Department of State Health Services

Amendment to the Texas Controlled Substances Schedule

This amendment to the Texas Schedules of Controlled Substances was signed by the Commissioner of the Department of State Health Services, and will take effect 21 days following publication of this notice in the Texas Register.

The Drug Enforcement Administration (DEA) is placing the substance thiafentanil (4-(methoxy carbonyl)-4-[N-(phenmethoxyacetamido)-1-[(2-thienyl)ethyl]piperadine), including its isomers, esters, ethers, salts and salts of isomers, esters and ethers as possible, into schedule II of the Controlled Substances Act effective August 23, 2016. The interim final rule was published in the Federal Register, Volume 81, Number 166, pages 58834-58840. The DEA has taken action based on the following.

1. Thiafentanil has a high potential for abuse;
2. Thiafentanil has a currently accepted medical use with severe restrictions; and,
3. Thiafentanil may lead to severe psychological or physical dependence.

Pursuant to §481.034(g), as amended by the 75th legislature, of the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, at least thirty-one days have expired since notice of the above referenced actions were published in the Federal Register, and, in the capacity as Commissioner of the Texas Department of State Health Services, John Hellerstedt, M.D., does hereby order that the substance thiafentanil be placed into schedule II.

SCHEDULE II

Schedule II consists of:

- Schedule II substances, vegetable origin or chemical synthesis

- Opiates

The following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers as possible within the specific chemical designation:

1. Alfentanil;
2. Alphaprodine;
3. Anileridine;
4. Bezitramide;
5. Carfentanil;
6. Dextropropoxyphene, bulk (nondosage form);
7. Dihydrocodeine;
8. Diphenoxylate;
9. Fentanyl;
10. Isomethadone;
11. Levo-alpha-acetylmethadol (some trade or other names: levo-alpha-acetylmethadol, levomethadyl acetate, LAAM);
12. Levomethorphan;
13. Levorphanol;
14. Metazocine;
15. Methadone;
16. Methadone Intermediate, 4 cyano 2 dimethylamino 4,4 diphenyl butane;
17. Moramide Intermediate, 2 methyl 3 morpholin 1.1 diphenyl propane carboxylic acid;
18. Pethidine (meperidine);
19. Pethidine Intermediate A, 4 cyano 1 methyl 4 phenylpiperidine;
20. Pethidine Intermediate B, ethyl 4 phenylpiperidine 4 carboxylate;
21. Pethidine Intermediate C, 1 methyl 4 phenylpiperidine 4 carboxylic acid;
22. Phenazocine;
23. Piminodine;
24. Racemorphorphan;
25. Racemorphphorphan;
26. Remifentanil;
27. Sufentanil;
28. Tapentadol; and


- Schedule II stimulants

- Schedule II depressants

- Schedule II hallucinogenic substances

- Schedule II precursors

Changes to the schedules are designated by an asterisk (*).
This amendment to the Texas Schedules of Controlled Substances was signed by the Commissioner of the Department of State Health Services, and will take effect 21 days following publication of this notice in the Texas Register.

The Drug Enforcement Administration (DEA) is placing the substances quinolin-8-yl 1-pentyI-1H-indole-3-carboxylate (PB-22; QUPLIC), quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5-fluoro-PB-22; 5F-PB-22), N-[1-amino-3-methyl-1-oxobutan-2-yl]-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA), and N-[1-amino-3,3-dimethyl-1-oxobutan-2-yl]-1-pentyI-1H-indazole-3-carboxamide (ADB-PINACA), including their salts, isomers, and salts of isomers wherever the existence of such salts, isomers, and salts of isomers is possible, into Schedule I of the Controlled Substances Act effective September 6, 2016. The final rule was published in the Federal Register, Volume 81, Number 172, pages 61130-61133. The DEA has taken action based on the following:

1. PB-22, 5-fluoro-PB-22, AB-FUBINACA, and ADB-PINACA have a high potential for abuse that is comparable to other schedule I substances such as delta-9-tetrahydrocannabinol and JWH-018;
2. PB-22, 5-fluoro-PB-22, AB-FUBINACA, and ADB-PINACA have no currently accepted medical use in treatment in the United States; and
3. There is a lack of accepted safety for use of PB-22, 5-fluoro-PB-22, AB-FUBINACA, and ADB-PINACA under medical supervision.

