CHAPTER 183.

AN ACT Providing for the Regulation of Drugs and Other Substances Which Pose a Danger to Public Health.

74-S 2516 A
Approved May 8, 1974.

It is enacted by the General Assembly as follows:

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Uniform narcotic drug act and barbiturates and hypnotic drug act repealed.

Section 1. Chapter 21-28 of the general laws entitled "Uniform narcotic drug act" and chapter 21-29 of the general laws entitled "Barbiturates and hypnotic drugs" as amended are hereby repealed in their entirety.

Sec. 2. Title 21 of the general laws entitled "Food and drugs" as amended is hereby further amended by adding thereto the following chapter:

"CHAPTER 21-28

"Uniform Controlled Substances Act

ARTICLE I

Short Title and Definitions

"21-28-1.01. SHORT TITLE AND DECLARATION.

Rhode Island controlled substances act.

A. This chapter may be cited as the Rhode Island controlled substances act, and shall be so interpreted and construed as to effectuate its general purpose.

Purposes of chapter.

B. The general purposes of this chapter are as follows:

1. to establish a more rational system of regulating substances which may pose a danger to the public health;

2. to create a system for classifying the substances relative to their abuse potential, their medical utility, and their likelihood of creating dependency;

3. to fix penalties for the sale, possession or manufacture of substances which are in proportion to their danger to the public health;

4. to develop a system of tracing the flow of substances in commerce and in health as to prevent their improper diversion;

5. to establish and define the powers of investigation, enforcement, adjudication required to implement

the above purposes; and to establish a system of substances control which is, to the extent possible, uniform with the laws of the United States and of its states.

Definitions:

"21-28-1.02. **DEFINITION OF TERMS.**—Unless the context otherwise requires, the words and phrases herein defined are used in this chapter in the sense given them in the following definitions:

"Administer."

(1) 'Administer' refers to the direct application of controlled substances to the body of a patient or research subject by—

(a) a practitioner, or, in his presence by his authorized agent, or

(b) the patient or research subject at the direction and in the presence of the practitioner whether such application be by injection, inhalation, ingestion, or any other means.

"Agent."

(2) 'Agent' means an authorized person who acts on behalf of or at the direction of a manufacturer, wholesaler, distributor, or dispenser; except that such terms do not include a common or contract carrier or warehouseman, when acting in the usual and lawful course of the carrier's or warehouseman's business.

"Apothecary."

(3) 'Apothecary' means a registered pharmacist as defined by the laws of this state and, where the context so requires, the owner of a licensed pharmacy or other place of business where controlled substances are compounded or dispensed by a registered pharmacist; and includes registered assistant pharmacists as defined by existing law, but nothing in this chapter

shall be construed as conferring on a person who is not registered as a pharmacist any authority, right, or privilege that is not granted to him by the pharmacy laws of the state.

(4) 'Drug enforcement administration' means the drug enforcement administration United States department of justice or its successor. "Drug enforcement administration."

(5) 'Control' means to add a drug or other substance or immediate precursor, to a schedule under this chapter, whether by transfer from another schedule or otherwise. "Control."

(6) 'Controlled substance' means a drug, substance, or immediate precursor in schedules I through V of this chapter. The term shall not include distilled spirits, wine or malt beverages, as those terms are defined or used in chapter 1 of title 3 of the general laws of Rhode Island, 1956, as amended, nor tobacco as that term is defined in chapter 20 of title 44 of the general laws of Rhode Island, 1956, as amended. "Controlled substance."

(7) 'Counterfeit substance' means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser, other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser, or which substance is falsely purported to be or represented to be one of the con- "Counterfeit substance."

trolled substances by a manufacturer, distributor, or dispenser.

"Delivery." (8) 'Deliver' or 'Delivery' means the actual, constructive, or attempted transfer of a controlled substance whether or not there exists an agency relationship.

"Department." (9) 'Department' means the department of health of this state.

"Depressant or stimulant drug." (10) 'Depressant or stimulant drug' means—

(a) a drug which contains any quantity of:

(1) barbituric acid or derivatives, compounds, mixtures or preparations thereof, and

"Barbiturate." (2) 'Barbiturate' or 'Barbiturates' shall include all hypnotic and/or somnifacient drugs, whether or not derivatives of barbituric acid, except that this definition shall not include bromides and narcotics.

(b) a drug which contains any quantity of:

(1) amphetamine or any of its optical isomers

(2) any salt of amphetamine and/or desoxyephedrine or any salt of an optical isomer of amphetamine and/or desoxyephedrine, or any compound, mixture, or preparation thereof.

(c) a drug which contains any quantity of coca leaves.

"Coca leaves." 'Coca leaves' includes cocaine, or any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which

do not contain cocaine, ecgonine or substance from which cocaine or ecgonine may be synthesized or made.

(d) any other drug or substance which contains any quantity of a substance which the attorney general of the United States, or the director of health, after investigation, has found to have, or by regulation designates as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system.

(11) 'Director' means the director of health of the state of Rhode Island. "Director."

(12) 'Dispense' means to deliver, distribute, leave with, give away, or dispose of a controlled substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispense."

(13) 'Dispenser' is a practitioner who delivers a controlled substance to the ultimate user or human research subject. "Dispenser."

(14) 'Distribute' means to deliver (other than by administering or dispensing) a controlled substance and includes actual constructive, or attempted transfer. 'Distributor' means a person who so delivers a controlled substance. "Distribute."

(15) 'Drug dependent person' means a person who is using a controlled substance and who is in the state of psychic or physical dependence, or both, arising from the use of that controlled substance on a continuous basis. Drug dependence is characterized "Drug dependent person."

by behavioral and other responses which include, but shall not be limited to, compulsion to take the substance on a continuous basis in order to experience its psychic or physical effect, or to avoid the discomfort of its absence.

"Federal law." (16) 'Federal law' means the comprehensive drug abuse prevention and control act of 1970, (title 21, U. S. C. 84 stat. 1236), and all regulations pertaining thereto.

"Hospital." (17) 'Hospital' means an institution as defined in title 23, chapter 16, of the general laws of Rhode Island, 1956, as amended.

"Laboratory." (18) 'Laboratory' means a laboratory approved by the department of health as proper to be entrusted with controlled substances and the use of such for scientific and medical purposes and for the purposes of instruction.

"Marijuana." (19) 'Marijuana' means all parts of the plant cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plants, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed from such plant which is incapable of germination.

