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No. Posted at the Office of
the Lieutenant Governor on
October 7, 2016

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EMERGENCY CONTROLLED SUBSTANCE SCHEDULING ACTION

Section 329-11(e) authorizes the Administrator of the Department of Public Safety's Narcotics Enforcement Division to make an emergency scheduling by placing a substance into schedules I, II, III, IV or V on a temporary basis, if the administrator determines that such action is necessary to avoid an imminent hazard or the possibility of an imminent hazard to the health and safety of the public. The department shall post a public notice thirty days prior to the effective date of the emergency scheduling action, at the state capitol, in the office of the lieutenant governor, and on the department's website for public inspection. If a substance is added or rescheduled under this subsection, the control shall be temporary and, if the next regular session of the state legislature has not enacted the corresponding changes in this chapter, the temporary designation of the added or rescheduled substance shall be nullified.

N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: Furanyl fentanyl)

Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide) is a synthetic opioid substance with no approval for medical use or human consumption in the United States. Furthermore this substance has been associated with drug overdose fatalities in 2015 and 2016.¹

The National Forensic Laboratory Information System (NFLIS), is a national drug forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by State and local forensic laboratories across the country. The first reported instance of furanyl fentanyl was in January 2016, however drug submissions testing positive for furanyl fentanyl showed an increased trend (with a total of 80 NFLIS submissions from January to July 2016).¹ In 2016, there have been reported cases of furanyl fentanyl submitted to law enforcement laboratories in Hawaii.

Furanyl fentanyl exhibits pharmacological profiles similar to that of fentanyl and other μ -opioid receptor agonist. Seizures of furanyl fentanyl have been reported in powder form and it has been found in drug paraphernalia commonly associated with heroin use (spoons, bottle caps and syringes). The United States Drug Enforcement Administration (DEA) is aware of at least nationwide 128 fatalities associated with furanyl fentanyl in 2015 and 2016.¹

As of September 15, 2016, furanyl fentanyl has been placed into Schedule 1 in at least three other states; Virginia, Wisconsin and Louisiana.

On September 27, 2016, the Administrator of the Drug Enforcement Administration issued a 'notice of intent' to temporarily schedule the synthetic opioid, N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (furanyl fentanyl), into schedule I pursuant to the temporary scheduling provisions of the Controlled Substances Act. That notice was based on a finding by the DEA Administrator that the placement of this synthetic opioid into schedule I of the Controlled Substances Act is necessary to avoid an imminent hazard.¹

As of July 8, 2016 the Food and Drug Administration notified the DEA that there are currently no investigational new drug applications or approved new drug applications for furanyl fentanyl.¹

The Administrator of the Narcotics Enforcement Division has reviewed reference material and literature related to the emergency scheduling of this substance. Consequently, in accordance with provisions set forth in Section 329-11(e) of the Hawaii Revised Statutes, Emergency Scheduling Authority the Administrator of the Narcotics Enforcement Division is emergency scheduling this substance in order to address or avoid a current or imminent threat to the health and safety of the public.

¹Federal Register 81(187): FR Doc 2016-23183.

Section 329-14, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

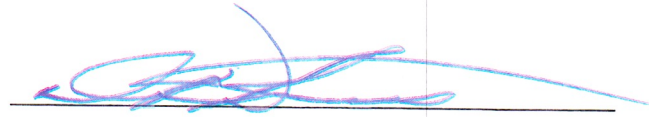
"(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Allylprodine;
- (4) Alphacetylmethadol (except levo-alphacetylmethadol, levomethadyl acetate, or LAAM);
- (5) Alphameprodine;
- (6) Alphamethadol;
- (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (9) Benzethidine;
- (10) Betacetylmethadol;
- (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- (12) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
- (13) Betameprodine;
- (14) Betamethadol;
- (15) Betaprodine;
- (16) Clonitazene;
- (17) Dextromoramide;
- (18) Diampromide;

- (19) Diethylthiambutene;
- (20) Difenoxin;
- (21) Dimenoxadol;
- (22) Dimepheptanol;
- (23) Dimethylthiambutene;
- (24) Dioxaphetyl butyrate;
- (25) Dipipanone;
- (26) Ethylmethylthiambutene;
- (27) Etonitazene;
- (28) Etoxidine;
- (29) Furethidine;
- (30) Hydroxypethidine;
- (31) Ketobemidone;
- (32) Levomoramide;
- (33) Levophenacymorphan;
- (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (36) Morpheridine;
- (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (38) Noracymethadol;
- (39) Norlevorphanol;
- (40) Normethadone;
- (41) Norpipanone;
- (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);
- (43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (44) Phenadoxone;
- (45) Phenampromide;
- (46) Phenomorphan;
- (47) Phenoperidine;
- (48) Piritramide;
- (49) Proheptazine;
- (50) Properidine;
- (51) Propiram;
- (52) Racemoramide;
- (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
- (54) Tilidine;
- (55) Trimeperidine;
- (56) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers;
- (57) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers; [and]
- (58) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide [,] (acetyl fentanyl), its optical, positional, and geometric isomers, salts and salts of isomers[.];
- (59) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide), its isomers, esters, ethers, salts, and salts of isomers, esters and ethers;
(NED Emergency Scheduled effective June 6, 2016)
- (60) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: Butyryl fentanyl); (NED Emergency Scheduled effective June 6, 2016)
(NED Emergency Scheduled effective June 18, 2016)
- (61) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: beta-hydroxythiofentanyl); and;

(62) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: Furanyl fentanyl)." (effective date November 7, 2016)

This emergency controlled substance scheduling is done under the authority of the Administrator of the State of Hawaii, Department of Public Safety, Narcotics Enforcement Division and shall take effect on November 7, 2016 as required under Section 329-11(e) Hawaii Revised Statutes.



David L. Thornton October 7, 2016
Administrator of the Narcotics Enforcement Division
State of Hawaii, Department of Public Safety