

# THE DUTCH List 1a

*(Draft version downloaded on 2021-11-11)*

This is a machine-translated version of the "Dutch 1a" - an amendment to drugs legislation in the Netherlands that will schedule/ban many/most currently available NPS in Mid-2022.

The law (still a draft version) - describes banning 3 whole substance groups which will be added to the new schedule category going by the name "List 1a".

**The Original Source/Document in Dutch Language:**

[https://www.internetconsultatie.nl/opiumwet\\_nps/](https://www.internetconsultatie.nl/opiumwet_nps/)

[https://www.internetconsultatie.nl/opiumwet\\_nps/document/5537](https://www.internetconsultatie.nl/opiumwet_nps/document/5537)



Amendment of the Opium Act in connection with the addition of a third list with the aim of counteracting the production of and trade in new psychoactive substances, and some other amendments

We Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, etc., etc., etc.

All those who will see or hear this read, salute:

We have taken into consideration that it is desirable to amend the Opium Act in order to add a third list with the aim of counteracting the production of and trade in new psychoactive substances and thereby protecting public health and order, and that it is desirable to include an additional basis for granting an exemption under the Opium Act for industrial purposes where the end product meets the requirements set by or pursuant to the Opium Act;

Now therefore We, having heard the Advisory Division of the Council of State, and in consultation with the States-General, have approved and decreed as We hereby approve and decree:

1

## 1. ARTICLE I

The Opium Act is amended as follows:

A

Article 1 is amended as follows:

1. In the first paragraph, a section shall be added, replacing the full stop at the end of section j with a semicolon:
  - k. substance group means a group of substances derived from the same structure.
2. In the fourth and fifth paragraphs, "referred to in Articles 2 and 3" shall be replaced each time by "referred to in Articles 2, 2a(1) and 3".

B

In Article 2(B), replace "to grow, to prepare" with "to grow, to prepare".

C

After Article 2, the following Article is inserted

## 2. Article 2a

1. It is prohibited to bring, prepare, process, sell, deliver, supply or transport, possess or manufacture a substance that is part of a substance group as referred to in list IA annexed to this Act, into or out of the territory of the Netherlands.
2. The prohibition in subsection 1 does not apply to:

- a. a **medicine** for which a marketing authorisation has been granted as referred to in Section 40, first paragraph, of the Medicines Act, or as referred to in Section 40, third paragraph, of this Act;
  - b. a **manufacturer as referred to in Section 1, first paragraph, subsection mm, of the Medicines Act or a wholesaler as referred to in Section 1, first paragraph, subsection nn, of that Act;**
  - c. a **manufacturer or wholesaler of active substances who is registered as referred to in Section 38 of the Medicines Act;**
  - d. a **pharmacist or general practitioner** who prepares medicines as referred to in Section 40, paragraph 3, under a, of the Medicines Act.
  - e. a **veterinary medicine** for which a marketing authorisation has been granted under Article 2.19 of the Animals Act;
  - f. a **manufacturer to whom a licence has been granted for the manufacture of veterinary medicines pursuant to Article 2.19 of the Animals Act;**
  - g. a **wholesaler to whom a licence has been granted for trading veterinary medicines pursuant to Section 2.19 of the Animals Act;**
  - h. a **scheduled substance listed in Annex I to Regulation (EC) No 273/2004 of European Parliament and of the Council of 11 February 2004 on drug precursors (OJEU 2004, L 47);**
  - i. a **scheduled substance listed in the Annex to Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors (OJEU 2005 L 22); or**
  - j. a **product as referred to in Articles 2 and 3.**
3. Any amendment of Annex I to Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors (OJ 2004 L 47) or the Annex to Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors (OJ 2005 L 22) shall apply for the purposes of this Article from the date on which the amendment in question must be implemented.

2

D

After article 3a an article is inserted reading:

### 3. Article 3aa

1. **A substance group can be added to list IA of this Act by general order in council if several substances belonging to that substance group have been or are added to list I of this Act.**
2. **By order in council, substance groups added under paragraph 1 may be deleted from list IA if substances included in that substance group have been or will be deleted from list I.**

E

In Section 3b, subsection 1, the words "as referred to in Section 2 or Section 3" shall be replaced by "as referred to in Section 2, Section 2a, subsection 1, or Section 3".

