

Secretary of State
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TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

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I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on 08/11/2016 by the
Board of Pharmacy 855

Agency and Division

Administrative Rules Chapter Number

Karen MacLean

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Rules Coordinator

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Address

To become effective 08/22/2016 through 02/17/2017.

RULE CAPTION

Lists certain synthetic opioids and fentanyl analogues as Schedule I controlled substances.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

855-080-0021

SUSPEND:

Statutory Authority:

ORS 689.205

Other Authority:

Statutes Implemented:

ORS 475.035, 475.059, 475.065

RULE SUMMARY

At the Board's August 2016 Board meeting, staff reported a request from the Oregon State Police Forensics Lab (OSP) to consider amendments to the Board's Controlled Substances Schedule I List in Division 080. The action came after initial research by the Board's staff and OSP to report that use of such substances and overdose deaths associated with their use are on the rise in Oregon.

By adding the illicit synthetic opioids and fentanyl analogue chemicals to Schedule I 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. This will have positive effect on public safety by limiting distribution and access to potentially deadly substances.

Karen MacLean

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Rules Coordinator Name

Email Address

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STATEMENT OF NEED AND JUSTIFICATION
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Board of Pharmacy
Agency and Division

855
Administrative Rules Chapter Number

Lists certain synthetic opioids and fentanyl analogues as Schedule I controlled substances.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Lists certain synthetic opioids and fentanyl analogues as Schedule I controlled substances.

Statutory Authority:

ORS 689.205

Other Authority:

Statutes Implemented:

ORS 475.035, 475.059, 475.065

Need for the Temporary Rule(s):

By adding the illicit synthetic opioids and fentanyl analogue chemicals to Schedule I 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, thereby protecting the public.

Documents Relied Upon, and where they are available:

Oregon State Police Forensics Lab Request - April 2016 (On file with Board)

<https://www.dea.gov/divisions/hq/2015/hq031815.shtml>

http://www.deadiversion.usdoj.gov/drug_chem_info/fentanyl.pdf

http://articles.philly.com/2016-05-25/news/73318625_1_naloxone-narcan-tainted-heroin

<http://vancouversun.com/news/local-news/0530-amazon-but-for-deadly-drugs-why-fentanyl-and-w-18-are-here-to-stay>

<https://www.theguardian.com/world/2016/apr/11/synthetic-opiates-drug-laws-w-18-fentanyl>

<http://www.forbes.com/sites/davidkroll/2016/04/30/w-18-the-high-potency-research-chemical-making-news-what-it-is-and-what-it-isnt/#596f4dfe2354>

Justification of Temporary Rule(s):

Recent increased reporting of abuse and threat of public harm in Oregon prompted the Board to initiate temporary rule making in the interest of public safety. The substances are said to be very dangerous in very low doses even for long-term opioid users, and can be absorbed through the skin which then leads to overdoses & death. It could also pose a risk for law enforcement exposure by handling or accidentally inhaling the powdered forms.

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