



**Board:**

Mark Elam, Chairman      Richard (Rick) Toomey, DHA, FACHE  
David W. Gillespie, MD, Vice-Chairman      Seema Shrivastava-Patel  
Charles M. Joye II, P.E., Secretary      Jim Creel, Jr.

**Minutes of the September 27, 2018, meeting of the  
South Carolina Board of Health and Environmental Control**

The South Carolina Board of Health and Environmental Control met on Thursday, September 27, 2018, at 8:30 a.m. in the Board Room at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. (Attachment 0-1)

The following members were in attendance:

Mark Elam, Chairman, Member-at-large  
Richard Toomey, DHA, FACHE, 1<sup>st</sup> District, Beaufort  
Seema Shrivastava-Patel, 2<sup>nd</sup> District, Lexington  
Charles M. Joye, II, P.E., 3<sup>rd</sup> District, Anderson  
David W. Gillespie, MD, 6<sup>th</sup> District, Orangeburg  
Jim Creel, Jr., 7<sup>th</sup> District, Myrtle Beach

4<sup>th</sup> and 5<sup>th</sup> Congressional District seats are currently vacant.

Also, in attendance were David E. Wilson, Acting Director; W. Marshall Taylor, Legal Counsel; Lisa Lucas Longshore, Clerk; and Department staff.

Chairman Elam called the meeting to order.

**Item 1: Placement of N-Ethylpentylone in Schedule I for Controlled Substances** (Attachment 1-1)

Ms. Heather Lukshis, Bureau of Drug Control, presented this item to the Board.

Controlled substances are governed by the S.C. Controlled Substances Act (CSA), found at Title 44, Chapter 53, of the S.C. Code of Laws. Schedule I substances are listed in S.C. Code Ann. Section 44-53-190. Pursuant to Section 44-53-160, titled "Manner in which changes in schedule of controlled substances shall be made," controlled substances are generally designated by the General Assembly upon recommendation by DHEC. Section 44-53-160(C) provides a process by which DHEC can expeditiously designate a substance as a controlled substance if the federal government has so designated.

Section 44-53-160(C) states:

If a substance is added, deleted, or rescheduled as a controlled substance pursuant to federal law or regulation, the department shall, at the first regular or special meeting of the South Carolina Board of Health and Environmental Control within thirty days after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, add, delete, or reschedule the substance in the appropriate schedule. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection has the full force of law unless overturned by the General Assembly. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection must be in substance identical with the order published in the federal register effecting the change in federal status of the substance. Upon the addition, deletion, or rescheduling of a substance, the department

shall forward copies of the change to the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Medical, Military, Public and Municipal Affairs Committee, and the Judiciary Committee of the House of Representatives, and to the Clerks of the Senate and House, and shall post the schedules on the department's website indicating the change and specifying the effective date of the change.

The Acting Administrator of the Drug Enforcement Administration is issuing this temporary scheduling order to schedule the synthetic cathinone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone) and its optical, positional, and geometric isomers, salts, and salts of isomers in schedule I. This action is based on a finding by the Acting Administrator that the placement of N-ethylpentylone in schedule I of the Controlled Substances Act (CSA) is necessary to avoid an imminent hazard to the public safety. The federal final order became effective August 31, 2018 <https://www.gpo.gov/fdsys/pkg/FR-2018-08-31/pdf/2018-18988.pdf>

Around 2014, the synthetic cathinone, N-ethylpentylone, emerged in the United States' illicit drug market after the scheduling of other popular synthetic cathinones (e.g., ethylone, 4-methyl-N-ethylcathinone (4-MEC), mephedrone, methylone, pentylone, and 3,4-methylenedioxypyrovalerone (MDPV)). The identification of N-ethylpentylone in forensic evidence and overdose deaths indicates that this substance is being misused and abused. N-Ethylpentylone, like other synthetic cathinones, is a designer drug of the phenethylamine class and it is pharmacologically similar to schedule I synthetic cathinones (e.g., cathinone, methcathinone, mephedrone, methylone, pentylone, and MDPV) and well-known schedule I and II sympathomimetic agents (e.g., methamphetamine, 3,4-methylenedioxymethamphetamine (MDMA), and cocaine). N-ethylpentylone, similar to these substances, causes stimulant related psychological and somatic effects. Consequently, there have been documented reports of emergency room admissions and numerous deaths associated with the abuse of N-ethylpentylone. No approved medical use has been identified for this substance, nor has it been approved by the FDA for human consumption. N-ethylpentylone is most likely ingested by swallowing capsules or tablets or snorted by nasal insufflation of the powder tablets. Products containing N-ethylpentylone, similar to schedule I synthetic cathinones, are likely to be falsely marketed as "research chemicals," "jewelry cleaner," "stain remover," "plant food or fertilizer," "insect repellants" or "bath salts," sold at smoke shops, head shops, convenience stores, adult book stores, and gas stations, and purchased on the internet.

