Common Sense Initiative

Mike DeWine, *Governor*
Jon Husted, *Lt. Governor*

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Comments on the proposed rules will be accepted until close of business on March 29, 2024. Please send all comments to the following email address:
RuleComments@pharmacy.ohio.gov

In addition, please copy your comments to: CSIPublicComments@governor.ohio.gov

Business Impact Analysis

Agency, Board, or Commission Name: State of Ohio Board of Pharmacy

Rule Contact Name and Contact Information: Summer Corson
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Regulation/Package Title (a general description of the rules' substantive content):

Schedule I-V Controlled Substances

Rule Number(s): 4729:9-1-01, 4729:9-1-02, 4729:9-1-03, 4729:9-1-04, 4729:9-1-05

Date of Submission for CSI Review: 3/7/2024

Public Comment Period End Date: 3/29/2024

Rule Type/Number of Rules:

New/___ rules

No Change/ 3 rules (FYR? Y)

Amended/ 2 rules (FYR? Y)

Rescinded/____ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

   Which adverse impact(s) to businesses has the agency determined the rule(s) create? The rule(s):

   a. ☐ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**

   b. ☒ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**

   c. ☐ **Requires specific expenditures or the report of information as a condition of compliance.**

   d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

2. **Please briefly describe the draft regulation in plain language.**
   Please include the key provisions of the regulation as well as any proposed amendments.

   Amend

   - 4729:9-1-01 – Lists the drugs/compounds that are Schedule I controlled substances. Updates incorporation by reference for substances temporarily scheduled by the Drug Enforcement Administration.
   - 4729:9-1-04 – Lists the drugs/compounds that are Schedule IV controlled substances. Removing Fenfluramine from the list of Schedule IV controlled substances to correspond with its removal from the federal schedules.

No Change

- 4729:9-1-02 – Lists the drugs/compounds that are Schedule II controlled substances.
- 4729:9-1-03 – Lists the drugs/compounds that are Schedule III controlled substances.
- 4729:9-1-05 – Lists the drugs/compounds that are Schedule V controlled substances.

3. **Please list the Ohio statute(s) that authorize the agency, board, or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

   The proposed rules are authorized by sections 3719.44, 3719.41, 3719.45, and 3719.28 of the Ohio Revised Code.

4. **Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**
   If yes, please briefly explain the source and substance of the federal requirement.

   These rules do not implement a federal requirement. However, the rules do incorporate the federal controlled substance schedules.

5. **If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

   Not applicable.

6. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

   Ohio Revised Code 4729.41 requires the Board to adopt state controlled substance schedules into rule.

7. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**
   The success of the regulation will be measured by having rules that are enforceable by state and local jurisdictions that incorporate the federal controlled substance schedules.

8. **Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**
   If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.
   No.

Development of the Regulation

9. **Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**
   If applicable, please include the date and medium by which the stakeholders were initially contacted.

   The rules in this package were distributed for public comment to all licensees and registrants of the Board.

   Prior to filing with CSI, the rules were also reviewed and approved by the Board of Pharmacy.

10. **What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

    Stakeholders did not provide any feedback regarding the rule package.

11. **What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

    Under state and federal law, drugs, substances, and certain chemicals used to make drugs are classified into five (5) distinct categories or schedules depending upon the drug's acceptable medical use and the drug's abuse or dependency potential. The abuse rate is a determinate factor in the scheduling of the drug; for example, Schedule I drugs have a high potential for abuse and the potential to create severe psychological and/or physical dependence. As the drug schedule changes – Schedule II, Schedule III, etc., so does the abuse potential – Schedule V drugs represents the least potential for abuse.

12. **What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**
    Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.

    As the rules are required by state law, the Ohio Board of Pharmacy did not consider any regulatory alternatives.

13. **What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

    The Board of Pharmacy's Director of Policy and Communications reviewed the proposed rule to ensure that the regulation does not duplicate another Ohio Board of Pharmacy regulation.

14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The rules will be posted on the Board of Pharmacy's web site, information concerning the rules will be included in materials e-mailed to licensees, and notices will be sent to associations, individuals, and groups. Board of Pharmacy staff are also available via phone or email to answer questions regarding implementation of the rules. In addition, the Board's compliance agents are trained to educate licensees on current and/or new regulations during on-site inspections.

