

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Mental Health/DD/SAS

RULE CITATION: 10A NCAC 26F .0102

DEADLINE FOR RECEIPT: Thursday, November 11, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), please add a comma after "chemical name" on line 5

Is (b) necessary? It seems to repeat statute and I don't see this language alone in companion rules. If so, please add a comma after "delete"

Please end (d)(1) through (9) with semi-colons and add an "and" after the semi-colon in (d)(9).

Please end (e)(1) through (18) with semi-colons and add an "and" after the semi-colon in (e)(18).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: October 28, 2021

1 **Rule 10A NCAC 26F .0102 is amended without notice or hearing pursuant to G.S. 90-88(d) as follows:**

2
3 **10A NCAC 26F .0102 SCHEDULE I**

4 (a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name,
5 chemical name or brand name designated and as specified in G.S. 90-89. Each drug or substance has been assigned
6 the Drug Enforcement Administration controlled substances code number set forth in the Code of Federal
7 Regulations, Title 21, Section 1308.11.

8 (b) The Commission for MH/DD/SAS may add, delete or reschedule substances within Schedules I-VI as specified
9 in G.S. 90-88.

10 (c) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds the following substance within Schedule I
11 for Stimulants:

- 12 (1) 2, 5 - Dimethoxy-4-(n)- propylthiophenethylamine; and
13 (2) N-Benzylpiperazine.

14 (d) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds the following substance within Schedule I
15 for Hallucinogenic substances:

- 16 (1) Alpha-Methyltryptamine
17 (2) 5-Methoxy-n-diisopropyltryptamine.
18 (3) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, (FUB-AMB,
19 MMB-FUBINACA, AMB-FUBINACA) DEA controlled substances code number 7021.
20 (4) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (Other names:
21 MMB-CHMICA; AMB-CHMICA) DEA controlled substances code number 7044.
22 (5) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (Other
23 name: 5F-AB-PINACA) DEA controlled substances code number 7025.
24 (6) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (Other names: NM2201; CBL2201)
25 DEA controlled substances code number 7221.
26 (7) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide (Other
27 name: 5F-CUMYL-P7AICA) DEA controlled substances code number 7085.
28 (8) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (Other names: 4-CN-
29 CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-
30 4CN-BINACA; SGT-78) DEA controlled substances code number 7089.
31 (9) N-ethylpentylone (Other names: ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one)
32 DEA controlled substances code number 7543.
33 (10) 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: *para*-methoxymethamphetamine,
34 PMMA) DEA controlled substances code number 1245.

35 (e) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds the following substance within Schedule I
36 for Opiates:

- (1) *para*-Methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)
DEA controlled substances code number 9837.
- (2) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide) DEA
controlled substances code number 9847.
- (3) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide) DEA controlled
substances code number 9827.
- (4) *para*-Chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)
DEA controlled substances code number 9826.
- (5) Crotonyl fentanyl ((*E*)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide) DEA controlled
substances code number 9844.
- (6) Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide; also known as benzoyl
fentanyl) DEA controlled substances code number 9841.
- (7) *para*-Methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; also
known as 4-methylfentanyl) DEA controlled substances code number 9817.
- (8) *ortho*-Methyl methoxyacetyl fentanyl (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-
yl)acetamide; also known as 2-methyl methoxyacetyl fentanyl) DEA controlled substances code
number 9820.
- (9) *ortho*-Methyl acetylfentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide; also
known as 2-methyl acetylfentanyl) DEA controlled substances code number 9848.
- (10) Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide; also
known as 2-thiofuranyl fentanyl; thiophene fentanyl) DEA controlled substances code number
9839.
- (11) *beta*-Methyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide; also known
as β -methyl fentanyl) DEA controlled substances code number 9856.
- (12) *beta'*-Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide; also known as β' -
phenyl fentanyl; 3-phenylpropanoyl fentanyl) DEA controlled substances code number 9842.
- (13) 2'-Fluoro *ortho*-fluorofentanyl (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-
fluorophenyl)propionamide; also known as 2'-fluoro 2-fluorofentanyl) DEA controlled substances
code number 9855.
- (14) 4'-Methyl acetyl fentanyl (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide) DEA
controlled substances code number 9819.
- (15) *ortho*-Fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide; also
known as 2-fluorobutyryl fentanyl) DEA controlled substances code number 9846.
- (16) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate) DEA controlled
substances code number 9851.
- (17) *ortho*-Fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide) DEA
controlled substances code number 9852.

