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*Number 6 of 2015*

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**Misuse of Drugs (Amendment) Act 2015**

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**MISUSE OF DRUGS (AMENDMENT) ACT 2015**

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[No. 6.]

*Misuse of Drugs (Amendment) Act 2015.*

[2015.]

ACTS REFERRED TO

Misuse of Drugs Act 1977 (No. 12)

Misuse of Drugs Acts 1977 to 2007



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*Number 6 of 2015*

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## **MISUSE OF DRUGS (AMENDMENT) ACT 2015**

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An Act to amend the Misuse of Drugs Act 1977; to confirm certain statutory instruments; and to provide for related matters. [11th March, 2015]

**Be it enacted by the Oireachtas as follows:**

### **Amendment of Misuse of Drugs Act 1977**

1. The Schedule to the Misuse of Drugs Act 1977 is amended—
  - (a) by the insertion, after paragraph 1, of the matter specified in *Schedule 1*,
  - (b) by the insertion, in paragraph 2, of “or 1A” after “paragraph 1”,
  - (c) by the insertion of the following paragraph after paragraph 2:

“2A. Any stereoisomeric form of a substance specified in paragraph 1B.”,
  - (d) by the insertion, in paragraph 3, of “, 1A” after “paragraph 1”,
  - (e) by the substitution, in paragraph 4, of “paragraph 1, 1A, 1B, 2, 2A or 3” for “paragraph 1, 2 or 3”, and
  - (f) by the substitution, in paragraph 5, of “paragraph 1, 1A, 1B, 2, 2A, 3 or 4” for “paragraph 1, 2, 3 or 4”.

### **Confirmation of certain statutory instruments**

2. (1) Every statutory instrument specified in *Schedule 2* shall have statutory effect as if it were an Act of the Oireachtas.
  - (2) If *subsection (1)* would, but for this subsection, conflict with a constitutional right of any person, the operation of that subsection shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect.

### **Short title, collective citation, construction and commencement**

3. (1) This Act may be cited as the Misuse of Drugs (Amendment) Act 2015.
  - (2) This Act and the Misuse of Drugs Acts 1977 to 2007 may be cited together as the Misuse of Drugs Acts 1977 to 2015 and shall be construed together as one Act.
  - (3) This Act shall come into operation on the day immediately following the date of its passing.

## SCHEDULE 1

## Section 1

## INSERTION OF PARAGRAPHS 1A AND 1B IN SCHEDULE TO MISUSE OF DRUGS ACT 1977

## 1A. (a) Alfentanil

(3-Amino-2,2-dimethylpropyl)4-aminobenzoate

5-(2-Aminopropyl)indole

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

*N*-(1-Benzyl-4-piperidyl)propionanilide

1-(4-Bromofuro[2,3-*f*][1]benzofuran-8-yl)propan-2-amine

Carfentanil

Cathinone

3,4-Dichloro-*N*-[[1-(dimethylamino)cyclohexyl]methyl]benzamide

Dihydroetorphine

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

Dimethocaine

3-Dimethylheptyl-11-hydroxyhexahydrocannabinol

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-phenyl]pentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate

*N*-Hydroxy-tenamphetamine

4-Iodo-2,5-dimethoxy-*N*-(2-methoxybenzyl)phenethylamine

Khat (being the leaves of *Catha edulis* (Celastraceae))

Lofentanil

Methcathinone

2-(3-Methoxyphenyl)-2-(ethylamino)cyclohexanone

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

Methyl(2*S*,4*aR*,6*aR*,7*R*,10*aS*,10*bR*)-9-acetyloxy-2-(furan-3-yl)-6*a*,10*b*-dimethyl-4,10-dioxo-2,4*a*,5,6,7,8,9,10*a*-octahydro-1*H*-benzo[*f*]isochromene-7-carboxylate and any product, whether natural or otherwise, including any plant or plant material of any kind or description, which contains any proportion of the said substance

