

PUBLIC NOTICES
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LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
OFFICE OF THE DIRECTOR

Controlled Dangerous Substances

Order of the Acting Director

Take notice that on April 27, 2011, the Acting Director of the Division of Consumer Affairs, pursuant to his authority under N.J.S.A. 24:21-31.b.(3) of the New Jersey Controlled Dangerous Substances Act, issued an order, placing the following substances in Schedule I under the New Jersey Controlled Dangerous Substances Act: 4-methylmethcathinone (Mephedrone, 4-MMC); 3,4-methylenedioxy-pyrovalerone (MDPV); 3,4-Methylenedioxymethcathinone (Methylone, MDMC); 4-Methoxymethcathinone (Methedrone, bk-PMMA, PMMC); 3-Fluoromethcathinone (3-FMC); and 4-Fluoromethcathinone (Flephedrone, 4-FMC).

Full text of the order follows:

"ORDER OF THE ACTING DIRECTOR

WHEREAS, certain synthetic stimulants are being marketed and sold as "bath salts" in New Jersey and throughout the United States in retail establishments such as convenience stores, gas stations, and novelty shops, and over the Internet, with product names such as "Energizing Aromatherapy," "Down2Earth White Horse," "Ivory Wave," "Purple Wave," "Red Dove," "Blue Silk," and "Vanilla Sky," and as insect repellent or plant food, with product names such as "Kamikaze" and "Bonsai Grow," and despite carrying a "not for human consumption" label in order to disguise the true purpose of the substances, such products are produced for the sole purpose of simulating the effects of amphetamine, cocaine, or other illicit drugs when ingested, injected, inhaled, and smoked; and

WHEREAS, so-called "bath salts" drugs are reported to be highly addictive, and use of these products has been reported to produce significant, negative effects on the central nervous system and cardiovascular system, including increased blood pressure and heart rate, as well as negative psychological side effects, such as agitation, hallucinations, extreme paranoia, delusions, and suicidal thoughts; and

WHEREAS, the number of calls to poison centers throughout the United States regarding so-called "bath salts" drugs has increased dramatically, with approximately 1,782 calls received to date in 2011, compared to approximately 302 calls in all of 2010; and

WHEREAS, the New Jersey Poison Information and Education System has experienced a significant increase in the number of reports from hospital emergency room and law enforcement personnel about the use of so-called "bath salts" drugs in the first four months of 2011, with approximately 23 reported incidents as of on or about April 20, 2011, and with more than 50 percent of those incidents occurring in the first three weeks of April, compared to zero reported incidents of so-called "bath salts" drug use in 2010; and

WHEREAS, the United States Drug Enforcement Administration's Office of Diversion Control has added two substances commonly found in so-called "bath salts" drugs, 4-methylmethcathinone (Mephedrone, 4-MMC) and 3,4-methylenedioxy-pyrovalerone (MDPV), which have no approved medical use in the United States, to its list of Drugs and Chemicals of Concern, and federal legislation, S.409, introduced on or about February 17, 2011, which is now pending before the United States [page=1382] Senate, would ban certain so-called "bath salts" drugs by making Mephedrone and MDPV Schedule I controlled dangerous substances under the federal Controlled Substances Act (21 U.S.C. § 812(c)); and

WHEREAS, following growing concern about reported instances of harm resulting from ingesting, injecting, inhaling, or smoking "bath salts," one or more of the chemicals commonly found in these products has been banned in all 27 member states of the European Union, as well as in Australia, Canada, Croatia, Israel, and Norway; and

WHEREAS, Arkansas, Idaho, Kentucky, Michigan, Mississippi, New Mexico, North Carolina, Utah, Virginia, West Virginia and Wyoming have enacted legislation, and legislation is pending in Alabama, Arizona, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nevada, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin, to criminalize the possession of "bath salts" or to make the chemicals in "bath salts" Schedule I controlled dangerous substances, thereby subjecting these substances to the strictest level of state control; and

WHEREAS, on or about April 11, 2011, legislators, citing the highly addictive nature of so-called "bath salts" drugs and the physical and psychological symptoms reportedly associated with their use, introduced a bill in the New Jersey Senate, S2829, to criminalize the possession and sale of certain so-called "bath salts" drugs containing Mephedrone and MDPV; and