Board of Pharmacy staff receive regular updates on rules via a monthly internal newsletter, biannual staff meetings featuring a regulatory update, mandatory all-day law reviews for new employees, email updates, webinars from the Director of Policy and Communications, and feedback from the Board's legal department for every citation submitted.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and
Persons who manufacture, distribute, dispense, and possess controlled substances.

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).
The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

Violation of these rules could result in a criminal penalty in accordance with Chapter 2925 of the Ohio Revised Code.

16. Are there any proposed changes to the rules that will <u>reduce</u> a regulatory burden imposed on the business community? Please identify. *(Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors).*

- 4729:9-1-04 – Because we are removing Fenfluramine from the list of Schedule IV controlled substances, the Board is reducing the compliance costs for clinics and pharmacies that stock this medication.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Board determined that the regulatory intent justifies the impact on business because the regulations protect and promote public safety by classifying dangerous drugs as controlled substances.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

The rule does not provide any exemptions or alternative means of compliance for small businesses. The law does not differentiate on the size of the business and therefore the regulation is uniform across Ohio.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The State of Ohio Board of Pharmacy does not fine licensees or impose penalties for first-time paperwork violations. However, any failure of a standard of care in the practice of pharmacy is not considered a paperwork error but a quality assurance issue by the licensee that is necessary for the protection of the public.

20. What resources are available to assist small businesses with compliance of the regulation?

Board of Pharmacy staff is available by telephone and e-mail to answer questions. Board staff members also provide presentations to licensees as well as trade associations who seek updates on current regulations. Additionally, staff are trained to educate licensees on compliance with all Board of Pharmacy rules and regulations.

Rule 4729:9-1-01 | Schedule I controlled substances.

Pursuant to section 3719.41 of the Revised Code, controlled substance schedule I is hereby established, which schedules include the following, subject to amendment pursuant to section 3719.43 or 3719.44 of the Revised Code.

(A) As used in this rule:

(1) "Synthetic" unless specifically excepted or unless listed in another schedule, means any substance, material, compound, mixture, or preparation that contains any quantity of a substance made artificially by chemical reaction.

(2) "Pharmacophore" means the portion of a chemical structure that confers the activity of the substance.

(3) "A report from an established forensic laboratory" means a laboratory report from the bureau of criminal identification and investigation, or a laboratory operated by another law enforcement agency, or a laboratory established by or under the authority of an institution of higher education that has its main campus in this state and that is accredited by the association of American universities or the north central association of colleges and secondary schools, primarily for the purpose of providing scientific services to law enforcement agencies and signed by the person performing the analysis as defined in division (A) of section 2925.51 of the Revised Code.

(4) "Synthetic cannabinoids" are drugs commonly found in herbal incense products (common names include but are not limited to: spice, blaze, devil's advocate, genie, smoke, sense, zohai, spike 99, and K2) that may mimic the effects of delta-9-tetrahydrocannabinol (THC), an active central nervous system constituent compound of marijuana.

(B) Narcotics-opiates

Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation (for purposes of 3-methylthiofentanyl only, the term isomer includes the optical and geometric isomers):

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

(2) Acetylmethadol;

(3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);

(4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide; other name: acryloylfentanyl);

(5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl]benzamide;

(6) Allylprodine;

(7) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha- acetylmethadol, levomethadyl acetate, or LAAM);

(8) Alphameprodine;

(9) Alphamethadol;

(10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1- (1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);

(12) Benzethidine;

(13) Betacetylmethadol;

(14) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);

(15) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);

(16) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide (other name: beta-Hydroxythiofentanyl);

(17) Betameprodine;

(18) Betamethadol;

(19) Betaprodine;

(20) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);

(21) Clonitazene;

(22) Dextromoramide;

(23) Diampromide;

(24) Diethylthiambutene;

(25) Difenoxin;

(26) Dimenoxadol;

(27) Dimepheptanol;

(28) Dimethylthiambutene;

(29) Dioxaphetyl butyrate;

(30) Dipipanone;

(31) Ethylmethylthiambutene;

(32) Etonitazene;

(33) Etoxeridine;

(34) 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide; other name: para-fluoroisobutyryl fentanyl);

(35) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);

(36) Furethidine;

(37) Hydroxypethidine;

(38) Ketobemidone;

(39) Levomoramide;

(40) Levophenacylmorphan;

(41) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);

(42) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);

(43) Morpheridine;

