



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)

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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 **\$150.00**. That is the approximate value, in terms of salary and benefits, of the time that Board staff spent preparing the report.

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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 also specify any orders issued by the board under this subdivision. 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, and with the federal schedules.”

The Board reviewed and approved this report at its November 16, 2022 meeting.

2022 Scheduling Changes

On March 16, 2022, pursuant to Minnesota Statutes §152.02, subdivision 12, the Board temporarily placed into, or removed from, Minnesota’s schedules of controlled substances, those substances indicated below. This was done to align Minnesota schedules with recent revisions to federal schedules, made by the United States Drug Enforcement Administration (DEA). The Board Order expires one year from its date of issue. The order has been published in the *Minnesota State Register* (volume 46, number 41).

Substances added to the Federal Schedules of Controlled Substances:

Note, the date listed is the effective date of the DEA action.

Schedule I

1-(5-FLUOROPENTYL)-N-(2-PHENYLPROPAN-2-YL)-1H-INDAZOLE-3-CARBOXAMIDE ** (5F-CUMYL-PINACA; SGT25) 4/16/2021

(1-(4-FLUOROBENZYL)-1H-INDOL-3-YL)(2,2,3,3- TETRAMETHYLCYCLOPROPYL)METHANONE * (FUB-144) 4/16/2021

1-(1-(1-(4-BROMOPHENYL)ETHYL)PIPERIDIN-4-YL)-1,3- DIHYDRO-2H-BENZO[D]IMIDAZOL-2-ONE (BRORPHINE)* 3/1/21

4'-METHYL ACETYL FENTANYL 4/27/2021

4,4'-DIMETHYLAMINOEX (4,4'-DMAR; 4,5-DIHYDRO-4-METHYL-5-(4-METHYLPHENYL)-2-OXAZOLAMINE) 9/13/21

4-CHLORO-ALPHA-PYRROLIDINOVALEROPHENONE (4-CHLORO-A-PVP) 7/18/2021

4'-METHYL ACETYL FENTANYL 4/27/2021

METHYL 2-(1-(4-FLUOROBENZYL)-1HINDAZOLE-3-CARBOXAMIDO)-3,3-DIMETHYLBUTANOATE (MDMBFUBINACA) 1/24/2020

METHYL 2-(1-(5-FLUOROPENTYL)-1H-INDOLE-3-CARBOXAMIDO)-3,3-DIMETHYLBUTANOATE ** (5F-MDMBPICA) 4/16/2021

BETA-HYDROXYTHIOFENTANYL 5/8/2019

BETA-METHYL FENTANYL 4/27/2021

BETA'-PHENYL FENTANYL 4/27/2021

CROTONYL FENTANYL ((E)-N-(1-PHENETHYLPIPERIDIN-4-YL)-N-PHENYLBUT-2-ENAMIDE)
10/2/2020

CYCLOPROPYL FENTANYL (N-(1-PHENETHYLPIPERIDIN-4-YL)-N-PHENYLCYCLOPROPANECARBOXAMIDE) 10/25/2019

ETHYL 2-(1-(5-FLUOROPENTYL)-1H-INDAZOLE-3-CARBOXAMIDO)-3,3-DIMETHYLBUTANOATE
** (5F-EDMBPINACA) 4/16/2021

FENTANYL CARBAMATE 5/4/2021

FUB-AMB, MMB- FUBINACA (METHYL 2-(1-(4-FLUOROBENZYL)-1H-INDAZOLE-3-CARBOXAMIDO)-3-METHYLBUTANOATE (3/30/2020)

