

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1329 Docket No. OS.0009.0484

DATE RECEIVED 11-19-86
REVIEW DATE 11-29-86 12-1-86
DUE DATE 12-~~1~~2-86 12-3-86

APPROVED 12-1-86mjc
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING ✓
EMERGENCY RULE

REVISOR APPROVED 11-20-86
REVISOR DISAPPROVED
FILED W/SEC. STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

___ ~~Notice to Solicit Outside Information/Opinion~~
~~Date published in State Register~~
~~Comments~~

___ ~~Petition for Adoption of a Rule~~

✓ Board's Authorizing Resolution

✓ Proposed rule
yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
151.06 subd 1 (9) Statutory Authority 152.02 subds 7+8
yes Small business statement
yes Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Sept 19, 1986 Date 30/25 days before adoption

✓ Publication in State Register
Sept 22, 1986 Date 30/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting
Oct 22, 1986 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney
Robert T. Holley Name of SAAG representing agency

___ ~~Notice of Submission to Attorney General~~

___ ~~Affidavit of Mailing Notice to Attorney General~~

✓ mailing list

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL

TO: DAVID E. HOLMSTROM
Minnesota Board of Pharmacy

DATE: 12-01-86

ATTN: ROBERT T. HOLLEY
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: Adopted Permanent Rules Relating to Controlled Substances

The above-referenced rule has been approved as to its legality by the Attorney General on December 1, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC/ag
Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR#1329

Minnesota Board of Pharmacy

Adopted Permanent Rules Relating to Controlled Substances

Rules as Adopted

6800.4210 SCHEDULE I CONTROLLED SUBSTANCES.

Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this part.

A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers (whether optical, positional, or geometric), esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation:

(1) to (30) [Unchanged.]

(31) MPPP;
1-Methyl-4-Phenyl-4-Propionoxypiperidine

(32) Methyl substituted isomers of Fentanyl;

(a) 3-Methylfentanyl;
N-[3-Methyl-a-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide

(b) Acetyl-alpha-methylfentanyl;
N-[1-(Methyl-2-phenyl)ethyl-4-piperidyl]-N-phenylacetamide

(c) Alpha-methylthiofentanyl;
N-[1-benzyl-4-piperidyl]-N-phenylpropanamide

(d) Benzylfentanyl;
N-[1-benzyl-4-piperidyl]-N-phenylpropanamide

(e) Beta-hydroxyfentanyl;
N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide

(f) Beta-hydroxy-3-Methylfentanyl;
N-[3-Methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide

(g) 3-Methylthiofentanyl;
N-[3-Methyl-1-(2-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropana-

mide

(h) Thenylfentanyl;
N-[1-(2-thienyl)Methyl-4-piperidyl]-N-phenylpropanamide

(i) Thiofentanyl;
N-[1-(2-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropanamide

(j)
N-[1-(2-phenylethyl)-4-piperidyl]-N-(4-fluorophenyl)-propanamide (para-fluorofentanyl), its optical isomers, salts and salts of isomers

(33) Morpheridine;

(34) Noracymethadol;

(35) Norlevorphanol;

(36) Normethadone;

(37) Norpipanone;

(38) PEPAP;
1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine

(39) Phenadoxone;

(40) Phenampromide;

(41) Phenomorphan;

(42) Phenoperidine;

(43) Piritramide;

(44) Proheptazine;

(45) Properidine;

(46) Propiram;

(47) Racemoramide;

(48) Tilidine; and

(49) Trimeperidine.

B. [Unchanged.]

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

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) to (21) [Unchanged.]	
(22) Tetrahydrocannabinols 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 activities such as the following: 1 cis or trans tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration. 6 cis or trans tetrahydrocannabinol, and their optical isomers; 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)	THC
(23) to (25) [Unchanged.]	

D. to F. [Unchanged]

6800.4220 SCHEDULE II CONTROLLED SUBSTANCES.

The following items are listed in schedule II:

A. [Unchanged.]

B. 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:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding

apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(a) to (i) [Unchanged.]	
(j) Hydrocodone	Dihydrocodeinone,
(k) to (p) [Unchanged.]	

(2) and (3) [Unchanged.]

(4) Coca leaves and any salt, cocaine compound, derivative, or preparation of coca leaves 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.