F

In the first paragraph of Article 3c, "a prohibition laid down in Article 2 or 3" is replaced by "a prohibition laid down in Articles 2, 2a(1) or 3".

G

In Article 6, first paragraph, the words "as referred to in Article 2 or 3" shall be replaced by "as referred to in Articles 2, 2a, first paragraph, or 3".

H

Article 8 is amended as follows:

1. In the opening words of paragraph 1, "An exemption can only be granted" shall be replaced by "An exemption from a prohibition as referred to in Articles 2 or 3 can only be granted".
2. In paragraph 1(a), "animal health" is replaced by "animal health".
3. A section shall be added to subsection 1, replacing the full stop at the end of section c with a semicolon:
  - d. need them for industrial purposes in order to produce a product that meets the requirements under or pursuant to this Act.
4. The following paragraph is added
  3. An exemption from a prohibition as referred to in section 2a(1) may only be granted if the applicant has demonstrated to the satisfaction of Our Minister:
    - a. that it is in the interests of public or animal health;
    - b. to require them for the performance of scientific or analytical-chemical research or for instructional purposes, insofar as this does not conflict with the interests of public health; or
    - c. need them to perform an act as referred to in Section 3a0(1) pursuant to an agreement with:
      1. another person to whom an exemption has been granted pursuant to Article 6, first paragraph;
      2. another who is established in another country and who is entitled to import the resources into that country, insofar as this is not contrary to the interests of public health;
  - di. need them for industrial purposes in order to produce a product that meets the requirements set by or pursuant to this Act.

I

Article 8a is amended as follows:

1. In the first paragraph, after "referred to in List I or II" insert "or of a substance which is part of a group of substances referred to in List IA".
2. In subsection 2(a), "referred to in Section 2 or 3" is replaced by "referred to in Sections 2, 2a(1) or 3".

3

J

In Section 8f, first paragraph, the words "as referred to in Article 2 or 3" shall be replaced by "as referred to in Articles 2, 2a, first paragraph, or 3".

K

Article 9 is amended as follows:

1. The first paragraph is amended as follows:
  - a. In the opening words, "The investigating officers" shall be replaced by "The investigating officers referred to in Article 8k".
  - b. In part a, after "as referred to in list I or II" insert "or substances which belong to a group of substances as referred to in list IA, with the exception of substances referred to in section 2a, second paragraph".
2. In the fourth paragraph, after "as referred to in list I or II" insert "or substances which belong to a group of substances as referred to in list IA, with the exception of substances referred to in section 2a, second paragraph".
3. The following paragraph is added
  5. Our Minister of Agriculture, Nature and Food Quality shall be authorised, if so requested, to use the information provided by farmers pursuant to sections 24 and 25 of the Agricultural Act to provide information on the condition of the plots cultivated by them and the name of the crop with which the plot will be cultivated, data which may include personal data regarding hemp cultivation designated pursuant to Article 3c to the investigating officers referred to in Article 8k, in order to be able to rule out the possibility that offences punishable under or pursuant to this Act are involved.

L

After article 10a, an article is inserted reading:

#### 4. Article 10b

1. A person who contravenes a prohibition given in section 2a, subsection 1, shall be punished by detention of not more than three months or a fine of the third category.
2. A person who intentionally violates a prohibition given in section 2a, subsection 1, shall be punished with imprisonment of not more than six years or a fine of the fifth category.

M

In section 11b, in the first paragraph, the words '10a, first paragraph' shall be replaced by the words '10a, first paragraph, 10b, second paragraph'.

N

In Article 12, the words '10a, first paragraph,' shall be replaced by the words '10a, first paragraph, 10b,'.

O

Article 13 is amended as follows:

1. In the first paragraph the words '10, first paragraph' shall be replaced by the words '10, first paragraph, 10b, first paragraph'.
2. In subsection 4, "10a, first paragraph," is replaced by "10a, first paragraph, 10b, second paragraph,".

P

In Article 13a, after "substances referred to in List I or II" insert "or substances which are part of a group of substances referred to in List IA, with the exception of those referred to in Article 2a(2)".

Q

In section 13b, subsection 1(a), after "by virtue of section 3a, subsection 5" insert "or a substance which belongs to a group of substances as referred to in list IA, with the exception of substances referred to in section 2a, subsection 2".

