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NOTICE OF FEDERAL SCHEDULING ACTIONS

Chapter 329-11(d) of the Hawaii Revised Statutes ("HRS") states that if a substance is added, deleted or rescheduled under federal law and notice of the designation is given to the Department of Public Safety, then the Department of Public Safety shall recommend to the legislature that a corresponding change in Hawaii law be made. The Department of Public Safety shall similarly designate the substance as added, deleted, or rescheduled under this chapter, after the expiration of thirty days from publication in the Federal Register of a final order, and this change shall have the effect of law. If a substance is added, deleted, or rescheduled under this subsection, the control shall be temporary and, if the next regular session of the state legislature has not made the corresponding changes in this chapter, the temporary designation of the added, deleted, or rescheduled substance shall be nullified.

The Department of Public Safety was given notice via publication in the Federal Register of a final order, or interim final order, that the following substances, were placed into the federal controlled substances schedules by the United States Drug Enforcement Administration ("DEA"):

Schedule I

329-14(b) (Opiates)

1. 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine, MXE), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation. (June 6, 2022 Federal Register Volume 87, Number 108)

329-14(e)

2. N-ethylhexedrone (other names: aethylaminohexanophenone, 2- (ethylamino)-1-phenylhexan-1-one);
3. alpha-pyrrolidinohexanophenone (other names: a-PHP, apyrrolidinohexanophenone, 1-phenyl-2- (pyrrolidin-1-yl)hexan-1-one);
4. 4-methyl-alphaethylaminopentiophenone (other names: 4-MEAP, 2-(ethylamino)-1-(4- methylphenyl)pentan-1-one);
5. 4'-methyl-alphapyrrolidinohexiophenone (other names: MPHP, 4'-methyl-alphapyrrolidinohexanophenone, 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);
6. alpha-pyrrolidinoheptaphenone (other names: PV8, 1-phenyl-2- (pyrrolidin-1-yl)heptan-1-one); and
7. 4'-chloro-alphapyrrolidinovalerophenone (other names: 4-chloro-a-PVP, 4'-chloro-apyrrolidinopentiophenone, 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one)

including their optical, positional, and geometric isomers, salts, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation. (June 1, 2022 Federal Register Volume 87, Number 105)

Synthetic Cannabinoids/Synthetic Cathinone

329-14(f) Stimulants

1. Ethyl 2-(1-(5-fluoropentyl)-1Hindazole-3-carboxamido)-3,3- dimethylbutanoate (other name: 5FEDMB-PINACA);
2. Methyl 2-(1-(5-fluoropentyl)-1Hindole-3-carboxamido)-3,3- dimethylbutanoate (other names: 5FMDMB-PICA; 5F-MDMB-2201),
3. N-(Adamantan-1-yl)-1-(4- fluorobenzyl)-1H-indazole-3-carboxamide (other names: FUB-AKB48; FUB-APINACA; AKB48 N-(4- fluorobenzyl));
4. 1-(5-Fluoropentyl)-N-(2- phenylpropan-2-yl)-1H-indazole-3- carboxamide (other names: 5F-CUMYLPINACA; SGT-25); and
5. (1-(4-Fluorobenzyl)-1H-indol-3- yl) (2,2,3,3-tetramethylcyclopropyl)methanone (other name: FUB-144)

including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of

isomers is possible within the specific chemical designation. (April 7, 2022 Federal Register Volume 87, Number 67)

Schedule IV

329-20(d)

1. serdexmethylphenidate, including its salts, isomers, and salts of isomers. (June 24, 2022 Federal Register Volume 87, Number 121)
2. daridorexant and its salts. (April 7, 2022 Federal Register Volume 87, Number 67)

Schedule V

329-22(d)

1. ganaxolone and its salts. (June 1, 2022 Federal Register Volume 87, Number 105)

These federal scheduling actions impose the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule I, IV and V controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities with, or possess) or propose to handle the drug products listed in this notice. The DEA placed effective dates as listed above for these scheduling actions.

In accordance with chapter 329-11(d) of the HRS, the Department of Public Safety is temporarily adding the aforementioned substances listed in this notice into Schedules I, IV and V in chapters 329-14, -20, and -22 of the HRS. This temporary addition imposes the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule I, IV and V controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities with, or possess) or propose to handle the aforementioned substances listed in this notice in the State of Hawaii.

Consequently, the following amendments to the HRS are temporarily imposed under this notice:

Section 329-14, Hawaii Revised Statutes, is amended as follows:

1. 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:

(85) 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one(methoxetamine, MXE), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation."

By amending subsection (e) to read as follows:

"(e) Depressants. Unless specifically excepted, the schedule shall include any material, compound, mixture, or preparation which contains any quantity of the substance:

(5) N-ethylhexedrone (Other names: aethylaminohexanophenone, 2-(ethylamino)-1-phenylhexan-s1-one);

(6) alpha-pyrrolidinohexanophenone (Other names: a-PHP, apyrrolidinohexanophenone, 1-phenyl-2-(pyrrolidine-1-yl)hexan-1-one);

- (7) 4-methyl-alphaethylaminopentiophenone (Other names: 4-MEAP, 2-(ethylamino)-1-(4-methylphyl)pentan-1-one);
- (8) 4'-methyl-alphapyrrolidinohexiophenone (Other names: MPHP, 4'-methyl-alphapyrrolidinohexanophenone, 1-(4-methylphenyl)-2-(pyrrolidine-1-yl)hexan-1-one);
- (9) Alpha-pyrrolidinoheptaphenone (Other names: PV8, 1-phenyl-2-(pyrrolidine-1-yl)heptan-1-one); and
- (10) 4'chloro-alphapyrrolidinovalerophenone (Other names: 4-chloro-a-PVP, 4'-chloro-apyrrolidinopentiophenone, 1-(4-chlorophenyl)-2-(pyrrolidine-1-yl)pentan-1-one) including their optical, positional, and geometric isomers, salts, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation."

By amending subsection (f) to read as follows:

"(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation [~~which~~] that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (11) Ethyl 2-(1-(5-fluoropentyl)-1Hindazole-3-carboxamido)-3,3-demethylbutanoate (Other name: 5FEDMB-PINACA);
- (12) Methyl 2-(1-(5-fluoropentyl)-1Hindole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5FMDMB-PICA; 5F-MDMB-2201);
- (13) N-(Adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (Other names: FUB-AKB48; FUB-APINACA; AKB48 N-(4-fluorobenzyl));
- (14) 1-(5-Fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (Other names: 5F-CUMYLPINACA; SGT-25); and
- (15) (1-(4-Fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other name: FUB-144) including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation."

Section 329-20, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Stimulants. Unless listed in another schedule, any material, compound, mixture, or preparation [which] that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever

the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (16) Serdexmethylphenidate, including its salts, isomers, and salts of isomers; and
- (17) Daridorexant and its salts."

Section 329-22, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation [which] that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (5) Ganaxolone and its salts."

The changes in this notice shall take effect in Hawaii immediately as the thirty day waiting period as required in section 329-11 (d) has already been completed.