(5) [Unchanged.]

C. to F. [Unchanged.]

G. Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product.

6800.4240 SCHEDULE IV CONTROLLED SUBSTANCES.

The following items are listed in schedule IV:

A. and B. [Unchanged.]

C. Depressants. 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, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) to (32) [Unchanged.]	
(33) Midazolam	

(34) Nimetazepam	
(35) Nitrazepam	
(36) Nordiazepam	
(37) Oxazepam	Serax
(38) Oxazolam	
(39) Paraldehyde	Paral
(40) Petrichloral	Periclor
(41) Phenobarbital	Luminal, Phenobarbitone, Eskabarb
(42) Pinazepam	
(43) Prazepam	Centrax
(44) Quazepam	
(45) Temazepam	Restoril
(46) Tetrazepam	
(47) Triazolam	Halcion

D. to F. [Unchanged.]

6800.4250 SCHEDULE V CONTROLLED SUBSTANCES.

The following items are listed in schedule V:

A. [Unchanged.]

B. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below:

(1) Buprenorphine

C. Narcotic drugs containing nonnarcotic 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 follows, which shall include one or more nonnarcotic 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:

Statutory Names	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) to (3) [Unchanged.]	
(4) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.	Parapectolin, Donnagel P.G.
(5) Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 1 1986
Joan Anderson Growe
Secretary of State
9:05AM

APPROVED AS TO FORM AND LEGALITY
December 1 19 86
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Patricia Lind, do hereby certify that I am a member and the Vice-President of the Minnesota Board of Pharmacy, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Pharmacy, duly and properly called and held on the 26th day of June, 1986, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that David E. Holmstrom, Executive Director of the Minnesota Board of Pharmacy, be and hereby is granted the authority and is directed to sign and publish an Order and Notice of Intent to adopt rules without a public hearing for the purpose of amending existing Board rules relating to controlled substances. If the statutorily required number of persons requests a hearing in response to the notice, Mr. Holmstrom is also granted the authority and is directed to call such a hearing and to perform any and all acts incidental thereto, including requesting the appointment of a hearing examiner, and complying with all applicable provisions of the Minnesota Administrative Procedures Act and the rules of the Office of Administrative Hearings."

IN WITNESS WHEREOF, I have hereunto subscribed me name this 29th day of October, 1986.

STATE OF MINNESOTA

BOARD OF PHARMACY

Patricia L. Lind

PATRICIA LIND
Vice-President

Attest:

Joseph F. Zastera, R. Ph.

Board Member

Minnesota Board of Pharmacy

Proposed Permanent Rules Relating to Controlled Substances

Rules as Proposed

6800.4210 SCHEDULE I CONTROLLED SUBSTANCES.

Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this part.

A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers (whether optical, positional, or geometric), esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation:

(1) to (30) [Unchanged.]

(31) MPPP;
1-Methyl-4-Phenyl-4-Propionoxypiperidine

32 Methyl substituted isomers of Fentanyl;

(a) 3-Methylfentanyl;
N-[3-Methyl-a-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide

(b) Acetyl-alpha-methylfentanyl;
N-[1-(Methyl-2-phenyl)ethyl-4-piperidyl]-N-phenylacetamide

(c) Alpha-methylthiofentanyl;
N-[1-benzyl-4-piperidyl]-N-phenylpropanamide

(d) Benzylfentanyl;
N-[1-benzyl-4-piperidyl]-N-phenylpropanamide

(e) Beta-hydroxyfentanyl;
N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide

(f) Beta-hydroxy-3-Methylfentanyl;
N-[3-Methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide

(g) 3-Methylthiofentanyl;
N-[3-Methyl-1-(2-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropana-

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

mide

(h) Thenylfentanyl;
N-[1-(2-thienyl)Methyl-4-piperidyl]-N-phenylpropanamide

(i) Thiofentanyl;
N-[1-(2-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropanamide

(j)
N-[1-(2-phenylethyl)-4-piperidyl]-N-(4-fluorophenyl)-propanamide (para-fluorofentanyl), its optical isomers, salts and salts of isomers

~~(32)~~ (33) Morpheridine;

~~(33)~~ (34) Noracymethadol;

~~(34)~~ (35) Norlevorphanol;

~~(35)~~ (36) Normethadone;

~~(36)~~ (37) Norpipanone;

~~(37)~~ (38) PEPAP;
1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine

(39) Phenadoxone;

~~(38)~~ (40) Phenampromide;

~~(39)~~ (41) Phenomorphan;

~~(40)~~ (42) Phenoperidine;

~~(41)~~ (43) Piritramide;

~~(42)~~ (44) Proheptazine;

~~(43)~~ (45) Properidine;

~~(44)~~ (46) Propiram;

~~(45)~~ (47) Racemoramide;

~~(46)~~ (48) Tilidine; and

~~(47)~~ (49) Trimeperidine.