R

After Annex I to the Opium Act, the Annex to this Act is inserted as an Annex.

#### 5. ARTICLE II

This Act shall enter into force at a time to be determined by Royal Decree.

We order and command that this shall be published in the Bulletin of Acts, Orders and Decrees and that all ministries, authorities, boards and officials concerned shall ensure its accurate implementation.

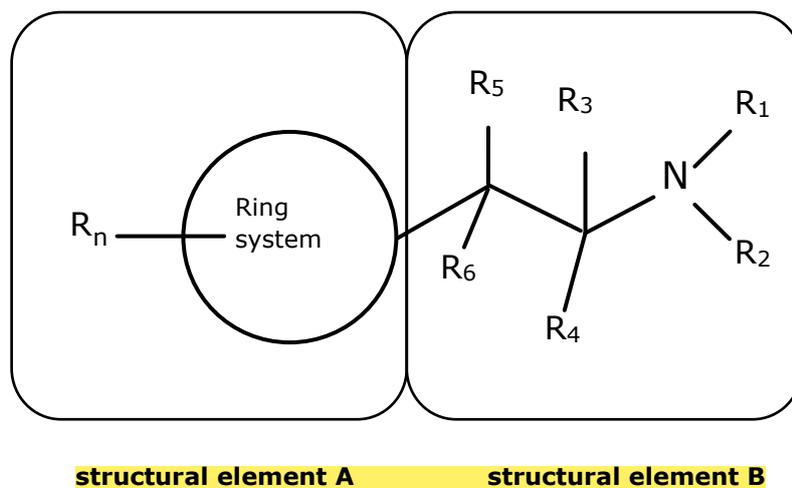
The State Secretary for Health, Welfare and Sport,

The Minister of Justice and Security,

## 6. Annex List IA

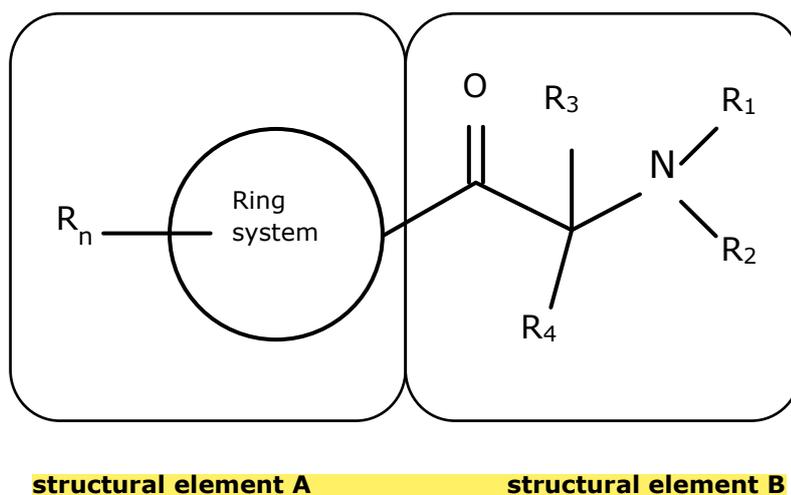
### 1. Substance group: Substances derived from 2-phenethylamine

A 2-phenethylamine derivative is any chemical substance that can be derived from the basic structure of 2-phenylethane-1-amine and corresponds to the modular structure of structural element A and structural element B, as shown below. *Figure 1*



This includes chemical substances that have the basic structure of cathinone (2-amino-1-phenyl-1propanone):

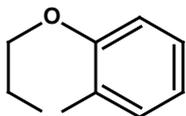
Figure 2



### 1.1 Structural element A

The following ring systems are included for structure element A, where structure element B can sit at any position of structure element A:

Phenyl, naphthyl, tetralinyl, methylenedioxyphenyl, ethylenedioxyphenyl, furyl, pyrrolyl, thienyl, pyridyl, benzofuranyl, dihydrobenzofuranyl, indanyl, indenyl, tetrahydrobenzodifuranyl, benzodifuranyl, tetrahydrobenzodipyranyl, cyclopentyl,

