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GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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No. _____

December 30, 2021

The Honorable Ronald D. Kouchi, President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, HI 96813

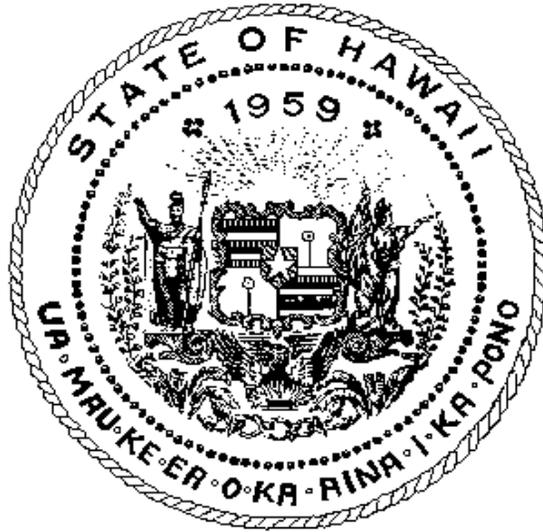
Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the **Narcotics Enforcement Division 2021 Annual Report**, as required by Section 329-11, Hawaii Revised Statutes. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at: <https://dps.hawaii.gov/wp-content/uploads/2022/01/Narcotics-Enforcement-Division-2021-Annual-Report.pdf>.

Sincerely,

Max N. Otani
Director

Enclosure



**DEPARTMENT OF PUBLIC SAFETY
REPORT TO THE 2022 LEGISLATURE**

**NARCOTICS ENFORCEMENT DIVISION
2021 ANNUAL REPORT**

December 2021

NARCOTICS ENFORCEMENT DIVISION
ANNUAL REPORT TO THE 2022 LEGISLATURE
SECTION 329-11, HRS, REPORTING REQUIREMENTS

NOTICE OF FEDERAL SCHEDULING ACTIONS

Chapter 329-11(d) of the Hawaii Revised Statutes (“HRS”) states that if a substance is added, deleted or rescheduled under federal law and notice of the designation is given to the Department of Public Safety, then the Department of Public Safety shall recommend to the legislature that a corresponding change in Hawaii law be made. The Department of Public Safety shall similarly designate the substance as added, deleted, or rescheduled under this chapter, after the expiration of thirty days from publication in the Federal Register of a final order, and this change shall have the effect of law. If a substance is added, deleted, or rescheduled under this subsection, the control shall be temporary and, if the next regular session of the state legislature has not made the corresponding changes in this chapter, the temporary designation of the added, deleted, or rescheduled substance shall be nullified.

The Department of Public Safety was given notice via publication in the Federal Register of a final order, or interim final order, that the following substances, were placed into the federal controlled substances schedules by the United States Drug Enforcement Administration (“DEA”):

Schedule I

4,4'-dimethylaminorex (common name: 4,4'-DMAR) including its salts, isomers, and salts of isomers (August 12, 2021 Federal Register Volume 86 Number 153)

1-(4-methoxyphenyl)-N-methylpropan-2-amine (para-methoxymethamphetamine, PMMA), 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. (June 25, 2021 Federal Register Volume 86, number 120)

1-(1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one (known as N-ethylpentylone or ephylone) and its optical, positional, and geometric isomers, salts, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible. (June 14, 2021 Federal Register Volume 86, Number 112)

Synthetic Cannabinoids (Federal Register Volume 86, number 110 June 10, 2021:

naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (other names: NM2201 or CBL2201),

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (other name: 5F-AB-PINACA),

1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (other names: 4-CN-CUMYL-BUTINACA, 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA, or SGT-78),

methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate (other names: MMB-CHMICA or AMB-CHMICA)

1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-*b*]pyridine-3-carboxamide (other name: 5F-CUMYL-P7AICA)

Fentanyls (April 27, 2021 Federal Register Volume 86, number 79):

N-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide (2'-fluoro *ortho*-fluorofentanyl; 2'-fluoro 2-fluorofentanyl);

N-(1-(4-methylphenethyl)piperidin-4-yl)-*N*-phenylacetamide (4'-methyl acetyl fentanyl);

N-(1-phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide (β '-phenyl fentanyl; *beta*'-Phenyl fentanyl; 3-phenylpropanoyl fentanyl);

N-phenyl-*N*-(1-(2-phenylpropyl)piperidin-4-yl)propionamide (β -methyl fentanyl);