(20) 'Manufacture' means the production, preparation, propagation, cultivation, compounding, or processing of a drug or other substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of such substance or labeling or relabeling of its container in conformity with the general laws of this state except by a practitioner as an incident to his administration or dispensing of such drug or substance in the course of his professional practice. "Manufacture."

(21) 'Manufacturer' means a person who manufactures but does not include an apothecary who compounds controlled substances to be sold or dispensed on prescriptions. "Manufacturer."

(22) 'Narcotic drug' means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis: "Narcotic drug."

(a) opium and opiates

(b) a compound, manufacture, salt, derivative, or preparation of opium or opiates.

(c) a substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in clauses (a) and (b).

(d) any other substance which the attorney general of the United States, or his successor, or the di-

rector of health, after investigation, has found to have, and by regulation designates as having, a potential for abuse similar to opium and opiates.

'Official written order."

(23) 'Official written order' means an order written on a form provided for that purpose by the drug enforcement administration under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the director of health.

"Opiate."

(24) 'Opiate' means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

"Opium poppy."

(25) 'Opium poppy' means the plant of the species papaver somniferum L., except the seeds thereof.

"Ounce."

(26) 'Ounce' means an avoirdupois ounce as applied to solids and semi-solids, and a fluid ounce as applied to liquids.

"Person."

(27) 'Person' means any corporation, association, partnership, or one or more individuals.

"Poppy straw."

(28) 'Poppy straw' means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner."

(29) 'Practitioner' means:

(a) A physician, osteopath, dentist, chiropodist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to dis-

tribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(b) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(30) 'Production' includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance. "Production."

(31) 'Immediate precursor' means a substance: "Immediate precursor."

(a) which the director of health has found to be and by regulation designated as being the principal compound used, or produced primarily for use, in the manufacture, of a controlled substance; and

(b) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substances; and

(c) the control of which is necessary to prevent, curtail, or limit the manufacture of such controlled substance.

(32) 'Researcher' means a person authorized by the director of health to conduct a laboratory as defined in this chapter. "Researcher."

(33) 'Sell' includes, sale, barter, gift, transfer or delivery in any manner to another, or to offer or agree to do the same. "Sell."

"Ultimate user." (34) 'Ultimate user' means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household, or for administering to an animal owned by him or by a member of his household.

"Wholesaler." (35) 'Wholesaler' means a person who sells, vends, or distributes at wholesale, or as a jobber, broker agent, or distributor, or for resale in any manner in this state any controlled substance.

ARTICLE II

Standards and Schedules

Authority of director of health to control. "21-28-2.01. AUTHORITY TO CONTROL.—(a) The director of health shall control all substances enumerated in section 4 of this chapter or may by motion or on the petition of any interested party pursuant to the procedures of title 42, chapter 35 of the general laws of Rhode Island, 1956, as amended, (administrative procedures act) add, reschedule or delete a substance as a controlled substance. In making such a determination, the director of health shall consider, but not be limited to the following:

(1) its actual or relative potential for abuse;

(2) scientific evidence of its pharmacological effect if known;

(3) state of current scientific knowledge regarding the substance;

(4) its history and current pattern of abuse;

(5) the scope, duration, and significance of abuse;

(6) what, if any, risk there is to the public health; Same.

(7) its psychic or physiological dependence liability;

(8) whether the substance is an immediate precursor of a substance already controlled under this chapter.

After considering the above factors the director of health shall make findings with respect thereto and shall issue an order controlling the substance if it is found that the substance has potential for abuse.

(b) If the director of health designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(c) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the director of health, he shall similarly control the substance under this chapter after the expiration of sixty (60) days from publication in the federal register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that sixty (60) day period, the director of health objects to inclusion, rescheduling, or deletion. In that case, the director of health shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the director of health shall publish his decision, which shall be final unless altered by statute. The director of health shall publish and file his decision with the secretary of state. Upon publication of objection to

inclusion, rescheduling, or deletion under this chapter by the director of health, control under this chapter is stayed until the director of health publishes his decision.

Persons exempt from registering.

(d) The following persons need not register and may lawfully possess controlled substances under this chapter:

(1) 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;

(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;

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

(e) The director of health may waive by rule the requirement for registration of certain manufacturers, distributors, or dispensers if he finds it consistent with the public health and safety.

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

(g) The director of health or his authorized agent may inspect the establishment of a registrant or applicant for registration in accordance with his regulations.

"21-28-2.02. **SCHEDULES OF CONTROLLED SUBSTANCES.**—(a) There are established five (5) schedules of controlled substances, to be known as schedules I, II, III, IV, and V. Schedules of controlled substances.

(b) The schedules I, II, III, IV, and V shall, unless and until amended pursuant to this chapter consist of: those enumerated in this article and include substances to be controlled by rule and/or regulation of the director of health as published, except all substances in schedules II, III, IV, and V will require a prescription to be dispensed by an apothecary in the state of Rhode Island, provided, however, that a prescription will not be required in the following cases: administering, dispensing, or selling at retail of any medicinal preparation that contains in one (1) fluid ounce or if a solid or semi-solid preparation, in one (1) avoirdupois ounce not more than thirty and one-tenth (30.1) milligrams of opium, notwithstanding the definition of the word opium contained in any other general or special law, the word opium for purposes of this section shall be as defined in the official United States pharmacopoeia. The prescription exemption authorized by this section shall be subject to the following conditions: Prescriptions. When prescriptions not required. Conditions for prescription exemption.

(1) That the medicinal preparation administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone;

(2) That such preparation shall be administered, dispensed, or sold in good faith as a medicine and not for the purposes of evading the provisions of this

chapter, and provided the same shall be dispensed or sold only to a person who shall sign his name and address in a legible manner in a record book to be kept for such purpose by the seller.

Schedule I tests.

"21-28-2.03. **SCHEDULE I TESTS.**—The director of health shall place a substance in schedule I if he finds that the substance:

(1) has high potential for abuse; and

(2) has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

Schedule II tests.

"21-28-2.04. **SCHEDULE II TESTS.**—The director of health shall place a substance in schedule II if he finds that:

(1) the substance has high potential for abuse;

(2) the substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) the abuse of the substance may lead to severe psychic or physical dependence.

Schedule III tests.

"21-28-2.05. **SCHEDULE III TESTS.**—The director of health shall place a substance in schedule III if he finds that:

(1) the substance has a potential for abuse less than the substances listed in schedules I and II;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

"21-28-2.06. **SCHEDULE IV TESTS.**—The director of health shall place a substance in schedule IV if he finds that: Schedule IV tests.

(1) the substance has a low potential for abuse relative to substances in schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substances may lead to limited physical dependence or psychological dependence relative to the controlled substances in schedule III.