ISOTONITAZENE (N,N-DIETHYL-2-(2-(4-ISOPROPOXYBENZYL)-5-NITRO-1H-BENZIMIDAZOL-1-YL)ETHAN-1-AMINE) 12/6/2021

PARA-METHOXYMETHAMPHETAMINE (PMMA), 1-(4-METHOXYPHENYL)-N-METHYLPROPAN-2-AMINE 7/26/2021

N-ETHYLHEXEDRONE ** 7/8/2021

N-(ADAMANTAN-1-YL)-1-(4-FLUOROBENZYL)-1H-INDAZOLE-3-CARBOXAMIDE ** (FUB-AKB48; FUB-APINACA) 4/16/2021

N-(ADAMANTAN-1-YL)-1-(5-FLUOROPENTYL)-1H-INDAZOLE-3-CARBOXAMIDE (5F-APINACA, 5F-AKB48) 1/24/2020

METHYL 2-(1-(CYCLOHEXYLMETHYL)-1H-INDOLE-3-CARBOXAMIDO)-3-METHYLBUTANOATE (MMB-CHMICA, AMB-CHMICA) 6/10/2021

PARA-FLUORO FURANYL FENTANYL 5/7/2021

PARA-METHYLFENTANYL 4/27/2021

PHENYL FENTANYL 4/27/2021

ORTHO-FLUOROACRYL FENTANYL 5/4/2021

ORTHO-FLUOROBUTYRYL FENTANYL 4/27/2021

ORTHO-FLUOROISOBUTYRYL FENTANYL 5/4/2021

ORTHO-METHYL ACETYLFENTANYL 4/27/2021

THIOFURANYL FENTANYL 4/27/2021

Schedule II

OLICERIDINE 10/30/2020

NORFENTANYL (N-PHENYL-N-(PIPERIDIN-4-YL) PROPIONAMIDE) 5/18/2020

Schedule IV

BREXANOLONE (3A-HYDROXY-5A-PREGNAN-20-ONE), ALLOPREGNANOLONE 6/17/2019

LEMBOREXANT 4/7/2020

REMIMAZOLAM (4H-IMIDAZOL[1,2-A][1,4]BENZODIAZEPINE-4-PROPIONIC ACID) 10/6/2020

SERDEXMETHYLPHENIDATE 5/7/2021

SOLRIAMFETOL (2-AMINO-3-PHENYLPROPYL CAR- BAMATE; BENZENEPROPANOL,BETA-AMINO-, CARBAMATE (ESTER)) 6/17/2019

Schedule V

CENOBAMATE [(1R)-1-(2-CHLOROPHENYL)-2-(TETRAZOL-2-YL)ETHYL]CARBAMATE 03/10/20

Furthermore, Minnesota Statutes §152.02, subdivision 2 (h)(2) was amended to conform with [21 CFR §1308.11 \(d\) \(31\)](#) to read:

(2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following: 1 cis or trans tetrahydrocannabinol, and their optical isomers; 6 cis or trans tetrahydrocannabinol, and their optical isomers; 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

Tetrahydrocannabinols does not include any material, compound, mixture, or preparation that falls within the definition of industrial hemp set forth in Minn. Stats §18K.02.

Of note, during the 2022, Regular Session, the Legislature revised Minnesota Statutes [§152.02, subdivision 2 \(h\)\(2\)](#) to read:

(2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except that tetrahydrocannabinols do not include any material, compound, mixture, or preparation that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic equivalents of the substances contained in the cannabis plant or in the resinous extractives of the plant; or synthetic substances with similar chemical structure and pharmacological activity to those substances contained in the plant or resinous extract, including, but not limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4 cis or trans tetrahydrocannabinol

The Legislature's language makes permanent the intent of part of the Board's 2022 scheduling order by specifying that tetrahydrocannabinols in Schedule I do not include any material, compound, mixture, or preparation that qualifies as industrial hemp, as defined in Minnesota Statutes §18K.02. The Board recommends that the other changes made in its Scheduling Order be made permanent by the Legislature. As mentioned above, those changes align Minnesota's controlled substance schedules with the federal schedules. The Board will assist in drafting legislation that would make the necessary changes to Minn. Stats. §152.02.

During calendar year 2022, the Board did not engage in rule-making to make any other changes to the controlled substance schedules found in Minnesota Rules Chapter 6800. The Board occasionally receives reports from law enforcement officials or the Bureau of Criminal Apprehension Laboratory about an unscheduled and potentially abused substances that appear to be available for purchase on the streets or from Internet suppliers. In addition, law enforcement officials and healthcare providers have expressed concern to the Board concerning the increasing abuse of gabapentin – a drug approved by the United States Food and Drug Administration that acts on the same receptor system that benzodiazepines (Valium-like drugs) act on. Consequently, the Board may propose controlled substance scheduling legislation during the upcoming Session.