



STATUTORY INSTRUMENTS.

S.I. No. 201 of 2010



MISUSE OF DRUGS (DESIGNATION)(AMENDMENT) ORDER 2010

(Prn. A10/0637)

MISUSE OF DRUGS (DESIGNATION)(AMENDMENT) ORDER 2010

I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by section 13 of the Misuse of Drugs Act 1977 (No. 12 of 1977) (as adapted by the Health (Alteration of Name of Department and Title of Minister) Order 1997 (S.I. No. 308 of 1997)), hereby order as follows:—

1. This Order may be cited as the Misuse of Drugs (Designation) (Amendment) Order 2010.

2. In this Order, “Principal Order” means the Misuse of Drugs (Designation) Order 1998 (S.I. No. 69 of 1998).

3. The Principal Order is amended by inserting the following article after article 4:

“5. The manufacture, production, preparation, sale, supply, distribution and possession of the drugs specified in Schedule 1 is unlawful except for the purposes specified in Schedule 2.

6. It is unlawful for any person who is either a practitioner or a pharmacist to have in his possession the drugs specified in Schedule 1, or to do in relation to any such drugs any of the things mentioned in section 5(2) of the Misuse of Drugs Act 1977 (No. 12 of 1977) except under a licence or other authority issued by the Minister for Health and Children.”

4. Schedule 1 to the Misuse of Drugs (Designation) Order 1998 (S.I. No. 69 of 1998) is amended:—

(a) in paragraph 1(a)—

(i) by inserting the following before “Bufotenine”:-

“1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-pentanone.

1-Benzylpiperazine.”

(ii) by inserting the following after “Concentrate of poppy-straw”:-

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

3-Dimethylheptyl-11-hydroxyhexahydrocannabinol.”,

(iii) by inserting the following after “Eticyclidine”:-

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 14th May, 2010.

“Etryptamine.

1-(2-Fluorophenyl)-2-methylaminopropan-1-one.

1-(3-Fluorophenyl)-2-methylaminopropan-1-one.

1-(4-Fluorophenyl)-2-methylaminopropan-1-one.

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.”, and

(iv) by inserting the following after “Mescaline”:-

“Methcathinone.

1-(4-Methoxyphenyl)-2-(methylamino)propan-1-one.

2-Methylamino-1-(3,4-methylenedioxyphenyl)butan-1-one.

2-Methylamino-1-(3,4-methylenedioxyphenyl)propan-1-one.

α -Methyl-4-(methylthio)phenethylamine.

1-(4-Methylphenyl)-2-methylaminopropan-1-one.”.

(b) by inserting after paragraph 1(e) the following subparagraphs—

“(f) Any substance structurally derived from 3-(1-naphthoyl)indole or 1*H*-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl 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;

(g) Any substance structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl 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;

(h) Any substance structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl 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;

(i) Any substance structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring

with alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl 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;

- (j) Any substance 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;
- (k) Any substance (not being a substance for the time being specified in Schedule 3 to the Misuse of Drugs Regulations 1988 (S.I. No. 328 of 1988) (as amended)) structurally derived from 1-benzylpiperazine or 1-phenylpiperazine by modification in any of the following ways—
- (i) by substitution at the second nitrogen atom of the piperazine ring with alkyl, benzyl, haloalkyl or phenyl groups;
- (ii) by substitution in the aromatic ring to any extent with alkyl, alkoxy, alkylendioxy, halide or haloalkyl groups.”

5. Schedule 2 to the Principal Order is amended by the substitution of the following for paragraph (b):—

“(b) the growing of hemp from seed varieties specified, by the Commission of the European Communities, as being eligible for the purposes of Article 2 of Council Regulation (EC) No. 1673/2000 of 27 July 2000 (OJ No. L193, 29.7.2000, pages 16-22);”.



GIVEN under my Official Seal,
11 May 2010.

MARY HARNEY,
Minister for Health and Children.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

The purpose of this Order is to amend the Misuse of Drugs (Designation) Order 1998 by inserting into Schedule 1 to that Order synthetic cannabinoids, 1-Benzylpiperazine (BZP) and a group of substituted piperazines and mephedrone and related cathinones and other controlled drugs.

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