1 (18) para-Fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-
2 carboxamide) DEA controlled substances code number 9854.

3 (19) ortho-Fluoroisobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)
4 DEA controlled substances code number 9853.

5
6 *History Note: Authority G.S. 90-88; 90-89; 143B-147;*
7 *Eff. June 30, 1978;*
8 *Amended Eff. November 1, 2005; July 1, 1995; November 1, 1994; April 1, 1994; January 1,*
9 *1994;*
10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February*
11 *2, 2016.*
12 *Amended Eff. November 1, 2021.*
13

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Mental Health/DD/SAS

RULE CITATION: 10A NCAC 26F .0103

DEADLINE FOR RECEIPT: Thursday, November 11, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), please add a comma after "chemical name" on line 5

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: October 28, 2021

1 **Rule 10A NCAC 26F .0103 is amended without notice or hearing pursuant to G.S. 90-88(d) as follows:**

2
3 **10A NCAC 26F .0103 SCHEDULE II**

4 (a) Schedule II shall consist of the drugs and other substances by whatever official name, common or usual name,
5 chemical name or brand name designated and as specified in G.S. 90-90. Each drug or substance has been assigned
6 the Drug Enforcement Administration controlled substances code number set forth in the Code of Federal
7 Regulations, Title 21, Section 1308.12.

8 (b) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds Lisdexamfetamine, its salts, isomers, and
9 salts of its isomers to Schedule II for Stimulants.

10 (c) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds Tapendatol, its esters, ethers, salts, isomers
11 and salts of its isomers, esters and ethers to Schedule II for Opiates.

12 (d) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds fentanyl immediate precursor chemical, N-
13 phenyl-N-(piperidin-4-yl) propionamide (norfentanyl), DEA controlled substances code number 8366, its esters,
14 ethers, salts, isomers and salts of its isomers, esters and ethers to Schedule II for Opiates.

15 (e) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds Oliceridine (N-[(3-methoxythiophen-2-
16 yl)methyl]({2-[(9R)-9-(pyridin-2-yl)-6-oxaspiro[4.5]decan-9-yl]ethyl})amine), DEA controlled substances code
17 number 9245, its esters, ethers, salts, isomers and salts of its isomers, esters and ethers to Schedule II for Opiates.

18
19 *History Note: Authority G.S. 90-88; 90-90; 143B-147;*

20 *Eff. June 30, 1978;*

21 *Amended Eff. January 1, 1994; April 1, 1993; August 1, 1991; August 1, 1989;*

22 *Temporary Amendment Eff. May 13, 1997;*

23 *Amended Eff. February 1, 2010; June 1, 2009; August 1, 2002; July 1, 1998;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February*
25 *2, 2016.*

26 *Amended Eff. November 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Mental Health/DD/SAS

RULE CITATION: 10A NCAC 26F.0105

DEADLINE FOR RECEIPT: Thursday, November 11, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), please add a comma after "chemical name" on line 5

Please end (b)(1) through (5) with semi-colons, delete the "and" at the end of (b)(3), and add and "and" at the end of (b)(5).

In (c), we can't have a (1) without a (2). As such, please reformat this Paragraph to be one Paragraph, without a sub. Could you format it like you have any of the Paragraphs of .0103?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: October 28, 2021

RULE 10A NCAC 26F .0105 is amended without notice or hearing pursuant to G.S. 90-88(d) as follows:

10A NCAC 26F .0105 SCHEDULE IV

(a) Schedule IV shall consist of the drugs and other substances by whatever official name, common or usual name, chemical name or brand name designated and listed in either G.S. 90-92 or this Rule. Each drug or substance has been assigned the Drug Enforcement Administration (DEA) controlled substances code number set forth in the Code of Federal Regulations, Title 21, Section 1308.14.