B. [Unchanged.]

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

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) to (21) [Unchanged.]	
(22) Tetrahydrocannabinols 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 activities such as the following: 1 cis or trans tetrahydrocannabinol, and their ~~optic~~ optical isomers~~;~~, excluding dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration. 6 cis or trans tetrahydrocannabinol, and their optical isomers; 3,4 cis or trans tetrahydrocannabinol, and its ~~optic~~ optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)	THC
(23) to (25) [Unchanged.]	

D. to F. [Unchanged]

6800.4220 SCHEDULE II CONTROLLED SUBSTANCES.

The following items are listed in schedule II:

A. [Unchanged.]

B. 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:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(a) to (i) [Unchanged.]	
(j) Hydrocodone	Dihydrocodeinone, ~~Dicodid,~~ Hycodan
(k) to (p) [Unchanged.]	

(2) and (3) [Unchanged.]

(4) Coca leaves and any salt, cocaine compound, derivative, or preparation of coca leaves 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 ~~ecyonine~~ ecgonine.

(5) [Unchanged.]

C. to F. [Unchanged.]

G. Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product.

6800.4240 SCHEDULE IV CONTROLLED SUBSTANCES.

The following items are listed in schedule IV:

A. and B. [Unchanged.]

C. Depressants. 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, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) to (32) [Unchanged.]	
(33) Midazolam	

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

(34) Nimetazepam		
~~(34)~~ (35) Nitrazepam		
~~(35)~~ (36) Nordiazepam		
~~(36)~~ (37) Oxazepam		Serax
~~(37)~~ (38) Oxazolam		
~~(38)~~ (39) Paraldehyde		Paral
~~(39)~~ (40) Petrichloral		Periclor
~~(40)~~ (41) Phenobarbital		Luminal, Phenobarbitone, Eskabarb
~~(41)~~ (42) Pinazepam		
~~(42)~~ (43) Prazepam		Centrax
(44) Quazepam		
~~(43)~~ (45) Temazepam		Restoril
~~(44)~~ (46) Tetrazepam		
~~(45)~~ (47) Triazolam		Halcion

D. to F. [Unchanged.]

6800.4250 SCHEDULE V CONTROLLED SUBSTANCES.

The following items are listed in schedule V:

A. [Unchanged.]

B. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below:

(1) Buprenorphine

C. Narcotic drugs containing nonnarcotic 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 follows, which shall include one or more nonnarcotic 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:

Statutory Names	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) to (3) [Unchanged.]	
(4) Not more than ~~15~~ 100 milligrams of ~~anhydrous morphine~~ opium per 100 milliliters or per 100 grams.	Parapectolin, Donnagel P.G.
(5) Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Controlled Substances

AGENCY: Minnesota Board of Pharmacy

MINNESOTA RULES: Chapter 6800

The attached rules are approved for publication in the State Register

Paul M. Marinac
Assistant Deputy Revisor

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

Proposed Rules relating to
Controlled Substances

NOTICE OF INTENT TO AMEND
RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Board of Pharmacy (hereinafter "Board") proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, section 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statute sections 151.06 subdivision 1 (9) and 152.02 subdivision 7 and subdivision 8.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a

public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

David E. Holmstrom
Executive Director
MN Board of Pharmacy
2700 University Ave. W.
St. Paul, MN 55114
(612) 642-0541

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and the reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mr. Holmstrom upon request.

Promulgation of the proposed rule changes will not result in the expenditure of public monies by local public bodies and will not affect agricultural land in the state. Likewise, it is not believed that the changes will have a quantitative or qualitative impact on any small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the

Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to David E. Holmstrom, Executive Director, Minnesota Board of Pharmacy, 2700 University Ave. W. #107, St. Paul, MN 55114.

