

Section IV Emergency Rules

DEPARTMENT OF LEGAL AFFAIRS

RULE NO.: 2ER11-1
RULE TITLE: Addition of 3,4 – Methylenedioxymethcathinone (Methylone), 3,4 – Methylenedioxypropylvalerone (MDPV), 4 – Methylmethcathinone (Mephedrone), 3 – Methoxymethcathinone, 3 – Fluoromethcathinone, and 4 – Fluoromethcathinone, to Schedule I, Subsection 893.03(1)(c), F.S.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: In written findings published on the date this emergency rule was filed with the Secretary of State's Office, Attorney General Bondi has found that there is a need to immediately place the above-mentioned compounds commonly known as "bath salts" under Schedule I, subsection 893.03(1)(c), F.S., in order to curtail the abuse of "bath salts" by Florida's children and young adults. These circumstances present an immediate and imminent hazard to the public health, safety, and welfare which requires emergency action. In addition the Attorney General has found that the above-mentioned compounds meet the statutory criteria for placement as a controlled substance in Schedule I, subsection 893.03(1)(c), F.S.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The above-mentioned compounds commonly known as "bath salts" present an immediate and imminent hazard to the public health, safety, and welfare which requires emergency action. The Attorney General will ask the Florida Legislature to memorialize this action through legislation in its 2011 legislative session. The Attorney General will immediately begin rulemaking procedures if the Legislature fails to act. A copy of the Attorney General's findings in support of this emergency rule may be obtained by contacting the Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; (850)245-0145.

SUMMARY: Under the authority of Section 893.05, Florida Statutes, the substances 3,4 – Methylenedioxymethcathinone (Methylone), 3,4 – Methylenedioxypropylvalerone (MDPV), 4 – Methylmethcathinone (Mephedrone), 3 – Methoxymethcathinone, 3 – Fluoromethcathinone, and 4 – Fluoromethcathinone, are being added to Schedule I, Subsection 893.03(1)(c), F.S.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Kent Perez, Associate Deputy Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE EMERGENCY RULE IS:

2ER11-1 Addition of 3,4 – Methylenedioxymethcathinone (Methylone), 3,4 – Methylenedioxypropylvalerone (MDPV), 4 – Methylmethcathinone (Mephedrone), 3 – Methoxymethcathinone, 3 – Fluoromethcathinone, and 4 – Fluoromethcathinone, to Schedule I, Subsection 893.03(1)(c), F.S.

(1) Under the authority of Section 893.035, F.S., the following substances are hereby controlled substances, added to Schedule I, subsection 893.03(1)(c), F.S.:

- (a) 3,4 – Methylenedioxymethcathinone (Methylone);
- (b) 3,4 – Methylenedioxypropylvalerone (MDPV);
- (c) 4 – Methylmethcathinone (Mephedrone);
- (d) 3 – Methoxymethcathinone;
- (e) 3 – Fluoromethcathinone; and
- (f) 4 – Fluoromethcathinone.

(2) All provisions of Chapter 893, F.S., applicable to controlled substances listed in Schedule I shall be applicable to the substances listed in paragraphs (1)(a) through (f), above.

Rulemaking Authority 893.035 FS. Law Implemented 893.035 FS. History—New 1-26-11.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: January 26, 2011

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."