STATUTORY INSTRUMENTS.

S.I. No. 122 of 2021

MISUSE OF DRUGS ACT 1977 (CONTROLLED DRUGS) (DESIGNATION) ORDER 2021

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MISUSE OF DRUGS ACT 1977 (CONTROLLED DRUGS) (DESIGNATION) ORDER 2021

WHEREAS I, Stephen Donnelly, Minister for Health am of the opinion that it is in the public interest -

(*a*) for the manufacture, production, preparation, sale, supply, distribution and possession of the drugs specified in Schedule 1 to be unlawful except for the purposes of research or for other special purposes specified in Schedule 2, and

(*b*) for it to be unlawful for any person referred to in subsection (1)(b) of section 13 of the Misuse of Drugs Act 1977 (No. 12 of 1977) to have in his or her possession or to do in relation to the drugs specified in Schedule 1, any of the things mentioned in subsection (2) of section 5 of that Act except under a licence or other authority issued by me,

NOW I, Stephen Donnelly Minister for Health, in exercise of the powers conferred on me by section 13 of the said Act, hereby orders as follows:

1. This Order may be cited as the Misuse of Drugs (Controlled Drugs) (Designation) Order 2021.

2. In this Order, "Act of 1977" means the Misuse of Drugs Act 1977 (No. 12 of 1977).

3. The Misuse of Drugs (Designation) Order 2017 (S.I. No. 174 of 2017) is revoked.

4. The drugs specified in Schedule 1 are designated as drugs to which subsection (1) of section 13 of the Act of 1977 applies.

5. The purposes set out in Schedule 2 are specified for the purposes of subsection (1)(a) of section 13 of the Act of 1977.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 23rd *March,* 2021.

SCHEDULE 1

1. The following substance and products, namely-

(*a*) *N*-(Adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (otherwise known as Clockwork Orange, 5F AKB48)

N-[(2*S*)-1-Amino-3,3-dimethyl-1-oxobutan-2yl]-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide (otherwise known as ADB-CHMINACA)

N-(1-Amino-3,3-dimethyl-1-oxobutan-2yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (otherwise known as ADB-FUBINACA)

N-[(2*S*)-1-Amino-3-methyl-1-oxobutan-2-yl]-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide (otherwise known as AB-CHMINACA)

N-[(2*S*)-1-Amino-3-methyl-1-oxobutan-2yl]-1-pentyl-1*H*-indazole-3-carboxamide (otherwise known as AB-PINACA)

5-(2-Aminopropyl)indole (otherwise known as 5-IT)

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

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

2-(4-Bromo-2,5-dimethoxyphenyl)-*N*-[(2-methoxyphenyl)methyl]ethanamine (otherwise known as 25B-NBOMe)

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

Bufotenine

Cannabinol, except where contained in Cannabis or cannabis resin

Cannabinol derivatives, not being dronabinol or its stereoisomers

Cannabis (not being a preparation specified in paragraph 5 of Part 1 of Schedule 4 of the Misuse of Drugs Regulations 2017 (S.I. No. 173 of 2017) or a preparation or product specified in Schedule 1 to the Misuse of Drugs (Prescription and Control of Supply of cannabis for Medical Use) Regulations 2019 (S.I. No. 262 of 2019)) and permitted for supply pursuant to those Regulations

Cannabis resin

Cathinone

2-(4-Chloro-2,5-dimethoxyphenyl)-*N*-[(2-methoxyphenyl)methyl]ethanamine (otherwise known as 25C-NBOMe)

1-(4-Cyanobutyl)-*N*-(1-methyl-1-phenylethyl)-1*H*-indazole-3-carboxamide (otherwise known as CUMYL-4CN-BINACA)

1-Cyclohexyl-4-(1,2-diphenylethyl)piperazine (otherwise known as MT45)

Coca leaf

Concentrate of poppy straw

3,4-Dichloro-*N*-[[1-(dimethylamino)cyclohexyl]methyl] benzamide (otherwise known as AH-7921)

3,4-Dichloro-*N*-(2-dimethylamino-cyclohexyl)-*N*-methyl-benzamide (otherwise known as U-47700)

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

N,*N*-Diethyltryptamine

2,5-Dimethoxy-α,4-dimethylphenethylamine

N,*N*-Dimethyltryptamine

3-Dimethylheptyl-11-hydroxyhexahydrocannabinol

Ethyl phenyl(piperidin-2-yl)acetate (otherwise known as Ethylphenidate)

Eticyclidine

Etryptamine

[1-(5-Fluoropentyl)-1*H*-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (otherwise known as XLR-11)

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

N-Hydroxy-tenamphetamine

2-(4-Iodo-2,5-dimethoxyphenyl)-*N*-[(2-methoxyphenyl)methyl]ethanamine (otherwise known as 25I-NBOMe)

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

Lysergamide

Lysergide and other *N*-alkyl derivatives of lysergamide

Mescaline

Methcathinone

2-(3-Methoxyphenyl)-2-(ethylamino)cyclohexanone (otherwise known as methoxetamine

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

Methyl (2*S*,4a*R*,6a*R*,7*R*,10a*S*,10b*R*)-9-acetyloxy-2-(furan-3-yl)-6a,10b-dimethyl-4,10-dioxo-2,4a,5,6,7,8,9,10a-octahydro-1*H*-benzo[*f*]isochromene-7-carboxylate (otherwise known as Salvinorin A) 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

