

CHAPTER 115
SB 34-FN - FINAL VERSION

2021 SESSION

21-0720
04/10

SENATE BILL ***34-FN***

AN ACT relative to the definition of a controlled drug analog and prohibiting the sale or possession of synthetic urine and urine additives.

SPONSORS: Sen. D'Allesandro, Dist 20; Sen. Rosenwald, Dist 13; Sen. Giuda, Dist 2; Sen. Cavanaugh, Dist 16

COMMITTEE: Health and Human Services

ANALYSIS

This bill inserts a new definition of controlled drug analog, inserts a prohibition on the sale or possession of synthetic urine and urine additives, and repeals obsolete statutes governing the sale of synthetic drugs.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the definition of a controlled drug analog and prohibiting the sale or possession of synthetic urine and urine additives.

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

1 115:1 Alcoholic Beverages; Suspension or Revocation. Amend RSA 179:57, I to read as follows:

2 I. The commission shall cause frequent inspections to be made of all the premises with
3 respect to which any license has been issued under the provisions of this title. If any license:

4 (a) Violates any of the provisions of law or any of the rules of the commission adopted
5 under this title; or

6 (b) Fails to superintend in person or through a manager approved by the commission
7 the business for which the license was issued; or

8 (c) Allows the premises with respect to which the license was issued to be used for any
9 unlawful purposes; or

10 (d) Knowingly designates to be in charge of the premises any person who has been
11 convicted of a felony, unless the person has been approved by the commission pursuant to RSA
12 179:23, V[⁵]; or

13 (e) Otherwise fails to carry out in good faith the purposes of this title or if the premises
14 are regularly the site of violence, the license of such licensee may be suspended or revoked after
15 notice and hearing, in accordance with RSA 541-A:31-36. Notwithstanding any other provisions of
16 this chapter, the commission after the appropriate hearing may impose a fine of a specific sum,
17 which shall not be less than \$100 nor more than \$5,000 for any one offense. Such a fine may be
18 imposed instead of, or in addition to, any suspension or revocation of a license by the commission.

19 115:2 Controlled Drug Act; Definition of Controlled Drug Analog. RSA 318-B:1, VI-a is repealed
20 and reenacted to read as follows:

21 VI-a.(a) "Controlled drug analog" means a substance, however constituted, the chemical
22 structure of which is derivative of, or substantially similar to that of a controlled drug and:

23 (1) Which has been shown in laboratory studies to bind with and activate the same
24 central nervous receptors that are responsible for the psychoactive effects of a certain controlled
25 drug or controlled drug class; or

26 (2) With respect to a particular person, which such person represents or intends to
27 have similar psychoactive effects on the central nervous system as a controlled drug.

28 (b) "Controlled drug analog" shall not include:

29 (1) A controlled drug;

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(2) Any substance for which there is an approved new drug application;

(3) With respect to a particular person, any substance, if an exemption is in effect for investigational use for that person under 21 U.S.C. section 355, to the extent conduct with respect to the substance is pursuant to such an exemption; or

(4) Any compound, mixture, or preparation that contains any controlled drug or controlled drug analog that is not for administration to a human being or animal, and that is packaged in such a form or concentration, or with adulterants or denaturants so that, as packaged, it does not present any significant potential for abuse.

115:3 New Paragraph; Controlled Drug Act; Definition of Substantially Similar in Chemical Structure. Amend RSA 318-B:1 by inserting after paragraph XXXI the following new paragraph:

XXXI-a. "Substantially similar in chemical structure" means that the substance in question shares a common core structure with a controlled drug, meaning that the "backbone" of the molecule is the same, and has no more than 2 points of divergence (additions, deletions, or substitutions) from the controlled drug, which may consist of a single atom or a functional group or some combination thereof. Functional groups are further defined as alkyl, alkenyl, alkynyl, ring structures (either homocyclic or heterocyclic, with or without additional attached functional groups), organic halides, alkoxy, alcohol, ether, amine, aldehyde, ketone, carboxylic acid, ester, amide, nitrile, nitro, sulfide, thiene, thioester, or thiol.

115:4 Sale of Synthetic Drugs. RSA 359-O is repealed and reenacted to read as follows:

CHAPTER 359-O

SALE OR POSSESSION OF

SYNTHETIC URINE AND URINE ADDITIVES

359-O:1 Sale or Possession of Synthetic Urine and Urine Additives Prohibited.

I. No person or business shall:

(a) Manufacture, sell, distribute, market, or possess synthetic urine or urine additives;

or

(b) Attempt to defeat a drug or alcohol screening test by using synthetic urine or urine additives.

II. In this section, "drug or alcohol screening test" means an analysis of a sample of bodily fluid collected from a person for the purpose of detecting the presence of alcohol or drugs in the bodily fluid of the person.

III. Any person or business who violates this section shall be assessed a fine of \$500, plus penalty assessment. Each day a violation occurs shall constitute a separate offense.

115:5 Repeal. The following are repealed:

I. RSA 143-A:9-b, relative to sale of a synthetic drug by a food service licensee.

II. RSA 179:63, relative to sale or distribution of a synthetic drug by an alcoholic beverage licensee.

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- 1 III. RSA 284:21-h, III-a, relative to the sale or distribution of a synthetic drug at a retail
2 establishment or sales location licensed to sell lottery tickets.
3 115:6 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 09, 2021

Effective Date: September 07, 2021

