

basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting the Program Specialist, Evelyn Esquivel, at (512) 463-6494. A copy of the RFP may be downloaded from the Electronic State Business Daily at http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=139985.

TRD-201701967

Kay Molina

General Counsel

Texas Facilities Commission

Filed: May 16, 2017



Department of State Health Services

Amendment to the Texas Schedules of Controlled Substances

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 Administrator of the Drug Enforcement Administration (DEA) issued a final order placing 4-methyl-N-ethylcathinone (4-MEC); 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP); alpha-pyrrolidinopentiophenone ([alpha]-PVP); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone, bk-MBDB); 2-(methylamino)-1-phenylpentan-1-one (pentedrone); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone, bk-MBDP); 4-fluoro-N-methylcathinone (4-FMC, flephedrone); 3-fluoro-N-methylcathinone (3-FMC); 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone); alpha-pyrrolidinobutiophenone ([alpha]-PBP) and their optical, positional, and geometric isomers, salts and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible, into schedule I of the Controlled Substances Act pursuant to the scheduling provisions of the United States Controlled Substances Act (CSA) effective March 1, 2017. This final order was published in the *Federal Register*, Volume 82, Number 39, pages 12171-12177. The Administrator has taken action based on the following.

1. 4-MEC, 4-MePPP, alpha-PVP, butylone, pentedrone, pentylone, flephedrone, 3-FMC, naphyrone, and alpha-PBP have a high potential for abuse that is comparable to other schedule I and schedule II substances such as mephedrone, methylone, MDPV, methcathinone, MDMA, methamphetamine, and cocaine;
2. 4-MEC, 4-MePPP, alpha-PVP, butylone, pentedrone, pentylone, flephedrone, 3-FMC, naphyrone, and alpha-PBP have no currently accepted medical use in the treatment in the United States, and;
3. There is a lack of accepted safety for use of the 4-MEC, 4-MePPP, alpha-PVP, butylone, pentedrone, pentylone, flephedrone, 3-FMC, naphyrone, and alpha-PBP under medical supervision.

The Administrator of the DEA issued a temporary scheduling order to schedule six synthetic cannabinoids methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-ADB; 5F-MDMB-PINACA); methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (Other names: 5F-AMB); N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (Other names: 5F-APINACA, 5F-AKB48; N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (Other names: ADB-FUBINACA); methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbu-

tanoate (Other names: MDMB-CHMICA, MMB-CHMINACA); and methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-FUBINACA) into Schedule 1 effective April 10, 2017. This temporary order was published in the *Federal Register*, Volume 82, Number 67, pages 17119-17124. The Administrator has taken this action based on:

1. 5F-ADB, 5F-AMB, 5F-APINACA, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA have a high potential for abuse;
2. 5F-ADB, 5F-AMB, 5F-APINACA, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA have no currently accepted medical use in the treatment in the United States, and;
3. There is a lack of accepted safety for use of the 5F-ADB, 5F-AMB, 5F-APINACA, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA under medical supervision; and,
4. 5F-ADB, 5F-AMB, 5F-APINACA, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA pose an imminent hazard to the public safety.

The Administrator of the DEA issued an interim final rule placing Food and Drug Administration-approved products or oral solutions containing dronabinol [(-)-delta-9-trans tetrahydrocannabinol (delta-9-THC)] in schedule II of the Controlled Substances Act effective March 23, 2017. This interim final order was published in the *Federal Register*, Volume 82, Number 55, pages 14815-14820. The Administrator has taken this action because the Department of Health and Human Services provided the DEA with a scheduling recommendation that would result in oral solutions containing dronabinol being placed in schedule II of the Controlled Substances Act.

Lastly, the Administrator of the DEA issued a final order adopting without change an interim final rule placing brivaracetam into schedule V effective March 9, 2017. This final order was published in the *Federal Register*, Volume 82, Number 45, pages 13067-13069. No modification to the schedules is necessary.

Pursuant to Section 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*. In the capacity as Commissioner of the Texas Department of State Health Services, John Hellerstedt, M.D., does hereby order that the substances 4-methyl-N-ethylcathinone (4-MEC); 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP); alpha-pyrrolidinopentiophenone ([alpha]-PVP); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone, bk-MBDB e); 2-(methylamino)-1-phenylpentan-1-one (pentedrone); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone, bk-MBDP); 4-fluoro-N-methylcathinone (4-FMC, flephedrone); 3-fluoro-N-methylcathinone (3-FMC); 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone); alpha-pyrrolidinobutiophenone ([alpha]-PBP) and their optical, positional, and geometric isomers, salts and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible, be placed into schedule I. It is hereby ordered that the substances methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-ADB; 5F-MDMB-PINACA); methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (Other names: 5F-AMB); N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (Other names: 5F-APINACA, 5F-AKB48; N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (Other names: ADB-FUBINACA); methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-CHMICA, MMB-CHMINACA); and methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names:

MDMB-FUBINACA) be placed temporarily into schedule I. It is hereby ordered that Food and Drug Administration-approved products or oral solutions containing dronabinol [(-)-delta-9-trans tetrahydrocannabinol (delta-9-THC)] be placed in schedule II.

