



STATE OF NORTH DAKOTA
GOVERNOR KELLY ARMSTRONG

NORTH DAKOTA STATE BOARD OF PHARMACY
OFFICE OF THE EXECUTIVE DIRECTOR

MARK J. HARDY, PHARM.D | 1838 E INTERSTATE AVE SUITE D • BISMARCK, ND 58503
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August 5, 2026

Ms. Liz Fordahl
Assistant Code Revisor
North Dakota Legislative Council
State Capital 600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Fordahl:

Please find attached for filing the following:

1. The Full Notice of Intent to Amend Administrative Rules as required by N.D.C.C. § 28-32-10(1);
2. A copy of the proposed amended North Dakota Administrative Code § 61-13-01-03; and
3. A letter of approval from the Governor as required by N.D.C.C. § 28-32-03(1).

The Board of Pharmacy (Board) has declared that the proposed amendment requires emergency rulemaking. Accordingly, the Board has declared these proposed amendments to be interim final rules **effective August 5th, 2026 at 5PM** by way of the Governor's approval.

Pursuant to N.D.C.C. § 28-32-03(5), the Board has determined that appropriate measures to make the proposed interim final rule known to every person who may have a substantial interest in the rule consist of advance notice via a press conference of the Governor and Attorney General on August 3rd; press coverage with media interviews of the changes, and to persons or entities who have expressed an interest in receiving notice of such rulemaking; furnishing this notice to the Legislative Council; and publishing notice of the proposed rulemaking once in each county newspaper of general circulation published in the state of North Dakota.

If you have any questions, please contact me anytime.

Thank you for your time and assistance in this matter.

Sincerely,

Mark J. Hardy, PharmD

Executive Director

MJH/bb

Enclosure(s) Notice of Intent to Adopt Administrative Rules

N.D.A.C. § 61-13-01-03 Proposed Rules

Letter from Governor Armstrong Approving Emergency Rules

FULL NOTICE OF INTENT TO ADOPT ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota Board of Pharmacy will hold a public hearing to address proposed amendments to N.D. Admin. Code 61-13-01-03 at 10:00 am CDT on September 17, 2026, at North Dakota State Capitol in the Pioneer Room at 600 East Boulevard Ave Bismarck ND, 58505.. The purpose of the proposed amendments is to address an imminent threat to the public safety and wellbeing by scheduling substances known to be subject to abuse and cause severe addiction or death. The proposed amendment addresses five alkaloids found within consumer products for sale or in circulation in North Dakota, each with potencies similar to Schedule I substances: 7-hydroxymitragynine (“7-OH,” “7-OHMG”), pseudoindoxyl mitragynine, MGM–15, MGM–16, and 7-acetoxymitragynine. The proposed rules make these substances Schedule I controlled substances under North Dakota’s Controlled Substances Act, N.D.C.C. ch. 19-03.1. The proposed amendment is expected to have an impact on the regulated community in excess of \$50,000.

These rules are emergency rules with an effective date of August 5th, 2026 at 5:00PM.

The proposed rules may be reviewed at the office of the North Dakota Board of Pharmacy 1838 E Interstate Ave Suite D, Bismarck, ND 58503. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address, emailing ndboph2@ndboard.pharmacy, or calling (701) 877-2404. Written or oral comments on the proposed rules sent to the above address or telephone number and received by September 27, 2026 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 North Dakota Board of Pharmacy at the above telephone number or address at least seven (7) days prior to the public hearing.

Dated this 5th day of August, 2026.

North Dakota Board of Pharmacy

Mark J. Hardy, PharmD, R.Ph
1838 E Interstate Ave Suite D
Bismarck, ND 58503
ndboph2@ndboard.pharmacy



August 5, 2026

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Executive Director
North Dakota Board of Pharmacy
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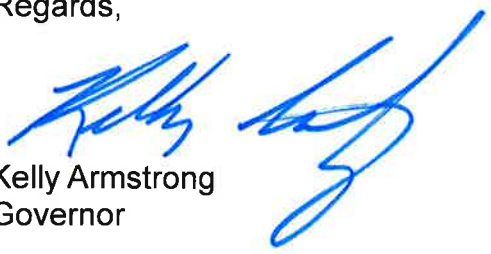
Dear Dr. Hardy:

On July 30, 2026, your request for approval of emergency rulemaking was received. The request seeks to amend North Dakota Administrative Code Section 61-13-01-03 relating to the scheduling of controlled substances and the inclusion of 7-hydroxymitragynine, MGM-15, MGM-16, pseudoindoxyl mitragynine, and 7-acetoxymitragynine in Schedule I of the Controlled Substances Act due to deaths in North Dakota attributed to 7-hydroxymitragynine and reports from licensed professionals, addiction counselors, and law enforcement in North Dakota detailing increasing instances of abuse and addiction resulting from products containing these alkaloids.

After reviewing the request under N.D.C.C. § 28-32-03, it is evident that emergency rulemaking is reasonably necessary to address an imminent peril to the public health, safety, or welfare of the people of North Dakota.

Adoption of the proposed rule as interim final rule is hereby approved.

Regards,


Kelly Armstrong
Governor