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APPENDIX II

Text of

Uniform Controlled Substances Act

as revised and recommended by the

Drug Abuse Study Committee,

with explanatory comments

(title page omitted)

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valid medical purpose, this section is not intended to supersede prescription requirements of a state where such substances cannot be sold except on a prescription-only status.

While this schedule only contains narcotic drugs formerly considered as Class "X" (exempt over-the-counter drugs), the criteria set out in section 211 are broad enough to include other over-the-counter preparations which meet those criteria and are in need of some limited form of control.

The comments to section 208(5) relating to the metric system and the dosage-strength calculations apply equally as well to Schedule V.

DIVISION III
REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING OF CONTROLLED SUBSTANCES

Sec. 301. RULES AND REGULATIONS. The board may, subject to chapter seventeen A (17A), promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

COMMENT. This section will permit the Board of Pharmacy Examiners to cover the costs of actual registration and control by charging reasonable fees. However, the Uniform Act was not intended to permit a state to charge exorbitant fees as a means of fully implementing the regulatory provisions of the Act and thereby avoiding the need for additional state appropriations.

Sec. 302. REGISTRATION REQUIREMENTS.

1. Every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, shall obtain annually a registration issued by the board in

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accordance with its rules.

2. Persons registered by the board under this Act to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this division.

3. The following persons need not register and may lawfully possess controlled substances under this Act:

a. An agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment.

b. A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment.

c. An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in possession of a schedule V substance.

4. The board by rule may waive the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

6. The board may inspect the establishment of a registrant or applicant for registration in accordance with the board's rules.

COMMENT. This section requires any person who engages in, or intends to engage in, the manufacture, distribution, or dispensing of controlled substances to be registered by the state. Practitioners who administer, as that term is defined in section 101(2), or who prescribe, will also be required to register. By registering every individual dealing with

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dangerous drugs, the state will know who is responsible for a drug and who is dealing in these drugs. The tighter registration requirements imposed by this section are designed to eliminate many sources of diversion, both actual and potential.

Common and contract carriers, warehousemen, ultimate users, and agents of registrants are specifically exempted from the registration requirements since to require otherwise would be extremely burdensome and afford little increase in protection against diversion.

Annual registration is called for so that a licensee can be screened and the registrant lists purified should the need arise. In addition, the annual registration requirement will be a form of check on persons authorized to deal in controlled substances.

Sec. 303. REGISTRATION.

1. The board shall register an applicant to manufacture or distribute controlled substances included in sections two hundred four (204), two hundred six (206), two hundred eight (208), two hundred ten (210), and two hundred twelve (212) of this Act unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider all of the following factors:

a. Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

b. Compliance with applicable state and local law.

c. Any convictions of the applicant under any federal and state laws relating to any controlled substance.

d. Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion.

e. Furnishing by the applicant of false or fraudulent