AMENDED Abbreviated Notice

AMENDED ABBREVIATED NOTICE OF INTENT TO ADOPT AND AMEND ADMINISTRATIVE RULES RELATIVE TO CONTROLLED SUBSTANCES

TAKE NOTICE that the North Dakota State Board of Pharmacy will hold a public hearing to address proposed additions to Administrative Code Article 61-13 Controlled Substances at 9:00 AM on Wednesday, January 9th, 2013 at the Wingate by Wyndam 4429 19th Ave SW - Fargo ND 58103. These proposed additions to the Administrative Code have been adopted as Emergency Rules with an effective date of December 3, 2012.

The purpose of Article 61-13 Controlled Substance rule addition is to schedule substances which have an actual or relative potential for abuse and which bear risk to the public health by unknown individuals using them by inhaling the smoke, vapors or by ingesting/injecting the substance. This includes their homologues, salts, isomers, and salts of isomers:

1. Synthetic cannabinoids –Including those substances which chemical structure falls under the following categories: Naphthoylindoles, Naphthylmethylindoles, Naphthoylpyrroles, Naphthylmethylindenes, Phenylacetylindoles, Cyclohexylphenols, Benzoylindoles, Tetramethylcyclopropanoylindoles.
2. Other synthetic cannabinoids – AM-1248, JWH-018 adamantyl carboxamide, STS-135, AKB-48, AB-001, CB-13.
3. Substituted phenethylamines
4. Substituted tryptamines
5. Hallucinogenic substances – TFMPP, 1-[4-(trifluoromethylphenyl)]piperazine, MDAI, MXE
6. Substituted cathinones
7. Stimulant substances – Fluoroamphetamine and Fluoromethamphetamine

Common names these products are being sold as include but are not limited to: White Rabbit, Orgazmo, New Dimension, Bizarro, Bayou Blaster, 100% Pure Evil, Sky Pilot Organic Sachet, Hayze, Pure, Demon, and Avalanche.

The proposed rule in 61-13 Controlled Substances may have an impact on the regulated community in excess of $50,000 and the regulatory analysis explains that impact.

The proposed rules may be reviewed on our website www.nodakpharmacy.com or at the office of the ND State Board of Pharmacy – 1906 E Broadway – Bismarck ND 58501. A Copy of the proposed rules and/or a regulatory analysis may be requested by writing P O Box 1354 Bismarck ND 58502-1354 or calling 701-328-9535. Written or oral comments on the proposed rules sent to the above address or telephone number and received by January 19th, 2013 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the ND State Board of Pharmacy at the above telephone number or address at least two weeks (14 days) prior to the public hearing.

Dated this 10th day of December 2012.

Amended Full Notice

AMENDED NOTICE OF INTENT TO ADOPT and AMEND ADMINISTRATIVE RULES

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The purpose of Article 61-13 Controlled Substance rule addition is to schedule substances which have an actual or relative potential for abuse and which bear risk to the public health by unknown individuals using them by inhaling the smoke, vapors or by ingesting/injecting the substance. This includes their homologues, salts, isomers, and salts of isomers:

1. The following substances are hereby placed in Schedule I of the Controlled Substances Act North Dakota Century Code 19-03.1-05 Schedule I, subsection 5, hallucinogenic substances:

    a. Cannabinoids, synthetic: It includes the chemicals and chemical groups listed below, including their homologues, salts, isomers, and salts of isomers. The term "isomer" includes the optical, position, and geometric isomers.

        (1) Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,~~or~~ 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

        (2) Naphthylmethylindoles. Any compound containing a 1H-indol-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,~~or~~ 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(3) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,~~or~~ 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone – Other names: JWH-307.

(4) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,~~or~~ 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane - Other names: JWH-176.

(5) Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,~~or~~ 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.

(6) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,~~or~~ 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not substituted in the cyclohexyl ring to any extent.

(7) Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an

alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,~~or~~ 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indolering to any extent and whether or not substituted in the phenyl ring to any extent.

(8) Tetramethylcyclopropanoylindoles. Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropanoyl ring to any extent.

