

SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

Placement of 4-Fluoroisobutyryl Fentanyl into Schedule I of S.C. Controlled Substances Act

Whereas, pursuant to S.C. Code Section 44-53-160(C), the S.C. Board of Health and Environmental Control (Board) is authorized to add a substance as a controlled substance if the federal government has so designated; and

Whereas, the U.S. Department of Justice, Drug Enforcement Administration (DEA), published on May 3, 2017, its temporary scheduling order to temporarily schedule the synthetic opioid, N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, (4-fluoroisobutyryl fentanyl or parafluoroisobutyryl fentanyl), and its isomers, esters, ethers, salts and salts of isomers, esters, and ethers, into Schedule I pursuant to the temporary scheduling provisions of the Controlled Substances Act. This action was based on a finding by the Administrator that the placement of this synthetic opioid into Schedule I of the Controlled Substances Act is necessary to avoid an imminent hazard to the public safety. The DEA further noted its intent to publish its final rule following the required 30-day notice period. On May 3, 2017, the DEA published its temporary scheduling order to schedule into Schedule I of the CSA. <https://www.gpo.gov/fdsys/pkg/FR-2017-05-03/pdf/2017-08943.pdf>

Whereas, The DEA is currently aware of at least 62 confirmed overdose fatalities associated with N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl fentanyl or parafluoroisobutyryl fentanyl), and its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Based on the documented case reports of fatal overdoses, the abuse of 4-Fluoroisobutyryl Fentanyl leads to the same qualitative public health risks as heroin, fentanyl and other opioid analgesic substances. The public health risks attendant to the abuse of heroin and opioid analgesics are well established and have resulted in large numbers of drug treatment admissions, emergency department visits, and fatal overdoses.

Whereas, as published in the Federal Register, in order to find that placing a substance temporarily into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider three of the eight factors set forth in section 201(c) of the CSA, 21 U.S.C. 811(c): the substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to the public health. 21 U.S.C. 811(h)(3). Consideration of these factors includes actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution. 21 U.S.C. 811(h)(3). A substance meeting the statutory requirements for temporary scheduling may only be placed into Schedule I. 21 U.S.C. 811(h)(1). Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. 21 U.S.C. 812(b)(1). Available data and information for 4-fluoroisobutyryl fentanyl, indicate that this synthetic opioid has a high

potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Therefore, the DEA has determined that placing 4-Fluoroisobutyryl Fentanyl into schedule I is necessary to avoid an imminent hazard to the public safety; and

Now, therefore, the Board of Health and Environmental Control adopts the scheduling of 4-Fluoroisobutyryl Fentanyl permanently into S.C. Schedule I for Controlled Substances, published in the Federal Register of May 3, 2017, as set forth below and amend S.C. Code Section 44-53-190 (C) to include:

N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, (4-fluoroisobutyryl fentanyl or parafluoroisobutyryl fentanyl), and its isomers, esters, ethers, salts and salts of isomers, esters, and ethers.

IT IS SO ORDERED.

May 11, 2017
Columbia, South Carolina



Allen Amsler, Chairman
S.C. Board of Health and Environmental Control