

**Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0120.01 Richard Sweetman x4333

**SENATE BILL 12-116**

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**SENATE SPONSORSHIP**

**Foster,** Carroll, Johnston, Mitchell, Scheffel

**HOUSE SPONSORSHIP**

**Brown,** Levy, Beezley, Kagan

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**Senate Committees**

Local Government  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING PENALTIES ASSOCIATED WITH CATHINONES, AND, IN**  
102             **CONNECTION THEREWITH, ESTABLISHING A MISDEMEANOR**  
103             **PENALTY FOR POSSESSION OF A CATHINONE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill defines cathinones and establishes criminal penalties for possession of cathinones and for distributing, manufacturing, dispensing, or selling cathinones. Any person or entity that sells a product that is labeled as a "bath salt" or any other trademark and contains any amount

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

of a cathinone commits a deceptive trade practice and is subject to a civil penalty.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-18-102, **amend**  
3 (5); and **add** (3.5) as follows:

4 **18-18-102. Definitions.** As used in this article:

5 (3.5) (a) "CATHINONES" MEANS ANY SYNTHETIC OR NATURAL  
6 MATERIAL CONTAINING ANY QUANTITY OF A CATHINONE CHEMICAL  
7 STRUCTURE, INCLUDING ANY ANALOGS, SALTS, ISOMERS, OR SALTS OF  
8 ISOMERS OF ANY SYNTHETIC OR NATURAL MATERIAL CONTAINING A  
9 CATHINONE CHEMICAL STRUCTURE, INCLUDING BUT NOT LIMITED TO THE  
10 FOLLOWING SUBSTANCES AND ANY ANALOGS, SALTS, ISOMERS, OR SALTS  
11 OF ISOMERS \_\_\_ OF ANY OF THE FOLLOWING SUBSTANCES:

12 (I) ALPHA-PHTHALIMIDOPROPIOPHENONE;

13 (II) N, N-DIMETHYLCATHINONE (METAMFEPRAMONE);

14 (III) N-ETHYLCATHINONE (ETHCATHINONE);

15 (IV) ALPHA-PYRROLIDINOPROPIOPHENONE ( $\alpha$ -PPP);

16 (V) 2-METHYLAMINO-1-PHENYLBUTAN-1-ONE (BUPHEDRONE);

17 (VI) ALPHA-PYRROLIDINOBTIOPHENONE ( $\alpha$ -PBP);

18 (VII) ALPHA-PYRROLIDINOVALEROPHENONE ( $\alpha$ -PVP, PVP);

19 (VIII) 4-METHYLMETHCATHINONE (4-MMC, MEPHEDRONE);

20 (IX) 4'-METHYL-ALPHA-PYRROLIDINOPROPIOPHENONE (MPPP);

21 (X) 4'-METHYL-ALPHA-PYRROLIDINOBTIOPHENONE (MPBP);

22 (XI) 4'-METHYL-ALPHA-PYRROLIDINOHEXIOPHENONE (MPHP);

