

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



JORDAN LOWE  
DIRECTOR

MICHAEL VINCENT  
Deputy Director  
Administration

SYLVIA LUKE  
LT GOVERNOR  
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF LAW ENFORCEMENT**  
*Ka 'Ōhana Ho'ōkō Kānāwai*  
715 South King Street  
Honolulu, Hawaii 96813

JARED K. REDULLA  
Deputy Director  
Law Enforcement

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## 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 Law Enforcement, then the Department of Law Enforcement shall recommend to the legislature that a corresponding change in Hawaii law be made. The Department of Law Enforcement 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 Law Enforcement 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

**1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one (commonly known as 2-methyl AP-237) , including its optical and geometric isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.**

2-Methyl AP-237 has a pharmacological profile similar to other classical opioids such as fentanyl (schedule II), morphine (schedule II) and heroin (schedule I), which act as mu-opioid receptor agonists. Because of the pharmacological similarities of 2-methyl AP-237 to the aforementioned opioids, 2-methyl AP-237 presents a high risk of abuse and has negatively affected users and communities. According to the DEA Toxicology Testing Program (DEA TOX) and a recent publication, the abuse of 2-methyl AP-237 has been associated with at least seven fatalities in the United States between February

2020 and July 2023. The identification of this substance in post-mortem cases is a serious concern to public safety.<sup>1</sup>

(59) 2-Methyl AP-237 (1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one)

**2-(2-(4-ethoxybenzyl)-1 *H*-benzimidazol-1-yl)- *N,N*-diethylethan-1-amine (other names: Etodesnitazene; Etazene),**

**2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1 *H*-benzimidazole (other names: *N*-pyrrolidino etonitazene; Etonitazepyne), including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts are possible within the specific chemical designation**

***N,N*-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1 *H*-benzimidazol-1-yl)ethan-1-amine (other name: Protonitazene), including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts are possible within the specific chemical designation**

Law enforcement reports demonstrate that etodesnitazene, *N*-pyrrolidino etonitazene, and protonitazene are being illicitly distributed and abused. The illicit use and distribution of these substances are similar to that of isotonitazene (schedule I) and prescription opioid analgesics. According to the National Forensic Laboratory Information System (NFLIS-Drug) database, which collects drug identification results from drug cases submitted to and analyzed by Federal, State and local forensic laboratories, there has been 596 reports for etodesnitazene, *N*-pyrrolidino etonitazene, and protonitazene between January 2020 and May 2023 (DEA query date: May 15, 2023).<sup>2</sup>

Etodesnitazene, *N*-pyrrolidino etonitazene, and Protonitazene have no currently accepted medical use in treatment in the United States, the Administrator has determined that Etodesnitazene, *N*-pyrrolidino etonitazene, and Protonitazene, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts are possible within the specific chemical designation, should be placed permanently in schedule I of the CSA.<sup>3</sup>

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<sup>1</sup> FR (Federal Register) Doc. 2024-05543 03-15-24

<sup>2</sup> FR Doc. 2024-07684 4-11-24

<sup>3</sup> FR Doc. 2024-07684 4-11-24

(40) 2-(2-(4-ethoxybenzyl)-1 *H* -benzimidazol-1-yl)- *N,N* -diethylethan-1-amine (Other names: etodesnitazene; etazene)

(70) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1 *H* -benzimidazole (Other names: *N* -pyrrolidino etonitazene; etonitazepyne)

(97) *N,N* -diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1 *H* -benzimidazol-1-yl)ethan-1-amine (Other name: protonitazene)

#### **Schedule IV**

**Zuranolone (chemically known as 1-[2-[(3 *R*, 5 *R*, 8 *R*, 9 *R*, 10 *S*, 13 *S*, 14 *S*, 17 *S*)-3-hydroxy-3,13-dimethyl-2,4,5,6,7,8,9,10,11,12,14,15,16,17-tetradecahydro-1 *H* -cyclopenta[ *a* ]phenanthren-17-yl]-2-oxoethyl]pyrazole-4-carbonitrile)**