N-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide (*ortho*-fluorobutyryl fentanyl; 2-fluorobutyryl fentanyl);

N-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (*ortho*-methyl acetylfentanyl; 2-methyl acetylfentanyl);

2-methoxy-*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (*ortho*-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl);

N-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide (*para*-methylfentanyl; 4-methylfentanyl);

N-(1-phenethylpiperidin-4-yl)-*N*-phenylbenzamide (phenyl fentanyl; benzoyl fentanyl);

N-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide (thiofuranyl fentanyl; 2-thiofuranyl fentanyl; thiophene fentanyl)

Fentanyls (May 4, 2021 Federal Register Volume 86, number 84):

Ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate (fentanyl carbamate);

N-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)acrylamide (*ortho*-fluoroacryl fentanyl);

N-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide (*ortho*-fluoroisobutyryl fentanyl);

N-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide (*para*-fluoro furanyl fentanyl)

Schedule II

Oliceridine *N*-[(3-methoxythiophen-2-yl)methyl]({2-[(9*R*)-9-(pyridin-2-yl)-6-oxaspiro[4.5]decan-9-yl]ethyl}amine).

This change clarifies the control of oliceridine free base and its salts, to include the fumarate salt, by definition. June 10, 2021 (Federal Register Volume 86, number 110)

Schedule IV

Remimazolam, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible (June 2, 2021 Federal Register Volume 86, Number 104)

Serdexmethylphenidate, including its salts, isomers, and salts of isomers, in schedule IV of the Controlled Substances Act (CSA), (Other name: AZSTARYS). May 7, 2021 Federal Register Volume 86, number 87 (similar to phentermine) June 2, 2021 Federal Register Volume 86, Number 104

Lemborexant ((1*R*,2*S*)-2-[(2,4-dimethylpyrimidin-5-yl)oxymethyl]-2-(3-fluorophenyl)-*N*-(5-fluoropyridin-2-yl)cyclopropane-1-carboxamide), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible March 3, 2021 Federal Register Volume 86, number 40

Schedule V

Lasmiditan (2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl-benzamide), including its salts. (May 24, 2021 Federal Register Volume 86, Number 98)

These federal scheduling actions impose the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule I, II, IV and V controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities with, or possess) or propose to handle the drug products listed in this notice. The DEA placed effective dates as listed above for these scheduling actions.

In accordance with chapter 329-11(d) of the HRS, the Department of Public Safety is temporarily adding the aforementioned substances listed in this notice into Schedules I, II, IV and V in chapters 329-14, -16, -20, and -22 of the HRS. This temporary addition imposes the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule I, II, IV and V controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities with, or possess) or propose to handle the aforementioned substances listed in this notice in the State of Hawaii.

EMERGENCY CONTROLLED SUBSTANCE SCHEDULING ACTION

Section 329-11(e) of the Hawaii Revised Statutes authorizes the Administrator of the Department of Public Safety, Narcotics Enforcement Division (NED), to make an emergency scheduling by placing a substance into schedules I, II, action is necessary to avoid an imminent hazard or the possibility of an imminent hazard to the health and safety of the public. The Department shall post a public notice thirty days prior to the effective date of the emergency scheduling action, at the State Capitol, in the Office of the Lieutenant Governor, and on the Department's website for public inspection. If a substance is added or rescheduled under this subsection, the control shall be temporary and, if the next regular session of the State Legislature has not enacted the corresponding changes in this chapter, the temporary designation of the added or rescheduled substance shall be nullified.

Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate (MDMB-4en-PINACA)

MDMB-4en-PINACA is an indazole-based synthetic cannabinoid. It is commonly sold online as a new designer drug. (Wikipedia, 2021)

MDMB-4en-PINACA is often described as a white, yellow, or brown powder that is usually sprayed onto plant material and smoked. It can also be smoked, vaped, consumed orally, or injected.

The effects of MDMB-4en-PINACA include sedation, slowed reaction times, confusion, hypnosis, and loss of consciousness. Of particular note, reference material lists a toxic dose as a very small amount (Synthetic Cannabinoid MDMB-4en-PINACA, 2021)

MDMB-4en-PINACA has been detected across Europe with 768 seizures reported, including seizures in prisons or custodial settings (Addiction, 2021). In Hawaii, law enforcement has detected MDMB-4en-PINACA in one laboratory analysis.

