

STATE OF ALABAMA) Emergency Order
)
MONTGOMERY COUNTY) Controlled Substances List

ORDER OF THE STATE HEALTH OFFICER
CONTROLLING METHYLENEDIOXYPYROVALERONE (MDPV) AND
MEPHEDRONE

WHEREAS, *Code of Ala. 1975 § 22-2-8* provides *in para materia*:

When the State Committee of Public Health is not in session, the State Health Officer, as executive officer of the Department of Public Health, shall act for said committee and shall have and discharge all the prerogatives and duties of said committee. He shall report his actions to the committee at its next meeting after such action is taken, and such action of the State Health Officer shall then be subject to confirmation or modification by the committee; and

WHEREAS, *Code of Ala. 1975 § 20-2-20* provides *in para materia*:

(a) The State Board of Health, unless otherwise specified, shall administer this chapter and may add substances to or delete or reschedule all substances enumerated in the schedules in Sections 20-2-23, 20-2-25, 20-2-27, 20-2-29, or 20-2-31 pursuant to the procedures of the State Board of Health. In making a determination regarding a substance, the State Board of Health shall consider all of the following:

- (1) The actual or relative potential for abuse.
- (2) The scientific evidence of its pharmacological effect, if known.
- (3) The state of current scientific knowledge regarding the substance.
- (4) The history and current pattern of abuse.
- (5) The scope, duration, and significance of abuse.
- (6) The risk to the public health.
- (7) The potential of the substance, to produce psychic or physiological dependence liability.
- (8) Whether the substance is an immediate precursor of a substance already controlled under this chapter.

(b) After considering the factors enumerated in subsection (a), the State Board of Health shall make findings with respect thereto and issue a rule controlling the substance if it finds the substance has a potential for abuse.

WHEREAS, the State Health Officer has been informed by members of the Legislature, law enforcement community, and members of the public in general of the dangers to the public's health presented by the following listed substances, *to wit*:

methylenedioxypropylvalerone (MDPV) and mephedrone, and

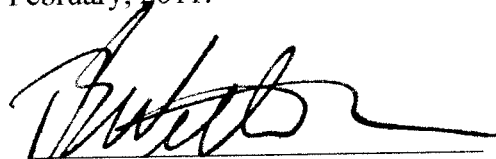
WHEREAS, upon information provided by the United States Department of Justice, Drug Enforcement Agency, Office of Diversion Control (DEA) that methylenedioxypropylamphetamine, (MDPV) is considered by DEA to be a chemical analogue of the controlled substance cathinone being DEA control number 1235 and the substance mephedrone is considered by DEA to be a chemical analogue of the controlled substance methcathinone being DEA control number 1237, both substances being listed in the DEA and Alabama Controlled Substances Lists in Schedule I, Stimulants; and

WHEREAS, the State Health Officer has determined that as such the named substances possess the same properties enumerated in *Code of Ala.* 1975 § 20-2-20(a) (1)-(8) as do cathinone and methcathinone respectively, and the State Health Officer having carefully considered the same;

NOW THEREFORE, THESE PREMISES CONSIDERED, it is hereby ordered by the State Health Officer in the name of and acting by the authority of the State Committee of Public Health in accordance with *Code of Ala.* 1975 § 22-2-8 as follows:

1. That methylenedioxypropylamphetamine (MDPV) and mephedrone should be and the same hereby are added to the Alabama Controlled Substances List in Schedule I, (f) Stimulants;
2. That this scheduling be effective immediately upon an emergency basis in accordance with procedures promulgated by the Legislative Reference Service (LRS) following the Alabama Administrative Procedures Act and that a copy of this ORDER together with the appropriate LRS forms be forthwith filed with the LRS;
3. That notice of this scheduling shall be immediately made to the Attorney General, district attorneys, and the Alabama law enforcement community; and
4. That this emergency scheduling be placed on the agenda of the March, 2011 meeting of the State Committee of Public Health for ratification and for proposing to be published in view of making the scheduling a permanent rule.

DONE AND ORDERED on this the 22nd day of February, 2011.


Donald E. Williamson, M.D.
State Health Officer

Attest: _____