"21-28-2.07. **SCHEDULE V TESTS.**—The director of health shall place a substance in schedule V if he finds that: Schedule V tests.

(1) the substance has low potential for abuse relative to the controlled substances in schedule IV;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) the substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in schedule IV.

"21-28-2.08. **SCHEDULE I.**—(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Schedule I.

Opiates.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol

(2) Allylprodine

(3) Alphacetylmethadol

(4) Alphameprodine

(5) Alphamethadol

(6) Benzethidine

(7) Betacetylmethadol

(8) Betameprodine

(9) Betamethadol

(10) Betaprodine

(11) Clonitazene

(12) Dextromoramide

(13) Dextrorphan

(14) Diampromide

(15) Diethylthiambutene

(16) Dimenoxadol

(17) Dimepheptanol

(18) 2,5 Dimethoxyamphetamine

(19) Dimethylthiambutene

(20) Dioxaphetyl butyrate Same.

(21) Dipipanone

(22) Ethylmethylthiambutene

(23) Etonitazene

(24) Etoxerdine

(25) Furethidine

(26) Hydroxypethidine

(27) Ketobemidone

(28) Levomoramide

(29) Levophenacylmorphan

(30) Morpheridine

(31) Noracymethadol

(32) Norlevorphanol

(33) Normethadone

(34) Norpipanone

(35) Phenadoxone

(36) Phenampromide

(37) Phenomorphan

(38) Pehnoperidine

(39) Piritramide

(40) Proheptazine

(41) Properidine

(42) Propiram

(43) Racemoramide

(44) Trimeperidine

Opium derivatives.

(c) Opium Derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine

(2) Acetyldihydrocodeine

(3) Benzylmorphine

(4) Codeine methylbromide

(5) Codeine-N-Oxide

(6) Cyprenorphine

(7) Desomorphine

(8) Dihydromorphine

(9) Etorphine

(10) Heroin

(11) Hydromorphinol

(12) Methyldesorphine

(13) Methyldihydromorphine

(14) Morphine methylbromide

(15) Morphine methylsulfonate

(16) Morphine-N-Oxide

(17) Myrophine

(18) Nococodeine

(19) Nicomorphine

(20) Normorphine

(21) Pholcodine

(22) Thebacon

(d) Hallucinogenic Substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position, and geometric isomers): Hallucinogenic substances.

(1) 3,4-methylenedioxy amphetamine

(2) 5-methoxy-3,4-methylenedioxy amphetamine

(3) 3,4,5-trimethoxy amphetamine

(4) Bufotenine

(5) Diethyltryptamine

(6) Dimethyltryptamine

(7) 4-methyl-2,5-dimethoxyamphetamine

(8) Ibogaine

(9) Lysergic acid diethylamide

(10) Marihuana

(11) Mescaline

(12) Peyote

(13) N-ethyl-3-piperidyl benzilate

(14) N-methyl-3-piperldyl benzilate

(15) Psilocybin

(16) psilocyn

(17) Tetrahydrocannabinols

Schedule II.

Schedule II. (a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

Substances, vegetable origin or chemical synthesis.

(b) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone hydrochloride, but including the following:

(1) Raw opium

(2) Opium extracts

(3) Opium fluid extracts

(4) Powdered opium

(5) Granulated opium

(6) Tincture of opium

(7) Apomorphine

(8) Codeine

(9) Ethylmorphine Same.

(10) Hydrocodone

(11) Hydromorphone

(12) Metopon

(13) Morphine

(14) Oxycodone

(15) Oxymorphone

(16) Thebaine

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in sub-paragraph (1) of this paragraph, except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

(c) Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts; and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation: Opiates.

Same.

(1) Alphaprodine

(2) Anileridine

(3) Bezitramide

(4) Dihydrocodeine

(5) Diphenoxylate

(6) Fentanyl

(7) Isomethadone

(8) Levomethorphan

(9) Levorphanol

(10) Metazocine

(11) Methadone

(12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane

(13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid

(14) Pethidine

(15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine

(16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate

(17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.

(18) Phenaxocine

(19) Piminodine

(20) Racemethorphan

(21) Racemorphan

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: Stimulants.

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers

(2) Methamphetamine, its salts, and salts of its isomers

(3) Phenmetrazine and its salts

(4) Methylphenidate

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: Depressants.

(1) Amobarbital

(2) Glutethimide

(3) Methaqualone

(4) Methyprylon

(5) Pentobarbital

(6) Phencyclidine

(7) Secobarbital

Schedule III.

SCHEDULE III.—(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.

(2) Chorhexadol.

(3) Lysergic acid

(4) Lysergic acid amide

(5) Sulfondiethylmethane

(6) Sulfonethylmethane

(7) Sylfonmethane

(b) Nalorphine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milli-

grams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium. Same.

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

SCHEDULE IV.— Schedule IV.

(1) Barbitol

(2) Chloral betaine

(3) Chloral hydrate

(4) Ethchlorvynol

(5) Ethinamate

(6) Methohexital

(7) Meprobamate

(8) Methylphenobarbital

(9) Paraldehyde

(10) Petrichloral

(11) Phenobarbital

Schedule V.

SCHEDULE V.—Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenixylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

Exemption of compounds containing counteragents.

"21-28-2.09. **EXEMPTION OF COMPOUNDS CONTAINING COUNTERAGENTS.**—Nothing in this chapter shall apply to any compound, mixture, or preparation containing any depressant or stimulant

drug in schedule II or in paragraph (a) or (b) of schedule III or in schedule IV or V if (1) the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, and (2) such ingredients are included therein in such combinations, quantity, proportion or concentration as to vitiate the potential for abuse of the drugs which do have a depressant or stimulant effect on the central nervous system.

Dextromethorphan exempted.

"21-28-2.10. **EXEMPTION OF DEXTROMETHORPHAN.**—Dextromethorphan shall not be deemed to be included in any schedule by reason of enactment of this chapter unless controlled after the date of such enactment pursuant to the foregoing provisions of this article.

ARTICLE III

Regulation of Manufacturing, Distributing, Prescribing, Administering, and Dispensing.

Rules and regulations.

Fees.

"21-28-3.01. **RULES AND REGULATIONS—FEES.**—The director of health is hereby authorized, empowered and directed to make such rules and regulations consistent with the provisions of this chapter and to provide such fees for licenses, registrations, and forms as he may deem proper to promote the enforcement of the same.

Registration requirements.