(44) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

(45) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);

(46) Noracymethadol;

(47) Norlevorphanol;

(48) Normethadone;

(49) Norpipanone;

(50) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide);

(51) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;

(52) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;

(53) Phenadoxone;

(54) Phenampromide;

(55) Phenomorphan;

(56) Phenoperidine;

(57) Piritramide;

(58) Proheptazine;

(59) Properidine;

(60) Propiram;

(61) Racemoramide;

(62) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);

(63) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;

(64) Tilidine;

(65) Trimeperidine;

(66) U-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide);

(67) Except as otherwise provided in this chapter, any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory:

(a) A chemical scaffold consisting of both of the following:

(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

(ii) 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.

(b) A polar functional group attached to the chemical scaffold, including but not limited to, a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

(d) The compound has not been approved for medical use by the United States food and drug administration.

(68) N,N-Diethyl-2-[[4-(1-methylethoxy)phenyl]methyl]-5-nitro-1H-benzimidazole-1-ethanamine (isotonitazene).

(69) 2-Methyl-AP-237 (1-[2-methyl-4-[(E)-3-phenylprop-2-enyl]piperazin-1-yl]butan-1-one).

(70) AP-237 (1-[4-(3-phenyl-2-propen-1-yl)-1-piperazinyl]-1-butanone).

(71) Tianeptine.

(C) Narcotics-opium derivatives

Any of the following opium derivatives, including their salts, isomers, and salts of isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;

(2) Acetyldihydrocodeine;

(3) Benzylmorphine;

(4) Codeine methylbromide;

(5) Codeine-n-oxide;

(6) Cyprenorphine;

(7) Desomorphine;

(8) Dihydromorphine;

(9) Drotebanol;

(10) Etorphine (except hydrochloride salt);

(11) Heroin;

(12) Hydromorphinol;

(13) Methyldesorphine;

(14) Methyldihydromorphine;

(15) Morphine methylbromide;

(16) Morphine methylsulfonate;

(17) Morphine-n-oxide;

(18) Myrophine;

(19) Nicocodeine;

(20) Nicomorphine;

(21) Normorphine;

(22) Pholcodine;

(23) Thebacon;

(24) 6-monoacetylmorphine (6-MAM).

(D) Hallucinogens

Any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation. For the purposes of this division only, "isomer" includes the optical isomers, position isomers, and geometric isomers.

(1) Alpha-ethyltryptamine (some trade or other names: etryptamine; Monase; alpha-ethyl-1H- indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and AET);

(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy- alpha-methyphenethylamine; 4-bromo-2,5-DMA);

(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus);

(4) 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);

(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

(7) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha- methylphenethylamine; paramethoxyamphetamine; PMA);

(8) 5-methoxy-3,4-methylenedioxy-amphetamine;

(9) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");

(10) 3,4-methylenedioxy amphetamine (MDA);

(11) 3,4-methylenedioxymethamphetamine (MDMA);

(12) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);

(13) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);

(14) 3,4,5-trimethoxy amphetamine;

(15) 5-methoxy-N,N-dimethyltryptamine (some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT);

(16) Alpha-methyltryptamine (other name: AMT);

(17) Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine);

(18) Diethyltryptamine (some trade or other names: N, N-diethyltryptamine; DET);

(19) Dimethyltryptamine (some trade or other names: DMT);

(20) 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

(21) Ibogaine (some trade or other names: 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy- 6,9-methano- 5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);

(22) Lysergic acid diethylamide;

(23) Marihuana;

(24) Mescaline;

(25) Parahexyl (some trade or other names: 3-hexyl-1- hydroxy-7,8,9,10-tetrahydro-6,6,9- trimethyl-6H-dibenzo[b,d]pyran; synhexyl);

(26) Peyote (meaning all parts of the plant presently classified botanically as "Lophophora williamsii Lemaire," whether growing or not, the seeds of that plant, any extract from any part of that plant, and every compound, manufacture, salts, derivative, mixture, or preparation of that plant, its seeds, or its extracts);

(27) N-ethyl-3-piperidyl benzilate;

(28) N-methyl-3-piperidyl benzilate;

(29) Psilocybin;

(30) Psilocyn;

(31) Tetrahydrocannabinols (synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: delta-1- cis or trans tetrahydrocannabinol, and their optical isomers; delta-6-cis or trans tetrahydrocannabinol, and their optical isomers; delta-3,4-cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are covered.)), excluding any of the following:

(a) Tetrahydrocannabinols found in "hemp" and "hemp products" as those terms are defined in section 928.01 of the Revised Code; and

(b) Any other substance containing tetrahydrocannabinols as authorized in this chapter of the Administrative Code.

