Draft Order laid before Parliament under section 2(5) of the Misuse of Drugs Act 1971 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

DANGEROUS DRUGS

The Misuse of Drugs Act 1971 (Amendment) Order 2013

Made - - - - ***

Coming into force in accordance with article 1

At the Court at *** , the ***

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 2(5) of the Misuse of Drugs Act 1971(**a**) a draft of this Order has been laid before Parliament on the recommendation of the Advisory Council on the Misuse of Drugs and approved by a resolution of each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred upon Her by section 2(2) of that Act, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the Misuse of Drugs Act 1971 (Amendment) Order 2013 and shall come into force on the fourteenth day after the day on which it is made.

Amendments to the Misuse of Drugs Act 1971

2. The following amendments are made to Part 2 of Schedule 2 to the Misuse of Drugs Act 1971 (which specifies the drugs which are subject to control under that Act as Class B drugs).

3. In paragraph 1(a), after "Zipeprol", insert—

"2-((Dimethylamino)methyl)-1-(3-hydroxyphenyl)cyclohexanol.".

4. For paragraph 1(c), substitute—

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

3–Dimethylheptyl–11–hydroxyhexahydrocannabinol.

(**a**) 1971 c. 38. Schedule 2 has been amended by section 21 of the Drugs Act 2005 (c. 17) and S.I. 1973/771, 1975/421, 1977/1243, 1979/299, 1983/765, 1984/859, 1985/1995, 1986/2230, 1989/1340, 1990/2589, 1995/1966, 1996/1300, 1998/750, 2001/3932, 2003/1243, 2003/3201, 2005/3178, 2006/3331, 2008/3130, 2009/3209, 2010/1207, 2010/1833, 2011/744 and 2012/1390.

[9–Hydroxy–6–methyl–3–[5–phenylpentan–2–yl] oxy–5, 6, 6a, 7, 8, 9, 10, 10a–octahydrophenanthridin–1–yl] acetate.

9-(Hydroxymethyl)–6, 6–dimethyl–3–(2–methyloctan–2–yl)–6a, 7, 10, 10a–tetrahydrobenzo[*c*]chromen–1–ol.

Nabilone.

Any compound structurally derived from 3–(1–naphthoyl)indole, 3-(2-naphthoyl) indole, 1*H*–indol–3–yl–(1–naphthyl)methane or 1*H*-indol-3-yl-(2-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl 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.

Any compound structurally derived from 3–(1–naphthoyl)pyrrole or 3-(2-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl 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.

Any compound structurally derived from 1–(1–naphthylmethylene)indene or 1-(2-naphthylmethylene)indene by substitution at the 3–position of the indene ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl 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.

Any compound structurally derived from 3–phenylacetylindole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl 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.

Any compound 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.

Any compound structurally derived from 3-benzoylindole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl 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.

Any compound structurally derived from 3-(1-adamantoyl)indole or 3-(2-adamantoyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent.

Any compound structurally derived from 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent.

(d) 1-Phenylcyclohexylamine or any compound (not being ketamine, tiletamine or a compound for the time being specified in paragraph 1(a) of Part 1 of this Schedule) structurally derived from 1-phenylcyclohexylamine or 2-amino-2-phenylcyclohexanone by modification in any of the following ways, that is to say,

(i) by substitution at the nitrogen atom to any extent by alkyl, alkenyl or hydroxyalkyl groups, or replacement of the amino group with a 1-piperidyl, 1-pyrrolidyl or 1-azepyl group, whether or not the nitrogen containing ring is further substituted by one or more alkyl groups;

(ii) by substitution in the phenyl ring to any extent by amino, alkyl, hydroxy, alkoxy or halide substituents, whether or not further substituted in the phenyl ring to any extent;

(iii) by substitution in the cyclohexyl or cyclohexanone ring by one or more alkyl substituents;

(iv) by replacement of the phenyl ring with a thienyl ring.".

5. In paragraph 2A, for "paragraph 1(ac) or (c)" substitute "paragraph 1(ac), (c) or (d)".

Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order adds, in article 3, 2-((dimethylamino)methyl)-1-(3-hydroxyphenyl)cyclohexanol, commonly known as *O*-desmethyltramadol, to paragraph 1(a) of Part 2 of Schedule 2 to the Misuse of Drugs Act 1971 which specifies drugs which are subject to control as Class B drugs under that Act. Article 4, which substitutes paragraph 1(c), adds new categories of synthetic cannabinoids, and inserts a new paragraph 1(d) which adds 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone, commonly known as methoxetamine, and other compounds related to ketamine and phencyclidine. 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone was a substance specified under section 2A of the Misuse of Drugs Act 1971 as a drug subject to temporary control by virtue of the Misuse of Drugs Act 1971 (Temporary Class Drug) Order 2012 (S.I. 2012/980) and ceases to be subject to such temporary control on the coming into force of this Order. Article 5 has the effect that any ester or ether of the substances specified in new paragraph 1(d) are to be controlled as Class B drugs.

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