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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Department of Mental Health and Substance Abuse Services
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0940-06-01	Controlled Substances
Rule Number	Rule Title
0940-06-01-.01	Controlled Substances in Schedule I
0940-06-01-.02	Controlled Substances in Schedule II
0940-06-01-.03	Controlled Substances in Schedule III
0940-06-01-.04	Controlled Substances in Schedule IV
0940-06-01-.05	Controlled Substances in Schedule V
0940-06-01-.06	Controlled Substances in Schedule VI
0940-06-01-.07	Controlled Substances in Schedule VII
0940-06-01-.08	Non-Narcotic Substances Excluded from Controlled Substances
0940-06-01-.09	Chemical preparations excluded from Controlled Substances
0940-06-01-.10	Veterinary anabolic steroid implant products excluded from Controlled Substances
0940-06-01-.11	Prescription products excluded from Controlled Substances
0940-06-01-.12	Anabolic steroid products excluded from Controlled Substances
0940-06-01-.13	Certain cannabis plant material, and products made therefrom, excluded from Controlled Substances

(Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to http://sos.tn.gov/sites/default/files/forms/Rulemaking_Guidelines_August2014.pdf)

Chapter 0940-06-01
Controlled Substances

Chapter 0940-06-01 Controlled Substances is being repealed and rewritten including its table of contents.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

Chapter 0940-06-01
Controlled Substances

New Rule

0940-06-01-.01 Controlled Substances in Schedule I.

- (1) Schedule I consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this rule. Each drug or substance bears the federal controlled substance code number assigned to it by the Drug Enforcement Administration.
- (2) Opiates. Unless specifically excepted 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 such isomers, esters, ethers, salts is possible within the specific chemical designation. For the purposes of subparagraph (II) 3-Methylfentanyl, only, the term isomer includes the optical and geometric isomers.
 - (a) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidonyl]-N-phenylacetamide)..... 9815
 - (b) Acetylfentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)..... 9821
 - (c) Acetylmethadol..... 9601
 - (d) Allylprodine..... 9602
 - (e) Alphacetylmethadol (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol; levomethadyl acetate; or LAAM)..... 9603
 - (f) Alphameprodine..... 9604
 - (g) Alphamethadol..... 9605
 - (h) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine)..... 9814
 - (i) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide) 9832
 - (j) Benzethidine..... 9606
 - (k) Betacetylmethadol..... 9607
 - (l) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidiny]-N-

	phenylpropanamide).....	9830
(m)	Beta-hydroxythiofentanyl..... Other name: N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide	9836
(n)	Beta-hydroxy-3-methylfentanyl Other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide	9831
(o)	Betameprodine.....	9608
(p)	Betamethadol.....	9609
(q)	Betaprodine.....	9611
(r)	Butyryl Fentanyl..... Other name: N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide	9822
(s)	Clonitazene.....	9612
(t)	Dextromoramide.....	9613
(u)	Diampromide.....	9615
(v)	Diethylthiambutene.....	9616
(w)	Difenoxin.....	9168
(x)	Dimenoxadol.....	9617
(y)	Dimepheptanol.....	9618
(z)	Dimethylthiambutene.....	9619
(aa)	Dioxaphetyl butyrate.....	9621
(bb)	Dipipanone.....	9622
(cc)	Ethylmethylthiambutene.....	9623
(dd)	Etonitazene.....	9624
(ee)	Etoxidine.....	9625
(ff)	Furethidine.....	9626
(gg)	Furanyl Fentanyl.....	9834
(hh)	Hydroxypethidine.....	9627
(ii)	Ketobemidone.....	9628
(jj)	Levomoramide.....	9629
(kk)	Levophenacymorphan.....	9631
(ll)	3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).....	9813

(mm)	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidiny)]-N-phenylpropanamide).....	9833
(nn)	Morpheridine.....	9632
(oo)	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
(pp)	Noracymethadol.....	9633
(qq)	Norlevorphanol.....	9634
(rr)	Normethadone.....	9635
(ss)	Norpipanone.....	9636
(tt)	Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidiny]propanamide)	9812
(uu)	PEPAP (1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine).....	9663
(vv)	Phenadoxone.....	9637
(ww)	Phenampramide.....	9638
(xx)	Phenomorphane.....	9647
(yy)	Phenoperidine.....	9641
(zz)	Piritramide.....	9642
(aaa)	Proheptazine.....	9643
(bbb)	Properidine.....	9644
(ccc)	Propiram.....	9649
(ddd)	Racemoramide.....	9645
(eee)	Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide).....	9835
(fff)	Tilidine.....	9750
(ggg)	Trimeperidine.....	9646
(hhh)	U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide	9547

(3) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a)	Acetorphine.....	9319
(b)	Acetyldihydrocodeine.....	9051
(c)	Benzylmorphine.....	9052
(d)	Codeine methylbromide.....	9070
(e)	Codeine-N-Oxide.....	9053

(f)	Cyprenorphine.....	9054
(g)	Desomorphine.....	9055
(h)	Dihydromorphine.....	9145
(i)	Drotebanol.....	9335
(j)	Etorphine (except hydrochloride salt).....	9056
(k)	Heroin.....	9200
(l)	Hydromorphinol.....	9301
(m)	Methyldesorphine.....	9302
(n)	Methyldihydromorphine.....	9304
(o)	Morphine methylbromide.....	9305
(p)	Morphine methylsulfonate.....	9306
(q)	Morphine-N-Oxide.....	9307
(r)	Myrophine.....	9308
(s)	Nicocodeine.....	9309
(t)	Nicomorphine.....	9312
(u)	Normorphine.....	9313
(v)	Pholcodine.....	9314
(w)	Thebacon.....	9315

(4) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers, is possible within the specified chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(a)	Alpha-ethyltryptamine.....	7249
	Other names: etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; [alpha]-ET; and AET; ET; Trip	
(b)	Alpha-methyltryptamine.....	7432
	Other name: AMT	
(c)	4-Bromo-2,5-dimethoxyamphetamine.....	7391
	Other names: 4-Bromo-2,5-dimethoxy-[alpha]-methylphenethylamine; 4-bromo-2,5-DMA	
(d)	4-Bromo-2,5-dimethoxyphenethylamine.....	7392
	Other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus	
(e)	2-(4-Bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....	7536
	Other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36	

(f)	Bufotenine.....	7433
	Other names: 3-([beta]-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine	
(g)	2-(4-Chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....	7537
	Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82	
(h)	Diethyltryptamine.....	7434
	Other names: N,N-Diethyltryptamine; DET	
(i)	2,5-Dimethoxyamphetamine.....	7396
	Other names: 2,5-Dimethoxy-[alpha]-methylphenethylamine; 2,5-DMA	
(j)	2, 5-Dimethoxy-4-ethylamphetamine.....	7399
	Other name: DOET	
(k)	2, 5 Dimethoxy-4-(n)-propylthiophenethylamine.....	7348
	Other name: 2C-T-7	
(l)	Dimethyltryptamine.....	7435
	Other name: DMT	
(m)	Ethylamine analog of phencyclidine.....	7455
	Other names: N-Ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE	
(n)	Ibogaine.....	7260
	Other names: 7-Ethyl-6,6[beta],7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2]azepino[5,4-b]indole; Tabenantha iboga.	
(o)	2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....	7538
	Other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5	
(p)	Lysergic acid diethylamide.....	7315
	Other name: LSD	
(q)	Mescaline.....	7381
	Other name: Constituent of "Peyote" cacti	
(r)	4-Methoxyamphetamine.....	7411
	Other names: 4-methoxy-[alpha]-methylphenethylamine; paramethoxyamphetamine; PMA	
(s)	5-Methoxy-3,4-methylenedioxyamphetamine.....	7401
(t)	5-Methoxy-N,N-diisopropyltryptamine.....	7439
	Other name: 5-MeO-DIPT	
(u)	5-methoxy-N,N-dimethyltryptamine.....	7431
	Other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT	
(v)	4-Methyl-2, 5-dimethoxyamphetamine.....	7395
	Other names: 4-methyl-2,5-dimethoxy-[alpha]-methylphenethylamine; DOM; STP	
(w)	3,4-Methylenedioxyamphetamine.....	7400
(x)	3,4-Methylenedioxymethamphetamine.....	7405
	Other name: MDMA	

(y)	3,4-Methylenedioxy-N-ethylamphetamine.....	7404
	Other names: N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine; N-ethyl MDA; MDE; MDEA	
(z)	3,4-Methylenedioxy-N-methylcathinone.....	7540
	Other names: Methylone	
(aa)	N-Ethyl-3-piperidyl benzilate.....	7482
(bb)	N-Hydroxy-3,4-methylenedioxyamphetamine.....	7402
	Other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine; N-hydroxy MDA	
(cc)	N-methyl-3-piperidyl benzilate.....	7484
(dd)	Parahexyl.....	7374
	Other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b, d]pyran; Synhexyl	
(ee)	Peyote.....	7415
	Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lamaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant its seeds or extracts. (Interprets 21 USC 812 (c), Schedule 1 (c) (12)(o))	
(ff)	Psilocybin (constituent of magic mushrooms).....	7437
(gg)	Psilocyn (constituent of magic mushrooms)	7438
(hh)	Pyrrrolidine analog of phencyclidine (1-(1-phenylcyclohexyl)-pyrrolidine).....	7458
	Other names: PCPy; PHP	
(ii)	1-[1-(2-Thienyl)cyclohexyl]pyrrolidine.....	7473
	Other names: TCPy	
(jj)	4- Methylmethcathinone	1248
	Other names: mephedrone; methpadrone; 4-MMC	
(kk)	3,4-Methylenedioxyprovalerone.....	7535
	Other names: MDPV	
(ll)	2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....	7509
(mm)	2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....	7508
(nn)	2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....	7519
(oo)	2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....	7518
(pp)	2-[4-Ethylthio-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....	7385
(qq)	2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)	7532
(rr)	2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....	7517
(ss)	2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)	7521
(tt)	2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)	7524
(uu)	Thiophene analog of phencyclidine.....	7470

Other names: 1-[1-(2-thienyl)cyclohexyl]piperidine; 2-thienylanalog of phencyclidine; TCP; TCP

- (vv) 3,4,5-Trimethoxyamphetamine..... 7390
- (ww) (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone 7144
Other names: UR-144; 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole
- (xx) 1-(5-Fluoro-pentyl)-1H-indol-3-yl[(2,2,3,3-tetramethylcyclopropyl)methanone 7011
Other names: 5-fluoro-UR-144; 5-F-UR-144; XLR11; 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole
- (5) Depressants. 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 depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specified chemical designation:
- (a) Etizolam
Other names; Etilaam, Etizola, Sedekopan, Pasaden, Depas
- (b) Gamma-hydroxybutyric acid..... 2010
Other names: GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate
- (c) Mecloqualone..... 2572
- (d) Methaqualone..... 2565
- (6) Stimulants. 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:
- (a) Alpha-pyrrolidinobutiophenone..... 7546
Other names: [alpha]-PBP; 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one
- (b) Alpha-pyrrolidinopentiophenone..... 7545
Other names: [alpha]-PVP; [alpha]-pyrrolidinovalerophenone; 1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one
- (c) Aminorex..... 1585
Other names: aminoxophen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine
- (d) Butylone..... 7541
Other names: bk-MBDB; 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one
- (e) Cathinone..... 1235
Other names: 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; norphedrone; constituent of *catha edulis* or "Khat" plant
- (f) 3-Fluoro-N-methylcathinone..... 1233
Other names: 3-FMC; 1-(3-fluorophenyl)-2-(methylamino)propan-1-one
- (g) 4-Fluoro-N-methylcathinone..... 1238
Other names: 4-FMC; flephedrone; 1-(4-fluorophenyl)-2-(methylamino)propan-1-one
- (h) Fenethylamine..... 1503