(b) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds the following substances within Schedule IV for Depressants:

- (1) Dichloralphenazone - DEA controlled substances code number 2467;
- (2) Zopiclone - DEA controlled substances code number 2784;
- (3) Fospropol - DEA controlled substances code number 2138; and
- (4) Carisoprodol - DEA controlled substances code number 8192.
- (5) Lemborexant - DEA controlled substances code number 2245.
- (6) Remimazolam - DEA controlled substances code number 2846.

(c) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds the following substances within Schedule IV for Stimulants:

- (1) Serdexmethyphenidate - DEA controlled substances code number 1729.

History Note: Authority G.S. 90-88; 90-92; 143B-147;
Eff. June 30, 1978;
Amended Eff. July 1, 1993; January 1, 1989; December 1, 1987; August 1, 1987;
Temporary Amendment Eff. May 28, 1998;
Temporary Amendment Expired March 12, 1999;
Amended Eff. August 1, 2000;
Temporary Amendment Eff. January 1, 2002; February 15, 2001;
Amended Eff. July 1, 2012; July 1, 2011; November 1, 2005; April 1, 2003; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February
2, 2016.
Amended Eff. November 1, 2021.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Mental Health/DD/SAS

RULE CITATION: 10A NCAC 26F .0106

DEADLINE FOR RECEIPT: Thursday, November 11, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), please add a comma after "chemical name" on line 5.

In (a), line 6, what is meant by "as set forth below"? Do you mean "as set forth in this Rule."

In (b), what is meant by "as set forth below"? Do you mean "as set forth in this Paragraph"?

In (c) and (d), unless otherwise exempted or excluded by what?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: October 28, 2021

1 **Rule 10A NCAC 26F .0106 is amended without notice or hearing pursuant to G.S. 90-88(d) as follows:**

2
3 **10A NCAC 26F .0106 SCHEDULE V**

4 (a) Schedule V shall consist of the drugs and other substances by whatever official name, common or usual name,
5 chemical name or brand name designated and listed in either G.S. 90-93 or this Rule. Each drug or substance is set
6 forth below with its corresponding Drug Enforcement Administration (DEA) controlled substances code number set
7 forth in the Code of Federal Regulations, Title 21, Section 1308.15.

8 (b) Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation
9 containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in
10 limited quantities as set forth below, which shall include one or more non-narcotic active medicinal ingredients in
11 sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than
12 those possessed by narcotic drugs alone:

- 13 (1) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams,
14 (2) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams,
15 (3) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams,
16 (4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate
17 per dosage unit,
18 (5) not more than 100 milligrams of opium per 100 milliliters or per 100 grams,
19 (6) not more than 0.5 milligrams of difenoxin and not less than 25 micrograms atropine sulfate per
20 dosage unit.

21 (c) Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material,
22 compound, mixture, or preparation which contains any quantity of the following substances having a stimulant
23 effect on the central nervous system, including its salts, isomers and salts of isomers: Pyrovalerone - DEA controlled
24 substances code number 1485.

25 (d) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material,
26 compound, mixture, or preparation which contains any quantity of the following substances having a depressant
27 effect on the central nervous system, including its salts:

- 28 (1) Lacosamide – DEA controlled substances code number 2746; ~~and~~
29 (2) Ezogabine – DEA controlled substances number ~~2779~~. 2779;
30 (3) Cenobamate – DEA controlled substances number 2720; and
31 (4) Lasmiditan – DEA controlled substances number 2782.

32
33 *History Note: Authority G.S. 90-88; 90-93; 143B-147;*

34 *Eff. June 30, 1978;*

35 *Amended Eff. July 1, 2012; February 1, 2010; April 1, 1992; August 1, 1988; December 1, 1987;*

36 *April 1, 1983;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February*
2 *2, 2016;*
3 *Amended Eff. November 1, 2021; March 1, 2021; January 1, 2019.*