23 (XII) 4-METHOXYMETHCATHINONE (PMMC, METHEDRONE,

24 BK-PMMA);

25 (XIII) 4'-METHOXY-ALPHA-PYRROLIDINOPROPIOPHENONE

1 (MOPPP);  
2 (XIV) FLUOROMETHCATHINONE (4-FMC, FLEPHEDRONE, 3-FMC);  
3 (XV) 3,4-METHYLENEDIOXYMETHCATHINONE (METHYLONE,  
4 BK-MDMA);  
5 (XVI) 3,4-METHYLENEDIOXYETHCATHINONE (ETHYLONE,  
6 BK-MDEA);  
7 (XVII) 3',4'-METHYLENEDIOXY-ALPHA-  
8 PYRROLIDINOPROPIOPHENONE (MDPPP);  
9 (XVIII) 2-METHYLAMINO-1-(3,4- METHYLENEDIOXYPHENYL)-  
10 1-BUTANONE (BUTYLONE, BK-MDBD);  
11 (XIX) 3',4'-METHYLENEDIOXY-ALPHA-  
12 PYRROLIDINOBTIOPHENONE (MDPBP);  
13 (XX) 2-METHYLAMINO-1-(3,4-METHYLENEDIOXYPHENYL)  
14 -1-CPENTANONE (BK-MBDP);  
15 (XXI) 3,4-METHYLENEDIOXYPYROVALERONE (MDPV);  
16 (XXII) NAPHTHYLPYROVALERONE (NAPHYRONE);  
17 (XXIII) 2-(METHYLAMINO)-1-PHENYL-1-PENTANONE  
18 PENTEDRONE); AND  
19 (XXIV) N-METHYLETHCATHINONE (4-MEC).

20 (b) "CATHINONES" DOES NOT INCLUDE DIETHYLPROPRION OR  
21 BUPROPRION.

22 (c) AS USED IN THIS SUBSECTION (3.5), "ANALOG" MEANS ANY  
23 CHEMICAL THAT IS SUBSTANTIALLY SIMILAR IN CHEMICAL STRUCTURE TO  
24 THE CHEMICAL STRUCTURE OF ANY CATHINONES.

25 (5) "Controlled substance" means a drug, substance, or immediate  
26 precursor included in schedules I through V of part 2 of this article,  
27 including cocaine, marijuana, marijuana concentrate, A CATHINONE, any

1 synthetic cannabinoid, and salvia divinorum.

2 **SECTION 2.** In Colorado Revised Statutes, **repeal** 18-18-203 (2)  
3 (e) (I).

4 **SECTION 3.** In Colorado Revised Statutes, **add** 18-18-406.7 and  
5 18-18-406.8 as follows:

6 **18-18-406.7. Unlawful possession of cathinones.** (1) IT IS  
7 UNLAWFUL FOR ANY PERSON TO POSSESS ANY AMOUNT OF ANY  
8 CATHINONES.

9 (2) A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION (1)  
10 OF THIS SECTION COMMITS A CLASS 1 MISDEMEANOR.

11 **18-18-406.8. Unlawful distribution, manufacturing,**  
12 **dispensing, or sale of cathinones.** (1) IT IS UNLAWFUL FOR ANY PERSON  
13 TO KNOWINGLY:

14 (a) DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL, OR TO  
15 POSSESS WITH INTENT TO DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL,  
16 ANY AMOUNT OF ANY CATHINONES; OR

17 (b) INDUCE, ATTEMPT TO INDUCE, OR CONSPIRE WITH ONE OR MORE  
18 OTHER PERSONS TO DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL, OR  
19 POSSESS WITH INTENT TO DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL,  
20 ANY AMOUNT OF ANY CATHINONES.

21 (2) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION  
22 COMMITS A CLASS 3 FELONY AND SHALL BE SENTENCED AS PROVIDED IN  
23 SECTION 18-1.3-401; EXCEPT THAT, UNLESS A GREATER SENTENCE IS  
24 PROVIDED UNDER ANY OTHER STATUTE, THE PERSON SHALL BE SENTENCED  
25 TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE  
26 MINIMUM, BUT NOT MORE THAN TWICE THE MAXIMUM, OF THE  
27 PRESUMPTIVE RANGE PROVIDED FOR THE OFFENSE IN SECTION 18-1.3-401

1 (1)(a) AS MODIFIED PURSUANT TO SECTION 18-1.3-401 (10), IF THE PERSON  
2 IS AT LEAST EIGHTEEN YEARS OF AGE AND:

3 (a) DISTRIBUTED, DISPENSED, OR SOLD; OR POSSESSED WITH  
4 INTENT TO DISTRIBUTE, DISPENSE, OR SELL; ANY AMOUNT OF ANY  
5 CATHINONES TO A MINOR UNDER EIGHTEEN YEARS OF AGE WHO IS AT  
6 LEAST TWO YEARS YOUNGER THAN SAID PERSON; OR

7 (b) INDUCED, ATTEMPTED TO INDUCE, OR CONSPIRED WITH ONE OR  
8 MORE OTHER PERSONS TO DISTRIBUTE, DISPENSE, OR SELL ANY AMOUNT OF  
9 ANY CATHINONES TO A MINOR UNDER EIGHTEEN YEARS OF AGE WHO IS AT  
10 LEAST TWO YEARS YOUNGER THAN SAID PERSON.