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

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

4-Methyl-aminorex

(8-Methyl-8-azabicyclo[3.2.1]octan-3-yl)-4-fluorobenzoate

Methyl-2-[(2*S*,3*S*,7*aS*,12*bS*)-3-ethyl-7*a*-hydroxy-8-methoxy-2,3,4,6,7,12*b*-hexahydro-1*H*-indolo[2,3*a*]quinolizin-2-yl]-3-methoxyprop-2-enoate and any product, whether natural or otherwise, including any plant or plant material of any kind or description, which contains any proportion of the said substance

Methyl-2-[(2*S*,3*S*,12*bS*)-3-ethyl-8-methoxy-1,2,3,4,6,7,12,12*b*-octahydroindolo[2,3*a*]quinolizin-2-yl]-3-methoxyprop-2-enoate and any product, whether natural or otherwise, including any plant or plant material of any kind or description, which contains any proportion of the said substance

$\alpha$ -Methyl-4-(methylthio)phenethylamine

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

Nabilone

Oripavine

Phencyclidine

1-Phenylcyclohexylamine

4-(1-Phenylcyclohexyl)morpholine

1-Piperidinocyclohexanecarbonitrile

Remifentanyl

Rolicyclidine

Sufentanyl

Tapentadol

Tenocyclidine

*N*-[1-(2-Thienyl)-4-piperidyl]propionanilide

4-[1-(2-Thienyl)cyclohexyl]morpholine

1-[1-(2-Thienyl)cyclohexyl]pyrrolidine

Tilidine.

- (b) Any substance (not being bupropion) structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways:
- (i) by substitution in the phenyl ring to any extent with alkyl, alkenyl, alkynyl, alkoxy, alkylthio, alkylendioxy, haloalkyl or halo substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
  - (ii) by substitution at the 2- or 3-position of the propanone side-chain with an alkyl substituent;
  - (iii) by substitution at the nitrogen atom with one or more alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.
- (c) Any substance structurally derived from 2-amino-1-propanone by substitution at the 1-position with any monocyclic, or fused-polycyclic ring system (not being a phenyl ring or alkylendioxyphenyl ring system), whether or not the substance is further modified in any of the following ways:
- (i) by substitution in the ring system to any extent with alkyl, alkenyl, alkynyl, alkoxy, alkylthio, haloalkyl or halo substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
  - (ii) by substitution at the 3-position with an alkyl substituent;
  - (iii) by substitution at the 2-amino nitrogen atom with one or more alkyl or dialkyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- (d) Any substance structurally derived from 3-(1-benzoyl)indole or 3-(1-naphthoyl)indole by modification in any of the following ways:
- (i) by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl;
  - (ii) by replacement of one or more hydrogen atoms of any of the substituents referred to in *clause (i)*, with a halo substituent;
- whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl or naphthyl ring to any extent.
- (e) 1-Benzylpiperazine or any substance 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.



- (f) Any substance structurally derived from fentanyl by modification in one or more of the following ways, that is to say:
- (i) by replacement of the phenyl portion of the phenethyl group by any heteromonocycle whether or not further substituted in the heterocycle;
  - (ii) by substitution in the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halogeno, haloalkyl, amino or nitro groups;
  - (iii) by substitution in the piperidine ring with alkyl or alkenyl groups;
  - (iv) by substitution in the aniline ring with alkyl, alkoxy, alkylenedioxy, halogeno or haloalkyl groups;
  - (v) by substitution at the 4-position of the piperidine ring with any alkoxy-carbonyl or alkoxyalkyl or acyloxy group;
  - (vi) by replacement of the *N*-propionyl group by another acyl group.
- (g) 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.
- (h) 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.
- (i) 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.
- (j) 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.
- (k) Any substance structurally derived from pethidine by modification in one or more of the following ways, that is to say:
- (i) by replacement of the 1-methyl group by an acyl, alkyl whether or not unsaturated, benzyl or phenethyl group, whether or not further substituted;
  - (ii) by substitution in the piperidine ring with alkyl or alkenyl groups or with a propano bridge, whether or not further substituted;
  - (iii) by substitution in the 4-phenyl ring with alkyl, alkoxy, aryloxy, halogeno or haloalkyl groups;