(32) N-ethyl-1- phenylcyclohexylamine (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE);

(33) 1-(1- phenylcyclohexyl)pyrrolidine (PCPy; PHP);

(34) 1-[1-(2-thienyl)-cyclohexyl]- piperidine (2-thienyl analog of phencyclidine; TPCP; TCP);

(35) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (some other names: TCPy);

(36) 4-methylmethcathinone (mephedrone);

(37) 3,4-methylenedioxypyrovalerone (MDPV);

(38) 3,4-Methylenedioxy-N-methylcathinone (Methylone);

(39) Hashish;

(40) Salvia divinorum;

(41) Salvinorin A;

(42) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);

(43) 1-pentyl-3-(1-adamantoyl)indole (AB-001);

(44) N-adamantyl-1-pentylindole-3-carboxamide (APICA, 2NE1);

(45) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA);

(46) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA);

(47) N-adamantyl-1-pentylindazole-3-carboxamide (APINACA, AKB48);

(48) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (methoxetamine);

(49) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);

(50) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);

(51) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);

(52) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);

(53) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3-tetramethylcyclopropyl) methanone (A- 796,260);

(54) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1-adamantoyl)indole (AM1248);

(55) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide (5F-APICA, STS135);

(56) 5-(2-aminopropyl)benzofuran (5-APB);

(57) 6-(2-aminopropyl)benzofuran (6-APB);

(58) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);

(59) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);

(60) Benzothiophenylcyclohexylpiperidine (BTCP);

(61) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(62) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

(63) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

(64) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

(65) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

(66) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

(67) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

(68) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

(69) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);

(70) 4-methoxymethamphetamine (PMMA);

(71) 5,6 - Methylenedioxy-2-aminoindane (MDAI);

(72) 5-iodo-2-aminoindiane (5-IAI);

(73) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2-methoxyphenyl)methyl]ethanamine(25I-NBOMe);

(74) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe, 2C-C- NBOMe);

(75) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe, 2C-B- NBOMe);

(76) 4-methyl-N-ethylcathinone (4-MEC);

(77) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);

(78) Alpha-pyrrolidinopentiophenone (alpha-PVP);

(79) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone, bk-MBDB);

(80) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);

(81) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1- one (pentylone, bk-MBDP);

(82) 4-fluoro-N-methylcathinone (4-FMC; flephedrone);

(83) 3-fluoro-N-methylcathinone (3-FMC);

(84) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone);

(85) Alpha-pyrrolidinobutiophenone (alpha-PBP);

(86) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA);

(87) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA);

(88) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone (THJ-2201);

(89) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: MAB- CHMINACA; ADB-CHMINACA);

(90) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);

(91) Desoxypipradrol (2-benzhydrylpiperidine);

(92) Synthetic cannabinoids - unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following chemical groups or any of those groups which contain any synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical groups:

(a) Naphthoylindoles: any compound containing a 3-(1-naphthoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent or whether or not substituted on the naphthyl group to any extent. Naphthoylindoles include, but are not limited to, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1-naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole (JWH- 073).

(b) Naphthylmethylindoles: any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,

cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N- methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent or whether or not substituted on the naphthyl group to any extent. Naphthylmethylindoles include, but are not limited to, (1-pentylindol-3-yl)(1-naphthyl)methane (JWH-175).

(c) Naphthoylpyrroles: any compound containing a 3-(1-naphthoyl)pyrrole structure with or without substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin- 2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4- morpholinyl)ethyl group, whether or not further substituted on the pyrrole ring to any extent or whether or not substituted on the naphthyl group to any extent. Naphthoylpyrroles include, but are not limited to, 1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147).

(d) Naphthylmethylindenes: any compound containing a naphthylmethylideneindene structure with or without substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin- 2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indene group to any extent or whether or not substituted on the naphthyl group to any extent. Naphthylmethylindenes include, but are not limited to, (1-[(3-pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176).