- (i) Methcathinone..... 1237
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;
- (j) (+/-) *cis*-4-Methylaminorex (*cis* isomer)..... 1590
Other name: (+/-)*cis*-4,5 dihydro-4-methyl-5-phenyl-2-oxazolamine
- (k) 4-Methyl-N-ethylcathinone..... 1249
Other names: 4-MEC; 2-(ethylamino)-1-(4-methylphenyl)propan-1-one
- (l) 4-Methyl-alpha-pyrrolidinopropiophenone..... 7498
Other names: 4-MePPP; MePPP; 4-methyl-[alpha]-pyrrolidinopropiophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one
- (m) Naphyrone..... 1258
Other names: naphthylpyrovalerone; 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one
- (n) N-Benzylpiperazine..... 7493
Other names: BZP; 1-benzylpiperazine
- (o) N-Ethylamphetamine..... 1475
- (p) N,N-Dimethylamphetamine..... 1480
Other names: N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine
- (q) Pentedrone..... 1246
Other names: [alpha]-methylaminovalerophenone; 2-(methylamino)-1-phenylpentan-1-one
- (r) Pentylone..... 7542
Other names: bk-MBDP; 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one
- (7) Cannabimimetic agents. Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (a) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497) 7297
- (b) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog) 7298
- (c) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678) 7118
- (d) 1-Butyl-3-(1-naphthoyl)indole (JWH-073) 7173
- (e) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019) 7019
- (f) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200) 7200
- (g) 1-Pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250) 6250
- (h) 1-Pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081) 7081
- (i) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122) 7122
- (j) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398) 7398

(k)	(1-(5-fluoropentyl)-1H-indazol-3-yl)(naphthalen-1-yl)methanone (THJ-2201).....	7024
(l)	1-(5-Fluoropentyl)-3-(1-naphthoyl)indole (AM2201).....	7201
(m)	1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole (AM694).....	7694
(n)	1-Pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4)	7104
(o)	1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8)	7008
(p)	1-Pentyl-3-(2-chlorophenylacetyl)indole (JWH-203)	7203
(q)	N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide..... Other names: APINACA; AKB48	7048
(r)	N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3- carboxamide..... Other names: AB-FUBINACA	7012
(s)	N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3- carboxamide..... Other names: AB-CHMINACA	7031
(t)	N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide ..	7035
	Other names: ADB-PINACA	
(u)	N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide.....	7023
	Other names: AB-PINACA	
(v)	Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate	7225
	Other names: 5-fluoro-PB-22; 5F-PB-22	
(w)	Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate	7222
	Other names: PB-22; QUPIC	

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.02 Controlled Substances in Schedule II.

- (1) Schedule II consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this rule. Each drug or substance bears the federal controlled substance code number assigned to it by the Drug Enforcement Administration.
- (2) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
 - (a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, thebaine-derived butorphanol, nalmefene, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:
 1. Codeine..... 9050
 2. Dihydroetorphine..... 9334
 3. Ethylmorphine..... 9190

4.	Etorphine hydrochloride.....	9059
5.	Granulated opium.....	9640
6.	Hydrocodone.....	9193
7.	Hydromorphone.....	9150
8.	Metopon.....	9260
9.	Morphine.....	9300
10.	Opium extracts.....	9610
11.	Opium fluid.....	9620
12.	Oripavine.....	9330
13.	Oxycodone.....	9143
14.	Oxymorphone.....	9652
15.	Powdered opium.....	9639
16.	Raw opium.....	9600
17.	Thebaine.....	9333
18.	Tincture of opium.....	9630

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

(c) Opium poppy and poppy straw.

(d) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves (including cocaine (9041) and ecgonine (9180) and their salts, isomers, derivatives and salts of isomers and derivatives), and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy)..... 9670

(3) Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextropropofol and levopropoxyphene excepted:

(a) Alfentanil..... 9737

(b) Alphaprodine..... 9010

(c) Anileridine..... 9020

(d) Bezitramide..... 9800

(e)	Carfentanil.....	9743
(f)	Dextropropoxyphene (bulk, non dosage forms).....	9273
(g)	Dihydrocodeine.....	9120
(h)	Diphenoxylate.....	9170
(i)	Fentanyl.....	9801
(j)	Isomethadone.....	9226
(k)	Levo-alphaacetylmethadol.....	9648
	Other names: levo-alpha-acetylmethadol; levomethadyl acetate; LAAM	
(l)	Levomethorphan.....	9210
(m)	Levorphanol.....	9220
(n)	Metazocine.....	9240
(o)	Methadone.....	9250
(p)	Methadone-Intermediate; 4-cyano-2-dimethylamino-4,4-diphenyl butane.....	9254
(q)	Moramide-Intermediate; 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid.....	9802
(r)	Pethidine (meperidine).....	9230
(s)	Pethidine-Intermediate-A; 4-cyano-1-methyl-4-phenylpiperidine.....	9232
(t)	Pethidine-Intermediate-B; ethyl-4-phenylpiperidine-4-carboxylate.....	9233
(u)	Pethidine-Intermediate-C; 1-methyl-4-phenylpiperidine-4-carboxylic acid.....	9234
(v)	Phenazocine.....	9715
(w)	Piminodine.....	9730
(x)	Racemethorphan.....	9732
(y)	Racemorphan.....	9733
(z)	Remifentanyl.....	9739
(aa)	Sufentanyl.....	9740
(bb)	Tapentadol.....	9780
(cc)	Thiafentanyl.....	9729

(4) Stimulants. 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:

(a)	Amphetamine, its salts, optical isomers, and salts of its optical isomers.....	1100
(b)	Methamphetamine, its salts, isomers, and salts of its isomers.....	1105

(c)	Phenmetrazine and its salts.....	1631
(d)	Methylphenidate.....	1724
(e)	Lisdexamfetamine, its salts, isomers, and salts of its isomers.....	1205
(5)	Depressants. 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 depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:	
(a)	Amobarbital.....	2125
(b)	Glutethimide.....	2550
(c)	Pentobarbital.....	2270
(d)	Phencyclidine.....	7471
(e)	Secobarbital.....	2315
(6)	Hallucinogenic substances.	
(a)	Nabilone.....	7379
	Other names: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one.	
(7)	Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances:	
(a)	Immediate precursor to amphetamine and methamphetamine:	
	1. Phenylacetone.....	8501
	Other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;	
(b)	Immediate precursors to phencyclidine (PCP):	
	1. 1-phenylcyclohexylamine.....	7460
	2. 1-piperidinocyclohexanecarbonitrile(PCC).....	8603
(c)	Immediate precursor to fentanyl:	
	1. 4-anilino-N-phenethyl-4-piperidine (ANPP).....	8333

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.03 Controlled Substances in Schedule III.

- (1) Schedule III consists of the drugs and other substances by whatever official name, common or usual name, chemical name, or brand name designated, listed in this rule. Each drug or substance bears the federal controlled substance code number assigned to it by the Drug Enforcement Administration.
- (2) Stimulants. 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 (whether optical, position or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under 21 C.F.R. 1308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances..... 1405
 - (b) Benzphetamine..... 1228
 - (c) Clorpheniramine..... 1645
 - (d) Clortermine..... 1647
 - (e) Phendimetrazine..... 1615
- (3) Depressants. 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 depressant effect in the central nervous system:
- (a) Any compound, mixture, or preparation containing:
 - 1. Amobarbital..... 2126
 - 2. Secobarbital.....2316
 - 3. Pentobarbital2271
Or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
 - (b) Any suppository dosage form containing:
 - 1. Amobarbital..... 2126
 - 2. Secobarbital.....2316
 - 3. Pentobarbital..... 2271
Or any salt of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.
 - (c) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof. Examples include the following drugs:..... 2100
 - 1. Aprobarbital.....2100
 - 2. Butobarbital (secbutobarbital).....2100
 - 3. Butalbital.....2100
 - 4. Butobarbital (butethal).....2100
 - 5. Talbutal.....2100
 - 6. Thiamylal..... 2100
 - 7. Thiopental.....2100

8.	Vinbarbital	2100
(d)	Chlorhexadol.....	2510
(e)	Embutramide.....	2020
(f)	Gamma hydroxybutyric acid preparations. Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under § 505 of the federal Food, Drug, and Cosmetic Act, codified in 21 U.S.C. § 301, et seq.....	2012
(g)	Ketamine, its salts, isomers, and salts of isomers Other name: (±)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone	7285
(h)	Lysergic acid.....	7300
(i)	Lysergic acid amide.....	7310
(j)	Methypylon.....	2575
(k)	Perampanel, and its salts, isomers, and salts of isomers	2261
(l)	Sulfondiethylmethane.....	2600
(m)	Sulfonethylmethane.....	2605
(n)	Sulfonmethane.....	2610
(o)	Tiletamine and zolazepam or any salt of tiletamine or zolazepam.....	7295
	1. Other name for a tiletamine-zolazepam combination product: Telazol®;	
	2. Other name for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.	
	3. Other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo[3,4-e],[1,4]-diazepin-7(1H)-one; flupyrazapon	
(4)	Nalorphine.....	9400
(5)	Narcotic Drugs.	
(a)	Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing 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 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.....	9803
	2. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.....	9804
	3. Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active non-narcotic ingredients in recognized therapeutic amount.....	9807

4. Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active non-narcotic ingredients in recognized therapeutic amounts.....9808
 5. Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts..... 9809
 6. Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.....9810
- (b) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts:
1. Buprenorphine.....9064
- (6) Anabolic steroids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, esters and ethers:
- (a) Anabolic steroids..... 4000
1. 3[alpha],17[beta]-dihydroxy-5a-androstane
 2. 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5a-androstane
 3. 17[alpha]-methyl-3[beta],17[beta]-dihydroxy-5a-androstane
 4. 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene
 5. 17[alpha]-methyl-[delta]1-dihydrotestosterone(17[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one
Other Names: 17-[alpha]-methyl-1-testosterone
 6. 17[alpha]-methyl-4-hydroxynandrolone(17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one)
 7. 1-Androstenediol (3[alpha],17[beta]-dihydroxy-5[alpha]-androst-1-ene)
 8. 1-Androstenediol (3[beta],17[beta]-dihydroxy-5[alpha]-androst-1-ene)
 9. 4-Androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene)
 10. 5-Androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene)
 11. 1-Androstenedione (5[alpha]-androst-1-en-3,17-dione)
 12. 4-Androstenedione (androst-4-en-3,17-dione)
 13. 5-Androstenedione (androst-5-en-3,17-dione)
 14. 3[Beta],17[Beta]-dihydroxy-5a-androstane
 15. 13[Beta]-ethyl-17[beta]-hydroxygon-4-en-3-one
 16. Androstanedione (5[alpha]-androstan-3,17-dione)
 17. Bolasterone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one)

18. Boldenone (17[beta]-hydroxyandrost-1,4-diene-3-one)
19. Boldione (androsta-1,4-diene-3,17-dione)
20. Calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one)
21. Clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one)
Other Names: 4-Chlorotestosterone
22. Dehydrochloromethyltestosterone (4-chloro-17[beta]-hydroxy-17[alpha]-methylandrost-1,4-dien-3-one)
23. [Delta]1-dihydrotestosterone (a.k.a.'1-testosterone') (17[Beta]-hydroxy-5[alpha]-androst-1-en-3-one)
24. Desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[Beta]-ol)
Other name: madol
25. 4-Dihydrotestosterone (17[beta]-hydroxyandrostan-3-one)
26. Drostanolone (17[beta]-hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one)
27. Ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene)
28. Fluoxymesterone (9-fluoro-17[alpha]-methyl-11[beta],17[beta]-dihydroxyandrost-4-en-3-one)
29. Formebolone (2-formyl-17[alpha]-methyl-11[alpha],17[beta]-dihydroxyandrost-1,4-dien-3-one)
30. Furazabol (17[alpha]-methyl-17[beta]-hydroxyandrostan[2,3-c]-furazan)
31. 4-Hydroxy-19-nortestosterone (4,17[beta]-dihydroxyestr-4-en-3-one)
32. 4-Hydroxytestosterone (4,17[beta]-dihydroxyandrost-4-en-3-one)
33. Mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one)
34. Mesterolone (1[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one)
35. Methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-diene-3-one)
36. Methandranone
37. Methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene)
38. Methandrostenolone
39. Methasterone (2[alpha],17[alpha]-dimethyl-5[alpha]-androstan-17[beta]-ol-3-one)
40. Methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one)
41. Methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one)
42. Methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one)
43. Methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9,11-trien-3-one)
44. Mibolerone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyestr-4-en-3-one)