Pursuant to §481.034(g), as amended by the 75th legislature, of the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, at least thirty-one days have expired since notice of the above referenced actions were published in the Federal Register; and, in the capacity as Commissioner of the Texas Department of State Health Services, John Hellerstedt, M.D., does hereby order that the substances PB-22, 5-fluoro-PB-22, AB-FUBINACA, and ADB-PINACA will no longer be temporarily scheduled substances, but will be placed permanently into Schedule I.

Additionally, UR-144, XLR11, and APINACA will be placed under the heading Schedule I hallucinogenic substances. This is a move for documentation purposes only. This will have no effect on the scheduling action published in the September 9, 2016 Texas Register.

SCHEDULE I

Schedule I consists of:
- Schedule I opiates
- Schedule I opium derivatives
- Schedule I hallucinogenic substances

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances or that contains any of the substances’s salts, isomers, and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation (for the purposes of this Schedule I hallucinogenic substances section only, the term "isomer" includes optical, position, and geometric isomers):

1. Alphaethyltryptamine (some trade or other names: etryptamine; Monnie; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; AET); and
2. Alpha-methyltryptamine (AMT), its isomers, salts, and salts of isomers;
3. 4 bromo 2,5 dimethoxyamphetamine (some trade or other names: 4 bromo-2,5 dimethoxy alpha methylphenethylamine; 4 bromo 2,5 DMA);
4. 4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: Nexus; 2C-B; 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminooetane; alpha-desmethyl DOB);
5. 2,5 dimethoxyamphetamine (some trade or other names: 2,5 dimethoxy alpha methylphenethylamine; 2,5 DMA);
6. 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOI);
7. 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of isomers;
8. 5-methoxy-N,N-dimethylpropylamphetamine (5-MeO-DIPT), its isomers, salts, and salts of isomers;
9. 5 methoxy 3,4 methylenedioxy-amphetamine;
10. 4 methoxyamphetamine (some trade or other names: 4 methoxy alpha methylphenethylamine; paramethoxyamphetamine; PMA);
11. 1 methyl 4 phenyl 1,2,5,6 tetrahydro pyridine (MPTP);
12. 4 methyl 2,5 dimethoxyamphetamine (some trade and other names: 4 methyl 2,5 dimethoxy alpha methyl phenethylamine; "DOM"; and "STP");
13. 3,4 methylenedioxy-amphetamine;
14. 3,4 methylenedioxy-methamphetamine (MDMA, MDM);
15. 3,4 methylenedioxy-N ethylamphetamine (some trade or other names: N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine; N-ethyl MDA; MDE; MDEA);
16. 3,4,5 trimethoxy amphetamine;
17. N hydroxy 3,4 methylenedioxyamphetamine (Also known as N hydroxy MDA);
18. 5-methoxy-N,N-dimethyltryptamine (Some trade or other names: 5-methoxy-3-(2-diethylamino)ethylindole; 5-MeO-DMT);
19. Bufotenine (some trade and other names: 3-(beta-Dimethylamino)yl) 5 hydroxyindole; 3-(2 dimethylaminooethyl) 5 indolol; N,N dimethylerotonin; 5 hydroxy N,N dimethyltryptamine, mappine);
20. Diethyltryptamine (some trade and other names: N,N Diethyl-tryptamine; DET);
21. Dimethyltryptamine (some trade and other names: DMT);
22. Ethylamine Analog of Phenylcyclohexylamine (some trade or other names: N ethyl 1 phenylcyclohexylamine; 1 phenylcyclohexyl ethylamine; N(1 phenylcyclohexyl)-ethylamine: cyclohexamine; PCE);
23. Ibogaine (some trade or other names: 7 Ethyl 6,6-beta, 7,8,9,10,12,13 etheroxy 2 methoxy 6,9 methano-5H-pyrido[1',2':1,2] azepino [5,4 b] indole; taber-nanthe iboga);
24. Lysergic acid diethylamide;
25. Marihuana;
26. Mescaline;
27. N-benzylpiperazine (some other names: BZP, 1-benzylpiperazine), its optical isomers, salts and salts of isomers;
28. N ethyl 3 piperidyl benzilate;
29. N methyl 3 piperidyl benzilate;

