

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services

RULE CITATION: 10A NCAC 26F .0102

DEADLINE FOR RECEIPT: August 17, 2026

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

You used an old form 400. Please resubmit with the current form.
<https://www.oah.nc.gov/rules-form-0400-submission-permanent-rule>

Delete paragraph (b), p. 1 lines 8 and 9. It is not necessary to restate your authority within the rule, particularly when you have references to it in subsequent paragraphs.

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

10A NCAC 26F .0102 is proposed for amendment without notice or hearing as follows.

10A NCAC 26F .0102 SCHEDULE I

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

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

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

- (1) 2, 5 - Dimethoxy-4-(n)- propylthiophenethylamine; and DEA controlled substances code number 7348;
- (2) N-Benzylpiperazine. N-Benzylpiperazine DEA controlled substances code number 7493;
- (3) 4-chloromethcathinone (4-CMC, 1-(4-chlorophenyl)-2-(methylamino)propan-1-one) DEA controlled substances code number 1239; and
- (4) 4-fluoroamphetamine (4-FA; 1-(4-fluorophenyl) propan-2-amine; para--fluoroamphetamine). DEA controlled substances code number 1476.

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

- (1) Alpha-Methyltryptamine; Alpha-Methyltryptamine DEA controlled substances code number 7432;
- (2) 5-Methoxy-N, N-diisopropyltryptamine; N-diisopropyltryptamine DEA controlled substances code number 7439;
- (3) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, (FUB-AMB, MMB-FUBINACA, AMB-FUBINACA) DEA controlled substances code number 7021;
- (4) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (Other names: MMB-CHMICA; AMB-CHMICA) DEA controlled substances code number 7044;
- (5) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (Other name: 5F-AB-PINACA) DEA controlled substances code number 7025;
- (6) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (Other names: NM2201; CBL2201) DEA controlled substances code number 7221;
- (7) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide (Other name: 5F-CUMYL-P7AICA) DEA controlled substances code number 7085;
- (8) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN-BINACA; SGT-78) DEA controlled substances code number 7089;

- (9) N-ethylpentylone (Other names: ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one)
DEA controlled substances code number 7543; ~~and~~
- (10) 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-methoxymethamphetamine,
PMMA) DEA controlled substances code number ~~1245~~; 1245; and
- (11) 3-methoxyphencyclidine (1-(1-(3-methoxyphenyl)cyclohexyl)piperidine; 3-MeO-PCP) DEA
controlled substances code 7457.

(e) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds the following substance within Schedule I 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;
- (18) para-Fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide) DEA controlled substances code number 9854; ~~and~~
- (19) ortho-Fluoroisobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide) DEA controlled substances code number ~~9853~~; 9853;
- (20) para-chlorofentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin[1]4-yl)propionamide) DEA controlled substances code number 9818;
- (21) ortho-chlorofentanyl (N-(2-chlorophenyl)-N-(1-phenethylpiperidin[1]4-yl)propionamide) DEA controlled substances code number 9828;
- (22) meta-fluorofuranyl fentanyl (n-3-fluorophenyl)n-(1-phenethylpipieridin-4-yl)furan-2carboxamide DEA controlled substances code number 9871;
- (23) ortho-methylcyclopropyl fentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl) cyclopropanecarboxamide) DEA controlled substances code number 9849 ;
- (24) beta-methylacetyl fentanyl (N[1]phenyl-N-(1-(2-phenylpropyl)piperidin[1]4-yl)acetamide) DEA controlled substances code number 9868;
- (25) tetrahydrothiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-[1]phenyltetrahydrothiophene-2-carboxamide) DEA controlled substances code number 9869; ;
- (26) para-fluoro valeryl fentanyl (N-(4-fluorophenyl)-N-(1) DEA controlled substances code number 9870;
- (27) N- ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1 H -benzimidazol-1-yl)ethan-1-amine (other name: N -desethyl isotonitazene) and 2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1 H -benzimidazole (other names: N -piperidinyl etonitazene; etonitazepipne) DEA controlled substances code number 9772; and
- (28) 2-(4-methoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1 H -benzimidazole (other names: N -pyrrolidino metonitazene or metonitazepyne) and 5-nitro-2-(4-propoxybenzyl)-1-(2-(pyrrolidin-1-yl)ethyl)-1 H -benzimidazole (other names: N- pyrrolidino protonitazene or protonitazepyne) DEA controlled substances code number 9772 .

*History Note: Authority G.S. 90-88; 90-89; 143B-147;
Eff. June 30, 1978;*

1 *Amended Eff. November 1, 2005; July 1, 1995; November 1, 1994; April 1, 1994; January 1, 1994;*
2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*
3 *2016;*
4 *Amended Eff. December 1, ~~2021~~ July 1, 2026.*