WHEREAS, Florida and Louisiana have taken emergency action to immediately ban the possession, sale, and distribution of so-called "bath salts" drugs by making the six chemicals commonly used in these products - Mephedrone; MDPV; 3,4-Methylenedioxymethcathinone (Methylone, MDMC); 4-Methoxymethcathinone (Methedrone, bk-PMMA, PPMC); 3-Fluoromethcathinone (3-FMC); and 4-Fluoromethcathinone (Flephedrone, 4-FMC) - Schedule I controlled dangerous substances, and Alabama, North Dakota, and Washington State have taken similar emergency administrative action to make Mephedrone and MDPV Schedule I controlled dangerous substances, thereby subjecting these substances to the strictest level of state control; and

WHEREAS, the instances of so-called "bath salts" drug use reported to the New Jersey Poison Information and Education System as of on or about April 20, 2011, reinforce the alarming nature of the symptoms that have been reported in other states and jurisdictions, with approximately 95 percent of the reported instances in New Jersey being significant enough to warrant emergency medical intervention and treatment in a healthcare facility, with some users experiencing extreme agitation and aggression, as well as severe hallucinations and other symptoms requiring them to be restrained, sedated, intubated, and/or placed on respirators before they could receive appropriate medical treatment; and

WHEREAS, the New Jersey Controlled Dangerous Substances Act, *N.J.S.A. 24:21 et seq.*, confers upon the Director of the Division of Consumer Affairs the authority to add a substance to the list of controlled dangerous substances in the State by regulation if he finds that a substance has a potential for abuse (*N.J.S.A. 24:21-3.a.*), and in particular, to place a substance in Schedule I if he finds that the substance has high potential for abuse and has no accepted medical use in treatment in the United States (*N.J.S.A. 24:21-5.a.*); and

WHEREAS, the New Jersey Controlled Dangerous Substances Act confers upon the Director of the Division of Consumer Affairs the authority to issue an order scheduling any controlled dangerous substance under the Act when the delay occasioned by acting through the promulgation of a regulation would constitute an imminent danger to the public health or safety pursuant to *N.J.S.A. 24:21-31.b.(3)*.

NOW, THEREFORE, I, THOMAS R. CALCAGNI, Acting Director of the New Jersey Division of Consumer Affairs, in order to combat the imminent danger to the health, safety, and welfare of the people of the State of New Jersey posed by the use, sale, and distribution of so-called "bath salts" drugs as established by the foregoing, **ORDER** that:

1. The following substances are hereby controlled dangerous substances, added to Schedule I, under the New Jersey Controlled Dangerous Substances Act and the regulations promulgated pursuant thereto:

- 4-methylmethcathinone (Mephedrone, 4-MMC);
- 3,4-methylenedioxypropylvalerone (MDPV);

- 3,4-Methylenedioxy methcathinone (Methylone, MDMC);
- 4-Methoxymethcathinone (Methedrone, bk-PMMA, PMMC);
- 3-Fluoromethcathinone (3-FMC); and
- 4-Fluoromethcathinone (Flephedrone, 4-FMC).

2. This order shall take effect immediately and shall remain in effect for 270 days, consistent with the provisions of *N.J.S.A. 24:21-31.b.(3)(a)*, or until such time as a regulation is formally proposed and adopted pursuant to this Order, whichever occurs first."

Take further notice that the Acting Director of the Division of Consumer Affairs will hold a **public hearing** to take testimony from interested parties concerning his intention to permanently place the following substances in Schedule I under the New Jersey Controlled Dangerous Substances Act, pursuant to his authority under *N.J.S.A. 24:21-31.b.(3)(a)*: 4-methylmethcathinone (Mephedrone, 4-MMC); 3,4-methylenedioxy pyrovalerone (MDPV); 3,4-Methylenedioxy methcath-inone (Methylone, MDMC); 4-Methoxymethcathinone (Methedrone, bk-PMMA, PMMC); 3-Fluoromethcathinone (3-FMC); and 4-Fluoromethcathinone (Flephedrone, 4-FMC).

The public hearing will be held on Monday, July 11, 2011 in the Monmouth Conference Room, 7th Floor, 124 Halsey Street, Newark, New Jersey 07101. The public hearing will begin at 10:00 A.M. A court reporter will be present to record the proceedings. Requests to speak should be submitted in writing to Thomas R. Calcagni, Acting Director, New Jersey Division of Consumer Affairs, Post Office Box 45027, 124 Halsey Street, Newark, New Jersey 07101, no later than July 6, 2011. Specific presentation times will be assigned. Those who do not pre-register to speak will be given an opportunity to do so only as time permits. Written comments are also encouraged and should be forwarded to Thomas R. Calcagni, Acting Director, New Jersey Division of Consumer Affairs, Post Office Box 45027, 124 Halsey Street, Newark, New Jersey 07101, no later than July 6, 2011.