

SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

Placement of Nine Specific Fentanyl-Related Substances in Schedule I for Controlled Substances

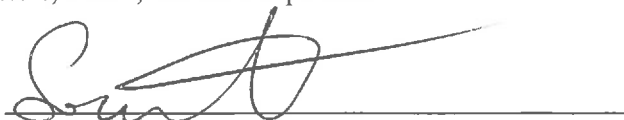
WHEREAS, pursuant to S.C. Code Section 44-53-160(C), the South Carolina Board of Health and Environmental Control (“Board”) shall designate a substance as a controlled substance by scheduling it in accordance with an order effecting federal scheduling as a controlled substance; and

WHEREAS, the U.S. Department of Justice, Drug Enforcement Administration (“DEA”), issued a scheduling order placing these nine fentanyl-related substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible, in schedule I of the federal Controlled Substance Act, effective December 7, 2023. Federal Register Volume 88, Number 234, pp. 85104-85109; and

WHEREAS, the DEA final rule of December 7, 2023, applied to nine fentanyl-related substances that were the subject of a February 6, 2018, temporary scheduling order, which the Board adopted by order of February 8, 2018, placing fentanyl-related substances, as defined in that order, into schedule I for controlled substances; and

WHEREAS, according to its December 7, 2023, scheduling order, the DEA has concluded that *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl have high potential for abuse, no currently accepted medical use in treatment in the United States, and lack accepted safety for use under medical supervision, and therefore permanently placed these nine fentanyl-related substances in schedule I of the federal Controlled Substances Act effective December 7, 2023;

THEREFORE, the Board of Health and Environmental Control adopts the federal scheduling of the nine fentanyl-related substances and amends Section 44-53-190(B) by adding and designating into Schedule I of the South Carolina Controlled Substances Act: *meta*-fluorofentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide), *meta*-fluoroisobutyryl fentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide), *para*-methoxyfuranyl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide), 3-furanyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-3-carboxamide), 2',5'-dimethoxyfentanyl (*N*-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-*N*-phenylpropionamide), isovaleryl fentanyl (3-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide), *ortho*-fluorofuranyl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide), *alpha*'-methyl butyryl fentanyl (2-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide), and *para*-methylcyclopropyl fentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide).including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible.



Seema Shrivastava-Patel, Chairwoman
S.C. Board of Health and Environmental Control

January 4, 2024
Columbia, South Carolina