"21-28-3.02. **REGISTRATION REQUIREMENTS.**—(a) Every person who manufactures, distributes, prescribes, administers, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, prescribing, admin-

istering, or dispensing of any controlled substance within this state, must obtain annually a registration issued by the director of health in accordance with his rules.

(b) Persons registered by the director of health under this chapter to manufacture, distribute, prescribe, administer, dispense, or conduct research with those substances may do so to the extent authorized by their registration and in conformity with the other provisions of this chapter.

Registration.

"21-28-3.03. **REGISTRATION.**—(a) The director of health shall register an applicant to manufacture or distribute controlled substances unless he determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the director of health shall consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable state and local law;

(3) any convictions of the applicant under any federal and state law relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material in any application filed under this chapter;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, prescribe, administer or dispense controlled substances as authorized by federal law; and Same.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in schedule I or II other than those specified in his registration.

(c) Practitioners must be registered to prescribe, administer and dispense any controlled substances or to conduct research with controlled substances in schedules II through V if they are authorized to prescribe, administer, dispense or conduct research under the laws of this state. The director of health need not require separate registration under this section for practitioners engaging in research with non-narcotic controlled substances in schedules II through V where the registrant is already registered under this chapter in another capacity. Practitioners registered under federal law to conduct research with schedule I substances may conduct research with schedule I substance within this state upon furnishing the director of health evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration (excluding fees) entitles them to be registered under this chapter.

"21-28-3.04. **SUSPENSION OR REVOCATION OF REGISTRATION.**—(a) A registration to manufacture, distribute, prescribe, administer, or dispense a controlled substance may be suspended or revoked by Suspension or revocation of registration.

Same.

the director of health upon a finding that the registrant:

(1) has furnished false or fraudulent material information in any application filed under this chapter;

(2) has been convicted of a felony under any state or federal law relating to any controlled substance; or

(3) has had his federal registration suspended or revoked to manufacture, distribute, prescribe, administer, or dispense controlled substances.

(b) The director of health may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) If the director of health suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under embargo. No disposition may be made of substances under embargo until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances or the proceeds of the sale thereof shall be forfeited to the state.

(d) The director of health shall promptly notify the drug enforcement administration of all orders suspending or revoking registration and all forfeitures of controlled substances.

"21-28-3.05. **ORDER TO SHOW CAUSE.**—Before denying, suspending or revoking a registration, or refusing a renewal of a registration, the director of health shall serve upon the applicant or registrant an order to show cause why the registration should not be denied, revoked, or suspended, or why the renewal should not be refused. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or registrant to appear before the director of health at a time and place stated in the order but in no event less than thirty (30) days after the date of receipt of the order. Proceedings to deny, suspend or revoke shall be conducted pursuant to this section in accordance with title 42, chapter 35 of the general laws of Rhode Island, 1956, as amended, (administrative procedures act). Such proceedings shall be independent of, and not in lieu of, criminal prosecution of other proceedings under this chapter or any law of the state. Show cause order.

The director of health may suspend for a period of ten (10) days any registration simultaneously with the institution of proceedings under this section in cases where he finds that there is an imminent danger to the public health or safety. Such suspension of such proceedings, including judicial review thereof, shall continue in effect until the conclusion, unless sooner withdrawn by the director of health or dissolved by a court of competent jurisdiction.

"21-28-3.06. **LICENSE REQUIRED FOR MANUFACTURE.**—No person shall manufacture, compound, mix, cultivate, grow or by any other process produce or prepare controlled substances and no person as a License required for manufacture.

wholesaler shall supply the same, without first having obtained a license to do so from the director of health.

Qualifications for licensees.

"21-28-3.07. **QUALIFICATIONS FOR LICENSEES.**—No license shall be issued under section 21-28-3.06 unless and until the applicant therefor has furnished proof satisfactory to the department:

(a) that the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(b) that the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business prescribed in his application.

(c) that the applicant maintain effective controls against diversion of controlled substances into other than legitimate channels.

No license shall be granted to any person who has within five (5) years been convicted of a willful violation of any law of the United States, or of any state relating to controlled substances.

Disposition of license fees.

"21-28-3.08. **DISPOSITION OF LICENSE FEES.**—All fees for licenses and registrations under this chapter shall be turned over to the general treasurer for the use of the state.

Denial, revocation or suspension of licenses.

"21-28-3.09. **DENIAL, REVOCATION, OR SUSPENSION OF LICENSES.**—(a) a license to manufacture, distribute, or dispense a controlled substance, may be suspended or revoked by the director of health upon finding that the licensee:

(1) has materially falsified any application filed pursuant to this chapter or required by this chapter. Same.

(2) has been convicted of any violation of the provisions of this chapter or any law of the United States or of any state, relating to any substances defined herein as a controlled substance; or

(3) has had his federal registration suspended or revoked by competent federal law to engage in the manufacture, distribution or dispensing of controlled substances.

(4) has violated any provisions of this chapter.

(b) the director of health may limit revocation or suspension of a license to a particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) before taking action pursuant to this section or pursuant to a denial of license under this section, the director of health shall serve upon the applicant or licensee an order to show cause why license should not be denied, revoked, or suspended. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or licensee to appear before the director of health at a time and place stated in the order but in no event less than thirty (30) days after the date of receipt of the order. Proceedings to deny, revoke or suspend shall be conducted pursuant to this section in accordance with title 42, chapter 35 of the general laws of Rhode Island, 1956, as amended, (administrative procedures act). Such proceedings shall be independent of, and not in lieu of, criminal prosecutions of other proceedings under this chapter or any law of the state.

Same.

(d) the director of health may suspend for a period of ten (10) days any license simultaneously with the institution of proceedings under this section in cases where he finds that there is an imminent danger to the public safety or health. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the director of health or dissolved by a court of competent jurisdiction.

(e) In the event the director of health suspends or revokes a license granted under this chapter, all controlled substances owned or possessed by the licensee pursuant to such licensure at the time of suspension or the effective date of the revocation order, as the case may be, be placed under embargo by the director of health. No disposition may be made of substances under embargo until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon revocation order becoming final, all such controlled substances shall be forfeited to the director of health for destruction.

Authorized sales by manufacturers and wholesalers on official written orders.

"21-28-3.10. **AUTHORIZED SALES BY MANUFACTURERS AND WHOLESALERS ON OFFICIAL WRITTEN ORDERS.**—A duly licensed manufacturer or wholesaler may sell and distribute controlled substances on official written orders to any of the following persons:

(a) to a manufacturer or wholesaler;

(b) to a practitioner;

(c) to a person in charge of a hospital, but only for use by or in that hospital;

(d) to a person in charge of a laboratory, but only for use by or in that laboratory;

(e) to any other person lawfully permitted to possess controlled substances under federal law.

