



State of Louisiana
Department of Health and Hospitals

February 26, 2015

TO: The Honorable Bobby Jindal, Governor, State of Louisiana
The Honorable John A. Alario, President, Louisiana Senate
The Honorable Chuck Kleckley, Speaker of the House
The Honorable James D. "Buddy" Caldwell, Attorney General, State of Louisiana
The Honorable David Heitmeier, Chairman, Senate Committee on Health and Welfare
The Honorable Scott Simon, Chairman, House Committee on Health and Welfare
The Honorable Jack Donahue, Chairman, Senate Finance Committee
The Honorable James R. "Jim" Fannin, Chairman, House Appropriations Committee
Catherine Brindley, Editor, Louisiana Register

FR: Kathy H. Kliebert, Secretary

RE: RULEMAKING – EMERGENCY RULE ADDING CONTROLLED DANGEROUS SUBSTANCES - methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate

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 February 26, 2015, and it shall remain in effect for the maximum period allowed under the Louisiana Administrative Procedures Act. DHH

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Emergency Rule – Controlled Dangerous Substances

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.

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

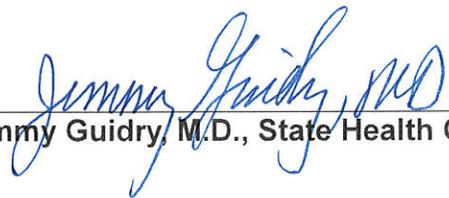
FOR SECRETARY'S (OR DESIGNEE'S) USE ONLY

APPROVED:

Signed on the 26th day of February, 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

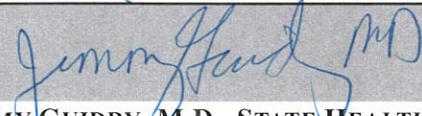
A. – A.3 ...

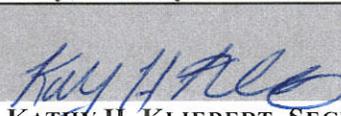
4. methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate

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 40:

Approved and Effective on the 26th day of February, 2015 by:


JIMMY GUIDRY, M.D., STATE HEALTH
OFFICER AND DHH MEDICAL DIRECTOR


KATHY H. KLIEBERT, SECRETARY
DEPARTMENT OF HEALTH AND HOSPITALS