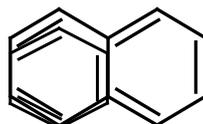


phenyl-

cyclohexyl



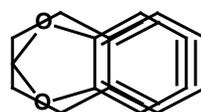
naphthyl-



O

O ethylenedioxyphenyl-

furyl-



tetralinyl-

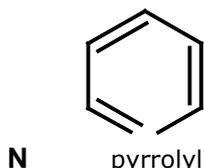
methylenedioxyphenyl-



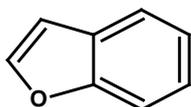
thienyl-



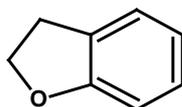
pyridyl-



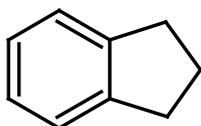
pyrrolyl-



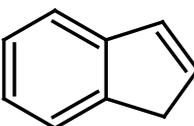
benzofuranyl-



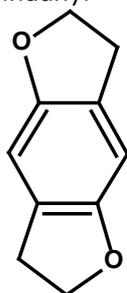
dihydrobenzofuranyl-



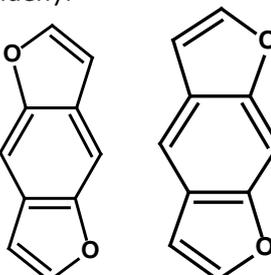
indanyl-



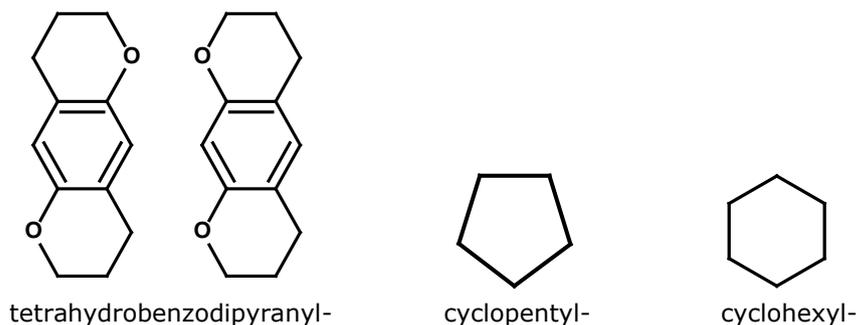
indenyl-



tetrahydrobenzodifuranyl-



benzodifuranyl-



These ring systems may be substituted at any position by the following atoms or atomic groups ( $R_n$ ):

Hydrogen, fluorine, chlorine, bromine, iodine, alkyl (up to  $C_6$ ), alkenyl (up to  $C_6$ ), alkoxy (up to  $C_6$ ), carboxy, alkyl sulphanyl (up to  $C_6$ ) and nitro groups.

The atomic groups described above may also be substituted with any chemically possible combination of carbon, hydrogen, nitrogen, oxygen, sulphur, fluorine, chlorine, bromine or iodine. The substituents obtained in this way can have an unbroken chain of not more than 8 atoms (not counting the hydrogen atoms). Atoms from the ring structure do not count.

## 1.2 Structural element B

The 2-amino-ethyl side chain of structure element B can be substituted with the following atoms, atom groups or ring systems:

(a)  $R_1$  and  $R_2$  at the nitrogen atom:

hydrogen, alkyl (up to  $C_6$ ), cycloalkyl (up to  $C_6$ ), benzyl, alkenyl (up to  $C_6$ ), alkyl carbonyl (up to  $C_6$ ), hydroxy and amino groups.

Substances in which the nitrogen atom is an integral part of a ring system are also covered by the definition (e.g., pyrrolidinyl-, piperidinyl-). A ring system in which the nitrogen atom is part of structural element B is also possible.

Substances in which the nitrogen atom is directly integrated into a ring system fused to structural element A are not included in the group of substances derived from 2-phenethylamine.

The substituents  $R_1$  and  $R_2$  may also be substituted with any chemically possible combination of carbon, hydrogen, nitrogen, oxygen, sulphur, fluorine, chlorine, bromine or iodine. The substituents obtained in this way can have an unbroken chain of not more than 6 atoms (not counting the hydrogen atoms). Atoms from the ring structure do not count.

b)  $R_3$  and  $R_4$  on the  $C_1$  atom and  $R_5$  and  $R_6$  on the  $C_2$  atom:

Hydrogen, fluorine, chlorine, bromine, iodine, alkyl (up to  $C_{10}$ ), cycloalkyl (up to  $C_{10}$ ), benzyl, phenyl, alkenyl (up to  $C_{10}$ ), alkinyl (up to  $C_{10}$ ), hydroxy, alkoxy (up to  $C_{10}$ ), alkylsulfonyl- (up to  $C_{10}$ ), alkylloxycarbonyl- (up to  $C_{10}$ ) groups, including chemical substances of which a substitution can lead to a ring transition with structural element A.