Form, delivery and preservation of official written orders.

"21-28-3.11. **FORM, DELIVERY, AND PRESERVATION OF OFFICIAL WRITTEN ORDERS.**—An official written order for any controlled substance shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or distributes the controlled substances named therein. In the event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two (2) years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter. It shall be deemed a compliance with this section if the parties to the transaction have complied with the federal law respecting the requirements governing the use of order forms.

Records of controlled substances used in professional practice.

"21-28-3.12. **RECORDS OF CONTROLLED SUBSTANCES USED IN PROFESSIONAL PRACTICE.**—Every practitioner or other person who is authorized to administer or professionally use controlled substances shall keep a record of such controlled substances received by him, and a record of all such controlled substances administered, dispensed, or professionally used by him; other than by prescription.

Records of manufacturers and wholesalers.

"21-28-3.13. **RECORDS OF MANUFACTURERS AND WHOLESALERS.**—Manufacturers and wholesalers shall keep records of all controlled substances compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all controlled substances received and disposed of by them in accordance with the provisions of this chapter.

Records of apothecaries.

"21-28-3.14. **RECORDS OF APOTHECARIES.**—Apothecaries shall keep records of all controlled substances received and disposed of by them, as provided in this chapter.

Records of vendors of schedule V substances.

"21-28-3.15. **RECORDS OF VENDORS OF SCHEDULE V SUBSTANCES.**—Every person who purchases for resale, or who sells controlled substances listed in schedule V excepted by this chapter, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of this chapter.

Form, content and preservation of records.

"21-28-3.16. **FORM, CONTENT, AND PRESERVATION OF RECORDS.**—(a) The form of records and who shall keep such records, shall be prescribed by the director of health. The records of controlled substances received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of controlled substances received.

(1) a manufacturer shall maintain on a current basis a complete and accurate record of all controlled substances, manufactured, sold, delivered or otherwise disposed of by him. Said records shall be reported to the director of health monthly.

(2) a wholesaler shall maintain on a current basis a complete and accurate record of all controlled substances sold, delivered, or otherwise disposed of by him. Said records shall be reported to the director of health monthly. Same.

(3) all persons authorized to handle controlled substances under this chapter shall immediately report to the director of health all controlled substances lost, destroyed, or stolen, and the kind and quantity of such controlled substances and the date of the discovery of such loss, destruction or theft.

(b) The record of all controlled substances, sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered, or dispensed, and the kind and quantity of the controlled substance. Every such record shall be kept for a period of two (2) years from the date of the transaction recorded. The keeping of a record required by or under the federal law, containing substantially the same information as is specified above, shall constitute compliance with this section. All persons authorized to handle controlled substances shall conduct an inventory of all controlled substances biannually.

"21-28-3.17. **RECORDS OPEN TO INSPECTION.**— All records required to be kept under the provisions of this chapter shall at all times be open to inspection by the director of health and by the authorized agents of said director of health. Records open to inspection.

Prescriptions.

"21-28-3.18. **PRESCRIPTIONS.**—(a) An apothecary in good faith, may sell and dispense controlled substances in schedule II to any person upon a written prescription, by a practitioner licensed by law to prescribe or administer such substances, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient to whom, or of the owner of the animal for which the substance is dispensed and the full name, address and registration number under the federal law of the person prescribing, if he is required by that law to be so registered. If the prescription be for an animal, it shall state the species of the animal for which the substance is prescribed.

(b) The apothecary filling the prescription shall sign his full name and shall write the date of filling on the face of the prescription.

(c) The prescription shall be retained on file by the proprietor of the pharmacy in which it was filled for a period of two (2) years so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter.

(d) Prescriptions for controlled substances in schedule II shall be filed separately and shall not be refilled.

(e) An apothecary, in lieu of a written prescription, may sell and dispense controlled substances in schedules III, IV, and V to any person, upon an oral prescription of a practitioner. In issuing an oral prescription the prescriber shall furnish the apothecary with the same information as is required by section 21-28-3.18 (a) in the case of a written prescrip-

tion for controlled substances in schedule II, except for the written signature of the person prescribing, and the apothecary who fills such prescription, shall immediately reduce such oral prescription to writing and shall inscribe such information on the written record of the prescription made. This record shall be filed and preserved by the proprietor of the pharmacy in which it is filled in accordance with the provisions of section 21-28-3.18 (c). In no case may a prescription for a controlled substance listed in schedules III, IV, or V be filled or refilled more than six months after the date on which such prescription was issued and no prescription shall be authorized to be refilled more than five times. Each refilling shall be entered on the face or back of the prescription and note the date and amount of controlled substance dispensed, and the initials or identity of the dispensing apothecary. Same.

(f) In the case of an emergency situation as defined in federal law, an apothecary may dispense a controlled substance listed in schedule II upon receiving an oral authorization of a prescribing practitioner provided that:

(1) the quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period and dispensing beyond the emergency period must be pursuant to a written prescription signed by the prescribing practitioner.

(2) the prescription shall be immediately reduced to writing and shall contain all the information required in 21-28-3.18 (a).

(3) the prescription must be dispensed in good faith in the normal course of professional practice.

Same.

(4) within seventy-two (72) hours after authorizing an emergency oral prescription, the prescribing practitioner shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing apothecary. The prescription shall have written on its face "Authorization for emergency dispensing" and the date of the oral order. The written prescription upon receipt by the apothecary shall be attached to the oral emergency prescription which had earlier been reduced to writing.

(g) The partial filling of a prescription for a controlled substance listed in schedule II is permissible, if the apothecary is unable to supply the full quantity called for in a written prescription or emergency oral prescription and he makes a notation of the quantity supplied on the face of the written prescription or oral emergency prescription which has been reduced to writing. The remaining portion of the prescription may be filled within seventy-two (72) hours of the first partial filling, however, if the remaining portion is not, or cannot be filled within seventy-two (72) hours, the apothecary shall notify the prescribing practitioner. No further quantity may be supplied beyond seventy-two (72) hours without a new prescription.

Sale of stock on discontinuance of pharmacy business.

"21-28-3.19. **SALE OF STOCK ON DISCONTINUANCE OF PHARMACY BUSINESS.**—The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in said controlled substances, may sell said stock to a manufacturer, wholesaler or apothecary, but only on an official written order.

