Subjecting the new psychoactive substance methyl 2-[[1-(cyclohexylmethyl)-1Hindole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures

2016/0262(NLE) - 27/02/2017 - Final act

PURPOSE: to subject the new psychoactive substance MDMB-CHMICA to control measures.

NON-LEGISLATIVE ACT: Council Implementing Decision (EU) 2017/369 on subjecting methyl 2-[[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures.

CONTENT: the purpose of the Council's implementing decision is to **subject the new psychoactive substance 'MDMB-CHMICA' to control measures throughout the Union.**

The risk-assessment report drawn up in accordance with Decision 2005/387/JHA by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), and was subsequently submitted to the Commission and the Council on 28 July 2016 concluded that this psychoactive substance was detected in 23 Member States is a **synthetic cannabinoid** whose high potency constitutes a high risk of acute toxicity. It is mainly produced in China.

Eight Member States reported **28 deaths and 25 acute intoxications** associated with this substance.

MDMB-CHMICA is sold typically as commercial branded ‘legal high’ products in head shops, as well as on the internet as a ‘legal’ replacement for cannabis. It has no established or acknowledged human or veterinary medical use.

Only ten Member States control MDMB-CHMICA under their national drug control legislation, while five Member States use other legislation to control it.

The available evidence and information on the health and social risks that the substance poses provide sufficient grounds for subjecting MDMB-CHMICA to control measures across the Union.

By 4 March 2018, Member States shall take the necessary measures, in accordance with their national law, to **subject the new psychoactive substance to control measures and criminal penalties**, as provided for under their legislation, in compliance with their obligations under the 1971 United Nations Convention on Psychotropic Substances.

The United Kingdom is not bound by this Decision.

ENTRY INTO FORCE: 4.3.2017.