September 4, 1986

David E. Holmstrom

DAVID E. HOLMSTROM
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the matter of a proposed rule amendment relating to controlled substances

STATEMENT OF NEED AND REASONABLENESS

The Minnesota Board of Pharmacy (Board), pursuant to Minn. Stat. section 14.22 and 14.23 and Minn. rules part 1400.0500, hereby affirmatively presents the needs for and facts establishing the reasonableness of the above captioned proposed amendment to portions of the Board's rules. The statutory authority for these proposed rule changes is contained in Minn. Stat. section 151.06 subdivision 1 (9) and in Minn. Stat. section 152.02 subdivisions 7 and 8, which authorize the Board to make and publish uniform rules and regulations relating to controlled substances. The Board is proposing to amend these rules in order to bring state controlled substance schedules once again into conformity with the federal schedules. Part of the rescheduling involves the placement of a specific dosage form of THC, the active ingredient in marijuana, in Schedule II. This change is perhaps the most noteworthy of the various reschedulings being proposed by the Board.

Dronabinol, as this marijuana derivative is called, has, in the past few years, been found to be effective in treating nausea associated with cancer chemotherapy in patients who have been unable to control the nausea

with previously available drug entities. Until the past few months this drug was available only for research purposes and was available only through the National Institute on Drug Abuse. Once its usefullness in treating the nausea associated with cancer chemotherapy had been established a major drug company began producing the product and the federal government rescheduled Dronabinol in sesame oil and incapsulated in a soft gelatin capsule from Schedule I to Schedule II at the federal level. The Board is proposing, herein, to do likewise at the state level so that this product can be used in Minnesota by oncology specialists for their cancer patients.

The Board is proposing, in Minn. Rule 6800.4210, to place in Schedule I of the State Controlled Substances Act those "designer drugs" that have been placed in Schedule I at the Federal level by the Drug Enforcement Administration. These drugs are found to have no recognized legitimate medical use in the United States and have been shown to exhibit a high potential for abuse relative to other drug products. Thus these products are being proposed for scheduling in Schedule I.

In Minn. Rule 6800.4220 the Board is proposing the rescheduling of Dronabinol, as previously discussed, in its limited dosage form into Schedule II. Schedule II substances are those which do have the recognized medical use in the United States but which exhibit a high potential for abuse. The Board has found, based on the available literature, that:

1. Dronabinol (synthetic) in sesame oil and incapsulated in soft gelatin capsules in a US Food and Drug Administration approved drug product has a high potential for abuse;

2. Dronabinol (synthetic) in sesame oil and incapsulated in soft gelatin capsules in a US Food and Drug Administration approved drug product has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions, and

3. Dronabinol (synthetic) in sesame oil and incapsulated in soft gelatin capsules in a US Food and Drug Administration approved drug product may lead to severe psychological or physical dependence.

The above findings are consistant with placement of Dronabinol approved drug products into Schedule II of the Controlled Substances Act.

Minn. Rule 6800.4240 addresses the placement of Midazolam and Quazepam into Schedule IV of the Controlled Substances Act. This too corresponds to changes in the Federal Act. A final rule placing Midazolam and Quazepam into Schedule IV of the Federal Controlled Substances Act was published in the Federal Register on March 25, 1986.

The placement of Quazepam and Midazolam into Schedule IV is based on information now available that each has a low potential for abuse relative to the drugs or other substances listed in Schedule III; each has a currently accepted medical use in treatment in the United States; and abuse of either Quazepam or Midazolam may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

The information above is consistant with the placement of Midazolam and Quazepam into Schedule IV of the Controlled Substances Act.

In Minn. Rule 6800.4250 the Board is proposing to add to Schedule V of the State Controlled Substances Act Buprenorphine. Current information

indicates that Buprenorphine does have a recognized medical use in the United States and has a low potential for abuse as compared with the substances listed in Schedule IV of the Controlled Substances Act thus its placement in Schedule V is appropriate.

The Board is also proposing a couple of minor changes in Schedule V that will once again bring state scheduling of controlled substances in this area conformity with the federal act.

It has been determined that Minn. Stat. section 14.11 does not apply to this proposed rule, therefore the Statement of Need and Reasonableness does not address the topic referenced in that statute.