45. Nandrolone (17[beta]-hydroxyestr-4-en-3-one)
 46. 19-Nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione)
 47. 19-Nor-4-androstenediol (3[alpha],17[beta]-dihydroxyestr-4-ene)
 48. 19-Nor-4-androstenediol (3[beta],17[beta]-dihydroxyestr-4-ene)
 49. 19-Nor-5-androstenediol (3[alpha],17[beta]-dihydroxyestr-5-ene)
 50. 19-Nor-5-androstenediol (3[beta],17[beta]-dihydroxyestr-5-ene)
 51. 19-Nor-4-androstenedione (estr-4-en-3,17-dione)
 52. 19-Nor-5-androstenedione (estr-5-en-3,17-dione)
 53. Norbolethone (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4-en-3-one)
 54. Norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one)
 55. Norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one)
 56. Normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one)
 57. Oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one)
 58. Oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one)
 59. Oxymetholone (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-[5[alpha]]-androstan-3-one)
 60. Prostanazol (17[beta]-hydroxy-5[alpha]-androstan[3,2-c]pyrazole)
 61. Stanolone (17[beta]-Hydroxy-5alpha-Androstan-3-One)
 62. Stanozolol (17[alpha]-methyl-17[beta]-hydroxy-[5[alpha]]-androst-2-eno[3,2-c]-pyrazole)
 63. Stenbolone (17[beta]-hydroxy-2-methyl-[5[alpha]]-androst-1-en-3-one)
 64. Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone)
 65. Testosterone (17[beta]-hydroxyandrost-4-en-3-one)
 66. Tetrahydrogestrinone (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one)
 67. Trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one)
- (b) Any salt, ester, or isomer of a drug or substance described or listed in subparagraph (a), if such salt, ester, or isomer promotes muscle growth.
 - (c) Anabolic steroids intended for administration to cattle or other non-human species are exempt from this rule unless such steroids are prescribed, dispensed, or distributed for human use.
 - (d) Anabolic steroids with a combination of estrogens intended for administration to hormone deficient women are exempt from this rule unless such steroids are prescribed,

dispensed, or distributed to women who are not hormone deficient.

(7) Hallucinogenic Substances

- (a) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product..... 7369
Other names: (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

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.04 Controlled Substances in Schedule IV.

- (1) Schedule IV consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this rule. Each drug or substance bears the federal controlled substance code number assigned to it by the Drug Enforcement Administration.
- (2) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
 - (a) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.....9167
 - (b) Dextropropoxyphene dosage forms (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane)..... 9278
- (3) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - (a) Alfaxalone2731
 - (b) Alprazolam..... 2882
 - (c) Barbital.....2145
 - (d) Bromazepam..... 2748
 - (e) Camazepam..... 2749
 - (f) Carisoprodol..... 8192
Other name: Soma®
 - (g) Chloral betaine..... 2460
 - (h) Chloral hydrate..... 2465
 - (i) Chlordiazepoxide..... 2744
 - (j) Clobazam..... 2751
 - (k) Clonazepam..... 2737
 - (l) Clorazepate.....2768
 - (m) Clotiazepam..... 2752

(n)	Cloxazolam.....	2753
(o)	Delorazepam.....	2754
(p)	Diazepam.....	2765
(q)	Dichloralphenazone.....	2467
(r)	Estazolam.....	2756
(s)	Eszopiclone.....	N/A
(t)	Ethchlorvynol.....	2540
(u)	Ethinamate.....	2545
(v)	Ethyl Loflazepate.....	2758
(w)	Fludiazepam.....	2759
(x)	Flunitrazepam.....	2763
(y)	Flurazepam.....	2767
(z)	Fospropofol.....	2138
(aa)	Halazepam.....	2762
(bb)	Haloxazolam.....	2771
(cc)	Ketazolam.....	2772
(dd)	Loprazolam.....	2773
(ee)	Lorazepam.....	2885
(ff)	Lormetazepam.....	2774
(gg)	Mebutamate.....	2800
(hh)	Medazepam.....	2836
(ii)	Meprobamate.....	2820
(jj)	Methohexital.....	2264
(kk)	Methylphenobarbital (mephobarbital).....	2250
(ll)	Midazolam.....	2884
(mm)	Nimetazepam.....	2837
(nn)	Nitrazepam.....	2834
(oo)	Nordiazepam.....	2838
(pp)	Oxazepam.....	2835
(qq)	Oxazolam.....	2839

(rr)	Paraldehyde.....	2585
(ss)	Petrichloral.....	2591
(tt)	Phenobarbital.....	2285
(uu)	Pinazepam.....	2883
(vv)	Prazepam	2764
(ww)	Quazepam.....	2881
(xx)	Suvorexant.....	2223
(yy)	Temazepam.....	2925
(zz)	Tetrazepam.....	2886
(aaa)	Tramadol..... Other names: Ultram® and Ultracet®	9752
(bbb)	Triazolam.....	2887
(ccc)	Zaleplon.....	2781
(ddd)	Zolpidem.....	2783
(eee)	Zopiclone	2784
(4)	Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances including its salts, isomers (whether optical, positional, or geometric), and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:	
(a)	Fenfluramine.....	1670
(b)	Dexfenfluramine.....	1670
(5)	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:	
(a)	Lorcaserin.....	1625
(6)	Stimulants. 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:	
(a)	Cathine ((+)-norpseudoephedrine).....	1230
(b)	Diethylpropion.....	1610
(c)	Fencamfamin.....	1760
(d)	Fenproporex.....	1575
(e)	Mazindol.....	1605
(f)	Mefenorex.....	1580

(g)	Modafinil.....	1680
(h)	Pemoline (including organometallic complexes and chelates thereof).....	1530
(i)	Phentermine.....	1640
(j)	Pipradol.....	1750
(k)	Sibutramine.....	1675
(l)	SPA ((-)-1-dimethylamino-1,2-diphenylethane).....	1635
(7)	Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts:	
(a)	Pentazocine.....	9709
(b)	Butorphanol (including its optical isomers).....	9720
(c)	Eluxadolone (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.....	9725

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.05 Controlled Substances in Schedule V.

- (1) Schedule V consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this rule. Each drug or substance bears the federal controlled substance code number assigned to it by the Drug Enforcement Administration.
- (2) Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more non-narcotic 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:
 - (a) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
 - (b) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
 - (c) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
 - (d) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
 - (e) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
 - (f) Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
- (3) Stimulants. Unless specifically exempted or excluded, 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 its salts, isomers, and salts of the isomers:

- (a) Pyrovalerone..... 1485
- (4) 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 have a depressant effect on the central nervous system, including its salts:
 - (a) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide)..... 2710
 - (b) Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester]..... 2779
 - (c) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide]..... 2746
 - (d) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]..... 2782

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.06 Controlled Substances in Schedule VI.

- (1) Marijuana..... 7360
- (2) Tetrahydrocannabinols..... 7370
- (3) Unless specifically excepted or unless listed in another schedule, 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. Examples include the following drugs or their compounds regardless of numerical designation of atomic positions covered:
 - (a) 1 cis or trans tetrahydrocannabinol, and its optical isomers.
 - (b) 6 cis or trans tetrahydrocannabinol, and its optical isomers.
 - (c) 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.07 Controlled Substances in Schedule VII.

- (1) Butyl nitrite and any isomer of butyl nitrite

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.08 Non-narcotic Substances Excluded from Controlled Substances

- (1) Non-narcotic substances listed in the most current edition of 21 C.F.R. 1308.22, are excluded from all schedules.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.09 Chemical preparations excluded from Controlled Substances

- (1) Chemical preparations listed in the most current edition of 21 C.F.R. 1308.24, are excluded from all schedules.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.10 Veterinary anabolic steroid implant products excluded from Controlled Substances.

- (1) Veterinary anabolic steroid implant products listed in the most current edition of 21 C.F.R. 1308.26, are excluded from all schedules.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.11 Prescription products excluded from Controlled Substances

- (1) Prescription products listed in the most current edition of 21 C.F.R. 1308.32, are excluded from all schedules.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.12 Anabolic steroid products excluded from Controlled Substances

- (1) Anabolic steroid products listed in the most current edition of 21 C.F.R. 1308.34, are excluded from all schedules.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.13 Certain cannabis plant material, and products made therefrom, excluded from Controlled Substances

- (1) Certain cannabis plant material, and products made therefrom, that contain tetrahydrocannabinols listed in the most current edition of 21 C.F.R. 1308.35, are excluded from all schedules.

Authority: Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Mental Health and Substance Abuse Services (board/commission/other authority) on 02/02/2017 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: (11/04/16)

Rulemaking Hearing(s) Conducted on: (add more dates). (01/04/17)



Date: 2.2.17

Signature: [Handwritten Signature]

Name of Officer: Marie Williams

Title of Officer: Commissioner, Tennessee Department of Mental Health and Substance Abuse Services

Subscribed and sworn to before me on: February 2, 2017

Notary Public Signature: [Handwritten Signature]

My commission expires on: **My Commission Expires May 8, 2017**

Date: 6 Feb 2017

Signature: [Handwritten Signature]

Name of Officer: John J. Dreyzehner, MD, MPH

Title of Officer: Commissioner, Tennessee Department of Health

Subscribed and sworn to before me on: Feb 6, 2017

Notary Public Signature: [Handwritten Signature]

My commission expires on: 3/31/2020



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Herbert H. Slatery III
Attorney General and Reporter

3/13/2017
Date

Department of State Use Only

Filed with the Department of State on: 3/21/17

Effective on: 6/19/17

Tre Hargett
Tre Hargett
Secretary of State

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SECRETARY OF STATE
PUBLICATIONS

My Commission Expires
May 8, 2017

DAVIDSON COUNTY, TENN.
AT LARGE
PUBLIC NOTARY
KRISTIAN A. FLOYD

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable

TDMHSAS Responses to Comments about
Rules Chapter 0940-06-01
Consideration of Chapter 0940-06-01 Controlled Substances
Rulemaking Hearing Held on January 4, 2017

**The Department has attempted to present the following comments in a form that is both easy to read and accurate to the intent of the commenter. In rare cases, the Department made technical edits to increase the readability of a comment. Please forgive any typographical errors in both the comments and responses.*

JIMMY MUSICE, SENIOR POLICY ADVISOR AND ATTORNEY, TENNESSEE BUREAU OF INVESTIGATION:

I'm here to let you know what our stance was and that was to recommend that etizolam be added to Schedule I in the rules. And I'm going to let Glenn Everitt give you an overview as to why we feel that way.

GLENN EVERITT, SUPERVISING SPECIAL AGENT FORENSIC SCIENTIST, TENNESSEE BUREAU OF INVESTIGATION: We've been monitoring etizolam for the past few years and it's exponentially grown over the years. We started out seeing it in 2014 and saw a few cases and then it grew from there. In 2015 we saw 29 cases and so far this year we've seen 94 cases. A lot of times we see etizolam in combination with Fentanyl and not that we don't see it as a powder by itself but we general see it in the fake Xanax tablets that mimic Alprazolam. There are different stamps they make for the tablets – the Xanax IIs or the GG2-49s. We've being seeing those and as far as I know the FDA does not have any use for that. I know that it has been used in other countries as a benzodiazepine but to my knowledge the FDA has not regulated that.

Mr. Musice: I would like to add that states surrounding Tennessee have scheduled it as a Schedule I – Alabama, Arkansas, Mississippi, Virginia and Florida. Most of those states did so in 2014 when they first began to see it. We've seen it used as a date-rape drug in the field. Glenn talked about some of the lab results going from 3 to 29 then to 94 but we've also see an increase on the toxicology side and that's when someone is pulled over for DUI and they may do a blood draw on them. In 2015 state-wide, 18 results contained etizolam and that was only used in the Middle District lab so it wasn't state-wide. But so far in 2016 state-wide it's up to 34. So, not only have we seen the increase through our drug agents purchasing and going after organizations but we're seeing it in the blood results of drivers, driving intoxicated on Tennessee roads.

Kurt Hippel: So you see an abuse potential for this substance?

Mr. Musice: Absolutely.