(a) (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone - Other Names: UR-144

(b) (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone - Other Names: XLR-11

(c) (1-(2-morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone – Other names: A-796,260

(9) Others specifically named:

(a) 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl)indole - Other names: AM-1248

(b) *N*-Adamantyl-1-pentyl-1*H*-indole-3-carboxamide - Other names: JWH-018 adamantyl carboxamide

(c) *N*-Adamantyl-1-fluoropentylindole-3-carboxamide - Other names: STS-135

(d) N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide - Other names: AKB 48

(e) 1-Pentyl-3-(1-adamantoyl)indole – Other names: AB-001 and JWH-018 adamantyl analog

(f) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone – Other names: CB-13

b. Substituted phenethylamines. This includes any compound, unless specifically excepted, specifically named in this schedule, or listed under a different schedule, structurally derived from phenylethan-2-amine by substitution on the phenyl ring in any of the following ways, that is to say – by substitution with a fused methylenedioxy ring, fused furan ring, or a fused tetrahydrofuran ring; by substitution with two alkoxy groups; by substitution with one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system; by substitution with two fused ring systems from any combination of the furan, tetrahydrofuran, or tetrahydropyran ring systems whether or not the compound is further modified in any of the following ways, that is to say –

1. by substitution of phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alkylthio groups, or
2. by substitution at the 2-position by any alkyl groups, or
3. by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, hydroxybenzyl or methoxybenzyl groups.

(2) Examples include:

1. 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (also known as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine).
2. 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (also known as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine).
3. 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (also known as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine).
4. 2-(2,5-Dimethoxyphenyl)ethanamine (also known as 2C-H or 2,5-Dimethoxyphenethylamine).
5. 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-I or 2,5-Dimethoxy-4-iodophenethylamine).
6. 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (also known as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine).
7. 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (also known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine).
8. 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine).
9. 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine).

10. 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine).
11. 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine (also known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine).
12. 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine (also known as DOI or 2,5-Dimethoxy-4-iodoamphetamine).
13. 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane (also known as DOB or 2,5-Dimethoxy-4-bromoamphetamine).
14. 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (also known as DOC or 2,5-Dimethoxy-4-chloroamphetamine).
15. 2-(4-bromo-2,5-dimethoxyphenyl)-*N*-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-B-NBOMe; 25B-NBOMe or 2,5-Dimethoxy-4-bromo -N-(2-methoxybenzyl)phenethylamine).
16. 2-(4-iodo-2,5-dimethoxyphenyl)-*N*-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-I-NBOMe; 25I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine).
17. N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine (also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine).
18. 2-(4-chloro-2,5-dimethoxyphenyl)-*N*-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-C-NBOMe; ~~or~~ 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine).
19. 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine (also known as 2CB-5-hemiFLY).
20. 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (also known as 2C-B-FLY).
21. 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-*g*]chromen-5-yl)ethanamine (also known as 2C-B-butterFLY).
22. N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane (also known as 2C-B-FLY-NBOMe).
23. 1-(4-Bromofuro[2,3-*f*][1]benzofuran-8-yl)propan-2-amine (also known as bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY).

24. N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (also known as 2C-I-NBOH or 25I-NBOH).
25. 5-(2-Aminoprpyl)benzofuran (also known as 5-APB).
26. 6-(2-Aminopropyl)benzofuran (also known as 6-APB).
27. 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (also known as 5-APDB).
28. 6-(2-Aminopropyl)-2,3,-dihydrobenzofuran (also known as 6-APDB).
29. 2,5-dimethoxy-amphetamine (also known as 2, 5-dimethoxy-a-methylphenethylamine; 2, 5-DMA).
30. 2,5-dimethoxy-4-ethylamphetamine (also known as DOET).
31. 2,5-dimethoxy-4-(n)-propylthiophenethylamine (also known as 2C-T-7).
32. 5-methoxy-3,4-methylenedioxy-amphetamine.
33. 4-methyl-2,5-dimethoxy-amphetamine (also known as 4-methyl-2,5-dimethoxy-a-methylphenethylamine; DOM and STP).
34. 3,4-methylenedioxy amphetamine (also known as MDA).
35. 3,4-methylenedioxymethamphetamine (also known as MDMA).
36. 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA).
37. 3,4,5-trimethoxy amphetamine.
38. Mescaline (also known as 3,4,5-trimethoxyphenethylamine).

c. Substituted tryptamines. This includes any compound, unless specifically excepted, specifically named in this schedule, or listed under a different schedule, structurally derived from 2-(1H-indol-3-yl)ethanamine (i.e. tryptamine) by mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the compound is further substituted at the alpha-position with an alkyl group or whether or not further substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups. Examples include:
    (1) 5-methoxy-N,N-diallyltryptamine (also known as 5-MeO-DALT).
    (2) 4-acetoxy-N,N-dimethyltryptamine (also known as 4-AcO-DMT or O-Acetylpsilocin).
    (3) 4-hydroxy-N-methyl-N-ethyltryptamine (also known as 4-HO-MET).
    (4) 4-hydroxy-N,N-diisopropyltryptamine (also known as 4-HO-DIPT).