Whenever an agency proposes a new rule or seeks to amend an existing rule, Minn. Stat. section 14.115 requires the agency to consider whether the rule change will have an impact on small businesses. If the agency determines that they will, the agency must consider whether certain methods, set forth in subdivision 2 of this statute, could be adopted to reduce the impact of the rule changes on small businesses. The statute requires the agency to document in its Statement of Need and Reasonableness how it considered these methods and the feasiability of adopting any of the specific methods.

In addition to the licensure of pharmacists, the Board licenses pharmacies, drug manufacturers, and drug wholesalers. The Board has reviewed the impact, if any, its proposed rule changes would have on such businesses. Since virtually all of the Board's licensees qualify under the statutes as "small business" everything the Board does impacts on "small business".

Minn. Stat. section 14.115 subdivision 2 enumerates the following five methods an agency must consider to reduce the impact on the rules on small businesses:

A. The establishment of less stringent compliance in reporting requirements for small businesses;

B. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

C. The consolidation or simplification of compliance or reporting requirements for small businesses;

D. The establishment or performance standards for small businesses to replace design or operational standards required in the rule, and;

E. Exemption of small businesses from any or all requirements.

Parts B, C, and D of subdivision 2 are not applicable to the Board's Controlled Substance Rule since they relate to reporting requirements or performance standards which are not involved here. The Board is unable to establish a less stringent compliance requirement for a small business and is unable to exempt small businesses from any or all of the requirements in that the Federal government has already completed the rescheduling of the Substances now being proposed for rescheduling at the state level by the Board. All pharmacies, wholesalers and manufacturers in the state are already required to conform to the scheduling of these products under the Federal law therefore exemption under state law would not reduce or eliminate any requirements they might have under this rule.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Pharmacy Governing Controlled Substances

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATION OF MAILING LIST

Patricia Eggers, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Board of Pharmacy rulemaking mailing list is accurate, complete, and current as of this 15th day of September, 1986.

That on the 19th day of September, 1986, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing by depositing in the United States mail, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Patricia Eggers

Subscribed and sworn to before me
this 29th day of October, 1986.

Alice D. Hummer

ALICE D. HUMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 18, 1988

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Governor's Commission on Drug Abuse
ATTN: Director
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Minnesota Board of Pharmacy

Proposed Permanent Rules Relating to Controlled Substances

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Pharmacy (hereinafter "Board") proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, section 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statute sections 151.06 subdivision 1 (9) and 152.02 subdivision 7 and subdivision 8.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

David E. Holmstrom
Executive Director
MN Board of Pharmacy
2700 University Ave. W.
St. Paul, MN 55114
(612) 642-0541

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and the reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mr. Holmstrom upon request.

Promulgation of the proposed rule changes will not result in the expenditure of public monies by local public bodies and will not affect agricultural land in the state. Likewise, it is not believed that the changes will have a quantitative or qualitative impact on any small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to David E. Holmstrom, Executive Director, Minnesota Board of Pharmacy, 2700 University Ave. W. #107, St. Paul, MN 55114.

Dated: 4 September 1986

DAVID E. HOLMSTROM
Executive Director

Rules as Proposed

6800.4210 SCHEDULE I CONTROLLED SUBSTANCES.

Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this part.

A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers (whether optical, positional, or geometric), esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation:

(1) to (30) [Unchanged.]

(31) MPPP; 1-Methyl-4-Phenyl-4-Propionoxypiperidine

32 Methyl substituted isomers of Fentanyl;

(a) 3-Methylfentanyl; N-[3-Methyl-a-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide

(b) Acetyl-alpha-methylfentanyl; N-[1-(Methyl-2-phenyl)ethyl-4-piperidyl]-N-phenylacetamide

(c) Alpha-methylthiofentanyl; N-[1-benzyl-4-piperidyl]-N-phenylpropanamide

(d) Benzylfentanyl; N-[1-benzyl-4-piperidyl]-N-phenylpropanamide

(e) Beta-hydroxyfentanyl; N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide

(f) Beta-hydroxy-3-Methylfentanyl; N-[3-Methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide

(g) 3-Methylthiofentanyl; N-[3-Methyl-1-(2-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropanamide

(h) Thenylfentanyl; N-[1-(2-thienyl)Methyl-4-piperidyl]-N-phenylpropanamide

(i) Thiofentanyl; N-[1-(2-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropanamide

(j) N-[1-(2-phenylethyl)-4-piperidyl]-N-(4-fluorophenyl)-propanamide (para-fluorofentanyl), its optical isomers, salts and salts of isomers

~~(32)~~ (33) Morpheridine;

~~(33)~~ (34) Noracymethadol;

~~(34)~~ (35) Norlevorphanol;

~~(35)~~ (36) Normethadone;

~~(36)~~ (37) Norpipanone;

~~(37)~~ (38) PEPAP; 1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine

(39) Phenadoxone;

~~(38)~~ (40) Phenampromide;

~~(39)~~ (41) Phenomorphan;

~~(40)~~ (42) Phenoperidine;

~~(41)~~ (43) Piritramide;

~~(42)~~ (44) Proheptazine;

~~(43)~~ (45) Properidine;

~~(44)~~ (46) Propiram;

~~(45)~~ (47) Racemoramide;

~~(36)~~ (48) Tilidine; and

~~(47)~~ (49) Trimeperidine.

B. [Unchanged.]

C. 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 (whether optical, positional, or geometric), and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is posible within the specific chemical designation:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) to (21) [Unchanged.]	
(22) Tetrahydrocannabinols 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 activities such as the following: 1 cis or trans tetrahydrocannabinol, and their ~~optic~~ optical isomers~~;~~, excluding dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration. 6 cis or trans tetrahydrocannabinol, and their optical isomers; 3,4 cis or trans tetrahydrocannabinol, and its ~~optic~~ optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)	THC
(23) to (25) [Unchanged.]	

D. to F. [Unchanged]

6800.4220 SCHEDULE II CONTROLLED SUBSTANCES.

The following items are listed in schedule II:

A. [Unchanged.]

B. 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:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(a) to (i) [Unchanged.]	

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

(j) Hydrocodone	Dihydrocodeinone, ~~Dicodid,~~ ~~Hycodan~~

(k) to (p) [Unchanged.]

(2) and (3) [Unchanged.]

(4) Coca leaves and any salt, cocaine compound, derivative, or preparation of coca leaves 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 ~~ecyonine~~ ecgonine.

(5) [Unchanged.]

C. to F. [Unchanged.]

G. Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product.

6800.4240 SCHEDULE IV CONTROLLED SUBSTANCES.

The following items are listed in schedule IV:

A. and B. [Unchanged.]

C. Depressants. 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, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) to (32) [Unchanged.]	
(33) Midazolam	
(34) Nimetazepam	
~~(34)~~ (35) Nitrazepam	
~~(35)~~ (36) Nordiazepam	
~~(36)~~ (37) Oxazepam	Serax
~~(37)~~ (38) Oxazolam	
~~(38)~~ (39) Paraldehyde	Paral
~~(39)~~ (40) Petrichloral	Periclor
~~(40)~~ (41) Phenobarbital	Luminal, Phenobarbitone, Eskabarb
~~(41)~~ (42) Pinazepam	
~~(42)~~ (43) Prazepam	Centrax
(44) Quazepam	
~~(43)~~ (45) Temazepam	Restoril
~~(44)~~ (46) Tetrazepam	
~~(45)~~ (47) Triazolam	Halcion

D. to F. [Unchanged.]

6800.4250 SCHEDULE V CONTROLLED SUBSTANCES.

The following items are listed in schedule V:

A. [Unchanged.]

B. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below:

(1) Buprenophine

C. Narcotic drugs containing nonnarcotic 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 follows,

which shall include one or more nonnarcotic 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:

Statutory Names	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) to (3) [Unchanged.]	
(4) Not more than ~~15~~ 100 milligrams of ~~anhydrous morphine~~ opium per 100 milliliters or per 100 grams.	Parapectolin, Donnagel P.G.
(5) Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Adoption of the Rule of the State Board of Pharmacy Governing Controlled Substance

CERTIFICATE OF THE MINNESOTA BOARD OF PHARMACY RESOLUTION ADOPTING THE RULE

I, Patricia Lind, do hereby certify that I am a member and the Vice-President of the Minnesota Board of Pharmacy, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board, duly and properly called and held on the 22th day of October, 1986, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rule changes relating to controlled substances be and hereby are approved and adopted pursuant to authority vested in us by Minnesota Statutes 151.06 Subdivision 1 (9) and that David E. Holmstrom, Executive Director of the Board of Pharmacy, be and hereby is authorized to sign an Order adopting these rule changes and further is authorized to perform the necessary acts to provide that these rule changes will have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29th day of October, 1986.