The atomic groups and ring structures described above can also be substituted with any chemically possible combination of carbon, hydrogen, nitrogen, oxygen, sulphur, fluorine, chlorine, bromine or iodine.

The substituents obtained in this way can have an unbroken chain of not more than 10 atoms (not counting hydrogen atoms). Atoms from the ring structure do not count.

- c) A carbonyl group at the beta position relative to the nitrogen atom (also known as *betaketo* derivatives, see figure 2 with the basic structure of cathinone under point 1: where R<sub>5</sub> and R<sub>6</sub> at the C<sub>2</sub> atom are replaced by a carbonyl group (C=O)).

## 2. Substance group: Cannabimimetics / Synthetic cannabinoids

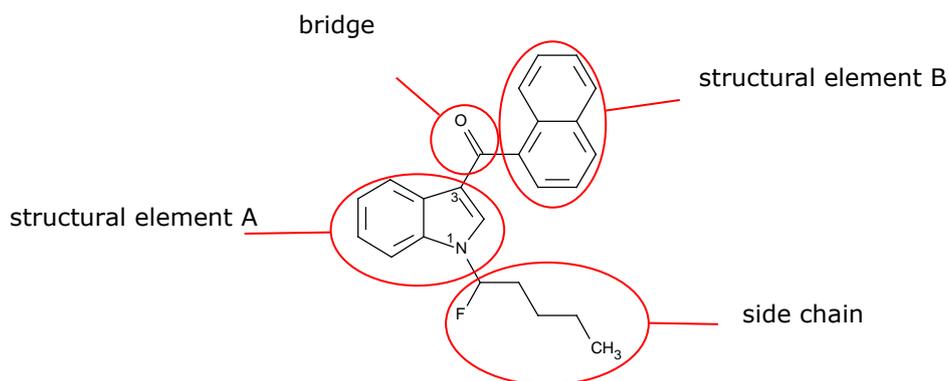
A cannabimimetic or synthetic cannabinoid is any chemical compound that conforms to the following modular structure:

- a structural element A, which is connected at a defined position to
- a bridge
- to a structural element B
- and has a side chain at a defined position.

Figure 3 shows the modular structure of 1-fluor-JWH-018.

8

Figure 3



1-fluoro-JWH-018 has as structural element A indol-1,3-diyl, as bridge a carbonyl group at the 3 position, as structural element B a 1-naphthyl group and as side chain a 1-fluoropentyl group at the 1 position.

Structural element A, bridge, structural element B and side chain are defined as follows:

## 2.1 Structural element A

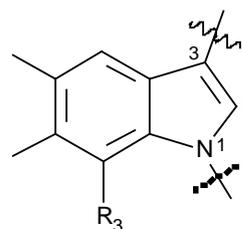
Structural element A includes the ring systems a to e as described below.

These ring systems can be substituted at positions 5, 6 and 7 with the following atoms or atomic groups: hydrogen, fluorine, chlorine, bromine, iodine, methyl, methoxy and nitro groups.

These substituents are denoted in figures a to e as  $R_1$ ,  $R_2$  and  $R_3$ . The squiggly line indicates the binding site for the bridge and the dotted line indicates the binding site for the side chain.

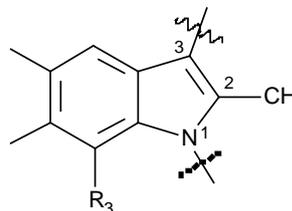
- a) Indol-1,3-diyl  
 (bindingsplaats voor de brug op positie 3,  $R_1$   
 bindingsplaats voor de zijketen op positie 1)

$R_2$



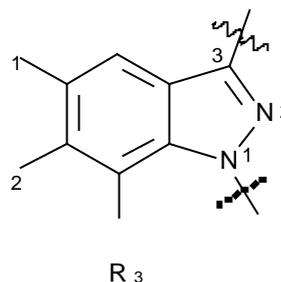
- b) 2-methylindol-1,3-diyl  
 (Bridge binding site at position 3,  $R_1$  binding site for  
 the side chain in position 1)

