

Synthetic Marijuana Advisory Council Minutes for unrecorded section of the meeting

03-12-2024

Guest speakers, from the Department of Labor and Industry (DLI), Marcie Bough and Jennifer Stallkamp, attended the council meeting to provide their perspective on synthetic cannabinoids in regards to the Montana Controlled Substances Act (MT CSA).

Synthetic cannabinoids such as delta-8-THC, delta-10-THC, HHC, HHCP, THC-0, THC-P, THC-jd, THC-B, etc. are schedule 1 drugs as they fall under the designation of a dangerous drug analog, tetrahydrocannabinols, and synthetic cannabinoids as cited in chapter 32 of the MT Controlled Substances Act below:

50-32-101. Definitions. As used in this chapter, the following definitions apply:

(7) (a) "Dangerous drug analogue" means any material, compound, mixture, or preparation that is structurally related to or chemically derived from any dangerous drug in Schedules I through V set forth in Title 50, chapter 32, part 2, or that is expressly or impliedly represented to produce or does produce a physiological effect similar to or greater than the effect of a dangerous drug in Schedules I through V.

(b) The term does not include any material, compound, mixture, or preparation that is currently listed as a dangerous drug in Schedules I through V set forth in Title 50, chapter 32, part 2, or in an administrative rule, that is approved for use by the United States food and drug administration, or that is otherwise specifically excepted from Title 50, chapter 32, part 2.

50-32-222. Specific dangerous drugs included in Schedule I. Schedule I consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(4) Hallucinogenic substances. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following is a hallucinogenic substance, including salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(ff) tetrahydrocannabinols, neutral compounds, and their corresponding acids, including synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, such as those listed in subsections (4)(ff)(i) through (4)(ff)(iii). Because nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered, are included in the category as follows:

(i) delta 9 (delta 1) cis or trans tetrahydrocannabinol and its optical isomers;

(ii) delta 8 (delta 6) cis or trans tetrahydrocannabinol and its optical isomers; and

(iii) delta 6a, 10a (delta 3,4) cis or trans tetrahydrocannabinol and its optical isomers.

(kk) synthetic cannabinoids, including: (i) unless specifically excepted or listed in another schedule, any chemical compound chemically synthesized from or structurally similar to any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found in any of the following chemical groups, or any of those groups that contain synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of those salts, isomers, or salts of isomers is possible within the specific chemical designation, including all synthetic cannabinoid chemical analogs in the following groups:

(H)(ii) any compound that has been demonstrated to have agonist binding activity at one or more cannabinoid receptors or is a chemical analog or isomer of a compound that has been demonstrated to have agonist binding activity at one or more cannabinoid receptors;

(5) (a) For the purposes of subsection (4), the term "isomer" includes the optical, positional, and geometric isomers.

(11) Dangerous drug analogues. Unless specifically excepted or listed in another schedule, this designation includes any material, compound, mixture, or preparation defined in 50-32-101 as a dangerous drug analogue.

It was also discussed the interplay between the MT CSA and the 2018 Farm Bill. DLI agreed it would be prudent to await amendments, if any, to the federal definition of hemp, prior to any major recommendations regarding hemp-derived/synthetic cannabinoids.

It was also discussed that simply testing product is an inadequate method of confirming the natural or synthetic status of any cannabinoid. Certain synthetics with a natural equivalent, are assumed synthetic as the trace concentration of these cannabinoids in biomass is so low that is not economically infeasible to produce directly from biomass. Additionally, the scientific literature has not identified natural equivalents of many synthetics on the market today. The only definitive method of determining the synthetic versus natural status of any cannabinoid is by thorough evaluation of the production batches, standard operating procedures, and manufacturing methods of the cannabinoid in question.