- (iv) by replacement of the 4-ethoxycarbonyl by any other alkoxy carbonyl or any alkoxyalkyl or acyloxy group;
  - (v) by formation of an *N*-oxide or a quaternary base.
  - (l) Any substance (not being methoxyphenamine) structurally derived from phenethylamine, an *N*-alkyl-phenethylamine,  $\alpha$ -methylphenethylamine, an *N*-alkyl- $\alpha$ -methylphenethylamine,  $\alpha$ -ethylphenethylamine, or an *N*-alkyl- $\alpha$ -ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylendioxy or halo substituents, whether or not further substituted in the ring by one or more other univalent substituents.
  - (m) 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.
  - (n) Any fungus containing any proportion of psilocin or of an ester of psilocin.
  - (o) 1,2,3,4-Tetrahydronaphthalen-2-amine, 1,2-dihydronaphthalen-2-amine or 2,3-dihydro-*1H*-inden-2-amine or any substance structurally derived from 1,2,3,4-tetrahydronaphthalen-2-amine, 1,2-dihydronaphthalen-2-amine or 2,3-dihydro-*1H*-inden-2-amine by modification in any of the following ways:
    - (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkenyl, alkynyl, alkylthio, alkylendioxy, haloalkyl, hydroxy or halo substituents, whether or not further substituted by one or more other univalent substituents;
    - (ii) by *mono*- or *di*-substitution at the nitrogen atom with alkyl, alkenyl, alkynyl or haloalkyl groups or by inclusion of the nitrogen atom in a cyclic structure.
  - (p) Any substance structurally derived from tryptamine or from a ring-hydroxy tryptamine by substitution at the nitrogen atom of the side-chain with one or more alkyl substituents but no other substituent.
- 1B. (a) Alprazolam  
Amineptine  
Aminorex  
Amphetaminil  
2-Benzhydrylpiperidine  
Bromazepam  
Brotizolam  
Buprenorphine  
Butan-1,4-diol

Butorphanol  
Camazepam  
Cathine  
Chlordiazepoxide  
Clobazam  
Clonazepam  
Clorazepic acid  
Clotiazepam  
Cloxazolam  
Delorazepam  
Dextropropoxyphene  
Diazepam  
Diethylpropion  
Dihydrofuran-2(3*H*)-one  
Estazolam  
Ethchlorvnlol  
Ethinamate  
*N*-Ethylamphetamine  
Ethyl loflazepate  
Fencamfamin  
Fenethylamine  
Fenproporex  
Fludiazepam  
Flunitrazepam  
Flurazepam  
Glutethimide  
Halazepam  
Haloxazolam  
4-Hydroxybutanoic acid  
Ketamine  
Ketazolam

Lefetamine  
Loprazolam  
Lorazepam  
Lormetazepam  
Mazindol  
Mecloqualone  
Medazepam  
Mefenorex  
Meprobamate  
Mesocarb  
Methyprylone  
Midazolam  
Nalbuphine  
Nimetazepam  
Nitrazepam  
Nordazepam  
Oxazepam  
Oxazolam  
Pemoline  
Pentazocine  
Phentermine  
Pinazepam  
Prazepam  
Propylhexedrine  
Pyrovalerone  
Selegiline  
Temazepam  
Tetraazepam  
Triazolam  
Zipeprol  
Zolpidem.

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- (b) Any substance structurally derived from barbituric acid by *di*-substitution at the 5-position, whether or not there is also substitution at the 1-position by a methyl substituent.

[No. 6.]

*Misuse of Drugs (Amendment) Act 2015.*

[2015.]

SCHEDULE 2

Section 2

CONFIRMATION OF CERTAIN STATUTORY INSTRUMENTS

<b>Number &amp; Year</b>	<b>Title of Instrument</b>
No. 164 of 1979	Misuse of Drugs (Licence Fees) Regulations 1979
No. 321 of 1982	Misuse of Drugs (Safe Custody) Regulations 1982
No. 326 of 1988	Misuse of Drugs (Exemption) Order 1988
No. 328 of 1988	Misuse of Drugs Regulations 1988
No. 69 of 1998	Misuse of Drugs (Designation) Order 1998
No. 225 of 1998	Misuse of Drugs (Supervision of Prescription and Supply of Methadone) Regulations 1998