

The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: March 27, 2012

Regulation No:	2012-5
Agency:	Department of Consumer Protection
Subject Matter:	Controlled Substances
Statutory Authority: (copy attached)	21a-243

	Yes or No
Mandatory	Y
Federal Requirement	Y
Permissive	N

For the Committee's Information:

Substantive Concerns:

Technical Corrections:

1. Throughout the proposed regulation, the brackets around deleted text should be in bold type for proper form.
2. On page 1, in section 21a-243-7(a), the subdivision designator after subdivision (38) is not in proper chronological order and should be changed from "(41)" to "(39)" for accuracy.
3. On page 3, in section 21a-243-7(c)(42), the period should be a semicolon for proper punctuation.
4. On page 3, in the third line of section 21a-243-7(f), "effect in" should be "affecting" for clarity and accuracy.
5. On page 3, in section 21a-243-7(f)(5), the semicolon should be deleted for proper punctuation.

Recommendation:

<input checked="" type="checkbox"/>	Approval in whole
<input checked="" type="checkbox"/>	with technical corrections
<input checked="" type="checkbox"/>	with deletions
<input type="checkbox"/>	with substitute page
<input type="checkbox"/>	Disapproval in whole or in part
<input type="checkbox"/>	Rejection without prejudice

Reviewed by: Richard Hanratty / Shannon McCarthy

Date: March 13, 2012

From 2012 Supplement

Sec. 21a-243. Regulations. Schedules of controlled substances. (a) The Commissioner of Consumer Protection shall adopt regulations for the efficient enforcement and operation of sections 21a-244 to 21a-282, inclusive.

(b) The Commissioner of Consumer Protection may, so far as may be consistent with sections 21a-244 to 21a-282, inclusive, adopt the regulations existing under the federal Controlled Substances Act and pertinent regulations existing under the federal food and drug laws and conform regulations adopted hereunder with those existing under the federal Controlled Substances Act and federal food and drug laws.

(c) The Commissioner of Consumer Protection, acting upon the advice of the Commission of Pharmacy, may by regulation designate, after investigation, as a controlled substance, a substance or chemical composition containing any quantity of a substance which has been found to have a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and having a tendency to promote abuse or physiological or psychological dependence or both. Such substances are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant substances, and specifically exclude alcohol, caffeine and nicotine. Substances which are designated as controlled substances shall be classified in schedules I to V by regulations adopted pursuant to subsection (a) of this section.

(d) The Commissioner of Consumer Protection may by regulation change the schedule in which a substance classified as a controlled substance in schedules I to V of the controlled substance scheduling regulations is placed. On or before December 15, 1986, and annually thereafter, the commissioner shall submit a list of all such schedule changes to the chairmen and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to public health.

(e) A new or amended regulation under this chapter shall be adopted in accordance with the provisions of chapter 54.

(f) In the event of any inconsistency between the contents of schedules I, II, III, IV and V of the controlled substance scheduling regulations and schedules I, II, III, IV and V of the federal Controlled Substances Act, as amended, the provisions of the federal act shall prevail, except when the provisions of the Connecticut controlled substance scheduling regulations place a controlled substance in a schedule with a higher numerical designation, schedule I being the highest designation.

(g) When a drug that is not a controlled substance in schedule I, II, III, IV or V, as designated in the Connecticut controlled substance scheduling regulations, is designated to be a controlled substance under the federal Controlled Substances Act, such drug shall be considered to be controlled at the state level in the same numerical schedule for a period of two hundred forty days from the effective date of the federal classification.

(h) The Commissioner of Consumer Protection shall, by regulation adopted pursuant to this section, designate the following substances, by whatever official, common, usual, chemical or trade name designation, as controlled substances and classify each such substance in the appropriate schedule:

- (1) 1-pentyl-3-(1-naphthoyl)indole (JWH-018);
- (2) 1-butyl-3-(1-naphthoyl)indole (JWH-073);
- (3) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);
- (4) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);
- (5) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue);
- (6) *Salvia divinorum*; and
- (7) *Salvinorum A*.

(i) Notwithstanding the provisions of subsection (c) of this section, the Commissioner of Consumer Protection shall designate the following substances,

by whatever official, common, usual, chemical or trade name designation, as controlled substances in schedule I of the controlled substances scheduling regulations:

- (1) Mephedrone (4-methylmethcathinone); and
- (2) MDPV (3,4-methylenedioxypropylone).