



STATUTORY INSTRUMENTS.

S.I. No. 200 of 2010



MISUSE OF DRUGS (AMENDMENT) REGULATIONS 2010

(Prn. A10/0636)

MISUSE OF DRUGS (AMENDMENT) REGULATIONS 2010

I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by sections 4, 5 (as amended by section 4 of the Irish Medicines Board (Miscellaneous Provisions) Act 2006 (No. 3 of 2006)) and 38 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 make the following Regulations:

Citation

1. These Regulations may be cited as the Misuse of Drugs (Amendment) Regulations 2010.

Interpretation

2. In these Regulations, “Principal Regulations” means the Misuse of Drugs Regulations 1988 (S.I. No. 328 of 1988) as amended by the Misuse of Drugs (Amendment) Regulations 1993 (S.I. No. 342 of 1993), the Misuse of Drugs (Amendment No. 1) Regulations 1999 (S.I. No. 273 of 1999), the Misuse of Drugs (Amendment) Regulations 2006 (S.I. No. 53 of 2006), the Misuse of Drugs (Amendment) Regulations 2007 (S.I. No. 200 of 2007), the Misuse of Drugs (Amendment) Regulations 2009 (S.I. No. 63 of 2009) and the Misuse of Drugs (Amendment) (No. 2) Regulations 2009 (S.I. No. 122 of 2009).

Amendment of article 4 of the Principal Regulations

3. Article 4 of the Principal Regulations is amended by inserting the following after sub-article (2):—

“(3) (a) Sub-article (1) shall not apply to Butan-1,4-diol and Dihydrofuran-2(3H)-one except where a person imports, exports, produces, supplies or offers to supply either substance in circumstances where he knows, or ought reasonably to know, that the substance will be used for the purpose of human ingestion, whether by himself or another person, other than as a flavouring in food.

(b) In this sub-article references to Butan-1,4-diol and Dihydrofuran-2(3H)-one include—

- (i) any stereoisomeric form of Butan-1,4-diol or Dihydrofuran-2(3H)-one;
- (ii) any salt of Butan-1,4-diol, Dihydrofuran-2(3H)-one or of a substance specified in sub-paragraph (i) of this paragraph; and

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

- (iii) any preparation or other product containing Butan-1,4-diol, Dihydrofuran-2(3H)-one or a substance specified in sub-paragraph (i) or (ii) of this paragraph.”

Insertion of a new article 9A into the Principal Regulations

4. The Principal Regulations are amended by the insertion of the following article after article 9:—

“9A (1) A person may have in his possession Butan-1,4-diol or Dihydrofuran-2(3H)-one except where he knows or ought reasonably to know that such substance is intended for human ingestion, whether by himself or another person, other than as a flavouring in food.

(2) In this article references to Butan-1,4-diol and Dihydrofuran-2(3H)-one include—

- (i) any stereoisomeric form of Butan-1,4-diol or Dihydrofuran-2(3H)-one;
- (ii) any salt of Butan-1,4-diol, Dihydrofuran-2(3H)-one or of a substance specified in sub-paragraph (i) of this paragraph; and
- (iii) any preparation or other product containing Butan-1,4-diol, Dihydrofuran-2(3H)-one or a substance specified in paragraph (i) or (ii) of this sub-article.”

Amendment of Schedule 1 to the Principal Regulations

5. (1) Paragraph 1(a) of Schedule 1 to the Principal Regulations is amended as follows:-

- (a) by substituting “1-benzylpiperazine (BZP)” with the words “1-Benzylpiperazine”,
- (b) by inserting “1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-pentanone” before “1-Benzylpiperazine”,
- (c) 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.”,

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

“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

(e) 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.”.

(2) The following subparagraphs are inserted after subparagraph (e) of paragraph 1 of Schedule 1 to the Principal Regulations:-

- (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) 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”.

Amendment of Schedule 2 to the Principal Regulations

6. (1) Paragraph 1 of Schedule 2 to the Principal Regulations is amended as follows:—

- (a) by inserting after “Difenoxin” the word “Dihydroetorphine.”,
- (b) by inserting after “Norpipanone” the word “Oripavine.”,
- (c) by inserting after “Racemorphan” the word “Remifentanil.” and
- (d) by inserting after “Sufentanil” the word “Tapentadol.”.

(2) Paragraph 6 of Schedule 2 to the Principal Regulations is amended as follows:-

- (a) by inserting after “Acetyldihydrocodeine” the word “Amineptine.”,
- (b) by inserting after “Amphetamine” the word “Amphetaminil.”, and
- (c) by inserting after “N-Ethylamphetamine” the word “Zipeprol.”.

Amendment of Schedule 3 to the Principal Regulations

7. Paragraph 1(a) of Schedule 3 to the Principal Regulations is amended as follows:—

- (a) by inserting after “Cathine” the following:—

“1-(3-Chlorophenyl)-4-(3-chloropropyl)piperazine.

1-(3-Chlorophenyl)piperazine.”, and

- (b) by inserting after “4-Hydroxybutanoic acid” the word “Ketamine.”.

Amendment of Schedule 4 to the Principal Regulations

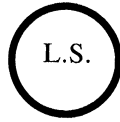
8. Paragraph 1(a) of Part 1 of Schedule 4 to the Principal Regulations is amended as follows:—

- (a) by inserting after “Alprazolam” the word “Aminorex.”,

(b) by inserting after “Bromazepam” the word “Brotizolam.”,

(c) by inserting after “Mefenorex” the word “Mesocarb.”, and

(d) by inserting after “Triazolam” the word “Zolpidem.”.



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 these Regulations is to amend the Misuse of Drugs Regulations 1988 by inserting certain controlled drugs into the Schedules to the Principal Regulations. The Principal Regulations apply controls to the groups of drugs specified in Schedules 1 to 5 of the Regulations (being drugs to which the Misuse of Drugs Acts 1977 and 1984 apply) the effect of which is to impose restrictions on the production, supply, importation and exportation of the drugs in question, which vary according to the extent to which these drugs are used for medical or scientific purposes and having regard to the likelihood of their being abused.

These Regulations insert into Schedule 1 certain synthetic cannabinoids, benzylpiperazine derivatives (with the exception of 2 substances which are inserted into Schedule 3), mephedrone and related cathinones, and other narcotic and psychotropic substances. A number of other substances are inserted into Schedules 2, 3 and 4.

Butan-1,4-diol and Dihydrofuran-2(3H)-one are not inserted into any schedule. However, article 4 is amended to make it lawful to import, export, produce, supply, or offer to supply these substances except for the purpose of human ingestion other than as a flavouring in food. In addition, a new article 9A is inserted to make it lawful to possess these substances except for the purpose of human ingestion other than as a flavouring in food.

BAILE ÁTHA CLIATH
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