

## **LEGISLATIVE COUNCIL BRIEF**

Dangerous Drugs Ordinance  
(Chapter 134)

### **DANGEROUS DRUGS ORDINANCE (AMENDMENT OF FIRST SCHEDULE) ORDER 2019**

#### **INTRODUCTION**

At the meeting of the Executive Council on 12 February 2019, the Council ADVISED and the Chief Executive ORDERED that the Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2019 (the Order), at **Annex**, should be made under section 50(1) of the Dangerous Drugs Ordinance (the Ordinance) (Cap. 134), to impose control on acryloylfentanyl, furanylfentanyl, 5F-MDMB-PINACA<sup>1</sup>, ocfentanil and tetrahydrofuranylfentanyl (THF-F).

#### **JUSTIFICATIONS**

##### **Acryloylfentanyl**

2. According to the report of the 39<sup>th</sup> Expert Committee on Drug Dependence (ECDD) of the World Health Organization (WHO) published in November 2017, acryloylfentanyl (also known as acrylfentanyl) is a derivative of fentanyl<sup>2</sup>. Reported adverse effects include miosis, decreased consciousness and respiratory depression. Since 2016, there have been over 130 reported fatalities associated with acryloylfentanyl in the United States (US) and Europe.

3. Currently, acryloylfentanyl is not controlled in Hong Kong. Acryloylfentanyl does not have any recognised medical use and there is no registered pharmaceutical product containing this substance in Hong

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<sup>1</sup> 5F-MDMB-PINACA is the common name of Methyl 2-([1-(5-fluoropentyl)-1H-indazole-3-carbonyl]amino)-3,3-dimethylbutanoate.

<sup>2</sup> Fentanyl, which is an opioid analgesic, is a dangerous drug included in the First Schedule to the Ordinance. It is also included in Schedule 10 (Poisons List) to the Pharmacy and Poisons Regulations (Cap. 138A).

Kong. As regards trade declarations, there has been no record of import and export of this substance since January 2014.

### **Furanylfentanyl**

4. According to the report of the 39<sup>th</sup> ECDD of WHO, furanylfentanyl is a derivative of fentanyl. Furanylfentanyl has analgesic effects and produces respiratory depression. Additional pharmacological effects are miosis, sedation, bradycardia, hypothermia, constipation, physical dependence, and changes in mood such as euphoria. Between 2015 and 2016, there were 27 reported fatalities associated with furanylfentanyl in the US and Europe.

5. Currently, furanylfentanyl is not controlled in Hong Kong. Furanylfentanyl does not have any recognised medical use and there is no registered pharmaceutical product containing this substance in Hong Kong. As regards trade declarations, there has been no record of import and export of this substance since January 2014.

### **5F-MDMB-PINACA**

6. According to the report of the 39<sup>th</sup> ECDD of WHO, 5F-MDMB-PINACA (also known as 5F-ADB) is a synthetic cannabinoid receptor agonist used as an active ingredient of products sold as cannabis substitutes. 5F-MDMB-PINACA produces cannabimimetic effects including relaxation, euphoria, lethargy, depersonalisation, distorted perception of time, impaired motor performance, hallucinations, paranoia, confusion, fear, anxiety, dry mouth, conjunctival injection (red eyes), tachycardia, nausea and vomiting. Poisoning of 5F-MDMB-PINACA may include rapid loss of consciousness/coma, cardiovascular effects, seizures and convulsions, vomiting/hyperemesis, delirium, agitation, psychosis, and aggressive and violent behaviour. Between 2012 and 2014, ten people died from taking 5F-MDMB-PINACA in Japan.

7. Currently, 5F-MDMB-PINACA is not controlled in Hong Kong. 5F-MDMB-PINACA does not have any recognised medical use and there is no registered pharmaceutical product containing this substance in Hong Kong. As regards trade declarations, there has been no record of import and export of this substance since January 2014.

## **Ocfentanil**

8. According to the report of the 39<sup>th</sup> ECDD of WHO, ocfentanil is a derivative of fentanyl. Ocfentanil shares pharmacodynamic effects with fentanyl, including analgesia, sedation, respiratory depression, chest pain, psychosis and agitation. At least three deaths in Belgium and Switzerland related to ocfentanil were reported between 2016 and 2017.

9. Currently, ocfentanil is not controlled in Hong Kong. Ocfentanil does not have any recognised medical use and there is no registered pharmaceutical product containing this substance in Hong Kong. As regards trade declarations, there has been no record of import and export of this substance since January 2014.

## **THF-F**

10. According to the report of the 39<sup>th</sup> ECDD of WHO, THF-F is a derivative of fentanyl. The most serious acute health risk of using THF-F is respiratory depression, which can lead to apnea, respiratory arrest and death. Between 2016 and 2017, there were 14 reported fatalities associated with THF-F in Sweden.

11. Currently, THF-F is not controlled in Hong Kong. THF-F does not have any recognised medical use and there is no registered pharmaceutical product containing this substance in Hong Kong. As regards trade declarations, there has been no record of import and export of this substance since January 2014.