The Narcotics Enforcement Division is not aware of any currently accepted medical uses for MDMB-4en-PINACA in the United States.

The Administrator of the Narcotics Enforcement Division has reviewed reference material and literature related to the emergency scheduling of this substance. The Administrator has determined that due to reports of its international abuse, associated fatalities, and its discovery in Hawaii, that placing MDMB-4en-PINACA into schedule I of the Hawaii Revised Statutes is necessary to address or avoid an imminent hazard or the possibility of an imminent hazard to the health and safety of the public.

Consequently, in accordance with provisions set forth in Section 329-11(e) of the Hawaii Revised Statutes, the Administrator of the Narcotics Enforcement Division is emergency scheduling MDMB-4en-PINACA , their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation

Order of the Narcotics Enforcement Administrator:

Section 329-14, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

(g) Any of the following cannabinoids, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(28) Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate (MDMB-4en-PINACA).

This emergency controlled substance scheduling action is taken under the authority of the Administrator of the State of Hawaii, Department of Public Safety, Narcotics Enforcement Division and shall take effect on November 1, 2021 as required under Section 329-11(e) Hawaii Revised Statutes.

RECOMMENDED CHANGES TO STATUTE:

In accordance with sections 329-11 (d) and (e) of the HRS, the Department of Public Safety is recommending the following changes to state law in order to avoid the nullification of the temporary changes that have been made:

Section 329-14 of the HRS is temporarily amended by adding subsection (b), (f), and (g) to read as follows:

"(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(71) N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide (2'-fluoro *ortho*-fluorofentanyl; 2'-fluoro 2-fluorofentanyl);

(72) N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide (4'-methyl acetyl fentanyl);

(73) N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide (β' -phenyl fentanyl; *beta'*-Phenyl fentanyl; 3-phenylpropanoyl fentanyl);

(74) N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide (β -methyl fentanyl);

(75) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (ortho-fluorobutyryl fentanyl; 2-fluorobutyryl fentanyl);

(76) N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide (ortho-methyl acetylfentanyl; 2-methyl acetylfentanyl);

(77) 2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide (ortho-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl);

(78) N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (para-methylfentanyl; 4-methylfentanyl);

(79) N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide (phenyl fentanyl; benzoyl fentanyl);

(80) N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide (thiofuranyl fentanyl; 2-thiofuranyl fentanyl; (thiophene fentanyl)

(81) Ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate (fentanyl carbamate);

(82) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide (ortho-fluoroacryl fentanyl);

(83) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (ortho-fluoroisobutyryl fentanyl);

(84) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide (para-fluoro furanyl fentanyl);

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(9) 4,4'-dimethylaminorex (common name: 4,4'-DMAR) including its salts, isomers, and salts of isomers;

(10) 1-(4-methoxyphenyl)-N-methylpropan-2-amine (para-methoxymethamphetamine, PMMA), 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;

(g) Any of the following cannabinoids, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(28) naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (other names: NM2201 or CBL2201);

(29) *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (other name: 5F-AB-PINACA);

(30) 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (other names: 4-CN-CUMYL-BUTINACA, 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA, or SGT-78);

(31) methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate (other names: MMB-CHMICA or AMB-CHMICA);

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(32) 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-*b*]pyridine-3-carboxamide (other name: 5F-CUMYL-P7AICA);

(33) Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamido)butanoate (MDMB-4en-PINACA);

Section 329-16, of the HRS is temporarily amended by adding subsection (c), to read as follows:

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(30) Oliceridine, including the free base form, and its salts, to include the fumarate salt, by definition;

Section 329-20, of the HRS is temporarily amended by adding subsection (b), and (d) , to read as follows:

(b) Depressants. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, esters, ethers, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, that has a degree of danger or probable danger associated with a depressant effect on the central nervous system:

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

(56) Lemborexant ((1R,2S)-2-[(2,4-dimethylpyrimidin-5-yl)oxymethyl]-2-(3-fluorophenyl)-N-(5-fluoropyridin-2-yl)cyclopropane-1-carboxamide), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible;

(d) Stimulants. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(14) Serdexmethylphenidate, including its salts, isomers, and salts of isomers;

Section 329-22, of the HRS is temporarily amended by adding subsection (d), to read as follows:

(d) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains

any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(14) Lasmiditan (2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)benzamide);