

NOTICE OF INTENT

Pursuant to the provisions of La. R.S. 40:996.1 *et seq.*, the Secretary of the Louisiana Department of Health and Hospitals (“DHH”) hereby gives notice of intention to adopt a rule declaring:

- N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide;
- N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide;
and
- methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate

(hereinafter sometimes referred to as “the substances”) as dangerous substances and issuing a dangerous substance stop order prohibiting the sale, distribution, manufacture, or dispensing of such substances. In accordance with La. R.S. 40:996.5(C), the following information is hereby provided:

(1) *An explanation of the basis and rationale for the intended action, a summary of the information, and data supporting the intended action:*

The Secretary intends to adopt said rule because of her determination that the substances pose a threat to the health of the citizens of the state of Louisiana. The first above-bulleted substance, commonly known as “PX 1”, is linked to a recent death in Livingston Parish. The second above-bulleted substance, commonly known as “PX 2”, is very similar in structure to PX1 and has been identified numerous times by the State Police Crime Lab in early January, 2015. The third above-bulleted substance, commonly known as “MDMB-CHMICA”, is an indole-based synthetic cannabinoid that is structurally similar to AB-CHMINACA, which is already banned in Louisiana. All three of these substances have a high affinity for the cannabinoid receptor CB1 found in the brain. The psychotropic effects of synthetic cannabinoids as well as cannabis occur as a result of binding at the CB1 receptor. Both PX 1 and PX 2 have 5-fluoro substitutions which are common in many of the newer generation synthetic cannabinoids. The expectation with this substitution is greater potency. The substances are relatively new, have no accepted medical use in the United States, and have only recently been encountered by law enforcement officials.

(2) *The time, the location, and the manner in which interested persons may present their views thereon:*

Interested persons have until 4:30 p.m. on February 16, 2015, to submit a request for oral argument or presentation concerning the proposed rule, and until 4:30 p.m. on February 23, 2015, to submit data, views, comments, or arguments in writing concerning the proposed rule. Such requests or comments should be addressed to Brian R. Warren, Food and Drug Unit, Sanitarian Services Section, Office of Public Health, Mail Bin # 10, P.O. Box 4489, Baton Rouge, LA 70821-4489, or faxed to (225) 342-7672. If requests or comments are to be shipped or hand-delivered, please address the information as shown above and deliver to the Bienville Building, 628 N. 4th Street - Room 166, Baton Rouge, LA 70802. If a timely request for an opportunity for oral presentation or argument is made as provided herein, then a public hearing will be held on February 24, 2015. Please call (225) 342-2657 to find out if a public hearing is being held.

(3) *A statement that the intended action complies with the provisions of R.S. 40:996.1 through 996.7.*

The intended action and rule complies with the provisions of R.S. 40:996.1 through 996.7.

(4) *The text of the proposed rule:*

Rule

Pursuant to the authority granted by La. R.S. 40:996.1 et seq., the Secretary of the Louisiana Department of Health and Hospitals has determined that the following substances constitute an imminent hazard to the public health, safety, and welfare, and, accordingly, are each hereby declared to be a “dangerous substance”:

- **N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide;**
- **N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide; and**
- **methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate**

A “dangerous substance stop order”, as defined in La. R.S. 40:996.2, prohibiting the sale, distribution, manufacture, or dispensing of the above-listed dangerous substances, is hereby issued and declared.

The Secretary’s finding that the above-listed substances are each a “dangerous substance”, and the issuance herein of a “dangerous substance stop order” concerning said substances, is based upon the following findings and determinations, made after the Secretary’s consideration of the factors set forth in La. R.S: 40:996.3(A):

- 1. *The substances have a high potential for abuse.* Because the substances have no legitimate medicinal use and are highly potent drugs to which severe physical ailments have been attributed, any use thereof constitutes abuse.**
- 2. *The substances have no current medical use in treatment in the United States.* After consulting with the State Health Officer, the Secretary has determined that the substances have no accepted medical use in the United States or any other country.**
- 3. *There is a lack of accepted safety for use of the substances under medical supervision.* The substances have no accepted medical use. Moreover, neither the Secretary nor the State Health Officer is aware of any scientific studies concerning the potency of the substances. Use of the substances even under medical supervision would therefore be unsafe and unacceptable.**
- 4. *There is an imminent hazard to the health, safety, and welfare of the citizens of Louisiana requiring the substances to be declared dangerous substances and the issuance of a dangerous substances stop order as authorized by the provisions of this Section.***

The above-listed rule shall, unless a legislative oversight hearing is conducted and the rule is found unacceptable by the legislative oversight committee and the governor does not disapprove of the action taken by the legislative oversight committee, become effective on March 12, 2015, and remain in effect through the sixtieth day after final adjournment of the 2015 regular session of the Louisiana Legislature.