"21-28-3.20. **AUTHORITY OF PRACTITIONER TO PRESCRIBE, ADMINISTER, AND DISPENSE — REPORT OF CONTINUED USE.**—A practitioner, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense controlled substances, or he may cause the same to be administered by a nurse or intern under his direction and supervision. If said practitioner uses controlled substances in schedule II in the care and treatment of any individual case for a period of three (3) months, he shall at the expiration of said period of three (3) months report the same to the director of health, together with the name of the patient and the nature of the disease or ailment with which said patient is afflicted.

Authority of practitioner to prescribe, administer and dispense.

Report of continued use.

"21-28-3.21. **OPERATION OF TREATMENT AND REHABILITATION PROGRAMS FOR DRUG DEPENDENT PERSONS.**—The administering or dispensing directly, but not prescribing, of any controlled substance listed in any schedule to a drug dependent person for the purpose of continuing his dependence upon such drugs in the course of conducting an authorized clinical investigation in the development of a treatment and rehabilitation program for drug dependent persons shall be deemed to be within the meaning of the term "in the course of professional practice," provided: that approval is obtained prior to the initiation of such program by submission of an application therefor to proper federal authorities and in addition thereto, that a license to operate such program within the state be obtained from the director of health.

Operation of treatment and rehabilitation programs for drug dependent persons.

Administration, dispensation or use restricted to scope of employment or duty.

"21-28-3.22. **ADMINISTRATION, DISPENSATION OR USE RESTRICTED TO SCOPE OF EMPLOYMENT OR DUTY.**—A person in charge of a hospital or a laboratory, or in the employ of this state, or of any other state, or of any political subdivision thereof, or a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or a physician or surgeon duly licensed in some state, territory, or the District of Columbia, to practice his profession, or a retired commissioned medical officer of the United States army, navy, air force, or public health service employed upon such ship or aircraft who obtains controlled substances whether under the provisions of this chapter or otherwise, shall not administer nor dispense, nor otherwise use such controlled substances, within this state, except within the scope of his employment or official duty, and then only for scientific or medical purposes and subject to the provisions of this chapter.

Advertising controlled substances.

"21-28-3.23. **ADVERTISING CONTROLLED SUBSTANCES.**—No practitioner, manufacturer, or wholesaler shall solicit by public advertisement or otherwise, application to him for prescription for, or sales of, controlled substances, or shall publicly advertise any treatment the principal element of which consists in the administering, dispensing, furnishing, giving away or delivering of a controlled substance, except however, that the manufacturer or wholesaler may so advertise in journals and publications or by other means intended for circulation among the medical profession and drug trade generally.

"21-28-3.24. **EXAMINATION BEFORE USE OF CONTROLLED SUBSTANCES.**—No physician, dentist, osteopath, chiropodist, or veterinarian shall administer, dispense, or prescribe any controlled substance in schedules II, III, and IV, except after an original physical examination of the person for whom, or the animal for which the controlled substance is intended. Examination before use of controlled substances.

"21-28-3.25. **SUBPOENA POWERS.**—The director of health shall have power to administer oaths, summon and examine withnesses and order the production and examination of books, accounts, papers, records and documents in any proceedings within the jurisdiction of the department. All subpoenas, and orders for the production of books, accounts, papers, records and documents shall be signed and issued by the director of health and served as subpoenas in civil cases in the superior court are now served, or in lieu thereof served by an officer, agent, or representative so designated by the director of health. If the person subpoenaed before the director of health fails to obey the command of such subpoena without reasonable cause, or if a person in attendance before the director of health shall without reasonable cause, refuse to be sworn, or to be examined, or to answer a legal or pertinent question, or if any person shall fail to produce the books, accounts, papers, records, and documents material to the issue, set forth in an order duly served on him, the director of health may apply to any justice of the superior court of any county, upon proof of affidavit of the fact, for a rule or order returnable in not less than two (2) nor more than five Subpoena powers.

Same.

(5) days, directing such person to show cause before the justice who made the order to any other justice aforesaid, why he should not be adjudged in contempt. Upon the return of such order the justice before whom the matter is brought on for a hearing shall examine under oath such person, and such person shall be given an opportunity to be heard, and if the justice shall determine that such person has refused without reasonable cause or legal excuse to be examined or to answer a legal and pertinent question, or to produce books, accounts, papers, records, and documents, material to the issue which he was ordered to bring or produce, he may forthwith commit the offender to jail, there to remain until he submits to do the act which he was required to do, or is discharged according to law; provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

Labeling by manufacturers and wholesalers.

"21-28-3.26. **LABELING BY MANUFACTURERS AND WHOLESALERS.**—Whenever a manufacturer sells a controlled substance in packages designed for sale at retail and whenever a wholesaler sells or distributes a controlled substance in a package prepared by him, he shall securely affix to each individual package in which that controlled substance is contained a label showing in legible English the name and address of the apothecary for whom he is lawfully acting; the name and address of the patient, or, if the patient is an animal; the name and address of the owner of the animal and the species of the animal; the name and address of the practitioner by whom the prescription was written or ordered; and such di-

rections as may be stated on the prescription. No person shall alter, deface or remove any label so affixed.

"21-28-3.27. **LABELING BY DISPENSING APOTHECARIES.**—Whenever an apothecary sells or dispenses any controlled substance on a prescription issued by a practitioner, he shall affix to the container in which such controlled substance is sold or dispensed, a label showing his own name and address, or the name, and address of the apothecary for whom he is lawfully acting; the name and address of the patient, or, if the patient is an animal; the name and address of the owner of the animal and the species of the animal; the name and address of the practitioner by whom the prescription was written or ordered; and such directions as may be stated on the prescription. No person shall alter, deface or remove any label so affixed. Labeling by dispensing apothecaries.

"21-28-3.28. **SECURITY REQUIREMENTS GENERALLY.**—Security requirements for controlled substances shall be the same as those enumerated in federal law, provided, however, that the director of health may promulgate additional rules and regulations as required to prevent diversion of controlled substances. Security requirements generally.

"21-28-3.29. **POSSESSION LAWFUL ONLY IN ORIGINAL CONTAINER.**—An ultimate user to whom or for whose use any controlled substance has been lawfully dispensed may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing said controlled substance. Possession lawful only in original container.

Persons exempt from restrictions on possession of controlled substances.

"21-28-3.30. **PERSONS EXEMPT FROM RESTRICTIONS ON POSSESSION OF CONTROLLED SUBSTANCES.**—The Provisions of this chapter restricting the possession and having control of controlled substances shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or storing such controlled substances, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of controlled substances; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties; nor to persons lawfully in possession or control by reason of a proper order, prescription, license or registration.