Patricia L. Lind
Vice-President of the Board

Joseph F. Zastera, R.Ph.
Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Board of Pharmacy Governing Controlled Substances

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on September 22, 1986 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on September 19, 1986. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

One submission or comment on the rule was received by the agency. It was from the State Pharmaceutical Association and fully supported the rule. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Relating to Controlled Substances is adopted this 22th day of October, 1986, pursuant to authority vested in the Board by Minnesota Statutes, section 151.06.

David E. Holmstrom

Executive Director
Minnesota Board of Pharmacy

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Adoption
of the Rule of the Minnesota
Board of Pharmacy Governing
Controlled Substances

DECLARATION OF
COUNSEL

I, Robert T. Holley, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedures Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below.

Robert T. Holley

Robert T. Holley
Special Assistant
Attorney General

Dated: 10/29/86

Office of the Revisor of Statutes
Administrative Rules

Paul M. Marinac
Assistant Deputy Revisor
296-0948

700 State Office Building
435 Park Street
St. Paul, MN 55155-1297

September 24, 1986

Mr. David Holmstrom
Board of Pharmacy
2700 University Avenue West
Saint Paul, Minnesota 55114



RE: AR0997 - Controlled Substances

Dear Mr. Holmstrom:

Enclosed is a stripped copy of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your proposed emergency rules or proposed rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your proposed rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

PMM/cf

Paul M. Marinac

PMM/cf
Encl.

Office of the Revisor of Statutes
Administrative Rules

Paul M. Marinac
Assistant Deputy Revisor
296-0948

700 State Office Building
435 Park Street
St. Paul, MN 55155-1297

September 24, 1986

Mr. David Holmstrom
Board of Pharmacy
2700 University Avenue West
Saint Paul, Minnesota 55114



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PMM/cfs

Paul M. Marinac

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Encl.

Notice of Intent - ok

151.06 subd 1(9) ok
152.02 subd 7+8 ok

Declaration of Attn: no client code

No changes between Proposed + Adopted

Rule OK

MINNESOTA BOARD OF PHARMACY

An Equal Opportunity Employer

2700 University Ave. W., #107 • St. Paul, MN 55114-1079 • Telephone: (612) 642-0541

November 18, 1986

Office of the Minnesota Attorney General
204 State Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Attention: Paula Freiermuth

RE: In the Matter of the Proposed Adoption of the Rule of the State Board of Pharmacy Governing Controlled Substances

Dear Ms. Freiermuth:

Herewith submitted for your review under Minn. Stat. Subd. 14.26 and Minn. Rules pt. 2010.0300 are the following noncontroversial rulemaking documents of the Minnesota Board of Pharmacy in the above subject matter:

1. certificate of Board's authorizing resolution, with order for notice of intent to amend rules without a public hearing;

2. proposed rules with a certificate of approval as to form by the revisor of statutes;

3. notice of proposed adoption of rules without a public hearing;

4. statement of need and reasonableness in support of the proposed rules;

5. affidavit of mailing the notice of proposed adoption of rules without a public hearing along with the certificate of mailing list;

6. photocopy of the notice of proposed adoption of the rules without a public hearing as published in the State Register;

7. four copies of the rules as adopted;

8. certificate of Board's resolution adopting the rules;

9. findings of fact, conclusions, and order adopting the rules; and

10. copy of written comment;

11. statement of compliance with rulemaking procedures.

In connection with the foregoing, please note that Minn. Rules pts. 2010.0300 A, B, N and O are not applicable to this proceeding. Also, there were no requests for a public hearing, and the Board adopted the rule changes in precisely the form published in the State Register.

Finally, due to a certain urgency relating to the rescheduling of Dronabinol it is requested that your review of the instant rule changes be completed at the earliest permissible date. Likewise, if there are any questions about this submission please notify me as soon as possible.

Very truly yours,

David Holmstrom

David E. Holmstrom
Executive Director

DEH:pe

Enc. (11)