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(30) Paraehexyl (some trade or other names: 3 Hexyl 1 hydroxy 7,8,9,10 tetrahydro 6,6,9 trimethyl 6H dibeno [b,d] pyran; Synhexyl); 
(31) Peyote, unless unharvested and growing in its natural state, meaning all parts of the plant classified botanically as Lophophora, whether growing or not, the seeds of the plant, or an extract from a part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant's, its seeds, or extracts; 
(32) Psilocybin; 
(33) Psilocin; 
(34) Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1 phenyl- cyclohexyl)-pyrrolizine, PCPy; PHP); 
(35) Tetrahydrocannabinols; meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:
  1 cis or trans tetrahydrocannabinol, and its optical isomers; 
  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.) 
(36) Thiophene analog of phencyclidine (some trade or other names: 1 [1 (2 thiienyl)cyclohexyl]piperidine, 2 thiophen analog of phencyclidine; TCPy); 
(37) 1 [1 (2 thiienyl)cyclohexyl]pyrrolidine (some trade or other names: TCPy); 
(38) 4-methylmethcathinone (Other names: 4-methyl-N-methylcathinone, methedrone); 
(39) 3,4-methylenedioxypyrovalerone (MDPV); 
(40) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (Other names: 2C-E); 
(41) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (Other names: 2C-D); 
(42) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (Other names: 2C-C); 
(43) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (Other names: 2C-I); 
(44) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (Other names: 2C-T-2); 
(45) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (Other names: 2C-T-4); 
(46) 2-(2,5-Dimethoxyphenyl)ethanamine (Other names: 2C-H); 
(47) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (Other names: 2C-N); 
(48) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (Other names: 2C-P); and, 
(49) 3,4-Methylenedioxy-N-methylcathinone (Other name: Methadone). 
(50) 1-(1-pentyl-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopentyloxy)methanone (Other names: UR-144 and 1-pentyl-1-(2,2,3,3-tetramethylcyclopentyl)dione); 
(51) 1-(5-fluoro-pentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopentyloxy)methanone (Other names: 5-fluoro-UR-144 and 5-F-UR-144 and XLR11 and 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopentyl)dione); and, 
(52) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (Other names: APINACA, AKB48). 

* (53) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: PB-22; QUPIC); 
* (54) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 5-fluoro-PB-22; 5F-PB-22); 
* (55) N-[(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: AB-FUBINACA); and, 
* (56) N-[(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA) 
- Schedule I stimulants 
*** - Schedule I depressants 
*** - Schedule I Cannabinomimetic agents 

Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabinomimetic agents, 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.

(1) The term 'cannabinomimetic agents' means any substance that is a cannabinoid receptor type 1 (CB1) receptor agonist as demonstrated by binding studies and functional assays within any of the following structural classes:
(1-1) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alky1 or alkaryl, whether or not substituted on the cyclohexyl ring to any extent.
(1-2) 3-(1-naphthyl)indole or 3-(1-naphthylethyl)phenyl by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthyl ring to any extent.
(1-3) 3-(1-naphthyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthyl ring to any extent.
(1-4) 1-(1-naphthylmethyl)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.
(1-5) 3-phenylacetylindole or 3-benzoyleindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

(2) 5-(1,1-dimethylheptyl)-2-[1R,3S]-3-hydroxycyclohexyl]phenol (Other names: CP-47,497);
(3) 5-(1,1-dimethylethyl)-2-[(1R,3S)-3-hydroxyoctahexyl]-phenol (Other names: cannabinol [hexan]; CP-47,497 C8 homolog; AM678); 
(4) 1-pentyl-3-(1-naphthyl)indole (Other names: JWH-018 and AM678); 
(5) 1-methyl-3-(1-naphthyl)indole (Other names: JWH-073); 
(6) 1-hexyl-3-(1-naphthyl)indole (JWH-019); 
(7) 1-[2-4-Morpholinoethyl]-3-(1-naphthyl)indole (Other names: JWH-200); 
(8) 1-pentyl-3-(2-methoxyphenylacetly) indole (Other names: JWH-250); 
(9) 1-pentyl-3-[1-(4-methoxyphenyl)]indole (Other names: JWH-081); 
(10) 1-pentyl-3-[(4-methyl-1-naphthyl)]indole (Other names: JWH-122); 
(11) 1-pentyl-3-[(4-chloro-1-naphthyl)]indole (Other names: JHW-398); 
(12) 1-(3-fluoropentyl)-3-(1-naphthyl)indole (Other names: AM2201); 
(13) 1-(3-fluoropentyl)-3-(2-iodobenzoyl)indole (Other names: AM694); 
(14) 1-pentyl-3-[(4-methoxy-benzoyl)]indole (Other names: SR-19 and RCS-4); 
(15) 1-cyclohexylethyl-3-[(2-methoxyphenylacetyl)]indole (Other names: SR-18 and RCS-8); 
(16) 1-pentyl-3-(2-chlorophenylacetyl) indole (Other names: JWH-203); 
- Schedule I temporarily listed substances subject to emergency scheduling by the United States Drug Enforcement Administration. 