(e) Phenylacetylindoles: any compound containing a 3-phenylacetylindole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent or whether or not substituted on the phenyl group to any extent. Phenylacetylindoles include, but are not limited to, 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2-cyclohexylethyl)-3-(2- methoxyphenylacetyl)indole (RCS-8); 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

(f) Cyclohexylphenols: any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with or without substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin- 2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the cyclohexyl group to any extent. Cyclohexylphenols include, but are not limited to, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: cannabicyclohexanol; CP- 47,497 C8 homologue).

(g) Benzoylindoles: any compound containing a 3-(1-benzoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent or whether or not substituted on the phenyl group to any extent. Benzoylindoles include, but are not limited to, 1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098).

(93) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22; QUPIC);

(94) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5-fluoro-PB-22; 5F-PB-22);

(95) Except as otherwise provided in this rule, any compound that meets at least three of the following cannabinoid pharmacophore requirements to bind at the CB1 and CB2 receptors, as identified by a report from an established forensic laboratory:

(a) 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);

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

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

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

(E) Depressants

Any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Mecloqualone;

(2) Methaqualone;

(3) Except as listed in rule 4729:9-1-03 of the Administrative Code, gamma-hydroxybutyric acid (some other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(4) Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine);

(5) Except as otherwise provided in this chapter, any compound that contains the following structural requirements of a benzodiazepine pharmacophore, as identified by a report from an established forensic laboratory:

A core structure consisting of a benzene ring fused to the seven-membered diazepine ring with a 5-aryl substituent aka 5-aryl-1,4-benzodiazepine for binding to the GABA receptor. Regardless of impact on the lipophilic properties of the compound, a benzodiazepine pharmacophore may contain a variety of functional groups including, but not limited to, aldehydes, ketones, esters, and amides.

This paragraph only applies to a compound that has not been approved for medical use by the United States food and drug administration.

(F) Stimulants

Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:

(1) Aminorex (some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine);

(2) N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

(3) Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone);

(4) Fenethylline;

(5) Methcathinone (some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432), its salts, optical isomers and salts of optical isomers;

(6) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

(7) N-ethylamphetamine;

(8) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N- alpha-trimethylphenethylamine);

(9) N-methyl-1-(thiophen-2-yl) propan-2-amine (methio-propamine);

(10) Substituted cathinones - any compound except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(a) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(b) By substitution at the 3-position with an acyclic alkyl substituent;

(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups;

(d) By inclusion of the 2-amino nitrogen atom in a cyclic structure.

(11) Except as otherwise provided in this rule, any compound that contains the structural requirements of the cathinone pharmacophore, as identified by a report from an established forensic laboratory.

(G) For the purpose of complying with federal law, all materials, compounds, mixtures or preparations which contain any substance temporarily placed in schedule I pursuant to 21 U.S.C. 811 by the United States drug enforcement administration (~~**4/14/2023**~~ **3/1/2024**).

Rule 4729:9-1-02 | Schedule II controlled substances.

Pursuant to section 3719.41 of the Revised Code, controlled substance schedule II is hereby established, which schedules include the following, subject to amendment pursuant to section 3719.43 or 3719.44 of the Revised Code.

(A) Narcotics-opium and opium derivatives

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxegol, naloxone, and naltrexone, and their respective salts, but including the following:

(a) Raw opium;

(b) Opium extracts;

(c) Opium fluid extracts;

(d) Powdered opium;

(e) Granulated opium;

(f) Tincture of opium;

(g) Codeine;

(h) Dihydroetorphine;

(i) Ethylmorphine;

(j) Etorphine hydrochloride;

(k) Hydrocodone;

(l) Hydromorphone;

(m) Metopon;

(n) Morphine;

(o) Noroxymorphone;

(p) Oripavine;

(q) Oxycodone;

(r) Oxymorphone;

(s) Thebaine.

(2) Any salt, compound, derivative, or preparation thereof that is chemically equivalent to or identical with any of the substances referred to in paragraph (A)(1) of this rule, except that these substances shall not include the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves (including cocaine and ecgonine, their salts, isomers, and derivatives, and salts of those isomers and derivatives), and any salt, compound, derivative, or preparation thereof that is chemically equivalent to or identical with any of these substances, except that the substances shall not include:

(a) Decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; or

(b) [123I]ioflupane.

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy).

