

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rules adopted on 10-13-2010 by the _____
Date prior to or same as filing date

Oregon Board of Pharmacy _____ 855
Agency and Division Administrative Rules Chapter Number

Karen MacLean _____ 800 NE Oregon St, Portland, OR 97232 _____ 971-673-0001
Rules Coordinator Address Telephone

to become effective October 15, 2010 _____ through April 11, 2011
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

List certain synthetic cannabinoids as Schedule 1 controlled substances

RULEMAKING ACTION
List each rule number separately, 000-000-0000.

ADOPT:

AMEND: 855-080-0021

SUSPEND:

ORS 475.035, 689.205 _____
Stat. Auth. Other Authority

ORS 689.155 _____
Stats. Implemented

RULE SUMMARY

This amendment lists synthetic cannabinoids that have no legitimate medical use as Controlled Substances in Schedule I. The amendment excludes such chemicals when they are used in a legitimate research facility, are listed in OAR's 855-080-0022 through 0026 (Schedules II through V) or are FDA approved drugs.

A copy of the text can be obtained from the Board's web site, www.pharmacy.state.or.us, or by calling the Board office (971) 673-0001.

 _____ Gary A. Schnabel, R.Ph. R.N. _____ 10/14/10
Authorized Signer Printed name Date

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Board of Pharmacy
Agency and Division

OAR 855
Administrative Rules Chapter Number

In the Matter of: **Schedule of Controlled Substances**

Rule Caption: **List certain synthetic cannabinoids as Schedule 1 controlled substances**

Statutory Authority: ORS 475.035, 689.205

Other Authority:

Stats. Implemented: ORS 689.155

Need for the Temporary Rule(s):

Manufacturers of synthetic cannabis market the products as incense, not intended for human consumption; however they are being used as such. The Board believes that immediate action is necessary in Oregon to protect the health and wellbeing of our citizens. By adding the synthetic cannabinoid chemicals to Schedule 1 of the Oregon list of controlled substances (pursuant to ORS 475.035), the Board gives law enforcement the authority needed to prosecute the sale and possession of these substances under the Oregon Uniform Controlled Substances Act.

These synthetic drugs have a similar action to the primary chemicals in marijuana; however they are many times more potent. They are being sold to young people over the internet and in smoke shops with no controls, and although marketed as incense "not for human consumption", they are being misused as recreational drugs. There are no manufacturing standards for these chemicals, there is no current medical use, and there is documented evidence of serious medical consequences.

Documents relied upon, and where they are available:

1. British Journal of Pharmacology Research Paper by Atwood, Huffman, Straiker and Mackie. JWH018, a common constituent of 'Spice' herbal blends, is a potent and efficacious cannabinoid CB1 receptor agonist *bph 582 1..9, 2010*
2. Deutsches Ärzteblatt International case report by Zimmermann, Winkelmann, Pilhatsch, Nees, Spanagel and Schulz. Withdrawal Phenomena and Dependence Syndrome After the Consumption of "Spice Gold"
3. Missouri Poison Center, Poison Alert, K2: Coming Soon to Your ER, 2010, Volume 4, Issue 1
4. Advice from Idaho Office of Drug Policy to the Idaho Board of Pharmacy 2010
5. Summary of State Actions

All these documents and more are available on the Board web site: www.pharmacy.state.or.us

Justification of Temporary Rule(s):

The Board finds that pursuing permanent rulemaking procedures will delay the implementation of these rules and cause serious prejudice to the public interest in that:

1. These chemicals are hallucinogenic and present a public health danger. They are currently being sold over the internet and at retail with no controls.
2. Their misuse and abuse by young people have resulted in a number of serious incidents requiring emergency care and hospital admission or death. The abuse of these chemicals has the potential to cause a life-threatening incident.
3. A number of European countries and other US states have already listed these chemicals as controlled substances.
4. The DEA is currently considering an emergency listing for some of them in Schedule I.



Authorized Signer

Gary A. Schnabel, R.Ph. R.N.
Printed name

10/14/2009
Date