

VOLUME 49, ISSUE 11
ISSUE DATE: **JUNE 5, 2017**
RULE ADOPTIONS

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
CONTROLLED DANGEROUS SUBSTANCES

Adopted Amendment: N.J.A.C. 13:45H-10.1

Schedules of Controlled Dangerous Substances

Proposed: January 17, 2017, at 49 N.J.R. 179(a).

Adopted: March 21, 2017, by the **Division of Consumer Affairs**, Steve C. Lee, Director.

Filed: April 25, 2017, as R.2017 d.101, **without change**.

Authority: N.J.S.A. 24:21-3(a) and 24:21-5(a).

Effective Date: June 5, 2017.

Expiration Date: August 5, 2022.

Summary of Public Comment and Agency Response:

The official comment period ended on March 18, 2017. The **Division of Consumer Affairs** (Division) received one comment on the notice of proposal from Debra L. Wentz, Ph.D., President and Chief Executive Officer, New Jersey Association of Mental Health and Addiction Agencies, Inc.

COMMENT: Ms. Wentz, on behalf of the New Jersey Association of Mental Health and Addiction Agencies, Inc. (NJAMHAA) expressed support for the proposed amendment, which will place illicit fentanyl products in Schedule I under the New Jersey Controlled Dangerous Substances Act. Ms. Wentz noted that NJAMHAA strongly supports the imposition of stiffer penalties relating to the use of highly toxic illegal drugs, especially fentanyl products. The commenter noted that carfentanyl, in particular, is highly toxic and is causing the deaths of many individuals with heroin addiction, especially in the northeast. All efforts to address the heroin crisis are greatly needed, and these amendments are an important step.

RESPONSE: The Division appreciates NJAMHAA's support for the proposed amendment.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendment is governed by the New Jersey Controlled Dangerous Substances Act, N.J.S.A. 24:21-1 et seq., specifically N.J.S.A. 24:21-3(a) and 24:21-5(a). Although New Jersey has adopted, in N.J.A.C. 13:45H-10.1(a), the Federal controlled dangerous substances Schedules I through V codified at 21 CFR 1308.11 through 1308.15, as amended and supplemented, the Director is authorized under N.J.S.A. 24:21-3 to add, delete, or reschedule substances under the New Jersey Controlled Dangerous Substances Act.

Full text of the adoption follows:

13: 45H-10.1 Schedules of controlled dangerous substances

(a)-(d) (No change.)

(e) In accordance with (d) above, the following substances shall be designated and controlled as Schedule I controlled dangerous substances:

1.-9. (No change.)

10. Illicit fentanyl. Illicit fentanyls include any material, compound, mixture, or preparation that is not listed as a controlled substance in Schedules I through V, is not a Federal Food and Drug Administration (FDA) approved drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogs), and salts of isomers, and homologues (analogs) unless specifically excepted whenever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designations:

- i. Furanyl Fentanyl, with a chemical composition of N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] -2-furancarboxamide, monohydrochloride or N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide;
- ii. 3-Methylfentanyl, with a chemical composition of 3-methyl-N-phenyl-N-[1-(2-phenethyl-4-piperidyl)-propanamide);
- iii. 3-Methyl Butyrylfentanyl, with a chemical composition of 3-Methyl, N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-butanamide, monohydrochloride;
- iv. Valeryl Fentanyl, with a chemical composition of N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-pentanamide, monohydrochloride;
- v. Norfentanyl, with a chemical composition of N-phenyl-N-4-piperidiny-propanamide;
- vi. Para-Fluorobutyryl-Fentanyl, with a chemical composition of N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidiny]-butanamide, monohydrochloride; and
- vii. Carfentanyl, with a chemical composition of 2-hydroxypropane-1, 2, 3-tricarboxylic acid; methyl 1-(2-phenylethyl)-4-(N-propanoylanilino) piperidine-4-carboxylateor.