Methyl 2-[[1-(cyclohexylmethyl)indole-3-carbonyl]amino]-3,3-dimethylbutanoate (otherwise known as MDMB CHMICA)

Methyl (*E*)-2-[(2*S*,3*S*,7a*S*,12b*S*)-3-ethyl-7a-hydroxy-8-methoxy-2,3,4,6,7,12b-hexahydro-1*H*-indolo[2,3a]quinolizin-2-yl]-3-methoxyprop-2-enoate (otherwise known as 7-Hydroxymitragynine) 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 (*E*)-2-[(2*S*,3*S*,12b*S*)-3-ethyl-8-methoxy-1,2,3,4,6,7,12,12b-octahydroindolo[2,3a]quinolizin-2-yl]-3-methoxyprop-2-enoate (otherwise known as Mitragynine) 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*S*)-2-{[1-(5-fluoropentyl)-1*H*-indazole-3-carbonyl]amino}-3,3-dimethylbutanoate (otherwise known as 5F-MDMB-PINACA)

Methyl (2*S*)-2[[1-[(4-fluorophenyl)methyl]indazole-3-carbonyl]amino]-3-methylbutanoate (otherwise known as FUB-AMB)

4-Methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine (otherwise known as 4,4'-DMAR)

α-Methyl-4-(methylthio)phenethylamine

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

(1-Pentyl-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (otherwise known as UR-144)

N-Methyl-1-(thiophen-2-yl)propan-2-amine (otherwise known as Methiopropamine)

Psilocin

Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (otherwise known as Clockwork Orange, PB22)

Raw opium

Rolicyclidine

Tenocyclidine

N-[1-(2-Thenyl)-4-piperidyl]propionanilide

(*b*) Any substance (not being bupropion, diethylpropion or pyrovalerone) 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, alkylenedioxy, 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 alkylenedioxyphenyl 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 (not being a substance specified in Schedule 3 of the Misuse of Drugs Regulations 2017) 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, alkylenedioxy, halo or haloalkyl groups.

(*f*) Any substance (not being a substance specified in Schedule 2 of the Misuse of Drugs Regulations 2017) 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, halo, 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, halo or haloalkyl groups;

(v) by substitution at the 4-position of the piperidine ring with any alkoxycarbonyl 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 (not being a substance specified in Schedule 2 of the Misuse of Drugs Regulations 2017) 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, halo or haloalkyl groups;

(iv) by replacement of the 4-ethoxycarbonyl by any other alkoxycarbonyl or any alkoxyalkyl or acyloxy group;

(v) by formation of an *N*-oxide or of a quaternary base.

(*l*) Any substance (not being methoxyphenamine) structurally derived from phenethylamine, an *N*-alkyl-phenethylamine, α-methylphenethylamine, an *N*-alkyl- α-methylphenethylamine, α-ethylphenethylamine, or an *N*-alkyl- α- ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylenedioxy 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-1*H*-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-1*H*-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, alkylenedioxy, 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.

2. Any stereoisomeric form of a substance specified in paragraph 1.

3. Any ester or ether of a substance specified in paragraph 1 or 2.

4. Any salt of a substance specified in any of paragraphs 1, 2 or 3.

5. Any preparation or other product containing any proportion of a substance or product specified in any of paragraphs 1, 2, 3 or 4, not being a preparation specified in Schedule 5 of the Misuse of Drugs Regulations 2017.

SCHEDULE 2

The following purposes, namely:-

(*a*) research, forensic analysis or use as an essential intermediate or starting material in an industrial manufacturing process;

(*b*) the growing of hemp from seed varieties specified, by the Commission of the European Communities, as being eligible for the purposes of Article 1 of Regulation (EU) No. 1307/2013 of the European Parliament and of the Council of 17 December 2013[1];

subject to such licensing provision under the Act of 1977 and the Regulations made thereunder as are applicable.

L.S.

GIVEN under my Official Seal,
18 March, 2021.

STEPHEN DONNELLY,
Minister for Health.

[1] OJ No L 347, 20.12.2013, p. 608

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 2017 by inserting into Schedule 1 to that Order the following:

N-[(2*S*)-1-Amino-3,3-dimethyl-1-oxobutan-2yl]-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide (otherwise known as ADB-CHMINACA)

N-(1-Amino-3,3-dimethyl-1-oxobutan-2yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (otherwise known as ADB-FUBINACA)

N-[(2*S*)-1-Amino-3-methyl-1-oxobutan-2-yl]-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide (otherwise known as AB-CHMINACA)

N-[(2*S*)-1-Amino-3-methyl-1-oxobutan-2yl]-1-pentyl-1*H*-indazole-3-carboxamide (otherwise known as AB-PINACA)

1-(4-Cyanobutyl)-*N*-(1-methyl-1-phenylethyl)-1*H*-indazole-3-carboxamide (otherwise known as CUMYL-4CN-BINACA)

Methyl (2*S*)-2-{[1-(5-fluoropentyl)-1*H*-indazole-3-carbonyl]amino}-3,3-dimethylbutanoate (otherwise known as 5F-MDMB-PINACA)

Methyl (2*S*)-2[[1-[(4-fluorophenyl)methyl]indazole-3-carbonyl]amino]-3-methylbutanoate (otherwise known as FUB-AMB)

(1-Pentyl-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (otherwise known as UR-144)

This Order may be cited as the Misuse of Drugs Act 1977 (Controlled Drugs) (Designation) Order 2021.

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