Mr. Everitt: Yes, definitely. As it stands now because our analogue law etizolam does not fit the legal definition of an analogue in the T.C.A. the way it's currently written it won't even though if you are asking me as a scientist is it an analogue, yes. Does it have the same affects as a benzodiazepine, yes. But as our law is currently written for the analogue, you can't make that jump to say that it's legally an analogue. So really there's no recourse to prosecute it. So therefore we're seeing it increasing every year.

Kurt Hippel: Dr. Geminn, do you have any questions?

Dr. Geminn: My question would be, with your agents in the field, what is the source? Because it's not approved for use in the United States so I assume it can't legally be imported.

Mr. Musice: Without getting too specific, there are ways throughout the Internet to obtain this substance and get it here, and get it here in bulk. I don't mean it's coming over in sandwich bags but full kilos being shipped here to Tennessee. What they do, they'll take that product add a binder and usually... (to **Glenn Everitt**) what else will they add to it when they're going to stamp the pill?

Dr. Geminn: Starch.

Mr. Everitt: Polymeric acid, uric acid, vositol, a number of things they can do.

Mr. Musice: But mainly, because right now etizolam is approved for use in Japan, India and Italy, we see more of Asian markets that are creating the etizolam. And like other drugs sometimes the Asians use the Mexican cartels as their distribution resource and a way to get it into the United States. But I didn't want to say that's the only way because like I said, you can order it off the Internet on certain websites.

Dr. Geminn: I don't know if you've researched it at all, but Georgia made it a Schedule IV which is with the other benzodiazepines. Do you have any idea why maybe that state made it a Schedule IV? Are there arguments for making it in any another Schedule than a Schedule I?

Mr. Musice: My assumption would be is that because it acts and mimics a benzodiazepine that they placed it in Schedule IV with all the other benzodiazepines. But our position would be that because the United States does not have a recognized reason for etizolam then that would put it in Schedule I with the others.

Dr. Geminn: That's all the questions I have.

Kurt Hippel: Great. Dr. Loyd?

Dr. Loyd: I want to follow up on Dr. Geminn's question. So, is this similar to what's happening with fentanyl right now?

Mr. Everitt: Yes, it can be. And we're often seeing it mixed with the fentanyl when creating counterfeit opioids.

Dr. Loyd: Okay, Thank you.

Kurt Hippel: Thank you. Does anyone else on the Department panel have a question for the TBI? Thank you Gentlemen, we will take these comments and recommendations under full consideration. That is the end of my list of people who would want to make comments today. I will look through the room one last time to make sure no one else wants to say anything.

Dr. Geminn: One more question for the TBI, I'll repeat their answer if they can't hear. Have there been any deaths associated with etizolam? Any like post mortem drug....

Mr. Everitt: Yes and No. Yes, because the deaths that we've seen, fentanyl or heroin...

Dr. Geminn: It's "with" ...

Mr. Everitt ... or any combination with etizolam. I'm sorry. I'm not sure...

Dr. Geminn: You can't say what the causative agent is but it's been associated in those screens for deceased individuals?

Mr. Everitt: Right. I don't know if etizolam acts like an antagonist to enhance the effects of the heroin or fentanyl. I'm not exactly sure as to why they are putting that in with heroin or fentanyl.

Kurt Hippel: But it is present in lab tests where someone has died?

Mr. Everitt: Correct

Dr. Geminn: Has overdosed?

Mr. Everitt: Yes.

Dr. Loyd: I think we make the assumption that it's a benzodiazepine or very close. So it potentiates the effect of the fentanyl. That's generally the cause. It's got a little bit different chemical structure; its half-life is a little longer too. Theoretically that makes it have a less potential for abuse, but I don't think that's what we are looking at here. We're looking at it as there being no medical valid reason to be used in the

United States, not FDA approved. And then also the potential toxicity.

TDMHSAS Response: After considering the information provided by the Tennessee Bureau of Investigation and pursuant to T.C.A. 39-17-403(a) & (b), the substance etizolam, also known as Etilaam, Etizola, Sedekopan, Pasaden, Depas, will be scheduled as a Schedule 1 controlled substance in this rule (TDMHSAS Rule Chapter 0940-06-01 Controlled Substances). The findings, as set out by T.C.A. 39-17-403(a), regarding the scheduling of etizolam as a Schedule 1 controlled substance are as follows:

1. The actual or relative potential for abuse:

Etizolam is a thienodiazepine which has a chemically related structure to a class of substances known as benzodiazepines. Benzodiazepines are widely prescribed drugs with a known abuse potential while etizolam currently does not have an accepted medical use in the United States.¹ While etizolam does have a medically accepted use in a few international countries, it typically requires a prescription and is usually considered a controlled substance only when considering benzodiazepines as a whole. Due to etizolam being a benzodiazepine analog, it does have anxiolytic effects, but has a short duration of action which may lead to dependence.²

2. The scientific evidence of its pharmacological effect, if known:

Since etizolam is a benzodiazepine analog, it possesses anxiolytic, anticonvulsant, sedative-hypnotic, and muscle relaxant effects similar to other benzodiazepines.

3. The state of current scientific knowledge regarding the substance:

Etizolam was developed in Japan and is registered as a medicine in at least 3 countries: Japan, Italy, and India. The majority of current scientific knowledge regarding etizolam is due to the study of benzodiazepines as a whole.³

4. The history and current pattern of abuse:

Etizolam has a limited history of abuse due to lack of specific tracking through drug screens. According to the Tennessee Bureau of Investigation, drug screens showing positive for etizolam have been increasing, with 29 cases in 2015 and 94 cases in 2016.

5. The scope, duration and significance of abuse:

Etizolam is a benzodiazepine analog and has a generally similar pharmacological profile to the benzodiazepine class. Approximately 30% of the 1,045 deaths in 2015 caused by opioid overdose also involved benzodiazepine use in Tennessee. Tennessee's prescription drug overdose rate is 26% above the national average and Tennessee leads the nation in the number of controlled substance prescriptions per capita.

6. The risk to the public health:

Benzodiazepines and analogs such as etizolam may be abused or may be used in combination with other drugs of abuse to produce additive results. Etizolam is also not currently classified as a controlled substance, which poses a threat to public safety since prosecutors are unable to prosecute anyone with possession or intention for distribution of this compound.

7. The potential of the substance to produce psychic or physiological dependence liability:

In animal experiments, etizolam has been shown to be approximately 10 times more potent than diazepam (Valium®). Dependence may develop with regular use of benzodiazepines, which may precipitate withdrawal syndrome when the drug is discontinued.

8. Whether the substance is an immediate precursor of a substance already controlled under this section:

This substance is not an immediate precursor of a substance already controlled in Tennessee. Although this is an analog, the chemical structure of etizolam does not put it under our previous actions for controlling analogs and precursors to controlled substances.

¹ *Drug and Chemical Evaluation Section: Etizolam.* (Oct 2014). Office of Diversion Control, Drug Enforcement Administration, Retrieved January 5, 2017 from https://www.deadiversion.usdoj.gov/drug_chem_info/etizolam.pdf

^{2,3} Gupta, S., & Garg, B. (2014). A case of etizolam dependence. *Indian Journal of Pharmacology*, 46(6), 655–656.

<http://doi.org/10.4103/0253-7613.144943>

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

These rules will not affect small businesses. Although, some pharmacies qualify as small businesses, the changes to the controlled substances schedules promulgated by these rules should not change the daily operations of those pharmacies.

Economic Impact Statement

- 1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

These rules will not affect small businesses.

- 2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

These rules will not affect reporting, recordkeeping, or other administrative costs of small businesses.

- 3) A statement of the probable effect on impacted small businesses and consumers.

These rules will not affect small businesses.

- 4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

There is no less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rules.

- 5) A comparison of the proposed rule with any federal or state counterparts.

These rules compare favorably with the federal controlled substances schedules as T.C.A. § 39-17-403 requires the Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS) to schedule substances if those substances have been designated as controlled substances by federal regulations promulgated by the U.S. Department of Justice Drug Enforcement Administration (DEA), unless TDMHSAS, upon agreement with the Tennessee Department of Health (TDH), decides otherwise.

- 6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

These rules will not affect small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

TDMHSAS estimates that these rules will not have a projected financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The lists of controlled substances for all schedules were revised to ensure consistency with Part 1308 of Title 21 of the Code of Federal Regulations (C.F.R.) and T.C.A. §§ 39-17-406, 39-17-408, 39-17-410, 39-17-412, 39-17-414, and 39-17-416.

0940-06-01-.01 names controlled substances within Schedule I including opiates, opium derivatives, hallucinogenic substances, depressants, and stimulants. Etizolam, although not federally scheduled, has been scheduled as a Schedule I controlled substance in this rule (see TDMHSAS Findings on p. 29 of this document).

0940-06-01-.02 names controlled substances within Schedule II including opium and opiates, substances produced by extraction from vegetable origin or chemical synthesis, opiates, stimulants, depressants, hallucinogenic substances, immediate precursors to amphetamine and methamphetamine, and PCP.

0940-06-01-.03 names controlled substances within Schedule III including stimulants, depressants, nalorphine, narcotic drugs, anabolic steroids, and hallucinogenic substances.

0940-06-01-.04 names controlled substances within Schedule IV including narcotic drugs, depressants, fenfluramine, and stimulants.

0940-06-01-.05 names controlled substances within Schedule V including narcotic drugs containing non-narcotic active medicinal ingredients, stimulants, and depressants.

0940-06-01-.06 names controlled substances within Schedule VI including marijuana and tetrahydrocannabinols.

0940-06-01-.07 names controlled substances within Schedule VII including butyl nitrite and any isomer of butyl nitrite.

0940-06-01-.08 incorporates by reference exclusions for non-narcotic substances listed in the most current edition of 21 C.F.R. 1308.22 including those sold lawfully over the counter without a prescription.

0940-06-01-.09 names chemical preparations excluded from controlled substances.

0940-06-01-.10 names veterinary anabolic steroid implant products excluded from controlled substances.

0940-06-01-.11 names prescription products excluded from controlled substances.

0940-06-01-.12 names anabolic steroid products excluded from controlled substances.

0940-06-01-.13 names certain cannabis plant material, and product made therefrom, excluded from controlled substances.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

21 U.S.C. 812: Establishes schedules of controlled substances.

21 C.F.R. 1308: Contains schedules of controlled substances set forth by the U.S. Department of Justice Drug Enforcement Administration.

T.C.A. § 4-4-103: Empowers the Commissioner of each department to prescribe regulations.

T.C.A. § 33-1-302: Empowers the Department to make and enforce rules necessary for the efficient financial management and lawful operation of facilities and services.

T.C.A. § 33-1-303: Defines powers of the Commissioner including rulemaking authority.

T.C.A. § 33-1-305: Empowers the Commissioner of the Department of Mental Health and Substance Abuse Services to adopt rules to fulfill the Department's responsibilities.

T.C.A. § 33-1-309: Requires the Department to adopt all rules in accordance with the Uniform Administrative Procedures Act.