ARTICLE IV

Offenses and Penalties

"21-28-4.01. **PROHIBITED ACTS A—PENALTIES.**—

Penalties for prohibited acts A.

(A) Except as authorized by this chapter, it shall be unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.

(1) Any person who is not a drug dependent person, as defined in 21-28-1.02 (15), who violates this subsection with respect to a controlled substance classified in schedules I or II, except the substance

classified as marijuana, is guilty of a crime and upon conviction may be imprisoned to a term up to life. Same.

(2) Any person, except as provided for in (1) of this subsection who violated this subsection with respect to:

(a) a controlled substance classified in schedule I or II is guilty of a crime and upon conviction may be imprisoned for not more than thirty (30) years, or fined not more than fifty thousand ($50,000) dollars or both;

(b) a controlled substance classified in schedule III or IV, is guilty of a crime and upon conviction may be imprisoned for not more than twenty (20) years, or fined not more than twenty thousand ($20,000) dollars, or both;

(c) a controlled substance classified in schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one (1) year, or fined not more than five thousand ($5,000) dollars, or both.

(B) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

(1) Any person who violates this sub-section with respect to:

(a) a counterfeit substance classified in schedule I or II, is guilty of a crime and upon conviction may be imprisoned for not more than thirty (30) years, or fined not more than fifty thousand ($50,000) dollars, or both;

Same.

(b) a counterfeit substance classified in schedule III or IV, is guilty of a crime and upon conviction may be imprisoned for not more than twenty (20) years, or fined not more than twenty thousand ($20,000) dollars, or both;

(c) a counterfeit substance classified in schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one (1) year, or fined not more than five thousand ($5,000) dollars, or both.

(C) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter.

(1) Any person who violates this subsection with respect to:

(a) a controlled substance classified in schedules I, II and III, IV and V, except the substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned for not more than three (3) years or fined not more than one thousand ($1,000) dollars, or both;

(b) a controlled substance classified in schedule I as marijuana is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year or fined not more than five hundred ($500) dollars, or both.

"21-28-4.02. **PROHIBITED ACTS B—PENALTIES.**— Penalties for prohibited acts B.

(A) It shall be unlawful for any person:

(1) who is subject to article III to distribute or dispense a controlled substance in violation of section 21-28-3.18:

(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;

(3) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this chapter;

(4) to refuse an entry into any premises for any inspection authorized by this chapter.

(B) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than five (5) years, or fined not more than one thousand ($1,000) dollars, or both.

"21-28-4.03. **PROHIBITED ACTS C—PENALTIES.**— Penalties for prohibited acts C.

(1) It is unlawful for any person knowingly or intentionally:

(a) to distribute as a registrant a controlled substance, except pursuant to an order form as required by section 21-28-3.10 of this chapter;

(b) to use in the course of the manufacture or distribution of a controlled substance a registration num-

Same.

ber which is fictitious, revoked, suspended, or issued to another person;

(c) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;

(d) to furnish false or fraudulent material information, in or omit any material information from, any application, report, or other document required to be kept or filed under this chapter or any record required to be kept by this chapter; or,

(e) to make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

(2) Any person who violates this chapter is guilty of a crime and upon conviction may be imprisoned for not more than five (5) years, or fined not more than one thousand ($1,000) dollars, or both.

Penalties for prohibited acts D—Hypodermic instruments.

"21-28-4.04. **PROHIBITED ACTS D—PENALTIES—HYPODERMIC INSTRUMENTS.**—

(1) No person except a manufacturer or a wholesaler or retail dealer in surgical instruments, practitioner, embalmer, nurse, common carrier or messenger engaged in the transportation, or employee of a hospital or laboratory acting under the direction of its superintendent or officer in immediate charge, shall at any time knowingly have or knowingly possess for the purpose of administering habit forming drugs, a

hypodermic needle or syringe or any instrument or implement adapted for subcutaneous injection unless such possession be authorized by: Same.

(a) in the case of use in the healing arts, the certificate of a practitioner which he may, subject to the rules and regulations of the director of health, issue to a patient under his immediate charge; and

(b) in the case of use in the industrial arts, the certificate of the director of health which he may, after appropriate investigation into the methods, techniques, and security of use, issue to the superintendent or officer in immediate charge of the process. Such certificates shall be issued in the form prescribed and furnished by the director of health and any certificate so issued may be revoked at any time by said director.

(2) No person except a manufacturer or a wholesaler or retail dealer in surgical instruments, or practitioner may sell any of the instruments specified in this section; and every such sale shall be made subject to the rules and regulations of the director of health. A record shall be kept by the person selling such syringe, needle, or instrument, which shall give the date of sale, the name and address of the purchaser, and a description of the instrument. This record shall at all times be open to inspection by the director of health, by the authorized agents of said director, and by the police authorities and police officers of the cities and towns.

(3) Any person who violates this section shall be sentenced to a term of imprisonment for not more than five (5) years or a fine of not more than five hundred ($500) dollars; and for each subsequent of-

fense by a term of imprisonment for not more than five (5) years or a fine of not more than one thousand ($1,000) dollars. With respect to the requirements governing the possession and use of hypodermic instruments it shall be deemed a compliance with this section if the parties to the transaction have complied with the laws of the state in which they reside.

Penalty for prohibited acts E—False representations to obtain controlled substances.

"21-28-4.05. **PROHIBITED ACTS E—FALSE REPRESENTATIONS TO OBTAIN CONTROLLED SUBSTANCES.**—

(1) No person shall obtain or attempt to obtain a controlled substance or procure or attempt to procure the administration of a controlled substance:

(a) by fraud, deceit, misrepresentation, or subterfuge; or,

(b) by the forgery or alteration of a prescription or of any written order; or

(c) by the concealment of material fact; or

(d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure the administration of any such controlled substance shall not be deemed a privileged communication.

(3) No person shall willfully make a false statement in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a controlled substance, falsely assume the title of, or

represent himself to be, a manufacturer, wholesaler, practitioner, or other authorized person. Same.

(5) No person shall make or utter any false or forged prescription or false or forged written order for controlled substances.

(6) No person shall affix any false or forged label to a package or receptacle containing controlled substances.

(7) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than five (5) years, and fined not more than five thousand ($5,000) dollars, or both.

"21-28-4.06. **PROHIBITED ACTS F—PLACES USED FOR UNLAWFUL SALE, USE, OR KEEPING OF CONTROLLED SUBSTANCES.—** Penalties for prohibited acts F—Places used for unlawful sale, use or keeping of controlled substances.

Any store, shop, warehouse, building, vehicle, aircraft, vessel or any place whatever which is used for the unlawful sale, use or keeping of a controlled substance shall be deemed a common nuisance.

