

Bobby Jindal
GOVERNOR



Kathy H. Kliebert
SECRETARY

State of Louisiana
Department of Health and Hospitals
Office of Public Health

January 27, 2015

TO: The Honorable Bobby Jindal, Governor
The Honorable James D. "Buddy" Caldwell, Attorney General
The Honorable John A. Alario, Jr., President, Louisiana Senate
The Honorable Charles E. "Chuck" Kleckley, Speaker of the House of Representatives
Catherine Brindley, Editor, Louisiana Register

FR: Kathy H. Kliebert, Secretary

RE: **RULEMAKING – EMERGENCY RULE ADDING CONTROLLED
DANGEROUS SUBSTANCES**

In accordance with the provisions of the Administrative Procedure Act, (R.S. 49:950, *et seq.*), the Department of Health and Hospitals issued the attached emergency rule (hereinafter "ER"), amending Chapter 27 (Controlled Dangerous Substances) Part LIII (Pharmacists) of Title 46 (Professional and Occupational Standards) of the Louisiana Administrative Code. This action was taken pursuant to the emergency rulemaking authority granted by R.S. 40:4(A)(13), together with other authority(s) cited in the ER.

For the reasons stated therein, State Health Officer Jimmy Guidry, M.D. and I have determined that this ER is necessary to avoid an imminent peril to the public health, safety, and welfare. The substances listed in the ER have a high potential for abuse, lack accepted safety for use under medical supervision, and show no currently accepted medical use for treatment in Louisiana or the United States. Therefore, the agency has adopted the ER effective January 27, 2015, and it shall remain in effect for the maximum period allowed under the Louisiana Administrative Procedures Act. DHH intends to continue to renew the ER until such time as a final rule is promulgated through regular rulemaking.

Should you have any questions, please contact Jimmy Guidry, State Health Officer, Louisiana Department of Health and Hospitals, at (225) 342-3417.

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Emergency Rule – Controlled Dangerous Substances

KHK:JG:JTL:TS:amr-g

Attachment

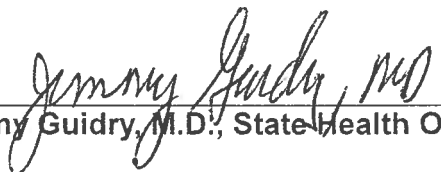
cc: Jimmy Guidry, State Health Officer
J.T. Lane, Assistant Secretary, OPH
Tenney Sibley, Chief Sanitarian, OPH
Avis Richard-Griffin, DHH/OPH Rulemaking Liaison Officer

FOR SECRETARY'S (OR DESIGNEE'S) USE ONLY

APPROVED:

Signed on the 27th day of January 2015 by:


Kathy H. Kliebert, Secretary


Jimmy Guidry, M.D., State Health Officer

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Public Health

Added Controlled Dangerous Substances (LAC 46:LIII.2704)

The Department of Health and Hospitals, Office of Public Health (DHH/OPH), pursuant to the rulemaking authority granted to the Secretary of DHH by R.S. 40:962(C) and (H), hereby adopts the following Emergency Rule for the protection of public health. This rule is being promulgated in accordance with the Administrative Procedure Act (R.S. 49:950, *et seq.*).

Based on the criteria, factors, and guidance set forth in R.S. 40:962(C) and 40:963, the Secretary, under this rulemaking, has determined that the below listed substances have a high potential for abuse and should be scheduled as controlled dangerous substances to avoid an imminent peril to the public health, safety, or welfare. In reaching the decision to designate the below listed substances as controlled dangerous substances under Schedule I, the Secretary has considered the criteria provided under R.S. 40:963 and the specific factors listed under R.S. 40:962(C). The Secretary has determined that Schedule I is the most appropriate due to her findings that the substances added herein have a high potential for abuse, the substances have no currently accepted medical use for treatment in the United States, and there is a lack of accepted safety for use of the substances under medical supervision.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LIII. Pharmacists

Chapter 27. Controlled Dangerous Substances

Subchapter A. General Provisions



§2704. Added Controlled Dangerous Substances

- A. The following drugs or substances are added to Schedule I of the Louisiana Uniform Controlled Dangerous Substances Law, R.S. 40:961 *et seq.*:
1. N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide
 2. N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
 3. methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:962, R.S. 40:963, and R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 41:

Approved and Effective on the 27th day of January, 2015 by:

 JIMMY GUIDRY, M.D., STATE HEALTH OFFICER AND DHH MEDICAL DIRECTOR	 KATHY H. KLIEBERT, SECRETARY DEPARTMENT OF HEALTH AND HOSPITALS
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