T.C.A. § 39-17-403: Requires the Commissioner of the Department of Mental Health and Substance Abuse Services, upon agreement of the Commissioner of the Department of Health, to control substances according to certain guidelines.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This rule affects healthcare professionals and pharmacies; as well as the TN Boards of Nursing, Medical Examiners, and Pharmacy; the TennCare Inspector General and the TN Bureau of Investigation. The Department received comments from the TN Bureau of Investigation regarding this rule during the rulemaking

hearing held for this rule on January 4th, 2017. These were the only comments received regarding this rule and TDMHSAS adopted the action proposed by the comments from the TN Bureau of Investigation.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

There are no opinions of the Attorney General and Reporter that directly relate to these rules.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

It is estimated that these rules will not have a fiscal impact on state and local government revenues and expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Wesley Geminn, Chief Pharmacist, TDMHSAS
Kurt Hippel, Director of Legislation, Rules & Privacy, TDMHSAS

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Wesley Geminn, Chief Pharmacist, TDMHSAS
Kurt Hippel, Director of Legislation, Rules & Privacy, TDMHSAS

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Wesley Geminn, Chief Pharmacist
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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A

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Rule ID(s): _____
File Date: _____
Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Department of Mental Health and Substance Abuse Services
Division:	Division of Substance Abuse Services
Contact Person:	Kurt Hippel, Office of Legislation, Rules & Privacy
Address:	500 Deaderick Street, 5 th Floor, Andrew Jackson Building
Zip:	37243
Phone:	615-532-6520
Email:	Kurt.Hippel@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0940-06-01	Controlled Substances
Rule Number	Rule Title
0940-06-01-.01	Controlled Substances in Schedule I
0940-06-01-.02	Controlled Substances in Schedule II
0940-06-01-.03	Controlled Substances in Schedule III
0940-06-01-.04	Controlled Substances in Schedule IV
0940-06-01-.05	Controlled Substances in Schedule V
0940-06-01-.06	Controlled Substances in Schedule VI
0940-06-01-.07	Controlled Substances in Schedule VII
0940-06-01-.08	Non-Narcotic Substances Excluded from Controlled Substances
0940-06-01-.09	Chemical preparations excluded from Controlled Substances
0940-06-01-.10	Veterinary anabolic steroid implant products excluded from Controlled Substances
0940-06-01-.11	Prescription products excluded from Controlled Substances
0940-06-01-.12	Anabolic steroid products excluded from Controlled Substances
0940-06-01-.13	Certain cannabis plant material, and products made therefrom, excluded from Controlled Substances

(Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to http://sos.tn.gov/sites/default/files/forms/Rulemaking_Guidelines_August2014.pdf)

Chapter 0940-06-01
Controlled Substances

Chapter 0940-06-01 Controlled Substances is being repealed and rewritten including its table of contents.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

Chapter 0940-06-01
Controlled Substances

New Rule

0940-06-01-.01 Controlled Substances in Schedule I.

- (1) Schedule I consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this rule. Each drug or substance bears the federal controlled substance code number assigned to it by the Drug Enforcement Administration.
- (2) Opiates. Unless specifically excepted 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 such isomers, esters, ethers, salts is possible within the specific chemical designation. For the purposes of subparagraph (II) 3-Methylfentanyl, only, the term isomer includes the optical and geometric isomers.
 - (a) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidnyl]-N-phenylacetamide)..... 9815
 - (b) Acetylfentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)..... 9821
 - (c) Acetylmethadol..... 9601
 - (d) Allylprodine..... 9602
 - (e) Alphacetylmethadol (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol; levomethadyl acetate; or LAAM)..... 9603
 - (f) Alphameprodine..... 9604
 - (g) Alphamethadol..... 9605
 - (h) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine)..... 9814
 - (i) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide) 9832
 - (j) Benzethidine..... 9606
 - (k) Betacetylmethadol..... 9607
 - (l) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidiny]-N-phenylpropanamide)..... 9830

<u>(m)</u>	<u>Beta-hydroxythiofentanyl.....</u>	<u>9836</u>
	<u>Other name: N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropanamide, N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide</u>	
(nm)	Beta-hydroxy-3-methylfentanyl	9831
	Other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide	
(on)	Betameprodine.....	9608
(pe)	Betamethadol.....	9609
(qp)	Betaprodine.....	9611
<u>(r)</u>	<u>Butyryl Fentanyl.....</u>	<u>9822</u>
	<u>Other name: N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide</u>	
(sq)	Clonitazene.....	9612
(tr)	Dextromoramide.....	9613
(us)	Diampromide.....	9615
(vt)	Diethylthiambutene.....	9616
(wu)	Difenoxin.....	9168
(xv)	Dimenoxadol.....	9617
(yw)	Dimepheptanol.....	9618
(zx)	Dimethylthiambutene.....	9619
(aay)	Dioxaphetyl butyrate.....	9621
(bbz)	Dipipanone.....	9622
(ccaa)	Ethylmethylthiambutene.....	9623
(ddbb)	Etonitazene.....	9624
(eecc)	Etoxidine.....	9625
(ffdd)	Furethidine.....	9626
<u>(gg)</u>	<u>Furanyl Fentanyl.....</u>	<u>9834</u>
(hhee)	Hydroxypethidine.....	9627
(iiff)	Ketobemidone.....	9628
(jigg)	Levomoramide.....	9629
(kkhh)	Levophenacilmorphan.....	9631
(liii)	3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).....	9813

(<u>mmij</u>)	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidiny)]-N-phenylpropanamide).....	9833
(<u>nnkk</u>)	Morpheridine.....	9632
(<u>ooll</u>)	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
(<u>ppmm</u>)	Noracymethadol.....	9633
(<u>qqnn</u>)	Norlevorphanol.....	9634
(<u>rroo</u>)	Normethadone.....	9635
(<u>sspp</u>)	Norpipanone.....	9636
(<u>ttqq</u>)	Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidiny]propanamide)	9812
(<u>uurr</u>)	PEPAP (1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine).....	9663
(<u>vvss</u>)	Phenadoxone.....	9637
(<u>wwtt</u>)	Phenampromide.....	9638
(<u>xxuu</u>)	Phenomorphane.....	9647
(<u>yyvv</u>)	Phenoperidine.....	9641
(<u>zzww</u>)	Piritramide.....	9642
(<u>aaaax</u>)	Proheptazine.....	9643
(<u>bbbyy</u>)	Properidine.....	9644
(<u>ccczz</u>)	Propiram.....	9649
(<u>dddaaa</u>)	Racem
	oramide.....	9645
(<u>eeebbb</u>)	Thiofen
	tanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide).....	9835
(<u>ffeee</u>)	Tilidine.....	9750
(<u>ggddd</u>)	Trimeperidine.....	9646
(<u>hhh</u>)	<u>U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide).....</u>	<u>9547</u>

- (3) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (a) Acetorphine..... 9319
 - (b) Acetyldihydrocodeine..... 9051

(c)	Benzylmorphine.....	9052
(d)	Codeine methylbromide.....	9070
(e)	Codeine-N-Oxide.....	9053
(f)	Cyprenorphine.....	9054
(g)	Desomorphine.....	9055
(h)	Dihydromorphine.....	9145
(i)	Drotebanol.....	9335
(j)	Etorphine (except hydrochloride salt).....	9056
(k)	Heroin.....	9200
(l)	Hydromorphanol.....	9301
(m)	Methyldesorphine.....	9302
(n)	Methyldihydromorphine.....	9304
(o)	Morphine methylbromide.....	9305
(p)	Morphine methylsulfonate.....	9306
(q)	Morphine-N-Oxide.....	9307
(r)	Myrophine.....	9308
(s)	Nicocodeine.....	9309
(t)	Nicomorphine.....	9312
(u)	Normorphine.....	9313
(v)	Pholcodine.....	9314
(w)	Thebacon.....	9315

(4) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers, is possible within the specified chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(a)	Alpha-ethyltryptamine.....	7249
	Other names: etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; [alpha]-ET; and AET; ET; Trip	
(b)	Alpha-methyltryptamine.....	7432
	Other name: AMT	
(c)	4-Bromo-2,5-dimethoxyamphetamine.....	7391
	Other names: 4-Bromo-2,5-dimethoxy-[alpha]-methylphenethylamine; 4-bromo-2,5-DMA	
(d)	4-Bromo-2,5-dimethoxyphenethylamine.....	7392

Other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB;
2C-B; Nexus

- (e) 2-(4-Bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine..... 7536
Other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36
- (f) Bufotenine..... 7433
Other names: 3-([beta]-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-
5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine
- (g) 2-(4-Chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine..... 7537
Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82
- (h) Diethyltryptamine..... 7434
Other names: N,N-Diethyltryptamine; DET
- (i) 2,5-Dimethoxyamphetamine..... 7396
Other names: 2,5-Dimethoxy-[alpha]-methylphenethylamine; 2,5-DMA
- (j) 2, 5-Dimethoxy-4-ethylamphetamine..... 7399
Other name: DOET
- (k) 2, 5 Dimethoxy-4-(n)-propylthiophenethylamine..... 7348
Other name: 2C-T-7
- (l) Dimethyltryptamine..... 7435
Other name: DMT
- (m) Ethylamine analog of phencyclidine..... 7455
Other names: N-Ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine;
N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE
- (n) Ibogaine..... 7260
Other names: 7-Ethyl-6,6[beta],7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-
pyrido [1',2':1,2]azepino[5,4-b]indole; Tabenanthe iboga.
- (o) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine..... 7538
Other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5
- (p) Lysergic acid diethylamide..... 7315
Other name: LSD
- (q) Mescaline..... 7381
Other name: Constituent of "Peyote" cacti
- (r) 4-Methoxyamphetamine..... 7411
Other names: 4-methoxy-[alpha]-methylphenethylamine; paramethoxyamphetamine;
PMA
- (s) 5-Methoxy-3,4-methylenedioxyamphetamine..... 7401
- (t) 5-Methoxy-N,N-diisopropyltryptamine..... 7439
Other name: 5-MeO-DIPT
- (u) 5-methoxy-N,N-dimethyltryptamine 7431
Other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT
- (v) 4-Methyl-2, 5-dimethoxyamphetamine..... 7395
Other names: 4-methyl-2,5-dimethoxy-[alpha]-methylphenethylamine; DOM; STP

(w)	3,4-Methylenedioxyamphetamine.....	7400
(x)	3,4-Methylenedioxymethamphetamine..... Other name: MDMA	7405
(y)	3,4-Methylenedioxy-N-ethylamphetamine..... Other names: N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine; N-ethyl MDA; MDE; MDEA	7404
(z)	3,4-Methylenedioxy-N-methylcathinone..... Other names: Methylone	7540
(aa)	N-Ethyl-3-piperidyl benzilate.....	7482
(bb)	N-Hydroxy-3,4-methylenedioxyamphetamine..... Other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine; N-hydroxy MDA	7402
(cc)	N-methyl-3-piperidyl benzilate.....	7484
(dd)	Parahexyl..... Other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b, d]pyran; Synhexyl	7374
(ee)	Peyote..... Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lamare, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant its seeds or extracts. (Interprets 21 USC 812 (c), Schedule 1 (c) (12)(o))	7415
(ff)	Psilocybin (constituent of magic mushrooms).....	7437
(gg)	Psilocyn (constituent of magic mushrooms)	7438
(hh)	Pyrrolidine analog of phencyclidine (1-(1-phenylcyclohexyl)-pyrrolidine)..... Other names: PCPy; PHP	7458
(ii)	1-[1-(2-Thienyl)cyclohexyl]pyrrolidine..... Other names: TCPy	7473
(jj)	4- Methylmethcathinone	1248
	Other names: mephedrone; methpadrone; 4-MMC	
(kk)	3,4-Methylenedioxypyrovalerone..... Other names: MDPV	7535
(ll)	2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....	7509
(mm)	2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....	7508
(nn)	2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....	7519
(oo)	2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....	7518
(pp)	2-[4-Ethylthio-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....	7385
(qq)	2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)	7532
(rr)	2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....	7517

- (ss) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N) 7521
- (tt) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) 7524
- (uu) Thiophene analog of phencyclidine..... 7470
Other names: 1-[1-(2-thienyl)cyclohexyl]piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP
- (vv) 3,4,5-Trimethoxyamphetamine..... 7390
- (ww) (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone 7144
Other names: UR-144; 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole
- (xx) 1-(5-Fluoro-pentyl)-1H-indol-3-yl[(2,2,3,3-tetramethylcyclopropyl)methanone 7011
Other names: 5-fluoro-UR-144; 5-F-UR-144; XLR11; 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole
- (5) Depressants. 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 depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specified chemical designation:
- (a) Etizolam
Other names: Etilaam, Etizola, Sedekopan, Pasaden, Depas
- (ba) Gamma-hydroxybutyric acid..... 2010
Other names: GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate
- (cb) Mecloqualone..... 2572
- (de) Methaqualone..... 2565
- (6) Stimulants. 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:
- (a) Alpha-pyrrolidinobutiophenone..... 7546
Other names: [alpha]-PBP; 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one
- (b) Alpha-pyrrolidinopentiophenone..... 7545
Other names: [alpha]-PVP; [alpha]-pyrrolidinovalerophenone; 1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one
- (c) Aminorex..... 1585
Other names: aminoxophen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine
- (d) Butylone..... 7541
Other names: bk-MBDB; 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one
- (e) Cathinone..... 1235
Other names: 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; norphedrone; constituent of *catha edulis* or "Khat" plant
- (f) 3-Fluoro-N-methylcathinone..... 1233
Other names: 3-FMC; 1-(3-fluorophenyl)-2-(methylamino)propan-1-one