$R_2$



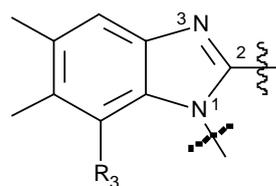
- c) Indazol-1,3-diyl  
 (bonding location for the bridge in position 3, R  
 binding site for the side chain at position 1)

R

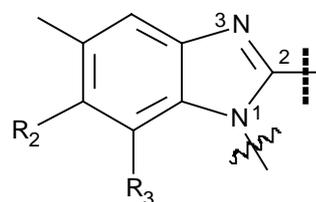


- d) Benzimidazol(bindingsplaats voor de brug op positie  
 2, -1,2-diyl-isomeer I  $R_1$  bindingsplaats voor de  
 zijketen op positie 1)

$R_2$



- e) Benzimidazole (bridge site in position 1, -1,2-diyl-  
 isomeer II  $R_1$  side chain binding site at position 2)



## 2.2 Bridge

The bridge may consist of the following molecular groups linked via the binding site to structure element A under 2.1:

- a) carbonyl and azacarbonyl groups;
- b) carboxamide group (the carbonyl group is attached to structural element A);
- c) carboxyl group (the carbonyl group is attached to structural element A); and
- d) a heterocyclic ring structure of up to 5 atoms directly attached to the binding site of structural element A.

## 2.3 Structural element B

Structural element B may consist of any chemically possible combination of carbon, hydrogen, nitrogen, oxygen, sulphur, fluorine, chlorine, bromine or iodine with a maximum molecular weight of 400 u and may contain the following molecular groups:

- a) Any substituted saturated, unsaturated or aromatic ring structure, including polycyclic and heterocyclic ring structures, which may also be linked via a substituent;
- b) any substituted chain group with a continuous chain of not more than 12 atoms (not including the hydrogen atoms).

## 2.4 Side chain

The side chain comprises the following molecular groups attached to structure element A as described under 2.1:

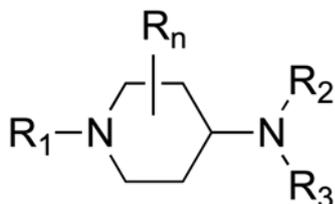
- a) saturated and monounsaturated, branched and non-branched hydrocarbon chains, which may also contain oxygen and/or sulphur atoms in the chain. These chains may also contain fluorine, chlorine, bromine, iodine, trifluoromethyl and/or cyano-substituents. Substituents containing oxygen and/or sulphur with a continuous chain, including hetero-atoms, of 3 to 7 atoms (not counting hydrogen atoms) also belong here.
- b) saturated, unsaturated and aromatic ring structures, either directly linked or linked via a methylene, ethylene or 2-oxoethylene ring, including heterocyclic ring structures. As well as derivatives that have fluorine, chlorine, bromine, iodine, trifluoromethyl, methoxy or cyano substituents attached to the ring. And also those derived compounds where the ring nitrogen has a methyl or ethyl group.

10

## 3. Substance group: Substances derived from 4-aminopiperidine

A substance derived from 4-aminopiperidine is any chemical substance that can be derived from the basic structure of 4-aminopiperidine, see Figure 4.

Figure 4



The following conditions apply:

R<sub>1</sub> is an alkyl group, which may be substituted at any position with the following atoms or atomic groups: fluorine, chlorine, bromine, iodine, hydroxy, aryl, alkoxy, alkoxycarbonyl or heterocyclic ring structure.

R<sub>2</sub> is an arylalkyl or cycloalkyl group or a heterocyclic ring structure. It may also be substituted at any position with the following atoms or atomic groups: fluorine, chlorine, bromine, iodine, hydroxy, alkyl, alkoxy.

R<sub>3</sub> is a carbonyl group substituted with a (cyclo)alkyl, (cyclo)alkenyl, aryl, methoxymethyl, ethoxy group or heterocyclic ring structure.

In addition, the piperidine ring may be substituted at any position with the following atoms or atomic groups (R<sub>n</sub>): fluorine, chlorine, bromine, iodine, hydroxy, alkyl, aryl, alkoxy, alkoxycarbonyl or heterocyclic ring structure.