salts, and salts of isomers is possible within the specific chemical designation as defined in this chapter.

359-O:4 Exceptions. It shall not be an offense under this chapter if the person or business was acting at the direction of federal, state, or local law enforcement officers to enforce or ensure compliance with this chapter prohibiting the sale of the substances listed in RSA 359-O:2.

359-O:5 Penalties.

I. Any person or business who violates any provision of this chapter shall be assessed a fine of $500, plus penalty assessment. Each day a violation occurs shall constitute a separate offense.

II. In addition to any penalty provided for in paragraph I, any person or business who is found to be in possession of any of the substances listed in RSA 359-O:2, shall forfeit such substances to state or local law enforcement officers, or, if not forfeited, such substances shall be seized by state or local law enforcement officers and may be destroyed by such law enforcement officers in a method consistent with law.

359-O:6 Control of Synthetic Drugs.

I. The commissioner of the department of health and human services may add, delete, or otherwise revise the control of synthetic drugs as defined under RSA 359-O:2, by rule, pursuant to RSA 541-A, after hearing and after consulting with the pharmacy board. In making a determination regarding a synthetic drug, the commissioner shall consider the following:

(a) Actual or relative potential for abuse;

(b) Scientific evidence of its pharmacological effect, if known;

(c) State of current scientific knowledge regarding the substance;

(d) History and current pattern of abuse;

(e) Scope, duration, and significance of abuse;

(f) Risk to the public health;

(g) Potential of the substance to produce psychic or physical dependence liability; and

(h) Whether the substance is an immediate precursor of a substance already controlled under this chapter.

II. After considering the factors in paragraph I, the commissioner shall make findings relative to the substance and adopt a rule controlling the substance if he or she finds the substance has a potential for abuse.

III. In addition to the provisions of RSA 541-A, the commissioner shall give due notice of the time, place, and purpose of all hearings required under this chapter to podiatrists, osteopaths, hospitals,

pharmacists, physicians, dentists, veterinarians, advanced practice registered nurses, optometrists, laboratories, registered manufacturers, and suppliers and to the general public by such means as he or she shall deem adequate. From and after the hearing date, the sale or dispensation (except by prescription) of a drug or chemical containing any quantity of such substance as is the subject matter of the hearing shall be suspended pending a determination as to whether such substance is to be designated as a controlled drug. Designation as a controlled drug shall result in the continued suspension of the sale or dispensation (except by prescription) of any drug or chemical containing any quantity of such synthetic drug until the effective date of the designation. The substance shall thereafter be included in the definition of synthetic drug pursuant to this chapter. If any substance is so designated, the commissioner shall publish the designation in a newspaper of general circulation in the state once each week for 3 successive weeks or on the department's public Internet website.

IV. Substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

V. If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the commissioner, the commissioner shall similarly control the substance under this chapter after the expiration of 30 days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a synthetic drug, unless, within that 30-day period, the commissioner objects to inclusion, rescheduling, or deletion. In that case, the commissioner shall publish the reasons for objection and afford all interested persons an opportunity to be heard. At the conclusion of the hearing, the commissioner shall publish a decision, which shall be final unless altered by law. Upon publication of objection to inclusion, rescheduling, or deletion under this chapter by the commissioner, control under this chapter shall be stayed until the commissioner publishes a decision.

VI. Substances shall be listed by whatever official, common, usual, chemical, or trade name is designated.

VII. This section shall not apply to nonprescription or proprietary medicines as defined in RSA 318:1, XVIII.

359-O:7 Severability. If any provision of this chapter or the application thereof to any person, business, or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

204:7 Effective Date. This act shall take effect upon its passage.

Approved: July 6, 2015
Effective Date: July 6, 2015