

STATE OF CONNECTICUT
REGULATION
of the
DEPARTMENT OF CONSUMER PROTECTION
(NAME OF AGENCY)
concerning
CONTROLLED SUBSTANCES

Section 1. Section 21a-243-7 of the Regulations of Connecticut State Agencies is amended to read as follows:

The controlled substances listed in this regulation are included by whatever official, common, usual, chemical, or trade name designation in Schedule I:

(a) 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) Acetylalpha-methylfentanyl;
- (2) Acetylmethadol;
- (3) Allylprodine;
- (4) Alphacetylmethadol (except Levo-alphacetylmethadol or LAAM);
- (5) Alphameprodine;
- (6) Alphamethadol;
- (7) Alpha-methylfentanyl;
- (8) Alphamethylthiofentanyl;
- (9) Benzethidine;
- (10) Betacetylmethadol;
- (11) Beta-hydroxy-fentanyl;
- (12) Beta-hydroxy-3-methylfentanyl;
- (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) Levophenacetylmorphan;
- (34) 3-methylfentanyl;
- (35) 3-methylthiofentanyl;
- (36) Morpheridine;
- (37) Noracymethadol;
- (38) Norlevorphanol;
- (41) Normethadone;
- (40) Norpipanone;
- (41) Para-fluorofentanyl;
- (42) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);

- (43) Phenadoxone;
- (44) Phenampromide;
- (45) Phenomorphan;
- (46) Phenoperidine;
- (47) Piritramide;
- (48) Proheptazine;
- (49) Properidine;
- (50) Propiram;
- (51) Racemoramide;
- (52) Thiofentanyl;
- (53) Tilidine;
- (54) Trimeperidine.

(b) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted 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 salts;
- (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.

(c) Any material, compound, mixture or preparation which contains their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alpha-ethyltryptamine;
- (2) 4-bromo-2,5-dimethoxyamphetamine; or 4-bromo-2,5-DMA;
- (3) 2,5-dimethoxyamphetamine; or 2,5-DMA;
- (4) 2,5-Dimethoxy-4-ethylamphetamine or DOET;
- (5) 3,4-M ethylenedioxy-N-ethylamphetamine;
- (6) 1-methyl-4-phenyl-4-propionoxypiperidine; or MPPP;
- (7) 3,4-methylenedioxyamphetamine; or MDMA;
- (8) 2,5-dimethoxy-4-(n)-propylthiopenenthylamine (2C-T-7);
- (9) 4-methoxyamphetamine; or PMA;
- (10) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (11) 5-Methoxy-nn-Diisopropyltryptamine(5-methoxy-diPT);
- (12) 4-methyl-2,5-dimethoxyamphetamine; or DOM; or STP
- (13) 3,4-methylenedioxy amphetamine; or MDA;
- (14) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA;
- (15) 3,4,5-trimethoxy amphetamine;
- (16) benzylpiperazine or BZP;
- (17) Bufotenine or Mappine;
- (18) Alphaethyltryptamine;

- (19) Diethyltryptamine or DET;
- (20) Dimethyltryptamine or DMT;
- (21) Ibogaine;
- (22) Lysergic acid diethylamide;
- (23) Marihuana;
- (24) MDVP (3,4-methylenedioxypropylvalerone);
- (25) Mephedrone (4-methylmethcathinone);
- [(24)] (26) Mescaline;
- [(25)] (27) Parahexyl or Synhexyl;
- [(26)] (28) Peyote, meaning all parts of the plants;
- [(27)] (29) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine; or PEPAP;
- [(28)] (30) N-ethyl-3-piperidyl benzilate;
- [(29)] (31) N-methyl-3-piperidyl benzilate;
- [(30)] (32) Psilocybin;
- [(31)] (33) Psilocyn;
- [(32)] (34) Tetrahydrocannabinols except Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved product;
- (35) Salvia divinorum;
- (36) Salvinorin A;
- [(33)] (37) Ethylamine analog of phencyclidine, Cyclohexamine or PCE;
- [(34)] (38) 4-Bromo-2,5-dimethoxyphenethylamine;
- [(35)] (39) Pyrrolidine analog of phencyclidine, PCP or PHP;
- [(36)] (40) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- [(37)] (41) Thiophene analog of phencyclidine, TCP or TCP.
- [(38)] (42) Tiletamine or 2-(ethylamino)-2-(2-thienyl)-cyclohexanone;
- [(39)] (43) Trifluoromethylphenylpiperazine or TFMPP.

(d) Any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, their salts, isomers and salts of isomers unless specifically excepted, wherever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Gamma-hydroxy butyric acid, except if contained in a drug product for which an application has been approved under section 505 of the federal food, drug and cosmetic act;
- (2) Gamma-butyrolactone;
- (3) Mecloqualone;
- (4) Methaqualone; or
- (5) Zolazepam.

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

- (1) Aminorex;
- (2) N-benzylpiperazine (some other names: BZP; 1-benzylpiperazine);
- (3) 4-Methylaminorex;
- (4) Cathinone;
- (5) Fenethylamine;
- (6) Methcathinone;
- (7) N-ethylamphetamine;
- (8) N,N-Dimethylamphetamine.

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of a substance having a psychotropic response primarily by agonist activity at cannabinoid-specific receptors effect in the central nervous system. Specific compounds include, but are not limited to:

- (1) 1-pentyl-3-(1-naphthoyl)indole (JWH-018);
- (2) 1-butyl-3-(1-naphthoyl)indole (JWH-073);
- (3) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);
- (4) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

(5) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
(cannabicyclohexanol; CP-47,497 C8 homologue).

