



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

RICK SNYDER
GOVERNOR

STEVE ARWOOD
DIRECTOR

Memorandum

DATE: May 20, 2013

TO: All holders of a controlled substance license issued under Article 7 of the Michigan Public Health Code

FROM: Kelly Hugh, Policy Analyst
Policy, Rules and Board Support Section

SUBJECT: Notice of Change in Controlled Substances Scheduling

Pursuant to section 7231 of the Public Health Code, being MCL 333.7231, please be advised of a change in the scheduling of controlled substances.

On January 9, 2013, the attached emergency rules were filed with the Office of the Great Seal. The emergency rules became effective immediately upon filing and will remain in effect pursuant to the terms of section 48(2) of the Administrative Procedures Act, being MCL 24.248(2). The emergency rules resulted in the temporary placement of numerous substances on Schedule I of the Administrative Rules for the Board of Pharmacy – Controlled Substances. A copy of the filed emergency rules is enclosed. The emergency rules are published in the *Michigan Register*, 2013 MR 1.

[Link to the Michigan Register](#)

Encl: 2013-001 LR Emergency Rules Board of Pharmacy – Controlled Substances
Amended Imminent Danger Notification, Department of Community Health, December 7, 2012

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BOARD OF PHARMACY – CONTROLLED SUBSTANCES

EMERGENCY RULES

Filed with the Secretary of State on

These rules take effect upon filing with the Secretary of State and shall remain in effect for 6 months.

By authority conferred on the director of the Department of Licensing and Regulatory Affairs by Sections 16145(3) and 17701 of 1978 PA 368, MCL 333.16145(3) and 333.17701 et seq. and Executive Reorganization Order Nos. 2011-4 being MCL 445.2030 and pursuant to Section 48(2) of 1969 PA 306, being MCL 24.248(2), I hereby submit the following rule for emergency promulgation.



Steve Arwood, Acting Director
Department of Licensing and Regulatory Affairs

DETERMINATION OF ADMINISTRATOR

Pursuant to Section 48(2) of 1969 PA 306, as amended, MCL 24.248(2), the Michigan Board of Pharmacy hereby concurs in the finding of the Department of Community Health contained in the Amended Imminent Danger Notification dated December 7, 2012, that an imminent danger to the lives of individuals in this state can be prevented or controlled by the scheduling of the following named substances, and hereby determines that the substances should be scheduled as Schedule 1 controlled substances.



Dhafer Almakani, Chair
Michigan Board of Pharmacy

12/21/12
Date

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Rule 1. Unless specifically excepted, any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in schedules I to V, as referenced in R 338.3111 to R 338.3129, is not approved by the federal food and drug administration as a drug, and contains any quantity of the following hallucinogenic substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogues), and salts of isomers and homologues (analogues), whenever the existence of these salts, isomers, homologues (analogues), and salts of isomers and homologues (analogues) is possible within the specific chemical designation, is included in schedule 1:

(a) Any derivative of a phenethylamine with single or multiple alkyl, halogen, alkoxy, or substituted C, S, N, or O groups on the aromatic ring and/or fused variations, with or without alkyl substituents on the ethylamine moiety and/or fused variations, and with or without N-alkyl, N-aryl, or N-benzyl with or without single or multiple alkyl, halogen, alkoxy including methoxybenzyl substitution as identified in subdivision (b) of this rule.

(b) Substances include, but are not limited to, all of the following:

(i) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine

Some trade or other names

(A) DOI

(B) 2,5-Dimethoxy-4-iodoamphetamine

(ii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane

Some trade or other names

(A) DOB

(B) 2,5-Dimethoxy-4-bromoamphetamine

(iii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine

Some trade or other names

(A) bromo-benzodifuranylisopropylamine

(B) bromo-dragonFLY

(iv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine

Some trade or other names

(A) DOC

(B) 2,5-Dimethoxy-4-chloroamphetamine

(v) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine

Some trade or other names

(A) 2C-E

(B) 2,5-Dimethoxy-4-ethylphenethylamine

(vi) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine

Some trade or other names

(A) 2C-D

(B) 2,5-Dimethoxy-4-methylphenethylamine

(vii) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine

Some trade or other names

(A) 2C-T

(B) 4-methylthio-2,5-dimethoxyphenethylamine

(viii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine

Some trade or other names

(A) 2C-P

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- (ix) (B) 2,5-Dimethoxy-4-propylphenethylamine
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine
Trade or other names
(A) 2C-N
(B) 2,5-Dimethoxy-4-nitrophenethylamine
- (x) 2-(2,5-Dimethoxyphenyl)ethanamine
Some trade or other names
(A) 2C-H
(B) 2,5-Dimethoxyphenethylamine
- (xi) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
Some trade or other names
(A) 2C-B-NBOMe
(B) 25B-NBOMe
(c) 2,5-Dimethoxy-4-bromo -N-(2-methoxybenzyl)phenethylamine
- (xii) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine
Some trade or other names
(A) 2C-C
(B) 2,5-Dimethoxy-4-chlorophenethylamine
- (xiii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
Some trade or other names
(A) 2C-C-NBOMe
(B) 25C-NBOMe
(C) 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine
- (xiv) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine
Some trade or other names
(A) 2C-T-2
(B) 2,5-Dimethoxy-4-ethylthiophenethylamine
- (xv) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine
Some trade or other names
(A) 2C-I
(B) 2,5-Dimethoxy-4-iodophenethylamine
- (xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
Some trade or other names
(A) 2C-I-NBOMe
(B) 25I-NBOMe
(C) 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine
- (xvii) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine
Some trade or other names
(A) 2C-T-4
(B) 2,5-Dimethoxy-4-isopropylthiophenethylamine
- (xviii) 2,5-dimethoxy-4-(n)-propylthiophenethylamine
Some trade or other names
(A) 2C-T-7
- (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine

