

BOARD:
Allen Amsler
Chairman
Mark S. Lutz
Vice Chairman
Ann B. Kirol, DDS
Secretary



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

BOARD:
R. Kenyon Wells
Charles M. Joye II, P.E.
L. Clarence Batts, Jr.
John O. Hutto, Sr., MD

**Minutes of
South Carolina Board of Health and Environmental Control
Meeting on May 9, 2013**

The South Carolina Board of Health and Environmental Control met on Thursday, May 9, 2013, 9:00 a.m. via conference call in the Board Room of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. (Attachment 0-1)

The following members were in attendance via phone unless otherwise indicated:

Allen Amsler, Chairman
Member-at-Large

Mark S. Lutz, Vice-Chairman
1st District

Ann B. Kirol, DDS, Secretary (in person)
5th District

R. Kenyon Wells
2nd District

Charles M. Joye, II, P.E.
3rd District

L. Clarence Batts
4th District

John O. Hutto, Sr., MD
6th District

Also in attendance were Catherine Templeton, Director; W. Marshall Taylor, Jr., General Counsel; Lisa Lucas Longshore, Clerk; Department staff and members of the public. (Attachment 0-2)

Mr. Amsler stated notice of this meeting had been provided to all persons, organizations and news media, which requested notification, as required by Section 30-4-80(e) of the South Carolina Code of Laws.

Item 1: Board Minutes of the April 11 and April 17 meetings (Attachment 1-1)

Mr. Batts moved, seconded by Dr. Kirol, to approve the minutes as submitted for the April 11 and April 17 meetings. The Board voted and Motion carried.

Item 2: Administrative and Consent Orders issued by Environmental Quality Control (Attachment 2-1)

Ms. Robin Stephens, Assistant to the Deputy Director, EQC, stated thirty-five (35) Consent Orders and one (1) Administrative Order had been issued with penalties totaling \$157,160.

After discussion, *the Board accepted this item as information.*

Item 3: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation (Attachment 4-1)

Ms. Melinda Bradshaw, Health Regulation Liaison, stated one (1) Consent Order, one (1) Administrative Order and three (3) Emergency Suspensions had been issued with assessed penalties of \$14,500.

After discussion, *the Board accepted this item as information.*

Item 4: Placement of Three Synthetic Cannabinoids into Schedule I for Controlled Substances (Attachment 4-1)

Ms. Regina Erving, Director, Bureau of Drug Control, presented this item to the Board. Controlled substances in South Carolina are governed by Title 44, Chapter 53, of the S.C. Code of Laws. Section 44-53-160 is titled "Manner in which changes in schedule of controlled substances shall be made." Pursuant to § 44-53-160, controlled substances are generally designated by the General Assembly, upon recommendation by DHEC, and are listed in § 44-53-190 and the following sections of the Code of Laws. Section 44-53-160(4) provides a process under which DHEC can expeditiously designate a substance as a controlled substance if the federal government has so designated. Section 44-53-160(4) states:

If any substance is added, deleted, or rescheduled as a controlled substance under federal law or regulation, the department shall by rule, at its first regular or special meeting after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, reschedule the substance into the appropriate schedule, such rule having force of law unless overturned by the General Assembly. This rule issued by the department shall be in substance identical with the order published in the federal register effecting the change in federal status of the substance. The department shall notify the General Assembly in writing of the change in federal law or regulation and of the corresponding change in South Carolina law.

The U.S. Drug Enforcement Administration (DEA) published on April 12, 2013, a notice of intent "to temporarily schedule three synthetic cannabinoids into the Controlled Substances Act (CSA) pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). The substances are 1- pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144), 1-(5-fluoro-pentyl)-1H-indol- 3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (5- fluoro-UR-144; XLR11) and N-(1- adamantyl)-1-pentyl-1H-indazole-3-carboxamide (APINACA, AKB48)." F.R. Volume 78, Number 71, pp. 21858-21861.

Mr. Batts moved, seconded by Dr. Hutto, to adopt the federal temporary scheduling of the following substances into Schedule I of the South Carolina Controlled Substances Act: 1- pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144), 1-(5-fluoro-pentyl)-1H-indol- 3-yl](2,2,3,3-

tetramethylcyclopropyl)methanone (5- fluoro-UR-144; XLR11) and N-(1- adamantyl)-1-pentyl-1H-indazole-3- carboxamide (APINACA, AKB48). The Board voted and Motion carried.

Item 5: Agency Affairs

Chairman Amsler appointed Dr. Kirol to the position of Secretary for the Board.

Director Templeton briefed the Board on the following issues:

- 2013-2014 Budget
- Status of Certificate of Need (CON) legislation
- SNAP Public Hearings
- Permitting Central
- Governor's Savannah River Committee update.

Item 7: Legal Report

Mr. Taylor updated the Board on the following:

- Regulatory and Statutory Review Status
- Certificate of Need Regulatory Changes
- Kiawah Development Partners case status.

Dr. Kirol moved, seconded by Mr. Batts, to go into Executive Session for the purpose of discussing matters covered by the attorney-client privilege. The Board voted and Motion carried.

Mr. Amsler announced the Board was back in public session. While in Executive Session, no actions were taken.

Mr. Amsler adjourned the meeting.

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

Respectfully submitted,

Ann B. Kirol, DDS, Secretary

Minutes approved this 4th day of June 2013.

ATTEST:

Allen Amsler, Chairman

Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 Minutes of April 11 and April 17 meetings
- 2-1 Administrative and Consent Orders issued by EQC
- 3-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
- 4-1 Placement of Three Synthetic Cannabinoids into Schedule I for Controlled Substances
- 4-2 Board Designation document