

This notice affords the opportunity for a hearing on written request of a person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. A person affected may request a hearing by writing Richard A. Ratliff, Radiation Program Officer, Department of State Health Services, Radiation Material Licensing - Mail Code 2835, P.O. Box 149347, Austin, Texas 78714-9347. For information call (512) 834-6688.

TRD-201101108
Lisa Hernandez
General Counsel
Department of State Health Services
Filed: March 18, 2011

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Notice of Amendment to the Texas Schedules of Controlled Substances

This amendment was signed by David L. Lakey, M.D., Commissioner of the Department of State Health Services on March 21, 2011, and will become effective 21 days following publication of this notice in the *Texas Register*.

The Administrator of the Drug Enforcement Administration (DEA) temporarily placed five synthetic cannabinoids into Schedule I of the Controlled Substances Act (CSA) effective March 1, 2011. The substances are 1-pentyl-3-(1-naphthoyl) indole (JWH-018), 1-butyl-3-(1-naphthoyl) indole (JWH-073), 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole (JWH-200), 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497), and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue). This final rule was published in the *Federal Register*, Volume 73, Number 40, pages 11075-11078. This action is based on a finding by the Administrator of the DEA that the placement of these synthetic cannabinoids into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety. The Administrator of the DEA has taken this action based on the following:

- (1) The five synthetic cannabinoids are not intended for human consumption;
- (2) The five synthetic cannabinoids each has a high potential for abuse; and
- (3) There are no currently accepted medical uses in treatment in the United States for the five synthetic cannabinoids.

Pursuant to Section 481.034(g), as amended by the 75th legislature, of the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, at least thirty-one days have expired since notice of the above referenced action was published in the *Federal Register*; and David L. Lakey, M.D., in the capacity as Commissioner of the Department of State Health Services, hereby orders that the substances 1-pentyl-3-(1-naphthoyl) indole (JWH-018), 1-butyl-3-(1-naphthoyl) indole (JWH-073), 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole (JWH-200), 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497), and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue) be placed into Schedule I of Texas schedules of controlled substances. Additionally, a new category entitled "Temporarily listed substances subject to emergency scheduling" will be added to Schedule I.

SCHEDULE I

Schedule I consists of:

Schedule I opiates

Schedule I opium derivatives

Schedule I hallucinogenic substances

Schedule I stimulants

Schedule I depressants

*Schedule I temporarily listed substances subject to emergency scheduling.

Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, its optical, positional, and geometric isomers, salts and salts of isomers--7297 (Other names: CP-47,497);

(2) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, its optical, positional, and geometric isomers, salts and salts of isomers--7298 (Other names: cannabicyclohexanol and CP-47,497 C8 homologue);

(3) 1-Butyl-3-(1-naphthoyl) indole, its optical, positional, and geometric isomers, salts and salts of isomers--7173 (Other names: JWH-073);

(4) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl) indole, its optical, positional, and geometric isomers, salts and salts of isomers--7200 (Other names: JWH-200); and

(5) 1-Pentyl-3-(1-naphthoyl) indole, its optical, positional, and geometric isomers, salts and salts of isomers--7118 (Other names: JWH-018 and AM678).

Changes to the schedules are designated by a single asterisk (*)

TRD-201101169
Lisa Hernandez
General Counsel
Department of State Health Services
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Texas Department of Housing and Community Affairs

Announcement of the 2011 Public Hearing Schedule for Public Comment on 2011 Competitive Housing Tax Credit Applications