



State of Louisiana
Louisiana Department of Health
Office of Public Health

July 28, 2016

TO: The Honorable John Bel Edwards, Governor
The Honorable Jeff Landry, Attorney General
The Honorable John A. Alario, Jr., President, Louisiana Senate
The Honorable Taylor F. Barras, Speaker of the House of Representatives

FR: Rebekah Gee, MD, MPH, Secretary

RE: RULEMAKING – EMERGENCY RULE

The Department of Health, Office of Public Health (LDH/OPH), pursuant to the rulemaking authority granted to the Secretary of LDH 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.

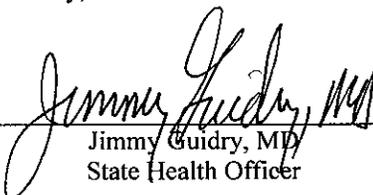
Should you have any questions, please contact Jimmy Guidry, State Health Officer, Louisiana Department of Health and Hospitals, at (225) 342-3417.

RG:JG:MBS:TS:amr-g

Attachment

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

Approved:


Jimmy Guidry, MD
State Health Officer


Rebekah Gee, MD, MPH
Secretary
M. Beth Scalco
for

DECLARATION OF EMERGENCY

**Department of Health
Office of Public Health**

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

The Department of Health, Office of Public Health (LDH/OPH), pursuant to the rulemaking authority granted to the Secretary of LDH 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.*).

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**Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LIII. Pharmacists**

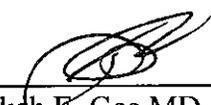
**Chapter 27. Controlled Dangerous Substances
Subchapter A. General Provisions
§2704. Added Controlled Dangerous Substances**

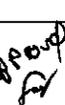
A. The following drugs or substances are added to Schedule I of the Louisiana Uniform Controlled Dangerous Substances Law, R.S. 40:961 *et seq.*:

- 1. Furanylfentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide)

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, Office of Public Health, LR 42: __

Effective on the 29 day of July, 2016 by:



Rebekah E. Gee MD, MPH
Secretary, Department of Health 

PROVIDER IMPACT STATEMENT

Prepared By/Title: Tenney Sibley/ Chief Sanitarian	Program/Unit: Sanitarian Services/Food and Drug Control
Telephone: (225) 342-7547	Address: 628 N. 4 th Street, Baton Rouge, LA 70802
<p>Rule Title: Added Controlled Dangerous Substances (LAC 46:LIII.2704) - Furanylfentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide) in the August 20, 2016, issue of the <u>Louisiana Register</u>.</p>	

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Per HCR 170, "provider" means an organization that provides services for individuals with developmental disabilities. In particular, there should be no known or foreseeable effect on the:

1. Effect on the staffing level requirements or qualifications required to provide the same level of service;
2. Total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. Overall effect on the ability of the provider to provide the same level of service.