

(DRAFT/UNAPPROVED)

## VIRGINIA BOARD OF PHARMACY

### PUBLIC HEARING FOR POSSIBLE SCHEDULING CERTAIN CHEMICALS IN SCHEDULE I OF THE DRUG CONTROL ACT AND CONFORMING DRUG SCHEDULES TO ACTION TAKEN BY DEA

May 18, 2020  
Virtual Meeting

Department of Health Professions  
Perimeter Center  
9960 Mayland Drive  
3<sup>RD</sup> Floor  
Henrico, Virginia 23233-1463

**CALL TO ORDER:**

A Webex virtual public hearing was called to order at 9:07 a.m. Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of § 2.2-3708.2 in the Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda necessary for the board to discharge its lawful purposes, duties, and responsibilities.

**PRESIDING:**

Cynthia Warriner, Chairman (On-Site)

**MEMBERS PARTICIPATING  
VIRTUALLY:**

Kristopher S. Ratliff, Vice Chairman  
Glen Bolyard  
Melvin L. Boone, Sr.  
James L. Jenkins, Jr.  
Ryan Logan  
Cheryl H. Nelson  
Patricia Richards-Spruill  
Rebecca Thornbury  
William Lee

**STAFF PRESENT:**

Caroline D. Juran, Executive Director (On-Site)  
James Rutkowski, Assistant Attorney General (On-Site)  
Kiara Christian, Executive Assistant (On-Site)

**STAFF PARTICIPATING  
VIRTUALLY:**

Ellen B. Shinaberry, Deputy Executive Director  
Annette Kelley, Deputy Executive Director  
Beth O' Halloran, Deputy Executive Director  
Elaine Yeatts, Senior Policy Analyst, DHP  
David E. Brown, D.C., Director, DHP  
Barbara Allison-Bryan, MD, Chief Deputy, DHP

CALL FOR PUBLIC COMMENT:

Ms. Warriner called for comment for the two topics. The first is to consider placement of the following chemicals into Schedule I and the second is to consider conforming drug scheduling to actions taken recently by DEA. She stated as indicated in the meeting notice on Regulatory Townhall and in the agenda package, comments would be received during this public hearing from only those persons who submitted an email to Caroline Juran no later than 8am on May 18, 2020 indicating that they wish to offer comment.

Pursuant to article § 54.1-3443(D), the Virginia Department of Forensic Science (DFS) has identified nine (11) compounds for recommended inclusion into the Code of Virginia:

The following compounds are classified as powerful synthetic opioids:

- N-phenyl-N-[1-(2-phenylmethyl)-4-piperidinyl]-2-furancarboxamide (other name: N-benzyl Furanyl norfentanyl)
- 1-[2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl]-1-butanone ( other name: 2-methyl AP-237)

The following compounds are classified as research chemicals:

- N-hexyl-3,4-dimethoxyamphetamine (other names: N-hexyl-3.4-DMA)
- N-heptyl-3,4-dimethoxyamphetamine (other names: N-heptyl-3.4-DMA)
- 2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone, a-isobutylaminohexanphenone)
- 1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl Pentylone)
- 2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)- cyclohexanone)

The following compounds are classified as cannabimimetic agents:

- Methyl 2-[(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB 2201)
- Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate ( other names: MMB022, MMB-4en-PICA)
- Methyl 2-[(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3-phenylpropanoate (other name: 5-fluoro-MPP-PICA)
- 1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide (other name: 5-fluoro CUMYL-PICA)

If approved by the Board of Pharmacy, the placement of these substances into Schedule I shall go into effect 30 days following

publication of the proposed regulation and remain in effect for a period of 18 months. The chemicals will then be de-scheduled unless a general law is passed by the General Assembly placing the chemicals into Schedule I.

Pursuant to § 54.1-3443 (E), scheduling action to conform to recent actions taken by DEA include:

- Adds methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (other name: MDMB-CHMICA, MMB-CHMINACA), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, in Schedule I;
- Adds solriamfetol (2-amino-3-phenylpropyl carbamate), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, to Schedule IV;
- Adds noroxymorphone, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, to Schedule II;
- Adds lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide], including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, to Schedule V;
- Adds brexanolone (3 $\alpha$ -hydroxy-5 $\alpha$ -pregnan-20-one), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, in schedule IV;
- Deletes naloxegol and 6P-naltrexol from Schedule II;
- Replaces 4-anilino-N-phenethyl-4-piperidine (CASRN 21409-26-7) in Schedule II with 4-anilino-N-phenethylpiperidine (ANPP);
- Adds ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (other name: SF-EDMB-PINACA), methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (other name: SF-MDMB-PICA), and 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (other name: SF-CUMYL-PINACA), and their optical, positional, and geometric isomers, salts, and salts of isomers to Schedule I; and
- Adds other name SF-APINACA to N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other name: FUB-AKB48) which is currently placed in Schedule I.

PUBLIC COMMENT:

Ms. Juran informed the chairman that no one contacted her requesting to offer comment on these two subjects, therefore, no public comment was offered.

ADJOURN:

The public hearing adjourned at 9:15am.

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Cynthia Warriner, Chairman

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Caroline D. Juran, Executive Director

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Date

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Date