



Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000

Governor Sarah Huckabee Sanders

Renee Mallory, RN, BSN, Secretary of Health

Jennifer Dillaha, MD, Director

SUMMARY OF PROPOSED AMENDMENTS TO RULES PERTAINING TO THE LIST OF CONTROLLED SUBSTANCES FOR THE STATE OF ARKANSAS

The proposed listed amendments update List of Controlled Substances to include these drugs.

1. Schedule I, (b), (67), now (47) is an item that has been marked for clean-up.
2. Fentanyl Related Substances language has been added, marked for clean-up, and will have substances following this updated language. Schedule I, (b), (78), now (52), (i) through (vi). The language indicates the following:

Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers. Fentanyl-related substance means any substance not otherwise listed, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355], that is structurally related to fentanyl by one or more of the following modifications:

- i. Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;
- ii. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino or nitro groups;
- iii. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;
- iv. Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; *or*
- v. Replacement of the N-propionyl group by another acyl group;
- vi. *Fentanyl-related substances shall include but are not limited to:*

3. Schedule I, (b) (1), (7), (8), (11), (12), (34), (35), (42), (53), (56 through 65), (72 through 77) and (79 through 96) are current controlled substances. In addition, Schedule I, (b), (8) is marked for clean-up. These substances are moved to Fentanyl-related substances designation within Schedule I. Schedule I, (b), (52), (i) through (vi), (A) through (QQ). Relocation of these substances will result in subsequent numbering changes within Schedule I, (b).
4. Brorphine. The DEA has scheduled this opioid analgesic substance into Schedule I because it has no recognized medical use. This drug would be included in Schedule I to follow DEA. Schedule I, (b), (54).
5. Upon discussion with other state agencies with relevant knowledge of the substances, a request was submitted for the Benzimidazole-substances designation for substances with the following language be included into Schedule I without a recognized medical use.

It was also requested the following benzimidazole substances also listed after implemented language which include: 4'-Hydroxy Nitazene, 5-Aminoisotonitazene, Butonitazene, Etodesnitazene [other name(s): Etazene], Flunitazene, Isotodesnitazene, Metodesnitazene, N-Desethyl Etonitazene, N-Desethyl Isotonitazene, N-Piperidinyl Etonitazene [other name(s): Etonitazepipne], N-Pyrrolidino Etonitazene, [other name(s): Etonitazepyne], N-Pyrrolidino Protonitazene and Protonitazene.

Of note, Clonitazene, Etonitazene and Isotonitazene are Schedule I substances and will be relocated from their current position and placed in the Benzimidazole-opioid substances designation within Schedule I with subsequent numbering changes.

Metonitazene. The DEA has placed this opioid analgesic substance into Schedule I because it has no recognized medical use. This drug would be in the Benzimidazole-opioid substances designation within Schedule I. The language and the following benzimidazole-opioid substances will be included into Schedule I. Schedule I, (b), (55), (i) through (vi), (A) through (Q). The language and added substances are listed as the following:

Benzimidazole-opioid substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers. Benzimidazole-opioid substances means any substance not otherwise listed or excepted, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355], that structurally has benzimidazole ring with an ethylamine at its 1-position and benzyl group at its 2-position:

- i. With or without substitution on the benzimidazole;*
- ii. With or without substitution at the ethylamine;*
- iii. With or without inclusion of the ethylamine in a cyclic structure;*
- iv. With or without substitution on the benzyl ring; or*
- v. With or without replacement of the benzyl ring with an aromatic ring;*
- vi. Benzimidazole-opioid substances shall include but are not limited to:*
 - A. 4'-Hydroxy Nitazene;*
 - B. 5-Aminoisotonitazene;*
 - C. Butonitazene;*
 - D. Clonitazene;*
 - E. Etodesnitazene, [other name(s): Etazene];*
 - F. Etonitazene;*
 - G. Flunitazene;*
 - H. Isotonitazene;*
 - I. Isotodesnitazene*
 - J. Metodesnitazene;*
 - K. Metonitazene;*
 - L. N-Desethyl Etonitazene;*
 - M. N-Desethyl Isotonitazene;*
 - N. N-Piperidinyl Etonitazene, [other name(s): Etonitazepipne];*
 - O. N-Pyrrolidino Etonitazene, [other name(s): Etonitazepyne];*
 - P. N-Pyrrolidino Protonitazene; and*
 - Q. Protonitazene.*

