

**DEPARTMENT OF STATE
BEFORE THE SECRETARY OF STATE**

In Re: **EMERGENCY RULE**) **Final Order**
 ADOPTION PLACING)
 MEPHEDRONE, METHYLONE,)
 AND MDPV IN SCHEDULE I)

WHEREAS, the Secretary of the Department of State (“the Secretary”) has been charged by the Delaware legislature with placing substances in Schedule I if the Secretary finds that the substances: (1) have high potential for abuse; and (2) have no accepted medical use in treatment in the United States or lack accepted safety for use in treatment under medical supervision. 16 *Del. C.* § 4713; and

WHEREAS, available data and information for mephedrone, methylone, and methylenedioxypyrovalerone (MDPV) indicate that these three synthetic cathinones have a high potential for abuse, no currently accepted medical use in treatment in the United States and lack accepted safety for use under medical supervision; and

WHEREAS, these three synthetic cathinones are not currently listed in any schedule under Delaware law; and

WHEREAS, on September 8, 2011 the Drug Enforcement Agency published in the Federal Register an emergency notice, temporarily placing these three synthetic cathinones in Schedule I for a twelve month period effective October 8, 2011 finding that these three synthetic cathinones have a high potential for abuse, no currently accepted medical use in treatment in the United States and lack accepted safety for use under medical supervision; and

WHEREAS, the Delaware Controlled Substance Advisory Committee has recommended the enactment of an emergency regulation placing these three substances in Schedule I; and

WHEREAS, the Secretary finds that adoption of a regulation placing these three synthetic cathinones temporarily in Schedule I under Delaware law must occur on an emergency basis in order to properly protect the public until such time as the legislature may reconvene to adopt a statutory amendment to 16 *Del. C.* § 4714; and

WHEREAS, the Secretary will accept, consider and respond to petitions by any interested person for the reconsideration or revision of this regulation by addressing the same to the attention of Mr. Dave Dryden, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904; and

WHEREAS, a copy of this Order will be submitted to the Registrar for publication in the next issue of the Delaware Register of Regulations;

NOW, THEREFORE, IT IS ORDERED this 30th day of September, 2011:

1. The Uniform Controlled Substance Act Regulations are amended as follows:

a. Following the existing rule 7.2.1, insert a new rule 7.3 as follows:

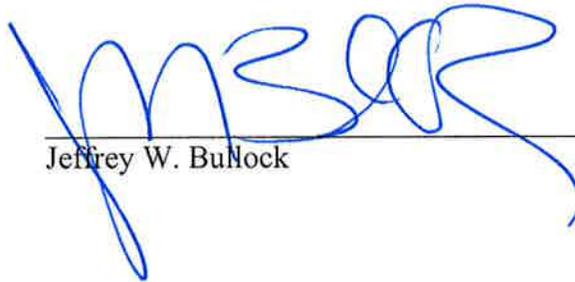
7.3 Pursuant to 16 *Del. C.* § 4713 the Secretary of State finds that mephedrone, methylone, and methylenedioxypropylone (MDPV) have high potential for abuse; have no accepted medical use in treatment in the United States or lack accepted safety for use in treatment under medical supervision, and therefore:

7.3.1 The Secretary of State, as authorized by 16 *Del. C.* § 4713 does hereby add by rule mephedrone, methylone, and methylenedioxypropylone (MDPV) in Schedule I of the Uniform Controlled Substances Act, 16 *Del. C.* Ch. 47.

2. In accordance with the provisions of 29 *Del. C.* § 10119(3), this Order shall be effective for 120 days from the date of execution.

SO ORDERED this 30th day of September, 2011.

SECRETARY OF STATE



Jeffrey W. Bullock