12. During the 61<sup>st</sup> Session of the United Nations Commission on Narcotic Drugs held in March 2018, Member States adopted ECDD's recommendation to place acryloylfentanyl, furanylfentanyl, 5F-MDMB-PINACA, ocfentanil and THF-F under international control.

## **THE PROPOSAL**

13. We propose to amend Part I of the First Schedule to the Ordinance to impose control on acryloylfentanyl, furanylfentanyl, 5F-MDMB-PINACA, ocfentanil and THF-F.

14. Under the Ordinance, substances included in Part I of the First Schedule are dangerous drugs and are subject to the control of a

licensing scheme administered by the Department of Health (DH). The manufacture, import, export and supply of these substances will require respective licences issued by DH. Trafficking and manufacturing of the substances in contravention of the Ordinance will be subject to a maximum penalty of life imprisonment and a fine of \$5 million. Possession and consumption of the substances in contravention of the Ordinance will be subject to a maximum penalty of seven years' imprisonment and a fine of \$1 million.

## **THE ORDER**

15. The Order, at **Annex**, seeks to add acryloylfentanyl, furanylfentanyl, 5F-MDMB-PINACA, ocfentanil and THF-F to Part I of the First Schedule to the Ordinance.

## **LEGISLATIVE TIMETABLE**

16. The legislative timetable will be –

Gazettal of the Order	22 February 2019
Tabling at the Legislative Council (LegCo) for negative vetting	27 February 2019
Commencement date of the Order	26 April 2019

## **IMPLICATIONS OF THE PROPOSAL**

17. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Ordinance. It has no economic, productivity, environmental or gender implications. The proposal is also in line with the sustainability principle of pursuing policies which protect the health of the people of Hong Kong. Apart from inflicting health damage to the abuser, drug abuse is also often found to have a profound impact on an abuser's family, e.g. causing mixed emotions such as anger and frustration among family members. The proposal represents our ongoing efforts to closely monitor emerging new synthetic drugs and ensure that they are brought under control in a timely manner. This would help prevent possible family problems and tension that may be aroused by drug-abusing family members. The additional workload and financial implications arising from the implementation of the proposal are expected

to be minimal and any additional requirements will be absorbed by the relevant bureaux and departments with existing resources.

## **PUBLIC CONSULTATION**

18. We have consulted relevant trades, including holders of licenses issued under the Ordinance and the Pharmacy and Poisons Ordinance (Cap. 138). There was no adverse comment.

19. We also consulted the Action Committee Against Narcotics and the LegCo Panel on Security on 18 September and 4 December 2018 respectively. They supported the proposed control.

## **PUBLICITY**

20. The Order will be published in the Gazette on 22 February 2019. A press release will be issued on 20 February 2019, and a spokesperson will be available for answering media enquiries.

## **BACKGROUND**

21. The growing predominance of psychotropic substance abuse and the continuous emergence of new synthetic drugs pose challenges to legislative control and law enforcement globally. We need to remain vigilant in closely monitoring overseas and local drug trends and take timely action to bring new drugs under legislative control.

## **ENQUIRIES**

22. Any enquiries concerning this brief can be directed to the following officer –

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Principal Assistant Secretary for Security (Narcotics)<sup>1</sup>  
Tel. No.: 2867 5676

**Narcotics Division**  
**Security Bureau**  
**February 2019**

## Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2019

(Made by the Chief Executive under section 50(1) of the Dangerous Drugs Ordinance (Cap. 134) after consultation with the Executive Council)

### 1. Commencement

This Order comes into operation on 26 April 2019.

### 2. Dangerous Drugs Ordinance amended

The Dangerous Drugs Ordinance (Cap. 134) is amended as set out in section 3.

### 3. First Schedule amended

- (1) First Schedule, Part I, paragraph 1(a), after item “Acetyldihydrocodeine”—

**Add**

“Acryloylfentanyl”.

- (2) First Schedule, Part I, paragraph 1(a), after item “Flurazepam”—

**Add**

“Furanylfentanyl”.

- (3) First Schedule, Part I, paragraph 1(a), after item “Methyl N-{{[1-(cyclohexylmethyl)-1H-indol-3-yl]carbonyl}}-3-methylvalinate”—

**Add**

“Methyl 2-{{[1-(5-fluoropentyl)-1H-indazole-3-carbonyl] amino}}-3,3-dimethylbutanoate”.

- (4) First Schedule, Part I, paragraph 1(a), after item “Norpipanone”—

**Add**

“Ocfentanil”.

- (5) First Schedule, Part I, paragraph 1(a), after item “Temazepam”—

**Add**

“Tetrahydrofuranylfentanyl”.

*Carrielam*

Chief Executive

*20 February* 2019

### **Explanatory Note**

This Order amends Part I of the First Schedule to the Dangerous Drugs Ordinance (Cap. 134) in order to impose control on the following substances—

- (a) Acryloylfentanyl;
- (b) Furanylfentanyl;
- (c) Methyl 2- {[1-(5-fluoropentyl)-1H-indazole-3-carbonyl]amino}-3,3-dimethylbutanoate (commonly known as 5F-MDMB-PINACA);
- (d) Ocfentanil;
- (e) Tetrahydrofuranylfentanyl (commonly known as THF-F).