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- Some trade or other names
(A) 2CB-5-hemiFLY
- (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
Some trade or other names
(A) 2C-B-FLY
- (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine
Some trade or other names
(A) 2C-BbutterFLY
- (xxii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran
Some trade or other names
(A) 5-APDB
- (xxiii) 5-(2-Aminopropyl)benzofuran
Some trade or other names
(A) 5-APB
- (xxiv) 5-(2-Aminopropyl)indole
Some trade or other names
(A) 5-IT
- (xxv) 5-methoxy-3,4-methylenedioxy-amphetamine
- (xxvi) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran
Some trade or other names
(A) 6-APDB
- (xxvii) 6-(2-Aminopropyl)benzofuran
Some trade or other names
(A) 6-APB
- (xxviii) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine
Some trade or other names
(A) 2C-INBOH
(B) 25I-NBOH
- (xxix) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane
Some trade or other names
(A) 2C-B-FLY-NBOMe
- (xxx) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine
Some trade or other names
(A) Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine

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STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH

**AMENDED IMMINENT DANGER NOTIFICATION
WITH SUPPLEMENTAL ATTACHMENTS
TO THE MICHIGAN BOARD OF PHARMACY
TO REMOVE THE IMMINENT DANGER
AND
SCHEDULE A CLASS OF CHEMICAL COMPOUNDS KNOWN AS
"PHENETHYLAMINES" AS SCHEDULE I CONTROLLED SUBSTANCES**

This Amended Notification with Supplemental Attachments is made pursuant to Section 2251(4) of the Public Health Code, Public Act 368 of 1978, being MCL 333.2251(4).

Matters of concern to the health of Michigan citizens having been brought to the attention of the Director of the Michigan Department of Community Health (MDCH), and the Director having made the following determinations:

- 1) Surveillance conducted from June 2012 to current by the MDCH and its designated agents has shown that the "Phenethylamine" class of chemicals is easily accessible via the Internet and used for recreational purposes by individuals of this state. Information has shown that use of these chemicals has resulted in severe physiological and psychological effects on users throughout the state. For example, as a direct result of consuming these chemical compounds users have experienced hallucinations, disorientation, renal failure, seizures, tachycardia, hypovolemic shock, acute respiratory failure, CNS depression, acute leukocytosis and rhabdomyolysis. The frequency of incidents of individuals presenting to emergency departments throughout the state is steadily increasing; to date fourteen reported incidents in six jurisdictions have resulted in emergency department treatment;
- 2) There are recorded instances of non-compliance where users have been physically combative with law enforcement and EMS personnel.
- 3) Based on the growing trend of severe adverse reactions from the use of these chemical compounds in other states, including death, MDCH can reasonably expect exacerbation of this problem in Michigan;
- 4) Because the number of compounds currently known to have been synthesized and the relative ease of synthesizing new compounds and the lack of success of previous attempts to individually schedule substances, it is reasonable to believe that a general class ban of phenethylamines is necessary to protect the health and lives of individuals in this state;

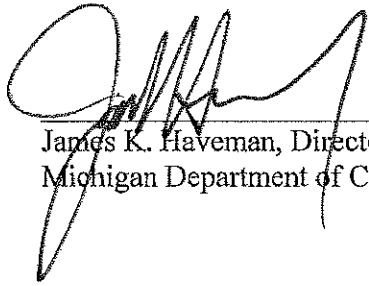
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- 5) Thirty-two instances of phenethylamines, not currently listed as controlled substances, have been seized by law enforcement agencies across the state. This dangerous condition cannot be prevented or controlled by local and state law enforcement officers under current law;
- 6) This situation constitutes an imminent danger to the health or lives of residents of the state of Michigan; and
- 7) This determination is based on information provided to MDCH by the Michigan Regional Poison Center (RPC) at Children's Hospital, Michigan State Police (MSP), local health officers and law enforcement agencies. (See Attachment A – Phenethylamine Chemical Class Threat Assessment; Attachment C – November 30, 2012 Letter to James Haveman, Director MDCH from Col. Kriste Kibbey Etue, Director MSP and Attachment D December 6, 2012 Letter to MDCH and Michigan Board of Pharmacy from Detective Jason Hohner, Pittsfield Charter Township Department of Public Safety).

Now, Therefore, the Board of Pharmacy Is Hereby Notified that:

- A) An imminent danger to the health and lives of individuals in this state can be prevented or controlled by the promulgation of an emergency rule under section 48(2) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.248, to schedule a substance as a controlled substance as provided in part 72.
- B) It is recommended that an imminent danger notification containing a general class ban prohibition that would cover a multitude of phenethylamine compounds be issued by the Michigan Board of Pharmacy. (See Attachment B – MDCH Suggested Language for Amending R 338.3113).

Dated: December 7, 2012


James K. Haveman, Director
Michigan Department of Community Health

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