

**10A NCAC 26F .0117 ADDITION: DELETION OR RESCHEDULING OF A SUBSTANCE**

(a) Any interested person may submit a petition to initiate proceedings for the addition, deletion or rescheduling of any substances within Schedules I through VI of the North Carolina Controlled Substances Act pursuant to the provisions of G.S. 90-88.

(b) Petitions shall be submitted in quintuplicate to the Commission for Mental Health, Mental Retardation and Substance Abuse Services in the following form:

\_\_\_\_\_  
Date

(The Commission Address)

Dear Sir: The undersigned \_\_\_\_\_ hereby petitions the commission to initiate proceedings for the addition (deletion or rescheduling) of a substance within Schedules I through VI of the North Carolina Controlled Substances Act pursuant to G.S. 90-88.

Attached hereto and constituting a part of this petition are the following:

- (1) the proposed substance in the form proposed by the petitioner; (If the petitioner seeks the deletion or rescheduling of an existing controlled substance, the existing controlled substance together with a reference to this Section in the latest commission publication of Schedules I through VI where it appears should be included.)
- (2) a statement of the grounds which the petitioner relies upon for the addition (deletion or rescheduling) of the substance. (Such grounds shall include a reasonably concise statement of the facts relied upon by the petitioner including a summary of any relevant medical or scientific evidence known to the petitioner.)

All notices to be sent regarding this petition should be addressed to:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City and State

Respectfully yours,

\_\_\_\_\_  
Signature of Petitioner

(c) The commission may reject a petition for filing if any of the requirements in Paragraph (b) of this Rule is lacking or is not set forth so as to be readily understood. If petitioner desires, he may amend the petition to meet the requirements of Paragraph (b) of this Rule.

(d) When the commission holds a hearing pursuant to G.S. 90-88(a), it shall publish in newspapers of statewide circulation qualified for legal advertising in accordance with Rule 4 of the North Carolina Rules of Civil Procedure general notice of any proposed addition, deletion or rescheduling of a substance pursuant to G.S. 90-88. Such published notice shall include a statement of the time, place and nature of the hearings on the proposal. Such hearings may not be commenced until after the expiration of at least 10 days from the date the general notice is published in accordance with this Rule. Such published notice shall include a reference to the legal authority under which the substance change is proposed, a statement of the proposed change and in the discretion of the commission a summary of the subjects and issues involved. In addition, notice of the proposed change and the date and place of the public hearing shall be sent by the commission to each registrant under the act.

(e) The commission may permit any interested persons to file written comments on or objections to the proposal and shall designate in the notice of proposed change the time during which such filings may be made.

(f) The commission shall before adding, deleting or rescheduling any substance and after gathering the necessary data make a scientific and medical evaluation as to whether such drug or other substances should be so controlled, transferred or removed as a controlled substance.

(g) The commission in making its determination whether to add, delete or reschedule a substance within Schedules I through VI of the North Carolina Controlled Substances Act must in accordance with G.S. 90-88(a) consider the following:

- (1) the actual or relative potential for abuse;

- (2) the scientific evidence of its pharmacological effect, if known;
- (3) the state of current scientific knowledge regarding the substance;
- (4) the history and current pattern of abuse;
- (5) the scope, duration and significance of abuse;
- (6) the risk to the public health;
- (7) the potential of the substance to produce psychic or physiological dependence liability; and
- (8) whether the substance is an immediate precursor of a substance already controlled under the North Carolina Controlled Substances Act.

*History Note: Authority G.S. 90-88;  
Eff. June 30, 1978;  
Amended Eff. April 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016.*