11 **SECTION 4.** In Colorado Revised Statutes, **add** 6-1-723 as  
12 follows:

13 **6-1-723. Cathinone bath salts - deceptive trade practice.** (1) IT  
14 IS UNLAWFUL FOR ANY PERSON OR ENTITY TO DISTRIBUTE, DISPENSE,  
15 MANUFACTURE, OR SELL TO A PURCHASER ANY PRODUCT THAT IS LABELED  
16 AS A BATH SALT OR ANY OTHER TRADEMARK IF THE PRODUCT CONTAINS  
17 ANY AMOUNT OF ANY CATHINONES, AS DEFINED IN SECTION 18-18-102  
18 (3.5), C.R.S.

19 (2) A VIOLATION OF THIS SECTION SHALL BE DEEMED A DECEPTIVE  
20 TRADE PRACTICE AS PROVIDED IN SECTION 6-1-105 (1) (e), AND THE  
21 VIOLATOR SHALL BE SUBJECT TO A CIVIL PENALTY AS DESCRIBED IN  
22 SECTION 6-1-112 (1) (d) IN ADDITION TO ANY APPLICABLE CRIMINAL  
23 PENALTY.

24 **SECTION 5.** In Colorado Revised Statutes, 6-1-112, **add** (1) (d)  
25 as follows:

26 **6-1-112. Civil penalties.** (1) (d) ANY PERSON WHO VIOLATES OR  
27 CAUSES ANOTHER TO VIOLATE THE PROVISIONS OF SECTIONS 6-1-105 (1)

1 (e) AND 6-1-723 BY DISTRIBUTING, DISPENSING, OR SELLING ANY PRODUCT  
2 THAT IS LABELED AS A "BATH SALT" OR ANY OTHER TRADEMARK IF THE  
3 PRODUCT CONTAINS ANY AMOUNT OF ANY CATHINONES, AS DEFINED IN  
4 SECTION 18-18-102 (3.5), C.R.S., SHALL FORFEIT AND PAY TO THE  
5 GENERAL FUND OF THE STATE A CIVIL PENALTY OF NOT LESS THAN TEN  
6 THOUSAND DOLLARS AND NOT MORE THAN FIVE HUNDRED THOUSAND  
7 DOLLARS FOR EACH SUCH VIOLATION; EXCEPT THAT THE PERSON SHALL  
8 FORFEIT AND PAY TO THE GENERAL FUND OF THE STATE A CIVIL PENALTY  
9 OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS AND NOT MORE  
10 THAN FIVE HUNDRED THOUSAND DOLLARS FOR EACH SUCH VIOLATION IF  
11 THE PERSON DISTRIBUTES, DISPENSES, OR SELLS THE PRODUCT TO A MINOR  
12 UNDER THE AGE OF EIGHTEEN AND THE PERSON IS AT LEAST EIGHTEEN  
13 YEARS OF AGE AND AT LEAST TWO YEARS OLDER THAN THE MINOR.

14 **SECTION 6. Potential appropriation.** Pursuant to section  
15 2-2-703, Colorado Revised Statutes, any bill that results in a net increase  
16 in periods of imprisonment in the state correctional facilities must include  
17 an appropriation of moneys that is sufficient to cover any increased  
18 capital construction and operational costs for the first five fiscal years in  
19 which there is a fiscal impact. Because this act may increase periods of  
20 imprisonment, this act may require a five-year appropriation.

21 **SECTION 7. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, and safety.