6. Upon discussion with other state agencies with relevant knowledge of the substances, a request was submitted for this substance designation for

benzodiazepine substances with the following language to be included into Schedule I without a recognized medical use. In addition, Clonazepam, Flualprazolam, Flubromazepam Flubromazolam, and Phenazepam are current Schedule I substances and are relocated from their current position in Schedule I and placed in the benzodiazepine-substance designation within Schedule I with subsequent numbering changes.

Bromazolam. It was also requested that this depressant substance with no recognized medical use be included into Schedule I and placed in the benzodiazepine substances designation.

Lastly, Phenazepam [other names(s): Clobromazolam]. It was further requested that this depressant substance with no recognized medical use be included into Schedule I and placed in the benzodiazepine substances designation.

The language and the following benzodiazepine substances is included into Schedule I. Schedule I, (e), (4), (i) through (vii). The language and added substances are noted as the following:

Benzodiazepine substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers. Benzodiazepine substances includes any substance not otherwise listed or excepted, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355], that structurally has a fused 1,4-diazepine and benzene ring structure with a phenyl connected to the diazepine ring, with any substitution(s) or replacement(s) on the 1,4-diazepine or benzene ring, any substitution(s) on the phenyl ring, or any combination thereof. Benzodiazepine substances shall include but are not limited to:

- i. Bromazolam;*
- ii. Clonazepam;*
- iii. Flualprazolam;*
- iv. Flubromazepam;*
- v. Flubromazolam;*

- vi. *Phenazepam; and*
- vii. *Phenazolam [other name(s): Clobromazolam].*

7. Upon discussion with other state agencies with relevant knowledge of the substances, a request was submitted for the substance designation for Thienodiazepine substances with the following language included into Schedule I without a recognized medical use.

In addition, Etizolam is relocated from its current position in Schedule I and placed in the Thienodiazepine substances designation within Schedule I with subsequent numbering changes.

The language and the following Thienodiazepine substance are included into Schedule I. Schedule I, (e), (5), (i). The language and added substances are noted as the following:

Thienodiazepine substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers. Thienodiazepine substances includes any substance not otherwise listed or excepted, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355], that structurally has a fused 1,4-diazepine and thiophene ring structure with a phenyl connected to the 1,4-diazepine ring, with any substitution(s) or replacement(s) on the 1,4-diazepine or thiophene ring, any substitution(s) on the phenyl ring, or any combination thereof. Thienodiazepine substances shall include but are not limited to:

- i. *Etizolam*

8. Methiopropamine. (*N*-methyl-1-(thiophen-2-yl)propan-2-amine). The DEA has scheduled this stimulant substance into Schedule I because it has no recognized medical use. This drug would be included as Schedule I to follow DEA. Schedule I, (f), (1), (xv).
9. Eutylone is a Schedule I controlled substance. To follow DEA, a controlled substance code number has been set forth opposite of this substance. Schedule I, (f), (2), (xx).

10. Fenfluramine is a Schedule IV substance. Schedule IV, (d), (1). To follow DEA this drug is removed from the controlled substance list with subsequent outline changes that will follow within Schedule IV.
11. MDMB-4en-PINACA. Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate. Upon discussion with other state agencies with relevant knowledge of the substances, a request was submitted for this synthetic cannabinoid with no recognized medical use be included into Schedule VI. Schedule VI, (a), (5), (xi), (JJ).
12. CH-PIATA. N-cyclohexyl-2-(1-pentylindol-3-yl)acetamide. Upon discussion with other state agencies with relevant knowledge of the substances, a request was submitted for this synthetic cannabinoid with no recognized medical use be included into Schedule VI. Schedule VI, (a), (5), (xi), (KK).