(B) Narcotics-opiates

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, but excluding dextrorphan and levopropoxyphene:

(1) Alfentanil;

(2) Alphaprodine;

(3) Anileridine;

(4) Bezitramide;

(5) Bulk dextropropoxyphene (non-dosage forms);

(6) Carfentanil;

(7) Dihydrocodeine;

(8) Diphenoxylate;

(9) Fentanyl;

(10) Isomethadone;

(11) Levo-alphacetylmethadol (some other names: levo-alpha-acetylmethadol; levomethadyl acetate; LAAM);

(12) Levomethorphan;

(13) Levorphanol;

(14) Metazocine;

(15) Methadone;

(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;

(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;

(18) Pethidine (meperidine);

(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

(21) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(22) Phenazocine;

(23) Piminodine;

(24) Racemethorphan;

(25) Racemorphan;

(26) Remifentanil;

(27) Sufentanil;

(28) Tapentadol;

(29) Thiafentanil.

(C) Stimulants

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, its optical isomers, and salts of its optical isomers;

(2) Methamphetamine, its salts, its isomers, and salts of its isomers;

(3) Methylphenidate;

(4) Phenmetrazine and its salts;

(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

(D) Depressants

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital;

(2) Glutethimide;

(3) Pentobarbital;

(4) Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)piperidine; PCP);

(5) Secobarbital;

(6) 1-aminophenylcyclohexane and all N-mono-substituted and/or all N-N-disubstituted analogs including, but not limited to, the following:

(a) 1-phenylcyclohexylamine;

(b) (1-phenylcyclohexyl) methylamine;

(c) (1-phenylcyclohexyl) dimethylamine;

(d) (1-phenylcyclohexyl) methylethylamine;

(e) (1-phenylcyclohexyl) isopropylamine;

(f) 1-(1-phenylcyclohexyl) morpholine.

(E) Hallucinogenic substances

(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a- hexahydro-1- hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one);

(2) Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a dangerous drug approved for marketing by the U.S. food and drug administration.

(F) Immediate precursors

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

Phenylacetone (some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone);

(2) Immediate precursors to phencyclidine (PCP):

(a) 1-phenylcyclohexylamine;

(b) 1-piperidinocyclohexanecarbonitrile (PCC).

(3) Immediate precursor to fentanyl:

4-anilino-N-phenethylpiperidine (ANPP).

Rule 4729:9-1-03 | Schedule III controlled substances.

Pursuant to section 3719.41 of the Revised Code, controlled substance schedule III is hereby established, which schedules include the following, subject to amendment pursuant to section 3719.43 or 3719.44 of the Revised Code.

(A) Stimulants

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, their optical isomers, position isomers, or geometric isomers, and salts of these isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) All stimulant compounds, mixtures, and preparations included in schedule III pursuant to the federal drug abuse control laws and regulations adopted under those laws;

(2) Benzphetamine;

(3) Chlorphentermine;

(4) Clortermine

(5) Phendimetrazine.

(B) Depressants

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs, and one or more other active medicinal ingredients that are not listed in any schedule;

(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository;

(3) Any substance that contains any quantity of a derivative of barbituric acid or any salt of a derivative of barbituric acid;

(4) Chlorhexadol;

(5) Embutramide;

(6) Any dangerous drug containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (8/20/2019);

(7) Ketamine, its salts, isomers, and salts of isomers (some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone);

(8) Lysergic acid;

(9) Lysergic acid amide;

(10) Methyprylon;

(11) Sulfondiethylmethane;

(12) Sulfonethylmethane;

(13) Sulfonmethane;

(14) Tiletamine, zolazepam, or any salt of tiletamine or zolazepam (some trade or other names for a tiletamine-zolazepam combination product: Telazol); (some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8- dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-one; flupyrazapon);

(15) Xylazine.

(C) Narcotic antidotes

Nalorphine.

(D) Narcotics-narcotic preparations

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(4) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(7) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, set forth as follows:

Buprenorphine.

(E) Anabolic steroids

(1) Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, esters, isomers, and salts of esters and isomers, whenever the existence of these salts, esters, and isomers is possible within the specific chemical designation.

