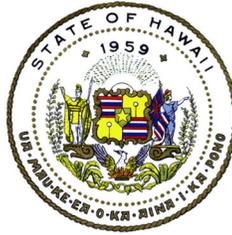


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No. Posted at the Office of
the Lieutenant Governor
on October,
2020

October 15, 2020 (AMENDED 11-09-20)

NOTICE OF FEDERAL SCHEDULING ACTION

Chapter 329-11(d) of the Hawaii Revised Statutes ("HRS") states that if a substance is added, deleted or rescheduled under federal law and notice of the designation is given to the Department of Public Safety, then the Department of Public Safety shall recommend to the legislature that a corresponding change in Hawaii law be made. The Department of Public Safety shall similarly designate the substance as added, deleted, or rescheduled under this chapter, after the expiration of thirty days from publication in the Federal Register of a final order, and this change shall have the effect of law. If a substance is added, deleted, or rescheduled under this subsection, the control shall be temporary and, if the next regular session of the state legislature has not made the corresponding changes in this chapter, the temporary designation of the added, deleted, or rescheduled substance shall be nullified.

On October 25, 2019, The Department of Public Safety was given notice via publication in the Federal Register of a final order¹ that the following substances, were placed into Schedule I by the United States Drug Enforcement Administration ("DEA"):

Cyclopropyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopropanecarboxamide;
Methoxyacetyl fentanyl (2-methoxy-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide);
ortho-Fluorofentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide); other
name: 2-fluorofentanyl); and
para-Fluorobutyryl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide).

¹ The final order was published in volume 84, number 207 of the Federal Register on October 25, 2019.

This federal scheduling action imposes the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities with, or possess) or propose to handle the drug products listed in this notice. The DEA placed an effective date of October 25, 2019 on this scheduling action.

In accordance with chapter 329-11(d) of the HRS, the Department of Public Safety is temporarily adding the aforementioned drug product listed in this notice into Schedule I in chapter 329-14 (b) of the HRS. This temporary addition imposes the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities with, or possess) or propose to handle the aforementioned drug products listed in this notice in the State of Hawaii.

Consequently, chapter 329-14 of the HRS is temporarily amended by adding subsection (b) to read as follows:

"(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(67) Cyclopropyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopropanecarboxamide);

(68) Methoxyacetyl fentanyl (2-methoxy-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide);

(69) *ortho*-Fluorofentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide); other name: 2-fluorofentanyl); and

(70) *para*-Fluorobutyryl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide).

The changes in this notice shall take effect on October 15, 2020, as required under chapter 329-11(d) HRS.