

4729-11-02

Schedule I controlled substances.

(A) The state board of pharmacy hereby schedules the following synthetic cannabinoid compounds:

(1) PB-22 (chemical name: quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate) shall be a schedule I controlled substance;

(2) 5-Fluoro-PB-22 (chemical name: quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate) shall be a schedule I controlled substance.

(B) Except as otherwise provided in section 3719.41 of the Revised Code, any compound that meets at least three of the following pharmacophore requirements to bind at the CB1 and CB2 receptors, as identified by a report from an established forensic laboratory, is a schedule I controlled substance:

(1) A chemical scaffold consisting of substituted or non-substituted ring structures that facilitate binding of required elements (such as: indole compounds, indazoles, benzimidazoles or other ring types);

(2) Alkyl or aryl side chain off the chemical scaffold providing hydrophobic interaction with the CB1 and CB2 receptors;

(3) Carbonyl or ester or equivalent for hydrogen bonding;

(4) Cyclohexane, naphthalene ring, substituted butanamide or equivalent for steric requirements for CB1 and CB2 receptor binding.

(C) Except as otherwise provided in section 3719.41 of the Revised Code, any compound that contains the structural requirements of the cathinone pharmacophore, as identified by a report from an established forensic laboratory, is a schedule I controlled substance.

(D) Except as otherwise provided in section 3719.41 of the Revised Code, any compound that meets the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, is a schedule I controlled substance:

(1) A chemical scaffold consisting of a five, six or seven member ring structure containing a nitrogen, whether or not further substituted;

- (2) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen;
- (3) A polar functional group attached to the chemical scaffold, including but not limited to, a hydroxyl, ketone, amide or ester;
- (4) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and
- (5) The compound has not been approved for medical use by the United States food and drug administration.

(E) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (U-47700) shall be a schedule I controlled substance opium derivative.

Effective: 05/04/2016

CERTIFIED ELECTRONICALLY

Certification

05/04/2016

Date

Promulgated Under: 119.03
Statutory Authority: 3719.44, 3719.28, 4729.26
Rule Amplifies: 3719.44, 3719.41
Prior Effective Dates: 4/17/2014, 10/24/2014, 1/15/2016



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2016-01K

The Emergency Adoption of Amended Rule 4729-11-02 of the Ohio Administrative Code
by the State of Ohio Board of Pharmacy

WHEREAS, opioids, including prescription pain relievers and heroin, remain the driving factor behind the unintentional drug overdose epidemic in Ohio, and according to the latest figures from the Ohio Department of Health, nearly 80 percent of drug overdoses involved an opioid in 2014; and

WHEREAS, Section 3719.44 of the Ohio Revised Code authorizes the State of Ohio Board of Pharmacy (“Pharmacy Board”) to add or transfer a previously unscheduled compound, mixture, preparation, or substance to be included in Schedule I of the controlled substances under section 3719.41 of the Ohio Revised Code, upon the Pharmacy Board’s consideration of eight statutory criteria; and

WHEREAS, a synthetic opioid known as U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide) poses a significant public health risk; and

WHEREAS, U-47700 is 7.5 times more potent than morphine; and

WHEREAS, confirmed cases identified in Ohio and other states demonstrate fatal overdose as a risk associated with the abuse of U-47700; and

WHEREAS, the Pharmacy Board has considered the eight factors in Section 3719.44 of the Ohio Revised Code, and also finds pursuant to that section that U-47700 has a high potential for abuse, has no accepted medical use in treatment in this state, has not been accepted or documented as safe for use in treatment under medical supervision, and poses a risk to the public health of the citizens in this state; and

WHEREAS, in accordance with the previous finding, the Pharmacy Board has determined pursuant to Section 3719.44 that U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide) should be added to Schedule I as a controlled substance opium derivative; and

WHEREAS, section 4729.26 of the Ohio Revised Code authorizes the Pharmacy Board to promulgate rules pertaining to dangerous drugs in this state; and

WHEREAS, division (G) of section 119.03 of the Ohio Revised Code authorizes the Governor, upon the request of a state agency, to suspend the normal rule-making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules, and when such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are valid only for 120 days; and

WHEREAS, the Pharmacy Board has requested a determination whether an emergency exists that requires the immediate adoption of Rule 4729-11-02 of the Ohio Administrative Code and that would, therefore, permit the Pharmacy Board, pursuant to sections 119.03(G), 4729.26 and 3719.44 of the Ohio Revised Code, immediately to adopt this amended rule to authorize the addition of U-47700 as a Schedule I controlled substance;


NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of the Pharmacy Board, that an emergency exists requiring the immediate adoption of amended Rule 4729-11-02 of the Ohio Administrative Code by the Pharmacy Board.

Further, I hereby order that the procedure prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption of such a specified rule be suspended and the Pharmacy Board be permitted to immediately adopt this rule by electronically filing it with the Secretary of State, Director of Legislative Services Commission, and the Joint Committee on Agency Rule Review.

Further, I hereby order that this Executive Order be filed in electronic form with the Pharmacy Board, the Secretary of State, the Director of the Legislative Services Commission, and the Joint Committee on Agency Rule Review.

I approved this Executive Order on May 3, 2016, and it will expire at the end of the one hundred twentieth day it is in effect.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State