



STATUTORY INSTRUMENTS.

**S.I. No. 552 of 2011**



MISUSE OF DRUGS (AMENDMENT) REGULATIONS 2011

**(Prn. A11/1969)**

## MISUSE OF DRUGS (AMENDMENT) REGULATIONS 2011

I, RÓISÍN SHORTALL, Minister of State at the Department of Health, 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) and the Health (Delegation of Ministerial Functions) (No. 2) Order 2011 (S.I. No. 493 of 2011), hereby make the following Regulations:

*Citation*

1. These Regulations may be cited as the Misuse of Drugs (Amendment) Regulations 2011.

*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), the Misuse of Drugs (Amendment) (No. 2) Regulations 2009 (S.I. No. 122 of 2009), the Misuse of Drugs Regulations 2010 (S.I. No. 200 of 2010) and the Misuse of Drugs (Amendment) (No. 2) Regulations 2010 (S.I. No. 607 of 2010).

*Amendment of Schedule 1 to the Principal Regulations*

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

- (a) by inserting “1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (otherwise known as BromodragonFLY)” after “1-Benzyl-piperazine”,
- (b) by inserting the following after “1-(4-Methoxyphenyl)-2-(methylamino)propan-1-one.”:—

“Methyl (2S,4aR,6aR,7R,10aS,10bR)-9-acetyloxy-2-(furan-3-yl)-6a,10b-dimethyl-4,10-dioxo-2,4a,5,6,7,8,9,10a-octahydro-*IH*-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.” and

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 4th November, 2011.*

- (c) by inserting the following after “2-Methylamino-1-(3,4-methylenedioxyphenyl)propan-1-one.”:—

“Methyl 2-[(2S,3S,12bS)-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-[(2S,3S,7aS,12bS)-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.”.

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

“(l) 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, 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.

(m) 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.
- (n) 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.
- (o) 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.”.

*Amendment of Schedule 2 to the Principal Regulations*

4. Paragraph 1 of Schedule 2 to the Principal Regulations is amended:—

- (a) by inserting “(3-Amino-2,2-dimethylpropyl) 4-aminobenzoate (otherwise known as *Desethyl dimethocaine*).” after “Alphaprodine.”,
- (b) by inserting “Dimethocaine.” after “Dimepheptanol.”, and
- (c) by inserting “(8-Methyl-8-azabicyclo[3.2.1]octan-3-yl) 4-fluorobenzoate (otherwise known as *Fluorotropacocaine*.” after “4-Cyano-1-methyl-4-phenylpiperidine.”.

*Amendment of Schedule 3 to the Principal Regulations*

5. Paragraph 1(a) of Schedule 3 to the Principal Regulations is amended by inserting “2-Benzhydrylpiperidine (otherwise known as Desoxyipradrol)” before “Cathine.”.

GIVEN under my hand,  
1 November 2011.

RÓISIN SHORTALL,  
Minister of State at the Department of Health.

## 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 those Regulations. The Regulations of 1988 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, exportation and authority to be in possession 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 substances structurally derived from cathinone (excluding bupropion, diethylpropion and pyrovalerone), substances structurally derived from naphyrone and related substances, substances structurally derived from 2-aminotetralin, 2-aminoindane, 2-aminodilin and related substances, additional synthetic cannabinoids, and BromodragonFLY. In addition, salvinorin A, mitragynine and 7-hydroxymitragynine are inserted into Schedule 1, as are products, plants and plant materials containing those substances and their preparations. Dimethocaine and fluorotropacocaine are inserted into Schedule 2. Desoxypradrol is inserted into Schedule 3.

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