Zuranolone (chemically known as 1-[2-[(3 *R*, 5 *R*, 8 *R*, 9 *R*, 10 *S*, 13 *S*, 14 *S*, 17 *S*)-3-hydroxy-3,13-dimethyl-2,4,5,6,7,8,9,10,11,12,14,15,16,17-tetradecahydro-1 *H* -cyclopenta[ *a* ]phenanthren-17-yl]-2-oxoethyl]pyrazole-4-carbonitrile) is a new molecular entity with CNS activity. Zuranolone is a positive allosteric modulator of gamma-aminobutyric acid type A (GABAA) receptors and an inhibitory neurosteroid substance that shares structural features and a pharmacological mechanism of action with progesterone, alfaxalone (schedule IV), and brexanolone (allopregnanolone, schedule IV). Zuranolone shares a similar pharmacology profile with brexanolone (schedule IV) and benzodiazepines (schedule IV).<sup>4</sup>

#### **Explanation of Temporary State Scheduling:**

These federal scheduling actions impose the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule I, 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 in the footnotes for these scheduling actions.

**In accordance with chapter 329-11(d) of the HRS, the Department of Law Enforcement is temporarily adding the aforementioned substances listed in this notice into Schedules I, and IV in chapters 329-14 and, -20, of the HRS. This temporary addition imposes the regulatory controls and the administrative, civil, and criminal sanctions applicable to schedule I and IV 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.**

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<sup>4</sup> FR Doc. 2023-23982 08-14-24

### Temporary Changes to Section 329-14(b), HRS

(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:

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide), its optical, positional, and geometric isomers, salts, and salts of isomers;
- (4) Acryl fentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide] (Other name: acryloylfentanyl);
- (5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide);
- (6) Allyprodine;
- (7) Alphacetylmethadol (except levo-alphacetylmethadol, levomethadyl acetate, or LAAM);
- (8) Alphameprodine;
- (9) Alphamethadol;
- (10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine);
- (11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (12) Benzethidine;
- (13) Benzylfentanyl (N-[1-benzyl-4-piperidyl]-N-phenylpropanamide), its optical isomers, salts, and salts of isomers;
- (14) Betacetylmethadol;
- (15) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- (16) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
- (17) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide);
- (18) Betameprodine;
- (19) Betamethadol;
- (20) Beta-methyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide) (Other name: [beta]-methyl fentanyl);
- (21) Beta'-phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide) (Other names: [beta]'-phenyl fentanyl; 3-phenylpropanoyl fentanyl);
- (22) Betaprodine;
- (23) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);
- (24) Clonitazene;
- (25) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- (26) Dextromoramide;
- (27) Diampromide;
- (28) Diethylthiambutene;

- (29) Difenoxin;
- (30) Dimenoxadol;
- (31) Dimepheptanol;
- (32) Dimethylthiambutene;
- (33) Dioxaphetyl butyrate;
- (34) Dipipanone;
- (35) 2-(2-(4-ethoxybenzyl)-1 H -benzimidazol-1-yl)- N,N -diethylethan-1-amine  
(other names: Etodesnitazene; Etazene);
- (36) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1 H -benzimidazole (other names: N -pyrrolidino etonitazene; Etonitazepyne);
- ~~[35]~~(37) Ethylmethylthiambutene;
- ~~[36]~~(38) Etonitazene;
- ~~[37]~~(39) Etoxeridine;
- ~~[38]~~(40) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate);
- ~~[39]~~(41) 4-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide] (Other name: para-fluoroisobutyryl fentanyl);
- ~~[40]~~(42) 2'-fluoro ortho-fluorofentanyl (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide) (Other name: 2'-fluoro 2-fluorofentanyl);
- ~~[41]~~(43) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);
- ~~[42]~~(44) Furethidine;
- ~~[43]~~(45) Hydroxypethidine;
- ~~[44]~~(46) Ketobemidone;
- ~~[45]~~(47) Levomoramide;
- ~~[46]~~(48) Levophenacilmorphan;
- ~~[47]~~(49) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- (50) 2-Methyl AP-237 (1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one);
- ~~[48]~~(51) 4'-methyl acetyl fentanyl (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide);
- ~~[49]~~(52) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- ~~[50]~~(53) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- ~~[51]~~(54) Morpheridine;
- ~~[52]~~(55) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (56) N,N -diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1 H -benzimidazol-1-yl)ethan-1-amine (other name: Protonitazene);
- ~~[53]~~(57) Noracymethadol;
- ~~[54]~~(58) Norlevorphanol;
- ~~[55]~~(59) Normethadone;
- ~~[56]~~(60) Norpipanone;
- ~~[57]~~(61) Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide];
- ~~[58]~~(62) Ortho-fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide);

