



MINNESOTA BOARD OF PHARMACY

Report to the Legislature on Changes the Board Proposes to Make to the Controlled Substance Schedules Maintained by the Board in Minnesota Rules. (In compliance with Minnesota Statutes Section 152.02, Subd. 12)

*Cody Wiberg, Pharm.D.,
M.S., R.Ph.*

*Executive Director
Minnesota Board of
Pharmacy*

*2829 University Avenue
SE #530
Minneapolis, MN 55414*

*(651)201-2825
(651)201-2837 (fax)*

cody.wiberg@state.mn.us

December 10, 2014

COST OF REPORT

[Minnesota Statutes §3.197](#) states that a “report to the legislature must contain, at the beginning of the report, the cost of preparing the report, including any costs incurred by another agency or another level of government”. The estimated cost of preparing this report was **\$450.00**. That is the approximate value, in terms of salary and benefits, of the time that Board staff spent preparing the report.

(The rest of this page is intentionally blank).

Introduction

The Board of Pharmacy (Board) is submitting this report to the Legislature in compliance with Minnesota Statutes §152.02, subdivision 12. That section states, in part:

“The state Board of Pharmacy shall annually submit a report to the legislature on or before December 1 that specifies what changes the board made to the controlled substance schedules maintained by the board in Minnesota Rules, parts 6800.4210 to 6800.4250, in the preceding 12 months. The report must include specific recommendations for amending the controlled substance schedules contained in subdivisions 2 to 6, so that they conform with the controlled substance schedules maintained by the board in Minnesota Rules, parts 6800.4210 to 6800.4250.”

The Board has not made any changes to the controlled substance schedules found in Minnesota Rules Chapter 6800 since 2010. However, the Board recently authorized its Executive Director to begin the work necessary to add substances to Schedule I and to align the remaining schedules with the schedules found in MN Statutes Chapter 152 and with the Federal schedules. This report outlines changes that the Board is proposing to make to MN Rules Parts 6800.4210 through 6800.4250. It also makes recommendations to the Legislature for changes to MN Stats. §152.02.

Coordination of Statutory Schedules With Federal Schedules and the Schedules Found in Minnesota Rules

The Board recommends that the Legislature amend MN Stats. §152.02, subs. 3 through 6 as follows in order to coordinate state Schedules II - V with the equivalent federal schedules. (Note that changes to the Federal Schedule I are addressed in the next section of this report). The Board will make these changes in MN Rules Parts 6800.4210 through 6800.4250 as well.

- Subdivision 3 (Schedule II). Add the following
 - 4-Anilino-N-phenethyl-4-piperidine (ANPP) to paragraph (c), which lists opiates
- Subdivision 4 (Schedule III).
 - Add the following
 - Methasterone (2 alpha-17 alpha-dimethyl-5 alpha-androstan-17beta-ol-3-one) to paragraph (f), sub-paragraph (1), which lists anabolic steroids
 - Prostanazol (17 beta-hydroxy-5 alpha-androstanol[3,2-C]pyrazole to paragraph (f), sub-paragraph (1), which lists anabolic steroids
 - Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-Dihydropyridin-3-yl)benzotrile] to paragraph (c), which lists depressants
 - Delete the following
 - Paragraph (e), sub-paragraphs 3 and 4, which reference combination products containing dihydrocodeinone (also known as hydrocodone)
- Subdivision 5 (Schedule IV).
 - Add the following
 - Lorcaserin to a new paragraph (f) titled Lorcaserin.
 - Alfaxalone (5 α -pregnan-3 α -ol-11,20-dione) to paragraph (c), which lists depressants
 - Tramadol (2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol) to paragraph (b), which lists narcotics
 - Suvorexant to paragraph (c), which lists depressants
 - Fospropofol to paragraph (c), which lists depressants
 - Correct the following

- Paragraph (c), sub-paragraph (35) currently reads nitrazepam/nordiazepam. It should read nitrazepam. Nordiazepam, a different drug, should be in a separate sub-paragraph.
- Paragraph (c), sub-paragraph (38) currently reads paraldehydepentrichloral. It should read paraldehyde. Pentrichloral, a different drug, should be in a separate sub-paragraph.
- Subdivision 6 (Schedule V). Add the following
 - Ezogabine to paragraph (b), sub-paragraph (3), which lists depressants

Addition of Synthetic Cannabinoids, Hallucinogens and Stimulants to Schedule I

In order to address the abuse of synthetic cannabinoids, hallucinogens and stimulants, the Legislature made many changes to MN Stats. §152.02, subd. 2 during the past several sessions. The Board will amend MN Rules 6800.4210 to reflect those changes.

The Board proposes to place additional substances into Schedule I after finding that they have high potential for abuse, no currently accepted medical use in the United States, a lack of accepted safety for use under medical supervision, and known adverse health effects. Some of these substances have also been added to the federal Schedule I. The Minnesota Bureau of Criminal Apprehension and local law enforcement agencies have notified the Board that some of these substances are available for purchase within Minnesota. All of these substances are available for purchase, by Minnesota residents, from businesses that operate Internet Web sites.

The Board recommends that the Legislature amend MN Stats. §152.02, subd. 2 to add these substances to Schedule I:

- Stimulants
 - 1-phenyl-2-(1-pyrrolidinyl)-1-hexanone (Alpha-PHP)
 - 4-methyl-N-ethylcathinone (4-MEC)
 - 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP)
 - 2-(methylamino)-1-phenylpentan-1-one (pentedrone)
 - 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone)
 - 4-fluoro-N-methylcathinone (4-FMC)
 - alpha-pyrrolidinobutiophenone (α -PBP)
- Hallucinogen
 - 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (25B-NBOMe)
- Cannabinoids
 - N-[(1S)-1-(Aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA). Place under paragraph (h), sub-paragraph (3), clause (viii) "Others specifically named".

The Board recommends that the following, additional changes be made to MN Stats. §152.02, subd. 2:

- Change paragraph (g), sub-paragraph (12) from "fluoromethcathinone" to "3-fluoro-N-methylcathinone (3-FMC)"
- Change paragraph (g), sub-paragraph (21) from "naphthylpyrovalerone (naphyrone)" to "1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphthylpyrovalerone or naphyrone)"

Board staff will draft proposed legislation and submit it to the Office of The Revisor of Statutes to be prepared for introduction during the 2015 Session.