STATEMENT OF PURPOSE:

(A) **Purpose:** Connecticut General Statutes Section 21a-243 permits the Commissioner of Consumer Protection to classify certain drugs as controlled substances. The purpose of these proposed regulations is to amend existing sections to add certain drugs to the schedules of controlled substances as directed by Public Act 2011-73 and Public Act 2011-210. Drugs listed in these schedules of controlled substances are more highly regulated than other prescription drugs. These drugs have increased security and recording requirements, and violations of the associated laws yield greater criminal penalties. Therefore, the drugs added to the schedules of controlled substances by these proposed regulations will be more highly regulated, which will lead to a higher level of public safety.

(B) **Summary:** The Department's proposed regulation adds "synthetic marijuana" compounds and the substances "Salvia Divinorum" and "Salvinorin A" to the list of controlled substances, pursuant to Public Act 2011-73 (Senate Bill 1098)

The proposed regulation also adds Mephedrone (4-methylmethcathinone); and MDPV (3,4-methylenedioxypropylvalerone) to the list of controlled substances, pursuant to Section 3 of Public Act 2011-210 (House Bill 6554). These substances, commonly known as bath salts, have recently been the focus of drug abuse.

(C) **Legal Effects:** These proposed regulations alter the list of controlled substances set forth in section 21a-243-7 of the current regulations. The updates are due to statutory changes.

Be it known that the foregoing:

Regulations Emergency Regulations

Are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Sections 4-168 and 21a-243 of the General Statutes and

Section 21a-243 of the General Statutes, as amended by Public Act No. 73 of the 2011 Public Acts.

Section 3 of Public Act No. 210 of the 2011 Public Acts.

After publication in the Connecticut Law Journal on _____ of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on _____ day of _____ 20 ____

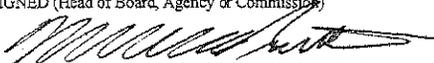
WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.
(OR)

The _____ day of _____, 20 ____.

In Witness Whereof:	DATE 7/29/11	SIGNED (Head of Board, Agency or Commission) 	OFFICIAL TITLE, DULY AUTHORIZED COMMISSIONER
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Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED	OFFICIAL TITLE, DULY AUTHORIZED
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- Approved
 Disapproved
 Disapproved in part, (Indicate Section Numbers disapproved only)
 Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State)	BY
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INSTRUCTIONS

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.

AGENCY FISCAL ESTIMATE OF PROPOSED REGULATION

Agency Submitting Regulation: Department of Consumer Protection

Date: 07-29-2011

Subject Matter of Regulation: Controlled Substances

Regulation Section No.: 21a-243-7

Statutory Authority: 4-168; 21a-243; Public Act 2011-73; Public Act 2011-210 (§3)

Other Agencies Affected: n/a

Effective Date Used In Cost Estimate: Upon Passage (Filing with the Secretary of the State).

Estimate Prepared By: Jerry P. Padula, Esq. - DCP Legal Telephone No.: 860-713-6087

SUMMARY OF COST AND REVENUE IMPACT OF PROPOSED REGULATION

Agency: Department of Consumer Protection Fund Affected: n/a

	First Year	Second Year	Full Operation
Number of Positions	n/a	n/a	n/a
Personal Services	\$0	\$0	\$0
Other Expenses	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Grants	\$0	\$0	\$0
Total State Cost or (Savings)	\$0	\$0	\$0
Estimated Revenue Gain or (Loss)	\$0	\$0	\$0
Total Net State Cost or (Savings)	\$0	\$0	\$0

Explanation of State Impact of Regulation:

No fiscal impact is anticipated. The Department of Consumer Protection's Drug Control Division currently handles the registration and regulation of controlled substance practitioners. The proposed regulation's minor changes to the list of drugs subject to regulation will not cause a fiscal impact on the Department.

Explanation of Municipal Impact of Regulation:

No impact on municipalities is anticipated. The Department has jurisdiction over these regulations.

Explanation of Small Business Impact of Regulation:

Please see the Department's Small Business Impact Statement for more details.

SMALL BUSINESS IMPACT STATEMENT

Prior to adopting a new section or amendment, Section 4-168a of the Connecticut General Statutes (C.G.S.) requires that each state agency consider the affect of such action on small businesses as defined in C.G.S. Section 4-168a. When such a regulatory action may have an adverse affect on small businesses, C.G.S. Section 4-168a directs the agency to consider regulatory requirements that will minimize the adverse impacts on small businesses if the addition of such requirements (1) will not interfere with the intended objectives of the regulatory action and (2) will allow the new section or amendment to remain consistent with public health, safety and welfare.

State Agency submitting proposed regulations: Department of Consumer Protection

Subject matter of Regulation: Controlled Substances

Date of Agency analysis: July 29, 2011

Check the appropriate box:

- The regulatory action will not have an affect on small businesses.
- The regulatory action will have an affect on small businesses, but will not have an adverse affect on such small businesses.
- The regulatory action may have an adverse affect on small businesses, and no alternative considered would be both as effective in achieving the purpose of the action and less burdensome to potentially affected small business. Alternatives considered include the following:
- (1) The establishment of less stringent compliance or reporting requirements for small businesses;
 - (2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
 - (3) The consolidation or simplification of compliance or reporting requirements for small businesses;
 - (4) The establishment of performance standards for small businesses to replace design or operational standards required in the new section or amendment; and
 - (5) The exemption of small businesses from all or any part of the requirements contained in the new section or amendment.
- The regulatory action will have an adverse affect on small businesses that cannot be minimized in a manner that is consistent with public health, safety and welfare.

The Department of Consumer Protection notified / (did not notify) the Department of Economic and Community Development of its intent to take the proposed action, and completed / (did not complete) the Agency Fiscal Estimate of Proposed Regulations.