- [59](63) Ortho-fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide) (Other name: 2-fluorobutyryl fentanyl);
- [60](64) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 2-fluorofentanyl);
- [64](65) Ortho-fluoroisobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- [62](66) Ortho-methyl acetylfentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide) (Other name: 2-methyl acetylfentanyl);
- [63](67) Ortho-methyl methoxyacetyl fentanyl (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide) (Other name: 2-methyl methoxyacetyl fentanyl);
- [64](68) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
- [65](69) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);
- [66](70) Para-fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- [67](71) Para-methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 4-methylfentanyl);
- [68](72) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- [69](73) Phenadoxone;
- [70](74) Phenampromide;
- [71](75) Phenomorphan;
- [72](76) Phenoperidine;
- [73](77) Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide) (Other name: benzoyl fentanyl);
- [74](78) Piritramide;
- [75](79) Proheptazine;
- [76](80) Properidine;
- [77](81) Propiram;
- [78](82) Racemoramide;
- [79](83) Thenylfentanyl (N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide), its optical isomers, salts, and salts of isomers;
- [80](84) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
- [84](85) Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide) (Other names: 2-thiofuranyl fentanyl; thiophene fentanyl);
- [82](86) Tilidine;
- [83](87) Trimeperidine; and
- [84](88) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide).

### **Temporary Changes to Section 329-20, HRS:**

(b) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that 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:

- (1) Alprazolam;
- (2) Barbitol;
- (3) Brexanolone;
- (4) Bromazepam;
- (5) Butorphanol;
- (6) Camazepam;
- (7) Carisoprodol;
- (8) Chloral betaine;
- (9) Chloral hydrate;
- (10) Chlordiazepoxide;
- (11) Clobazam;
- (12) Clonazepam;
- (13) Clorazepate;
- (14) Clotiazepam;
- (15) Cloxazolam;
- (16) Daridorexant;
- (17) Delorazepam;
- (18) Diazepam;
- (19) Dichloralphenazone (Midrin);
- (20) Estazolam;
- (21) Ethchlorvynol;
- (22) Ethinamate;
- (23) Ethyl loflazepate;
- (24) Fludiazepam;
- (25) Flunitrazepam;
- (26) Flurazepam;
- (27) Fospropofol (Lusedra);
- (28) Halazepam;
- (29) Haloxazolam;
- (30) Ketazolam;
- (31) Lemborexant ((1R,2S)-2-[(2,4-dimethylpyrimidin-5-yl)oxymethyl]-2-(3-fluorophenyl)-N-(5-fluoropyridin-2-yl)cyclopropane-1-carboxamide);
- (32) Loprazolam;
- (33) Lorazepam;
- (34) Lormetazepam;
- (35) Mebutamate;
- (36) Medazepam;
- (37) Meprobamate;
- (38) Methohexital;
- (39) Methylphenobarbital (mephobarbital);
- (40) Midazolam;
- (41) Nimetazepam;
- (42) Nitrazepam;
- (43) Nordiazepam;
- (44) Oxazepam;
- (45) Oxazolam;

- (46) Paraldehyde;
- (47) Petrichloral;
- (48) Phenobarbital;
- (49) Pinazepam;
- (50) Prazepam;
- (51) Quazepam;
- (52) Remimazolam;
- (53) Suvorexant;
- (54) Temazepam;
- (55) Tetrazepam;
- (56) Triazolam;
- (57) Zaleplon;
- (58) Zolpidem; and
- (59) Zopiclone (Lunesta)[.](:) and
- (60) Zuranolone.