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 substance'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) Alpha-ethyltryptamine (some trade or other names: etryptamine; Monase;

alpha ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; AET);

(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-aminoethane; 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: DOET);

(7) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of isomers;

(8) 5-methoxy-N,N-diisopropyltryptamine (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-(dimethylamino)ethyl]indole; 5-MeO-DMT);

(19) Bufotenine (some trade and other names: 3-(beta-Dimethylaminoethyl) 5 hydroxyindole; 3 (2 dimethylaminoethyl) 5 indolol; N,N dimethylserotonin; 5 hydroxy N,N dimethyltryptamine; map-pine);

(20) Diethyltryptamine (some trade and other names: N,N Diethyltryptamine; DET);

(21) Dimethyltryptamine (some trade and other names: DMT);

(22) Ethylamine Analog of Phencyclidine (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 octhydro 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 ethyl 3 piperidyl benzilate;

(28) N methyl 3 piperidyl benzilate;

(29) Parahexyl (some trade or other names: 3 Hexyl 1 hydroxy 7,8,9,10 tetrahydro 6,6,9 trimethyl 6H dibenzo [b,d] pyran; Synhexyl);

(30) 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, an extract from a part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts;

(31) Psilocybin;

(32) Psilocin;

(33) Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1 phenyl- cyclohexyl)-pyrrolidine, PCPy, PHP);

(34) 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 their 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.);

(35) Thiophene analog of phencyclidine (some trade or other names: 1 [1 (2 thienyl);

cyclohexyl] piperidine; 2 thienyl analog of phencyclidine; TPCP);

(36) 1 [1 (2 thienyl)cyclohexyl]pyrrolidine (some trade or other names: TCPy);

- (37) 4-methylmethcathinone (Other names: 4-methyl-N-methylcathinone; mephedrone);
- (38) 3,4-methylenedioxypropylmethanone (MDPV);
- (39) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (Other names: 2C-E);
- (40) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (Other names: 2C-D);
- (41) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (Other names: 2C-C);
- (42) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (Other names: 2C-I);
- (43) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (Other names: 2C-T-2);
- (44) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (Other names: 2C-T-4);
- (45) 2-(2,5-Dimethoxyphenyl)ethanamine (Other names: 2C-H);
- (46) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (Other names: 2C-N);
- (47) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (Other names: 2C-P);
- (48) 3,4-Methylenedioxy-N-methylcathinone (Other name: Methy-lone);
- (49) (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other names: UR-144 and 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole);
- (50) [1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (Other names: 5-fluoro-UR-144 and 5-F-UR-144 and XLR11 and 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole);
- (51) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (Other names: APINACA, AKB48);
- (52) 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);
- (53) 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);
- (54) 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);
- (55) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA);
- (56) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe; 2CI-NBOMe; 25I; Cimbi-5);
- (57) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);
- (58) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);
- (59) Marihuana Extract

Meaning an extract containing one or more cannabinoids that has been derived from any plant of the genus *Cannabis*, other than the separated resin (whether crude or purified) obtained from the plant.

- *(60) 4-methyl-N-ethylcathinone (4-MEC);
- *(61) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- *(62) alpha-pyrrolidinopentiophenone ([alpha]-PVP);
- *(63) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone, bk-MBDB e);
- *(64) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- *(65) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone, bk-MBDP);
- *(66) 4-fluoro-N-methylcathinone (4-FMC, flephedrone);
- *(67) 3-fluoro-N-methylcathinone (3-FMC);
- *(68) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphy-rone); and,
- *(69) alpha-pyrrolidinobutiophenone ([alpha]-PBP).
- Schedule I stimulants
- ***
- Schedule I depressants
- ***
- Schedule I Cannabimimetic agents
- ***
- 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, optical isomers, positional isomers, geometric isomers and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation.
- (1) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (Other names: "AB-CHMINACA");
- (2) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (Other names: "AB-PINACA");
- (3) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone (Other names: "THJ-2201");
- (4) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (Other names: acetyl fentanyl);
- (5) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (common names: MAB-CHMINACA and ADB-CHMINACA);
- (6) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide (Other name: butyryl fentanyl);
- (7) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylproprionamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide (Other name: beta-hydroxythiofentanyl);
- (8) 3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (Other name: U47700);
- (9) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (Other name: Furanyl fentanyl)

*(10) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-ADB; 5F-MDMB-PINACA);

*(11) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (Other names: 5F-AMB);

*(12) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (Other names: 5F-APINACA, 5F-AKB48);

*(13) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (Other names: ADB-FUBINACA);

*(14) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-CHMICA, MMB-CHMINACA); and,

*(15) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-FUBINACA)

SCHEDULE II

Schedule II consists of:

- Schedule II substances, vegetable origin or chemical synthesis

- Schedule II Opiates

- Schedule II stimulants

- Schedule II depressants

- Schedule II hallucinogenic substances

(1) Nabilone (Another name for nabilone: (±)-trans 3 (1,1 dimethylheptyl) 6,6a,7,8, 10,10a hexahydro 1 hydroxy 6,6 dimethyl 9H dibenzo[b,d]pyran 9 one); and,

*(2) Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration.

- Schedule II precursors

SCHEDULE V

Schedule V consists of:

- Schedule V narcotics containing non-narcotic active medicinal ingredients

- Schedule V stimulants

- Schedule V depressants

Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

*(1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (Other names; BRV, UCB-34714, and Briviact);

(2) Ezogabine including its salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible;

(3) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide]; and

(4) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

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

TRD-201701974

Lisa Hernandez

General Counsel

Department of State Health Services

Filed: May 26, 2017



Licensing Actions for Radioactive Materials