

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Public Health

Added Controlled Dangerous Substances (LAC 48:I.3943)

The Department of Health and Hospitals, Office of Public Health (DHH/OPH), pursuant to the emergency rulemaking authority granted by R.S. 40:962, hereby adopts the following Emergency Rule for the protection of public health. The Secretary has determined that this Emergency Rule is necessary to avoid an imminent peril to the public health, safety, or welfare. This Emergency Rule is promulgated specifically in accordance with R.S. 49:953 of the Administrative Procedure Act (R.S. 49:950, et seq.).

The DHH/OPH finds it necessary to make changes to the Louisiana Administrative Code based on the criteria and guidance set forth in Louisiana Revised Statute 40:962 and 40:963. In reaching the decision to add the substances listed herein to Schedule I, the Secretary has considered the factors as directed by Louisiana Revised Statute 40:962(C). The Secretary has determined that Schedule I is the most appropriate due to his findings that the substances added herein have a high potential for abuse, the substances have no currently accepted medical use in treatment in the United States, and there is a lack of accepted safety for use of the substances under medical supervision. Accordingly, the following Emergency Rule, effective January 6, 2011, shall remain in effect for a maximum of 120 days, or until the final Rule is promulgated, whichever occurs first.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 1. General

Chapter 39. Controlled Dangerous Substances

§3943. Added Controlled Dangerous Substances

A. - C.1. ...

D. 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. 3,4-Methylenedioxymethcathinone (Methylone)
2. 3,4-Methylenedioxypropylvalerone (MDPV)
3. 4-Methylmethcathinone (Mephedrone)
4. 4-Methoxymethcathinone
5. 3-Fluoromethcathinone
6. 4-Fluoromethcathinone

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:961-1036.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Health Standards Section, LR 18:962 (September 1992), repromulgated LR 18:1132 (October 1992), amended by Department of Health and Hospitals, Office of Public Health, LR 37:

Bruce D. Greenstein
Secretary