(5) 5-methoxy-N-methyl-N-isopropyltryptamine (also known as 5-MeO-MiPT
(6) 5-Methoxy-N,N-Dimethyltryptamine (also known as 5-MeO-DMT).
(7) Bufotenine (also known as 3-(Beta-Dimethyl-aminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine).
(8) 5-methoxy-N,N-diisopropyltryptamine (also known as 5-MeO-DiPT).
(9) Diethyltryptamine (also known as N,N-Diethyltryptamine; DET).
(10) Dimethyltryptamine (also known as DMT).
(11) Psilocyn.

d. 1-[3-(trifluoromethylphenyl)]piperazine (also known as TFMPP).

e. 1-[4-(trifluoromethylphenyl)]piperazine.

f. 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (also known as 5,6-Methylenedioxy-2-aminoindane or MDAI).

g. 2-(Ethylamino)-2-(3-methoxyphenyl)cyclohexanone (also known as Methoxetamine or MXE).

2. The following substances are hereby placed in Schedule I of the Controlled Substances Act North Dakota Century Code 19-03.1-05 Schedule I, subsection 7, stimulant substances:

a. Substituted cathinones. Any compound, material, mixture, preparation or other product, unless listed in another schedule or an approved FDA drug (e.g. buproprion, pyrovalerone), structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
(1) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substitutents;
(2) By substitution at the 3-position with an acyclic alkyl substituent;
(3) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
(4) By inclusion of the 2-amino nitrogen atom in a cyclic structure.
Some trade or other names:

(a) 3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone (also known as MDPPP)
(b) 3,4-Methylenedioxy-N-ethylcathinone (also known as Ethylone,MDEC, or bk-MDEA)
(c) 3,4-Methylenedioxy-N-methylcathinone (also known as Methylone or bk-MDMA)
(d) 3,4-Methylenedioxypyrovalerone (also known as MDPV)
(e) 3,4-Dimethylmethcathinone (also known as 3,4-DMMC)
(f) 2-(methylamino)-1-phenylpentan-1-one (also known as Pentedrone)
(g) 2-Fluoromethcathinone
(h) 3-Fluoromethcathinone
(i) 4-Methylethcathinone (also known as 4-MEC)
(j) 4-Fluoromethcathinone (also known as Flephedrone)
(k) 4-Methoxy-alpha-pyrrolidinopropiophenone (also known as MOPPP)
(l) 4-Methoxymethcathinone (also known as Methedrone; bk-PMMA)
(m) 4'-Methyl-alpha-pyrrolidinobutiophenone (also known as MPBP)
(n) Alpha-methylamino-butyrophenone (also known as Buphedrone or MABP)
(o) Alpha-pyrrolidinobutiophenone (also known as alpha-PBP)
(p) Alpha-pyrrolidinopropiophenone (also known as alpha-PPP)
(q) Alpha-pyrrolidinopentiophenone (also known as Alpha-pyrrolidinovalerophenone or alpha-PVP)
(r) Beta-keto-N-methylbenzodioxolylbutanamine (also known as Butylone or bk-MBDB)
(s) Ethcathinone (also known as N-Ethylcathinone)
~~(t)~~ 4-Methylmethcathinone (also known as Mephedrone or 4-MMC)
(u) Methcathinone
(v) N,N-dimethylcathinone (also known as metamfepramone)
(w) Naphthylpyrovalerone (also known as naphyrone)

b. Fluoroamphetamine
c. Fluoromethamphetamine

Common names these products are being sold as include but are not limited to: White Rabbit, Orgazmo, New Dimension, Bizarro, Bayou Blaster, 100% Pure Evil, Sky Pilot Organic Sachet, Hayze, Pure, Demon, and Avalanche.

The proposed rule in 61-13 Controlled Substances may have an impact on the regulated community in excess of $50,000 and the regulatory analysis explains that impact.

The proposed rules may be reviewed at the office of the ND State Board of Pharmacy – 1906 E Broadway – Bismarck ND 58501. A copy of the proposed rules and/or a regulatory analysis may be requested by writing P O Box 1354 Bismarck ND 58502-1354, calling 701-328-9535, or by e mail at ndboph@btinet.net. The proposed rules and regulatory analysis are also on the board's web site at www.nodakpharmacy.com. Written or oral comments on the proposed rules sent to the above address, e mail or telephone number and received by January 19, 2013 will be fully considered.

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Dated this 10th day of December, 2012.

Howard C. Anderson, Jr, RPh.
Executive Director

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