



SPONSOR: Sen. Poore & Rep. Bush & Rep. Mitchell  
Sens. Ennis, Hansen, McDowell, Paradee, Delcollo,  
Hocker, Lopez, Pettyjohn, Wilson, Richardson, Sokola;  
Reps. Baumbach, Briggs King, Cooke, Dukes, Hensley,  
Jaques, Osienski, Seigfried

DELAWARE STATE SENATE  
150th GENERAL ASSEMBLY

SENATE BILL NO. 101

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED  
SUBSTANCES ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members  
elected to each house thereof concurring therein):

Section 1: Amend § 4714, Title 16 of the Delaware Code by making deletions as shown by strikethrough  
and insertions as shown by underline as follows:

§ 4714 Schedule I.

(a) The controlled substances listed in this section are included in Schedule I.

(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) Acetylmethadol;

(2) Allylprodine;

(3) Alphacetylmethadol (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol,  
levomethadyl acetate or "LAAM");

(4) Alphameprodine;

(5) Alphamethadol;

(6) Benzethidine;

(7) Betacetylmethadol;

(8) Betameprodine;

(9) Betamethadol;

(10) Betaproline;

(11) Clonitazene;

(12) Dextromoramide;

21	(13) Dextrorphan;
22	(14) Diampromide;
23	(15) Diethylthiambutene;
24	(16) Dimenoxadol;
25	(17) Dimepheptanol;
26	(18) Dimethylthiambutene;
27	(19) Dioxaphetyl butyrate;
28	(20) Dipipanone;
29	(21) Ethylmethylthiambutene;
30	(22) Etonitazene;
31	(23) Etoxidine;
32	(24) Furethidine;
33	(25) Hydroxypethidine;
34	(26) Ketobemidone;
35	(27) Levomoramide;
36	(28) Levophenacymorphan;
37	(29) Morpheridine;
38	(30) Noracymethadol;
39	(31) Norlevorphanol;
40	(32) Normethadone;
41	(33) Norpipanone;
42	(34) Phenadoxone;
43	(35) Phenampromide;
44	(36) Phenomorphan;
45	(37) Phenoperidine;
46	(38) Piritramide;
47	(39) Proheptazine;
48	(40) Properidine;
49	(41) Racemoramide;
50	(42) Trimeperidine;

(43) Difenoxin;

(44) Propiram;

(45) Tilidine;

~~(46) Alpha-Methylfentanyl;~~

(47) ~~3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide), its salts and salts of isomers;~~

(48) ~~1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts and salts of isomers;~~

(49) ~~1-[2-phenylethyl]-4-phenyl-4-acetyoxypiperidine (PEPAP), its optical isomers, salts and salts of isomers;~~

(50) ~~N-[1-(1-methyl-2-phenyl)ethyl-4-piperidiny]-N-phenylacetamide (Acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;~~

(51) ~~N-[1-methyl-2-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (Alpha-Methylthiofentanyl), its optical isomers, salts and salts of isomers;~~

(52) ~~N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (Benzylfentanyl), its optical isomers, salts and salts of isomers;~~

(53) ~~N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidiny]-N-phenylpropanamide (Beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;~~

(54) ~~N-[3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidiny]-N-phenylpropanamide (Beta-hydroxy-3-methylfentanyl), its optical and geometric isomers, salts and salts of isomers;~~

(55) ~~N-[3-methyl-1-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide (3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;~~

(56) ~~N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (Thienylfentanyl), its optical isomers, salts and salts of isomers;~~

(57) ~~N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (Thiofentanyl), its optical isomers, salts and salts of isomers;~~

(58) ~~N-[1-(2-phenylethyl)-4-piperidyl]-N-(4-fluorophenyl)-propanamide (Para-Flourofentanyl), its optical isomers, salts and salts of isomers; and~~

(59) ~~3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers.~~

(46) Any fentanyl-related substances including any substance not otherwise controlled in any schedule

81 that is structurally related to fentanyl by one or more of the following modifications:

82 (a) replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not  
83 further substituted in or on the monocycle;

84 (b) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo,  
85 haloalkyl, amino or nitro groups;

86 (c) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl,  
87 halo, haloalkyl, amino or nitro groups;

88 (d) replacement of the aniline ring with any aromatic monocycle whether or not further  
89 substituted in or on the aromatic monocycle;

90 (e) replacement of the N-propionyl group by another acyl group; and

91 (f) any modifications not as listed above.

#### SYNOPSIS

The opioid epidemic spreading through Delaware has reached critical levels, with 210 fentanyl-related deaths in 2017. This legislation will update the schedule for Fentanyl analogues, consistent with language used by the Drug Enforcement Administration (DEA). The Forensic Chemistry Unit at the Division of Forensic Science has confirmed the presence of these analogues in Delaware, but some of which are not currently scheduled under Title 16. This is directly related to continuous structural modifications of Fentanyl by illicit manufacturers. This legislation will close that gap and provide clarity to Title 16, consistent with federal law, by addressing ever-changing structural modifications being made in the illicit manufacture of Fentanyl. This legislative is aimed to curb the manufacture and distribution of illicit Fentanyl analogues and has no impact on the legal manufacture of Fentanyl for medical use.

Author: Senator Poore