(2) Anabolic steroids. Except as otherwise provided in paragraph (E)(1) of this rule, "anabolic steroids" means any drug or hormonal substance that is chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) and that promotes muscle growth. "Anabolic steroids" does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the United States secretary of health and human services for that administration, unless a person prescribes, dispenses, or distributes this type of anabolic steroid for human use. "Anabolic steroid" includes, but is not limited to, the following:

(a) 3beta,17-dihydroxy-5a-androstane;

(b) 3alpha,17beta-dihydroxy-5a-androstane;

(c) 5alpha-androstan-3,17-dione;

(d) 1-androstenediol (3beta,17beta-dihydroxy-5a-androst-1-ene);

(e) 1-androstenediol (3alpha,17beta-dihydroxy-5a-androst-1-ene);

(f) 4-androstenediol (3beta,17beta-dihydroxy-androst-4-ene);

(g) 5-androstenediol (3beta,17beta-dihydroxy-androst-5-ene);

(h) 1-androstenedione ([5alpha]-androst-1-en-3,17-dione);

(i) 4-androstenedione (androst-4-en-3,17-dione);

(j) 5-androstenedione (androst-5-en-3,17-dione);

(k) Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

(l) Boldenone (17beta-hydroxyandrost-1,4-diene-3-one);

(m) Boldione (androsta-1,4-diene-3,17-dione);

(n) Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

(o) Clostebol (4-chloro-17beta-hydroxyandrost-4-en-3-one);

(p) Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methyl-androst-1,4-dien-3-one);

(q) Desoxymethyltestosterone (17alpha-methyl-5alpha-androst-2-en-17beta-ol) (a.k.a. 'madol');

(r) Delta 1-dihydrotestosterone (a.k.a.'1-testosterone') (17beta-hydroxy-5alpha-androst-1-en-3-one);

(s) 4-dihydrotestosterone (17beta-hydroxy-androstan-3-one);

(t) Drostanolone (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);

(u) Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);

(v) Fluoxymesterone (9-fluoro-17alpha-methyl-11beta,17beta-dihydroxyandrost-4-en-3-one);

(w) Formebolone (2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,4-dien-3-one);

(x) Furazabol (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);

(y) 13beta-ethyl-17beta-hydroxygon-4-en-3-one;

(z) 4-hydroxytestosterone (4,17beta-dihydroxy-androst-4-en-3-one);

(aa) 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);

(bb) Mestanolone (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);

(cc) Mesterolone (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);

(dd) Methandienone (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);

(ee) Methandriol (17alpha-methyl-3beta,17beta-dihydroxyandrost-5-ene);

(ff) Methasterone (2alpha,17alpha-dimethyl-5alpha-androstan-17beta-ol-3-one);

(gg) Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);

(hh) 17alpha-methyl-3beta,17beta-dihydroxy-5a-androstane;

(ii) 17alpha-methyl-3alpha,17beta-dihydroxy-5a-androstane;

(jj) 17alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene;

(kk) 17alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);

(ll) Methyldienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);

(mm) Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9,11-trien-3-one);

(nn) Methyltestosterone (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);

(oo) Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);

(pp) 17alpha-methyl-delta1-dihydrotestosterone (17beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (a.k.a. '17-alpha-methyl-1-testosterone');

(qq) Nandrolone (17beta-hydroxyestr-4-en-3-one);

(rr) 19-nor-4-androstenediol (3beta, 17beta-dihydroxyestr-4-ene);

(ss) 19-nor-4-androstenediol (3alpha, 17beta-dihydroxyestr-4-ene);

(tt) 19-nor-5-androstenediol (3beta, 17beta-dihydroxyestr-5-ene);

(uu) 19-nor-5-androstenediol (3alpha, 17beta-dihydroxyestr-5-ene);

(vv) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);

(ww) 19-nor-4-androstenedione (estr-4-en-3,17-dione);

(xx) 19-nor-5-androstenedione (estr-5-en-3,17-dione);

(yy) Norbolethone (13beta, 17alpha-diethyl-17beta-hydroxygon-4-en-3-one);

(zz) Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);

(aaa) Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);

(bbb) Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);

(ccc) Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);

(ddd) Oxymesterone (17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);

(eee) Oxymetholone (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-androstan-3-one);

(fff) Prostanozol (17beta-hydroxy-5alpha-androstano[3,2-c]pyrazole);

(ggg) Stanozolol (17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-pyrazole);

(hhh) Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);

(iii) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

(jjj) Testosterone (17beta-hydroxyandrost-4-en-3-one);

(kkk) Tetrahydrogestrinone (13beta, 17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);

(lll) Trenbolone (17beta-hydroxyestr-4,9,11-trien-3-one);

(mmm) Methandranone;

(nnn) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in paragraph (E)(2) of this rule if the salt, ester, or isomer promotes muscle growth.