The identification of N-ethylpentylone in toxicological samples associated with fatal and non-fatal overdoses have been reported in medical and scientific literature, forensic laboratory reports, and public health documents. Like schedule I synthetic cathinones, N-ethylpentylone has caused acute health problems leading to emergency department (ED) admissions, violent behaviors causing harm to self or others, and/or death. Adverse health effects associated with the abuse of N-ethylpentylone include a number of stimulant-like adverse health effects such as diaphoresis, insomnia, mydriasis, hyperthermia, vomiting, agitation, disorientation, paranoia, abdominal pain, cardiac arrest, respiratory failure, and coma. In addition, N-ethylpentylone has been involved in deaths of many individuals. The DEA is aware of approximately 151 overdose deaths involving N-ethylpentylone abuse reported in the United States between 2014 and 2018. Thus, the abuse of N-ethylpentylone, like that of the abuse of schedule I synthetic cathinones and stimulant drugs, poses significant adverse health risks. Furthermore, because abusers of synthetic cathinones obtain these substances through unregulated sources, the identity, purity, and quantity are uncertain and inconsistent. These unknown factors pose an additional risk for significant adverse health effects to the end user.

Based on information received by the DEA, the misuse and abuse of N-ethylpentylone has led to, at least, the same qualitative public health risks as schedule I synthetic cathinones, MDMA, and methamphetamine.

The public health risks attendant to the abuse of synthetic cathinones, including N-ethylpentylone, are well established and have resulted in large numbers of ED visits and fatal overdoses.

This temporary order places N-ethylpentylone in schedule I of the CSA for two years. DEA may extend the temporary scheduling for an additional year (a total of three years) if proceedings to permanently schedule the substances are pending.

When determining whether a substance should be placed into Schedule I of the S.C. Controlled Substances Act, Section 44-53-180 of the S.C. Code of Laws requires the Department place a substance in Schedule I if it meets the following criteria:

- (a) A high potential for abuse;
- (b) No accepted medical use in treatment in the United States; and
- (c) A lack of accepted safety for use in treatment under medical supervision.

As indicated, the Acting Administrator considered available data and information, and herein sets forth the grounds for his determination that it is necessary to temporarily schedule N-ethylpentylone in schedule I of the CSA to avoid an imminent hazard to the public safety.

***Mr. Toomey moved, seconded by Mr. Creel, to designate the additional substances named in the DEA Notice published in the Federal Register on August 31, 2018 and amend Section 44-53-190 of the S.C. Controlled Substances Act for consistency with the Federal scheduling. The Board voted and Motion carried.*** Board Scheduling Order (Attachment 1-2)

**Item 2: Executive Session for discussion of personnel matter**

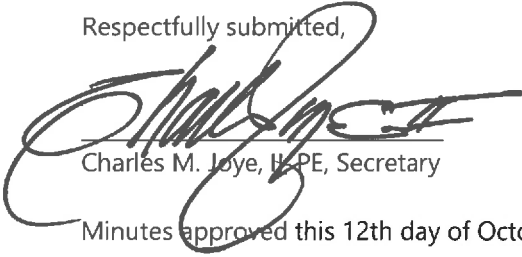
***Dr. Gillespie moved, seconded by Mr. Toomey, to go into Executive Session for the purpose of discussing a personnel matter. The Board voted, and Motion carried.***

Chairman Elam stated the Board was back in public session and while in Executive Session no actions were taken.

Being no further business, the meeting adjourned.

All referenced attachments are made a permanent part of these minutes.

Respectfully submitted,



Charles M. Joye, II, PE, Secretary

Minutes approved this 12th day of October 2018.

ATTEST:



Mark Elam, Chairman

Attachments

- 0-1 Agenda
- 1-1 Placement of N-Ethylpentylone in Schedule I for Controlled Substances
- 1-2 SC Board of Health and Environmental Control CSA Scheduling Order