

**UNIFORM CONTROLLED SUBSTANCES ACT (1994) \***  
(Last Revised or Amended in 1995)

*Drafted by the*

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

*and by it*

APPROVED AND RECOMMENDED FOR ENACTMENT  
IN ALL THE STATES

*at its*

ANNUAL CONFERENCE  
MEETING IN ITS ONE-HUNDRED-AND-THIRD YEAR  
IN CHICAGO, ILLINOIS  
JULY 29 - AUGUST 5, 1994

WITH PREFATORY NOTE AND COMMENTS

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By  
NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

December 28, 1995

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\* The Conference changed the designation of the Controlled Substances Act (1990)(1994) from Uniform to Model as approved by the Executive Committee on July 11, 2006.

[ARTICLE] 3

REGULATION OF MANUFACTURE,  
DISTRIBUTION, AND DISPENSING  
OF CONTROLLED SUBSTANCES

**SECTION 301. RULES.** The [appropriate person or agency] may adopt rules and charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances in this State.

Comment

This section permits a State to cover the costs of actual registration and control by charging reasonable fees. However, the section does not 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.

**SECTION 302. REGISTRATION REQUIREMENTS.**

(a) A person who manufactures, distributes, or dispenses a controlled substance within this State or who proposes to engage in the manufacture, distribution, or dispensing of a controlled substance within this State, shall obtain annually a registration issued by the [appropriate person or agency] in accordance with rules adopted by the [appropriate person or agency].

(b) A person registered by the [appropriate person or agency] 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 the registration and in conformity with this [article].

(c) The following persons need not register and may lawfully possess controlled

substances under this [Act]:

(1) an agent or employee of a registered manufacturer, distributor, or dispenser of a controlled substance if the agent or employee is acting in the usual course of business or employment;

(2) 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; and

(3) an ultimate user or a person in possession of a controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a substance included in Schedule V.

(d) The [appropriate person or agency] by rule may waive the requirement for registration of certain manufacturers, distributors, or dispensers upon finding it consistent with the public health and safety.

(e) A separate registration is required for each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The [appropriate person or agency] may inspect the establishment of a registrant or applicant for registration in accordance with rules adopted by the [appropriate person or agency].

#### Comment

This section requires any person who engages in, or intends to engage in, manufacturing, distributing, or dispensing of controlled substances to be registered by the State. Practitioners who administer, as that term is defined in Section 101(1), or who prescribe, will be required to register; however, under subsequent sections they may be exempt from the record-

keeping requirements. By registering every individual dealing with controlled substances, the State will know who is responsible for a substance and who is dealing in these substances. The 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 registration 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.

### **SECTION 303. REGISTRATION.**

(a) The [appropriate person or agency] shall register an applicant to manufacture or distribute substances included in Schedules I through V unless the [appropriate person or agency] determines that the issuance of the registration would be inconsistent with the public interest. In determining the public interest, the [appropriate person or agency] shall consider the following factors:

- (1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, research, or industrial channels;
- (2) compliance with state and local law;
- (3) promotion of technical advances in the art of manufacturing controlled substances and the development of new substances;
- (4) convictions of the applicant under laws of another country or federal or state laws relating to a controlled substance;
- (5) past experience of the applicant in the manufacture or distribution of