(F) Hallucinogenic substances

Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product (some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol).

Rule 4729:9-1-04 | Schedule IV controlled substances.

Pursuant to section 3719.41 of the Revised Code, controlled substance schedule IV is hereby established, which schedules include the following, subject to amendment pursuant to section 3719.43 or 3719.44 of the Revised Code.

(A) Narcotic drugs

Unless specifically excepted by federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities set forth as follows:

(1) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane)[final dosage forms];

(3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol).

(B) Depressants

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Alfaxalone;

(2) Alprazolam;

(3) Barbital;

(4) Brexanolone;

(5) Bromazepam;

(6) Camazepam;

(7) Carisoprodol;

(8) Chloral betaine;

(9) Chloral hydrate;

(10) Chlordiazepoxide;

(11) Clobazam;

(12) Clonazepam;

(13) Clorazepate;

(14) Clotiazepam;

(15) Cloxazolam;

(16) Delorazepam;

(17) Diazepam;

(18) Dichloralphenazone;

(19) Estazolam;

(20) Ethchlorvynol;

(21) Ethinamate;

(22) Ethyl loflazepate;

(23) Fludiazepam;

(24) Flunitrazepam;

(25) Flurazepam;

(26) Fospropofol;

(27) Halazepam;

(28) Haloxazolam;

(29) Ketazolam;

(30) Loprazolam;

(31) Lorazepam;

(32) Lormetazepam;

(33) Mebutamate;

(34) Medazepam;

(35) Meprobamate;

(36) Methohexital;

(37) Methylphenobarbital (mephobarbital);

(38) Midazolam;

(39) Nimetazepam;

(40) Nitrazepam;

(41) Nordiazepam;

(42) Oxazepam;

(43) Oxazolam;

(44) Paraldehyde;

(45) Petrichloral;

(46) Phenobarbital;

(47) Pinazepam;

(48) Prazepam;

(49) Quazepam;

(50) Suvorexant;

(51) Temazepam;

(52) Tetrazepam;

(53) Triazolam;

(54) Zaleplon;

(55) Zolpidem;

(56) Zopiclone.

~~**(C) Fenfluramine**~~

~~**Any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, their optical isomers, position isomers, or geometric isomers, and salts of these isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:**~~

~~**Fenfluramine.**~~

(~~**D**~~**C**) Lorcaserin

Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

Lorcaserin.

(**ED**) Stimulants

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, their optical isomers, position isomers, or geometric isomers, and salts of these isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-norpseudoephedrine);

(2) Diethylpropion;

(3) Fencamfamin;

(4) Fenproporex;

(5) Mazindol;

(6) Mefenorex;

(7) Modafinil;

(8) Pemoline (including organometallic complexes and chelates thereof);

(9) Phentermine;

(10) Pipradrol;

(11) Sibutramine;

(12) Solriamfetol (2-amino-3-phenylpropyl car-bamate; benzenepropanol, beta-amino-, carbamate (ester));

(13) SPA [(-)-1-dimethylamino-1,2-diphenylethane].

(**FE**) Other substances

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:

(1) Pentazocine;

(2) Butorphanol (including its optical isomers);

(3) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl)-2,6-dimethylphenyl]-1-oxopropyl][(1S)-1- (4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers.

Rule 4729:9-1-05 | Schedule V controlled substances.

Pursuant to section 3719.41 of the Revised Code, controlled substance schedule V is hereby established, which schedules include the following, subject to amendment pursuant to section 3719.43 or 3719.44 of the Revised Code.

(A) Narcotics-narcotic preparations

Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, and that includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

(1) Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

(2) Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

(3) Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(5) Not more than one hundred milligrams of opium perone hundred milliliters or per one hundred grams;

(6) Not more than 0.5 milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

(B) Stimulants

Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:

(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code;

(2) Pyrovalerone.

(C) United States food and drug administration approved cannabidiol drugs

Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any drug product in finished dosage formulation that has been approved by the United States food and drug administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and not more than 0.1 per cent (w/w) residual tetrahydrocannabinols.

(D) Depressants

Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

(1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (also referred to as BRV; UCB-34714; Briviact) (including its salts);

(2) Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester];

(3) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide]; and

(4) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].