- (g) 4-Fluoro-N-methylcathinone..... 1238
Other names: 4-FMC; flephedrone; 1-(4-fluorophenyl)-2-(methylamino)propan-1-one
- (h) Fenethylamine..... 1503
- (i) Methcathinone..... 1237
Other names: 2-(methylamino)-propiofenone; alpha-(methylamino) propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiofenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR1432;
- (j) (+/-) *cis*-4-Methylaminorex (*cis* isomer)..... 1590
Other name: (+/-)*cis*-4,5 dihydro-4-methyl-5-phenyl-2-oxazolamine
- (k) 4-Methyl-N-ethylcathinone..... 1249
Other names: 4-MEC; 2-(ethylamino)-1-(4-methylphenyl)propan-1-one
- (l) 4-Methyl-alpha-pyrrolidinopropiofenone..... 7498
Other names: 4-MePPP; MePPP; 4-methyl-[alpha]-pyrrolidinopropiofenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one
- (m) Naphyrone..... 1258
Other names: naphthylpyrovalerone; 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one
- (n) N-Benzylpiperazine..... 7493
Other names: BZP; 1-benzylpiperazine
- (o) N-Ethylamphetamine..... 1475
- (p) N,N-Dimethylamphetamine..... 1480
Other names: N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine
- (q) Pentedrone..... 1246
Other names: [alpha]-methylaminovalerophenone; 2-(methylamino)-1-phenylpentan-1-one
- (r) Pentylone..... 7542
Other names: bk-MBDP; 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one
- (7) Cannabimimetic agents. Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (a) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497) 7297
- (b) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog) 7298
- (c) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678) 7118
- (d) 1-Butyl-3-(1-naphthoyl)indole (JWH-073) 7173
- (e) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019) 7019
- (f) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200) 7200
- (g) 1-Pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250) 6250

(h)	1-Pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081)	7081
(i)	1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122)	7122
(j)	1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398)	7398
(k)	(1-(5-fluoropentyl)-1H-indazol-3-yl)(naphthalen-1-yl)methanone (THJ-2201).....	7024
(l)	1-(5-Fluoropentyl)-3-(1-naphthoyl)indole (AM2201).....	7201
(m)	1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole (AM694).....	7694
(n)	1-Pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4)	7104
(o)	1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8)	7008
(p)	1-Pentyl-3-(2-chlorophenylacetyl)indole (JWH-203)	7203
(q)	N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide..... Other names: APINACA; AKB48	7048
(r)	N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3- carboxamide..... Other names: AB-FUBINACA	7012
(s)	N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3- carboxamide..... Other names: AB-CHMINACA	7031
(t)	N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide .. Other names: ADB-PINACA	7035
(u)	N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide..... Other names: AB-PINACA	7023
(v)	Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate	7225
	Other names: 5-fluoro-PB-22; 5F-PB-22	
(w)	Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate	7222
	Other names: PB-22; QUPIC	

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.02 Controlled Substances in Schedule II.

- (1) Schedule II consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this rule. Each drug or substance bears the federal controlled substance code number assigned to it by the Drug Enforcement Administration.
- (2) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
 - (a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, thebaine-derived butorphanol, nalmeferne, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:

1.	Codeine.....	9050
2.	Dihydroetorphine.....	9334
3.	Ethylmorphine.....	9190
4.	Etorphine hydrochloride.....	9059
5.	Granulated opium.....	9640
6.	Hydrocodone.....	9193
7.	Hydromorphone.....	9150
8.	Metopon.....	9260
9.	Morphine.....	9300
10.	Opium extracts.....	9610
11.	Opium fluid.....	9620
12.	Oripavine.....	9330
13.	Oxycodone.....	9143
14.	Oxymorphone.....	9652
15.	Powdered opium.....	9639
16.	Raw opium.....	9600
17.	Thebaine.....	9333
18.	Tincture of opium.....	9630

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

(c) Opium poppy and poppy straw.

(d) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves (including cocaine (9041) and ecgonine (9180) and their salts, isomers, derivatives and salts of isomers and derivatives), and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy)..... 9670

(3) Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

(a) Alfentanil..... 9737

(b) Alphaprodine..... 9010

(c)	Anileridine.....	9020
(d)	Bezitramide.....	9800
(e)	Carfentanil.....	9743
(f)	Dextropropoxyphene (bulk, non dosage forms).....	9273
(g)	Dihydrocodeine.....	9120
(h)	Diphenoxylate.....	9170
(i)	Fentanyl.....	9801
(j)	Isomethadone.....	9226
(k)	Levo-alpha-acetylmethadol..... Other names: levo-alpha-acetylmethadol; levomethadyl acetate; LAAM	9648
(l)	Levomethorphan.....	9210
(m)	Levorphanol.....	9220
(n)	Metazocine.....	9240
(o)	Methadone.....	9250
(p)	Methadone-Intermediate; 4-cyano-2-dimethylamino-4,4-diphenyl butane.....	9254
(q)	Moramide-Intermediate; 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid.....	9802
(r)	Pethidine (meperidine).....	9230
(s)	Pethidine-Intermediate-A; 4-cyano-1-methyl-4-phenylpiperidine.....	9232
(t)	Pethidine-Intermediate-B; ethyl-4-phenylpiperidine-4-carboxylate.....	9233
(u)	Pethidine-Intermediate-C; 1-methyl-4-phenylpiperidine-4-carboxylic acid.....	9234
(v)	Phenazocine.....	9715
(w)	Piminodine.....	9730
(x)	Racemethorphan.....	9732
(y)	Racemorphan.....	9733
(z)	Remifentanil.....	9739
(aa)	Sufentanil.....	9740
(bb)	Tapentadol.....	9780
(cc)	Thiafentanil.....	9729

(4) Stimulants. 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:

(a)	Amphetamine, its salts, optical isomers, and salts of its optical isomers.....	1100
(b)	Methamphetamine, its salts, isomers, and salts of its isomers.....	1105
(c)	Phenmetrazine and its salts.....	1631
(d)	Methylphenidate.....	1724
(e)	Lisdexamfetamine, its salts, isomers, and salts of its isomers.....	1205
(5)	Depressants. 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 depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:	
(a)	Amobarbital.....	2125
(b)	Glutethimide.....	2550
(c)	Pentobarbital.....	2270
(d)	Phencyclidine.....	7471
(e)	Secobarbital.....	2315
(6)	Hallucinogenic substances.	
(a)	Nabilone.....	7379
	Other names: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one.	
(7)	Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances:	
(a)	Immediate precursor to amphetamine and methamphetamine:	
	1. Phenylacetone.....	8501
	Other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;	
(b)	Immediate precursors to phencyclidine (PCP):	
	1. 1-phenylcyclohexylamine.....	7460
	2. 1-piperidinocyclohexanecarbonitrile(PCC).....	8603
(c)	Immediate precursor to fentanyl:	
	1. 4-anilino-N-phenethyl-4-piperidine (ANPP).....	8333

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.03 Controlled Substances in Schedule III.

- (1) Schedule III consists of the drugs and other substances by whatever official name, common or usual name, chemical name, or brand name designated, listed in this rule. Each drug or

substance bears the federal controlled substance code number assigned to it by the Drug Enforcement Administration.

(2) Stimulants. 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 (whether optical, position or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under 21 C.F.R. 1308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances..... 1405
- (b) Benzphetamine..... 1228
- (c) Clorpheniramine..... 1645
- (d) Clortermine..... 1647
- (e) Phendimetrazine..... 1615

(3) Depressants. 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 depressant effect in the central nervous system:

- (a) Any compound, mixture, or preparation containing:
 - 1. Amobarbital..... 2126
 - 2. Secobarbital..... 2316
 - 3. Pentobarbital 2271
Or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
- (b) Any suppository dosage form containing:
 - 1. Amobarbital..... 2126
 - 2. Secobarbital..... 2316
 - 3. Pentobarbital..... 2271
Or any salt of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.
- (c) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof. Examples include the following drugs:..... 2100
 - 1. Aprobarbital..... 2100
 - 2. Butobarbital (secbutobarbital)..... 2100
 - 3. Butalbital..... 2100
 - 4. Butobarbital (butethal)..... 2100
 - 5. Talbutal..... 2100

6.	Thiamylal.....	2100
7.	Thiopental.....	2100
8.	Vinbarbital	2100
(d)	Chlorhexadol.....	2510
(e)	Embutramide.....	2020
(f)	Gamma hydroxybutyric acid preparations. Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under § 505 of the federal Food, Drug, and Cosmetic Act, codified in 21 U.S.C. § 301, et seq.....	2012
(g)	Ketamine, its salts, isomers, and salts of isomers Other name: (±)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone	7285
(h)	Lysergic acid.....	7300
(i)	Lysergic acid amide.....	7310
(j)	Methyprylon.....	2575
(k)	Perampanel, and its salts, isomers, and salts of isomers	2261
(l)	Sulfondiethylmethane.....	2600
(m)	Sulfonethylmethane.....	2605
(n)	Sulfonmethane.....	2610
(o)	Tiletamine and zolazepam or any salt of tiletamine or zolazepam.....	7295
	1. Other name for a tiletamine-zolazepam combination product: Telazol®;	
	2. Other name for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.	
	3. Other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo[3,4-e],[1,4]-diazepin-7(1H)-one; flupyrazapon	
(4)	Nalorphine.....	9400
(5)	Narcotic Drugs.	
(a)	Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing 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 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.....	9803
	2. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.....	9804

3. Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active non-narcotic ingredients in recognized therapeutic amount..... 9807
 4. Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active non-narcotic ingredients in recognized therapeutic amounts..... 9808
 5. Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts..... 9809
 6. Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, non-narcotic ingredients in recognized therapeutic amounts..... 9810
- (b) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts:
1. Buprenorphine..... 9064
- (6) Anabolic steroids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, esters and ethers:
- (a) Anabolic steroids..... 4000
1. 3[alpha],17[beta]-dihydroxy-5a-androstane
 2. 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5a-androstane
 3. 17[alpha]-methyl-3[beta],17[beta]-dihydroxy-5a-androstane
 4. 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene
 5. 17[alpha]-methyl-[delta]1-dihydrotestosterone(17[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one
Other Names: 17-[alpha]-methyl-1-testosterone
 6. 17[alpha]-methyl-4-hydroxynandrolone(17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one)
 7. 1-Androstenediol (3[alpha],17[beta]-dihydroxy-5[alpha]-androst-1-ene)
 8. 1-Androstenediol (3[beta],17[beta]-dihydroxy-5[alpha]-androst-1-ene)
 9. 4-Androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene)
 10. 5-Androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene)
 11. 1-Androstenedione (5[alpha]-androst-1-en-3,17-dione)
 12. 4-Androstenedione (androst-4-en-3,17-dione)
 13. 5-Androstenedione (androst-5-en-3,17-dione)
 14. 3[Beta],17[Beta]-dihydroxy-5a-androstane
 15. 13[Beta]-ethyl-17[beta]-hydroxygon-4-en-3-one

16. Androstanedione (5[alpha]-androst-3,17-dione)
17. Bolasterone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one)
18. Boldenone (17[beta]-hydroxyandrost-1,4-diene-3-one)
19. Boldione (androsta-1,4-diene-3,17-dione)
20. Calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one)
21. Clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one)
Other Names: 4-Chlorotestosterone
22. Dehydrochloromethyltestosterone (4-chloro-17[beta]-hydroxy-17[alpha]-methylandrost-1,4-dien-3-one)
23. [Delta]1-dihydrotestosterone (a.k.a.'1-testosterone') (17[Beta]-hydroxy-5[alpha]-androst-1-en-3-one)
24. Desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[Beta]-ol)
Other name: madol
25. 4-Dihydrotestosterone (17[beta]-hydroxyandrost-3-one)
26. Drostanolone (17[beta]-hydroxy-2[alpha]-methyl-5[alpha]-androst-3-one)
27. Ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene)
28. Fluoxymesterone (9-fluoro-17[alpha]-methyl-11[beta],17[beta]-dihydroxyandrost-4-en-3-one)
29. Formebolone (2-formyl-17[alpha]-methyl-11[alpha],17[beta]-dihydroxyandrost-1,4-dien-3-one)
30. Furazabol (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan)
31. 4-Hydroxy-19-nortestosterone (4,17[beta]-dihydroxyestr-4-en-3-one)
32. 4-Hydroxytestosterone (4,17[beta]-dihydroxyandrost-4-en-3-one)
33. Mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-3-one)
34. Mesterolone (1[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-3-one)
35. Methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-diene-3-one)
36. Methandranone
37. Methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene)
38. Methandrostenolone
39. Methasterone (2[alpha],17[alpha]-dimethyl-5[alpha]-androst-17[beta]-ol-3-one)
40. Methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one)
41. Methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one)
42. Methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one)

43. Methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4, 9, 11-trien-3-one)
44. Mibolerone (7[alpha], 17[alpha]-dimethyl-17[beta]-hydroxyestr-4-en-3-one)
45. Nandrolone (17[beta]-hydroxyestr-4-en-3-one)
46. 19-Nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3, 17-dione)
47. 19-Nor-4-androstenediol (3[alpha], 17[beta]-dihydroxyestr-4-ene)
48. 19-Nor-4-androstenediol (3[beta], 17[beta]-dihydroxyestr-4-ene)
49. 19-Nor-5-androstenediol (3[alpha], 17[beta]-dihydroxyestr-5-ene)
50. 19-Nor-5-androstenediol (3[beta], 17[beta]-dihydroxyestr-5-ene)
51. 19-Nor-4-androstenedione (estr-4-en-3, 17-dione)
52. 19-Nor-5-androstenedione (estr-5-en-3, 17-dione)
53. Norbolethone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4-en-3-one)
54. Norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one)
55. Norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one)
56. Normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one)
57. Oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one)
58. Oxymesterone (17[alpha]-methyl-4, 17[beta]-dihydroxyandrost-4-en-3-one)
59. Oxymetholone (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-[5[alpha]]-androstan-3-one)
60. Prostanazol (17[beta]-hydroxy-5[alpha]-androstan[3,2-c]pyrazole)
61. Stanolone (17[beta]-Hydroxy-5alpha-Androstan-3-One)
62. Stanozolol (17[alpha]-methyl-17[beta]-hydroxy-[5[alpha]]-androst-2-eno[3,2-c]-pyrazole)
63. Stenbolone (17[beta]-hydroxy-2-methyl-[5[alpha]]-androst-1-en-3-one)
64. Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1, 4-dien-17-oic acid lactone)
65. Testosterone (17[beta]-hydroxyandrost-4-en-3-one)
66. Tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4, 9, 11-trien-3-one)
67. Trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one)

(b) Any salt, ester, or isomer of a drug or substance described or listed in subparagraph (a), if such salt, ester, or isomer promotes muscle growth.

(c) Anabolic steroids intended for administration to cattle or other non-human species are

exempt from this rule unless such steroids are prescribed, dispensed, or distributed for human use.

- (d) Anabolic steroids with a combination of estrogens intended for administration to hormone deficient women are exempt from this rule unless such steroids are prescribed, dispensed, or distributed to women who are not hormone deficient.

(7) Hallucinogenic Substances

- (a) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product..... 7369
Other names: (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

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.04 Controlled Substances in Schedule IV.

- (1) Schedule IV consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this rule. Each drug or substance bears the federal controlled substance code number assigned to it by the Drug Enforcement Administration.

- (2) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (a) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit..... 9167
- (b) Dextropropoxyphene dosage forms (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane)..... 9278

- (3) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Alfaxalone 2731
- (b) Alprazolam..... 2882
- (c) Barbital..... 2145
- (d) Bromazepam..... 2748
- (e) Camazepam..... 2749
- (f) Carisoprodol..... 8192
Other name: Soma®
- (g) Chloral betaine..... 2460
- (h) Chloral hydrate..... 2465
- (i) Chlordiazepoxide..... 2744
- (j) Clobazam..... 2751
- (k) Clonazepam..... 2737

(l)	Clorazepate.....	2768
(m)	Clotiazepam.....	2752
(n)	Cloxazolam.....	2753
(o)	Delorazepam.....	2754
(p)	Diazepam.....	2765
(q)	Dichloralphenazone.....	2467
(r)	Estazolam.....	2756
(s)	Eszopiclone.....	N/A
(t)	Ethchlorvynol.....	2540
(u)	Ethinamate.....	2545
(v)	Ethyl Loflazepate.....	2758
(w)	Fludiazepam.....	2759
(x)	Flunitrazepam.....	2763
(y)	Flurazepam.....	2767
(z)	Fospropofol.....	2138
(aa)	Halazepam.....	2762
(bb)	Haloxazolam.....	2771
(cc)	Ketazolam.....	2772
(dd)	Loprazolam.....	2773
(ee)	Lorazepam.....	2885
(ff)	Lormetazepam.....	2774
(gg)	Mebutamate.....	2800
(hh)	Medazepam.....	2836
(ii)	Meprobamate.....	2820
(jj)	Methohexital.....	2264
(kk)	Methylphenobarbital (mephobarbital).....	2250
(ll)	Midazolam.....	2884
(mm)	Nimetazepam.....	2837
(nn)	Nitrazepam.....	2834
(oo)	Nordiazepam.....	2838

(pp)	Oxazepam.....	2835
(qq)	Oxazolam.....	2839
(rr)	Paraldehyde.....	2585
(ss)	Petrichloral.....	2591
(tt)	Phenobarbital.....	2285
(uu)	Pinazepam.....	2883
(vv)	Prazepam.....	2764
(ww)	Quazepam.....	2881
(xx)	Suvorexant.....	2223
(yy)	Temazepam.....	2925
(zz)	Tetrazepam.....	2886
(aaa)	Tramadol..... Other names: Ultram® and Ultracet®	9752
(bbb)	Triazolam.....	2887
(ccc)	Zaleplon.....	2781
(ddd)	Zolpidem.....	2783
(eee)	Zopiclone.....	2784
(4)	Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances including its salts, isomers (whether optical, positional, or geometric), and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:	
(a)	Fenfluramine.....	1670
(b)	Dexfenfluramine.....	1670
(5)	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:	
(a)	Lorcaserin.....	1625
(6)	Stimulants. 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:	
(a)	Cathine ((+)-norpseudoephedrine).....	1230
(b)	Diethylpropion.....	1610
(c)	Fencamfamin.....	1760
(d)	Fenproporex.....	1575

(e)	Mazindol.....	1605
(f)	Mefenorex.....	1580
(g)	Modafinil.....	1680
(h)	Pemoline (including organometallic complexes and chelates thereof).....	1530
(i)	Phentermine.....	1640
(j)	Pipradol.....	1750
(k)	Sibutramine.....	1675
(l)	SPA ((-)-1-dimethylamino-1,2-diphenylethane).....	1635
(7)	Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts:	
(a)	Pentazocine.....	9709
(b)	Butorphanol (including its optical isomers).....	9720
(c)	<u>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.....</u>	<u>9725</u>

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.05 Controlled Substances in Schedule V

- (1) Schedule V consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this rule. Each drug or substance bears the federal controlled substance code number assigned to it by the Drug Enforcement Administration.
- (2) Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more non-narcotic 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:
 - (a) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
 - (b) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
 - (c) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
 - (d) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
 - (e) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
 - (f) Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

- (3) Stimulants. Unless specifically exempted or excluded, 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 its salts, isomers, and salts of the isomers:

(a) Pyrovalerone..... 1485

- (4) 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 have a depressant effect on the central nervous system, including its salts:

(a) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide)..... 2710

(ba) Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester]..... 2779

(cb) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide]..... 2746

(de) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]..... 2782

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.06 Controlled Substances in Schedule VI.

(1) Marijuana..... 7360

(2) Tetrahydrocannabinols..... 7370

- (3) Unless specifically excepted or unless listed in another schedule, 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. Examples include the following drugs or their compounds regardless of numerical designation of atomic positions covered:

(a) 1 cis or trans tetrahydrocannabinol, and its optical isomers.

(b) 6 cis or trans tetrahydrocannabinol, and its optical isomers.

(c) 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.07 Controlled Substances in Schedule VII.

- (1) Butyl nitrite and any isomer of butyl nitrite

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.08 Non-narcotic Substances Excluded from Controlled Substances

- (1) Non-narcotic substances listed in the most current edition of 21 C.F.R. 1308.22, are excluded from all schedules.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.09 Chemical preparations excluded from Controlled Substances

- (1) Chemical preparations listed in the most current edition of 21 C.F.R. 1308.24, are excluded from all schedules.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.10 Veterinary anabolic steroid implant products excluded from Controlled Substances.

- (1) Veterinary anabolic steroid implant products listed in the most current edition of 21 C.F.R. 1308.26, are excluded from all schedules.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.11 Prescription products excluded from Controlled Substances

- (1) Prescription products listed in the most current edition of 21 C.F.R. 1308.32, are excluded from all schedules.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.12 Anabolic steroid products excluded from Controlled Substances

- (1) Anabolic steroid products listed in the most current edition of 21 C.F.R. 1308.34, are excluded from all schedules.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

0940-06-01-.13 Certain cannabis plant material, and products made therefrom, excluded from Controlled Substances

- (1) Certain cannabis plant material, and products made therefrom, that contain tetrahydrocannabinols listed in the most current edition of 21 C.F.R. 1308.35, are excluded from all schedules.

Authority: Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-303, 33-1-305, 33-1-309, and 39-17-403.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Mental Health and Substance Abuse Services (board/commission/ other authority) on _____ (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: (11/04/16)

Rulemaking Hearing(s) Conducted on: (add more dates). (01/04/17)

Date: _____

Signature: _____

Name of Officer: Marie Williams

Title of Officer: Commissioner, Tennessee Department of Mental Health and Substance Abuse Services

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Date: _____

Signature: _____

Name of Officer: John J. Dreyzehner, MD, MPH

Title of Officer: Commissioner, Tennessee Department of Health

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

REDLINE

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable

TDMHSAS Responses to Comments about
Rules Chapter 0940-06-01
Consideration of Chapter 0940-06-01 Controlled Substances
Rulemaking Hearing Held on January 4, 2017

**The Department has attempted to present the following comments in a form that is both easy to read and accurate to the intent of the commenter. In rare cases, the Department made technical edits to increase the readability of a comment. Please forgive any typographical errors in both the comments and responses.*

JIMMY MUSICE, SENIOR POLICY ADVISOR AND ATTORNEY, TENNESSEE BUREAU OF INVESTIGATION:
I'm here to let you know what our stance was and that was to recommend that etizolam be added to Schedule I in the rules. And I'm going to let Glenn Everitt give you an overview as to why we feel that way.

GLENN EVERITT, SUPERVISING SPECIAL AGENT FORENSIC SCIENTIST, TENNESSEE BUREAU OF INVESTIGATION: We've been monitoring etizolam for the past few years and it's exponentially grown over the years. We started out seeing it in 2014 and saw a few cases and then it grew from there. In 2015 we saw 29 cases and so far this year we've seen 94 cases. A lot of times we see etizolam in combination with Fentanyl and not that we don't see it as a powder by itself but we general see it in the fake Xanax tablets that mimic Alprazolam. There are different stamps they make for the tablets – the Xanax IIs or the GG2-49s. We've being seeing those and as far as I know the FDA does not have any use for that. I know that it has been used in other countries as a benzodiazepine but to my knowledge the FDA has not regulated that.

Mr. Musice: I would like to add that states surrounding Tennessee have scheduled it as a Schedule I – Alabama, Arkansas, Mississippi, Virginia and Florida. Most of those states did so in 2014 when they first began to see it. We've seen it used as a date-rape drug in the field. Glenn talked about some of the lab results going from 3 to 29 then to 94 but we've also see an increase on the toxicology side and that's when someone is pulled over for DUI and they may do a blood draw on them. In 2015 state-wide, 18 results contained etizolam and that was only used in the Middle District lab so it wasn't state-wide. But so far in 2016 state-wide it's up to 34. So, not only have we seen the increase through our drug agents purchasing and going after organizations but we're seeing it in the blood results of drivers, driving intoxicated on Tennessee roads.