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances or that contains any of the substance’s salts, isomers, esters, ethers, and salts of isomers, esters and ethers if the existence of the salts, isomers, esters, ethers, and salts of isomers is possible within the specific chemical designation. 

(1) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxybenzyl)ethanamine (Other names: 25I-NBOMe; 2C-1-NBOMe; 25I; Cimbi-5); 
(2) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxybenzyl)ethanamine (Other names 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82); 
(3) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxybenzyl)ethanamine (Other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36); 
(4) 4-methylethyl-2-methyl-3-ethylcainone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 4-MEC; 2-ethylamino-1-(4-methylphenyl)propan-1-one); 
(5) 4-methyl-alpha-pyrrolidinopropiophene, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 4-MePPP; MePPP; 4-methyl-[alpha]-pyrrolidinopropiophene; 1 -(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one); 
(6) alpha-pyrrolidinopentiophene, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: [alpha]-PVP; [alpha]-pyrrolidinovaleronaphene; 1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one); 
(7) Butylene, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: bk-MBDP; 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one); 
(8) Pentedrone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: [alpha]-methylaminovaleronaphene; 2-(methylamino)-1-phenylpentan-1-one); 
(9) Pentylenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: bk-MBDP; 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one); 
(10) 4-fluro-N-methylcathethine, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 4-FMC; flephedrone; 1-(4-flurophenyl)-2-(methylamino)propan-1-one); 
(11) 3-fluro-N-methylcathethine, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 3-FMC; 1-(3-flurophenyl)-2-(methylamino)propan-1-one); 
(12) Naphytone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: naphthyl/pyrrovanerone; 1-naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one); 
(13) alpha-pyrrolidinobutynaphene, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: [alpha]-PBP; 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one); 
(14) N-[1-1-amino-3-methyl-1-oxobutan-2-yl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (Other names: "AB-CHMINACA"); 
(15) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (Other names: "AB-PINACA"); 
(16) 1-(5-fluoropentyl)-1H-indazol-3-yl)naphthalen-1-yl)methanone (Other names: "THJ-2231"); 
(17) N-(1-phenethyl)pyrrolidin-4-yl)-N-phenylacetamide (Other names: acetyl fentanyl); 
(18) N-[1-amino-3,3-dimethyl-1-oxobutan-2-yl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (common names: MAB-CHMINACA and ABD-CHMINACA); 
(19) 1-amino-4-(2-fluoro-2-phenylethyl) piperidin-4-yl)-N-phenylbutanamide, also known as N-[1-piperidinyl]piperidin-4-yl)-N-phenylbutanamide (Other name: butylfentanyl); and 
(20) N-[1-2-hydroxy-2-thienylethyl] piperidin-4-yl)-N-phenylpropionamide, also known as N-[1-2-thienylethyl] piperidin-4-yl)-N-phenylpropionamide (Other name: beta-hydroxybutyrfentanyl). 

Changes to the schedules are designated by an asterisk (*). 

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Lisa Hernandez 
General Counsel 
Department of State Health Services 
Filed: October 12, 2016 

Texas Department of Insurance 
Company Licensing 
Application for incorporation in the State of Texas by TEXAS HEALTH + AETNA HEALTH INSURANCE COMPANY, a domestic life, accident and/or health company. The home office is in Arlington, Texas.