Kurt Hippel: So you see an abuse potential for this substance?

Mr. Musice: Absolutely.

Mr. Everitt: Yes, definitely. As it stands now because our analogue law etizolam does not fit the legal definition of an analogue in the T.C.A. the way it's currently written it won't even though if you are asking me as a scientist is it an analogue, yes. Does it have the same affects as a benzodiazepine, yes. But as our law is currently written for the analogue, you can't make that jump to say that it's legally an analogue. So really there's no recourse to prosecute it. So therefore we're seeing it increasing every year.

Kurt Hippel: Dr. Geminn, do you have any questions?

Dr. Geminn: My question would be, with your agents in the field, what is the source? Because it's not approved for use in the United States so I assume it can't legally be imported.

Mr. Musice: Without getting too specific, there are ways throughout the Internet to obtain this substance and get it here, and get it here in bulk. I don't mean it's coming over in sandwich bags but full kilos being shipped here to Tennessee. What they do, they'll take that product add a binder and usually... (to **Glenn Everitt**) what else will

they add to it when they're going to stamp the pill?

Dr. Geminn: Starch.

Mr. Everitt: Polymeric acid, uric acid, vositol, a number of things they can do.

Mr. Musice: But mainly, because right now etizolam is approved for use in Japan, India and Italy, we see more of Asian markets that are creating the etizolam. And like other drugs sometimes the Asians use the Mexican cartels as their distribution resource and a way to get it into the United States. But I didn't want to say that's the only way because like I said, you can order it off the Internet on certain websites.

Dr. Geminn: I don't know if you've researched it at all, but Georgia made it a Schedule IV which is with the other benzodiazepines. Do you have any idea why maybe that state made it a Schedule IV? Are there arguments for making it in any another Schedule than a Schedule I?

Mr. Musice: My assumption would be is that because it acts and mimics a benzodiazepine that they placed it in Schedule IV with all the other benzodiazepines. But our position would be that because the United States does not have a recognized reason for etizolam then that would put it in Schedule I with the others.

Dr. Geminn: That's all the questions I have.

Kurt Hippel: Great. Dr. Loyd?

Dr. Loyd: I want to follow up on Dr. Geminn's question. So, is this similar to what's happening with fentanyl right now?

Mr. Everitt: Yes, it can be. And we're often seeing it mixed with the fentanyl when creating counterfeit opioids.

Dr. Loyd: Okay, Thank you.

Kurt Hippel: Thank you. Does anyone else on the Department panel have a question for the TBI? Thank you Gentlemen, we will take these comments and recommendations under full consideration. That is the end of my list of people who would want to make comments today. I will look through the room one last time to make sure no one else wants to say anything.

Dr. Geminn: One more question for the TBI, I'll repeat their answer if they can't hear. Have there been any deaths associated with etizolam? Any like post mortem drug....

Mr. Everitt: Yes and No. Yes, because the deaths that we've seen, fentanyl or heroin...

Dr. Geminn: It's "with"...

Mr. Everitt ... or any combination with etizolam. I'm sorry. I'm not sure...

Dr. Geminn: You can't say what the causative agent is but it's been associated in those screens for deceased individuals?

Mr. Everitt: Right. I don't know if etizolam acts like an antagonist to enhance the effects of the heroin or fentanyl. I'm not exactly sure as to why they are putting that in with heroin or fentanyl.

Kurt Hippel: But it is present in lab tests where someone has died?

Mr. Everitt: Correct

Dr. Geminn: Has overdosed?

Mr. Everitt: Yes.

Dr. Loyd: I think we make the assumption that it's a benzodiazepine or very close. So it potentiates the effect of the fentanyl. That's generally the cause. It's got a little bit different chemical structure; its half-life

is a little longer too. Theoretically that makes it have a less potential for abuse, but I don't think that's what we are looking at here. We're looking at it as there being no medical valid reason to be used in the United States, not FDA approved. And then also the potential toxicity.

TDMHSAS Response: After considering the information provided by the Tennessee Bureau of Investigation and pursuant to T.C.A. 39-17-403(a) & (b), the substance etizolam, also known as Etilaam, Etizola, Sedekopan, Pasaden, Depas, will be scheduled as a Schedule 1 controlled substance in this rule (TDMHSAS Rule Chapter 0940-06-01 Controlled Substances). The findings, as set out by T.C.A. 39-17-403(a), regarding the scheduling of etizolam as a Schedule 1 controlled substance are as follows:

1. The actual or relative potential for abuse:

Etizolam is a thienodiazepine which has a chemically related structure to a class of substances known as benzodiazepines. Benzodiazepines are widely prescribed drugs with a known abuse potential while etizolam currently does not have an accepted medical use in the United States.¹ While etizolam does have a medically accepted use in a few international countries, it typically requires a prescription and is usually considered a controlled substance only when considering benzodiazepines as a whole. Due to etizolam being a benzodiazepine analog, it does have anxiolytic effects, but has a short duration of action which may lead to dependence.²

2. The scientific evidence of its pharmacological effect, if known:

Since etizolam is a benzodiazepine analog, it possesses anxiolytic, anticonvulsant, sedative-hypnotic, and muscle relaxant effects similar to other benzodiazepines.

3. The state of current scientific knowledge regarding the substance:

Etizolam was developed in Japan and is registered as a medicine in at least 3 countries: Japan, Italy, and India. The majority of current scientific knowledge regarding etizolam is due to the study of benzodiazepines as a whole.³

4. The history and current pattern of abuse:

Etizolam has a limited history of abuse due to lack of specific tracking through drug screens. According to the Tennessee Bureau of Investigation, drug screens showing positive for etizolam have been increasing, with 29 cases in 2015 and 94 cases in 2016.

5. The scope, duration and significance of abuse:

Etizolam is a benzodiazepine analog and has a generally similar pharmacological profile to the benzodiazepine class. Approximately 30% of the 1,045 deaths in 2015 caused by opioid overdose also involved benzodiazepine use in Tennessee. Tennessee's prescription drug overdose rate is 26% above the national average and Tennessee leads the nation in the number of controlled substance prescriptions per capita.

6. The risk to the public health:

Benzodiazepines and analogs such as etizolam may be abused or may be used in combination with other drugs of abuse to produce additive results. Etizolam is also not currently classified as a controlled substance, which poses a threat to public safety since prosecutors are unable to prosecute anyone with possession or intention for distribution of this compound.

7. The potential of the substance to produce psychic or physiological dependence liability:

In animal experiments, etizolam has been shown to be approximately 10 times more potent than diazepam (Valium®). Dependence may develop with regular use of benzodiazepines, which may precipitate withdrawal syndrome when the drug is discontinued.

¹ *Drug and Chemical Evaluation Section*: Etizolam. (Oct 2014). Office of Diversion Control, Drug Enforcement Administration, Retrieved January 5, 2017 from https://www.deadiversion.usdoj.gov/drug_chem_info/etizolam.pdf

^{2,3} Gupta, S., & Garg, B. (2014). A case of etizolam dependence. *Indian Journal of Pharmacology*, 46(6), 655–656.

<http://doi.org/10.4103/0253-7613.144943>

8. Whether the substance is an immediate precursor of a substance already controlled under this section:

This substance is not an immediate precursor of a substance already controlled in Tennessee. Although this is an analog, the chemical structure of etizolam does not put it under our previous actions for controlling analogs and precursors to controlled substances.

REDLINE

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

These rules will not affect small businesses. Although, some pharmacies qualify as small businesses, the changes to the controlled substances schedules promulgated by these rules should not change the daily operations of those pharmacies.

REDLINE

Economic Impact Statement

- 1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

These rules will not affect small businesses.

- 2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

These rules will not affect reporting, recordkeeping, or other administrative costs of small businesses.

- 3) A statement of the probable effect on impacted small businesses and consumers.

These rules will not affect small businesses.

- 4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

There is no less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rules.

- 5) A comparison of the proposed rule with any federal or state counterparts.

These rules compare favorably with the federal controlled substances schedules as T.C.A. § 39-17-403 requires the Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS) to schedule substances if those substances have been designated as controlled substances by federal regulations promulgated by the U.S. Department of Justice Drug Enforcement Administration (DEA), unless TDMHSAS, upon agreement with the Tennessee Department of Health (TDH), decides otherwise.

- 6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

These rules will not affect small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

TDMHSAS estimates that these rules will not have a projected financial impact on local governments.

REDLINE

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The lists of controlled substances for all schedules were revised to ensure consistency with Part 1308 of Title 21 of the Code of Federal Regulations (C.F.R.) and T.C.A. §§ 39-17-406, 39-17-408, 39-17-410, 39-17-412, 39-17-414, and 39-17-416.

0940-06-01-.01 names controlled substances within Schedule I including opiates, opium derivatives, hallucinogenic substances, depressants, and stimulants. Etizolam, although not federally scheduled, has been scheduled as a Schedule I controlled substance in this rule (see TDMHSAS Findings on p. 29 of this document).

0940-06-01-.02 names controlled substances within Schedule II including opium and opiates, substances produced by extraction from vegetable origin or chemical synthesis, opiates, stimulants, depressants, hallucinogenic substances, immediate precursors to amphetamine and methamphetamine, and PCP.

0940-06-01-.03 names controlled substances within Schedule III including stimulants, depressants, nalorphine, narcotic drugs, anabolic steroids, and hallucinogenic substances.

0940-06-01-.04 names controlled substances within Schedule IV including narcotic drugs, depressants, fenfluramine, and stimulants.

0940-06-01-.05 names controlled substances within Schedule V including narcotic drugs containing non-narcotic active medicinal ingredients, stimulants, and depressants.

0940-06-01-.06 names controlled substances within Schedule VI including marijuana and tetrahydrocannabinols.

0940-06-01-.07 names controlled substances within Schedule VII including butyl nitrite and any isomer of butyl nitrite.

0940-06-01-.08 incorporates by reference exclusions for non-narcotic substances listed in the most current edition of 21 C.F.R. 1308.22 including those sold lawfully over the counter without a prescription.

0940-06-01-.09 names chemical preparations excluded from controlled substances.

0940-06-01-.10 names veterinary anabolic steroid implant products excluded from controlled substances.

0940-06-01-.11 names prescription products excluded from controlled substances.

0940-06-01-.12 names anabolic steroid products excluded from controlled substances.

0940-06-01-.13 names certain cannabis plant material, and product made therefrom, excluded from controlled substances.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

21 U.S.C. 812: Establishes schedules of controlled substances.

21 C.F.R. 1308: Contains schedules of controlled substances set forth by the U.S. Department of Justice Drug Enforcement Administration.

T.C.A. § 4-4-103: Empowers the Commissioner of each department to prescribe regulations.

T.C.A. § 33-1-302: Empowers the Department to make and enforce rules necessary for the efficient financial management and lawful operation of facilities and services.

T.C.A. § 33-1-303: Defines powers of the Commissioner including rulemaking authority.

T.C.A. § 33-1-305: Empowers the Commissioner of the Department of Mental Health and Substance Abuse Services to adopt rules to fulfill the Department's responsibilities.

T.C.A. § 33-1-309: Requires the Department to adopt all rules in accordance with the Uniform Administrative Procedures Act.

T.C.A. § 39-17-403: Requires the Commissioner of the Department of Mental Health and Substance Abuse Services, upon agreement of the Commissioner of the Department of Health, to control substances according to certain guidelines.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This rule affects healthcare professionals and pharmacies; as well as the TN Boards of Nursing, Medical

Examiners, and Pharmacy; the TennCare Inspector General and the TN Bureau of Investigation. The Department received comments from the TN Bureau of Investigation regarding this rule during the rulemaking hearing held for this rule on January 4th, 2017. These were the only comments received regarding this rule and TDMHSAS adopted the action proposed by the comments from the TN Bureau of Investigation.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

There are no opinions of the Attorney General and Reporter that directly relate to these rules.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

It is estimated that these rules will not have a fiscal impact on state and local government revenues and expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Wesley Geminn, Chief Pharmacist, TDMHSAS
Kurt Hippel, Director of Legislation, Rules & Privacy, TDMHSAS

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Wesley Geminn, Chief Pharmacist, TDMHSAS
Kurt Hippel, Director of Legislation, Rules & Privacy, TDMHSAS

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A