(1) Any person who violates this subsection with respect to:

(a) Knowingly keeping and maintaining such a common nuisance as described in this section may be imprisoned for not more than five (5) years, and fined not more than one thousand ($1,000) dollars, or both;

(b) knowingly permitting any store, shop, warehouse, building, vehicle, aircraft, vessel or any place whatever which is owned or controlled by him to be used as a common nuisance may be imprisoned for not more than fifteen (15) years, and fined not more than ten thousand ($10,000) dollars, or both;

(c) knowingly visiting a common nuisance as described in this section for the purpose of using or taking in any manner any controlled substance may be imprisoned for not more than one (1) year and fined not more than three hundred ($300) dollars.

Penalty for distribution to persons under age 18.

"21-28-4.07. **DISTRIBUTION TO PERSONS UNDER AGE 18.**—

(A) Any person 18 years of age or over who violates section 21-28-4.01 (A) by distributing a controlled substance, excluding marijuana, listed in schedules I and II to a person under 18 years of age who is at least 3 years his junior may be imprisoned to a term up to life.

(B) Any person 18 years of age or over who violates section 21-28-4.01 (A) by distributing a controlled substance listed in schedules III and IV to a person under 18 years of age who is at least 3 years his junior may be imprisoned to a term up to life.

(C) Any person 18 years of age or over who violates section 21-28-4.01 (A) by distributing any controlled substance listed in schedule V to a person under 18 years of age who is at least 3 years his junior is punishable by the fine authorized by section 21-28-4.01 (A) (2) (c), and by a term of imprisonment up to twice that authorized by section 4.01 (A) (2) (c), or both.

(D) Any person 18 years of age or over who violates section 21-28-4.01 (A) by distributing the controlled substance of marijuana listed in schedule I to a person under 18 years of age who is at least 3 years his junior is punishable by the fine authorized by

section 21-28-4.01 (A) (2) (a), and by a term of imprisonment of up to twice that authorized by section 21-28-4.01 (A) (2) (a), or by both.

"21-28-4.08. **CONSPIRACY.**— Penalty for conspiracy.

Any person who conspires to violate any provision of this chapter is guilty of a crime and is subject to the same punishment prescribed in this chapter for the commission of the substantive offense of which there is a conspiracy to violate.

"21-28-4.09. **GENERAL PENALTY CLAUSE.** — General penalty clause. Any person who violated any provision of this chapter, the penalty for which is not specified herein, and of the rules and regulations of the director of health made under authority of this chapter, shall be sentenced to a term of imprisonment of not more than one (1) year, a fine of five hundred dollars ($500.) or both.

"21-28-4.10. **PENALTIES UNDER OTHER LAWS.** Penalties under other laws. —Any penalty imposed for violation of this chapter is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

"21-28-4.11. **SECOND OR SUBSEQUENT OFFENSES.**—(A) Any person convicted of a second or subsequent offense under this chapter may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both. Second or subsequent offenses.

(B) For purposes of this section, an offense is considered a second or subsequent offense, if prior to his

conviction of the offense, the offender has at any time been convicted under this chapter or under any statute of the United States or of any state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs.

Bar to prosecution.

"21-28-4.12. **BAR TO PROSECUTION.**—If a violation of this chapter is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

ARTICLE V

Powers of Enforcement Personnel

Powers of enforcement personnel.

"21-28-5.01. **POWERS OF ENFORCEMENT PERSONNEL.**—It is hereby made the duty of the department of health, its officers, agents, inspectors and representatives so designated by the director of health, and of all peace officers within the state, and of all prosecuting officers, to enforce all provisions of this chapter except those specifically delegated therein, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to controlled substances. Any officer or employee of the department designated by the director of health may:

(1) exercise in any part of the state all powers of sheriffs, deputy sheriffs, town sergeants, chiefs of police, police officers and constables;

(2) carry firearms;

(3) apply for, execute and serve search warrants, arrest warrants, subpoenas, and summonses issued under the authority of this state;

(4) make arrests as provided by law;

(5) make seizures of property pursuant to the provisions of this chapter; and

(6) perform other law enforcement duties as the director of health may designate.

The director of health shall file in the office of the secretary of state a certified copy of each designation made under the provisions of this section.

"21-28-5.02. **ADMINISTRATIVE INSPECTIONS.** —The director of health may make administrative inspections of controlled premises in accordance with the following provisions: Administrative inspections.

(1) For purposes of this section only, 'controlled premises' means:

(a) places where persons registered or exempted from registration requirements under this act are required to keep records; and

(b) places including factories, warehouses, establishments, and conveyances in which persons registered or exempted from registrations requirements under this act are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance.

(2) An officer or employee designated by the director of health, upon presenting the appropriate credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection.

(3) An officer or employee designated by the director of health may:

Same.

(a) inspect and copy records required by this act to be kept;

(b) inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment finished and unfinished material, containers and labeling found therein, and, except as provided in subsection (b) (5), all other things therein, including records, files, papers, processes, controls and facilities bearing on the enforcement of this act; and

(c) inventory any stock of any controlled substance therein and obtain samples thereof;

(4) An inspection authorized by this section shall not extend to financial data, sales data, other than shipment data, or pricing data unless the owner, operator, or agent in charge of the controlled premises consents in writing.

Forfeiture of vehicles being used in violation of this chapter.

"21-28-5.04. FORFEITURE.—(a) Any vessel, vehicle, or aircraft which has been or is being used in violation of 21-28-4.01 (A) and (B) of this chapter, or in, upon or by means of which any violation of 21-28-4.01 (A) and (B) has taken or is taking place, shall be seized and forfeited; provided, that no vessel, vehicle, or aircraft used by any person shall be forfeited under the provisions of this chapter unless it shall appear that the owner of the vessel, vehicle or aircraft had knowledge, actual or constructive, and was a consenting party to the alleged illegal act.

(b) Any law enforcement agency whose duty it is to enforce the laws of this state relating to controlled substances is empowered to authorize designated officers or agents to carry out the seizure provisions of this

chapter. It shall be the duty of any officer or agent so authorized or designated or authorized by law, whenever he shall discover any vessel, vehicle, or aircraft which has been or is being used in violation of any of the provisions of this chapter, or in, upon, or by means of which any violation of this chapter has taken or is taking place, to seize such vessel, vehicle or aircraft and to place it in the custody of such person as may be authorized or designated for that purpose by the respective law enforcement agency pursuant to those provisions. Same.

(c) The attorney general shall proceed pursuant to sections 12-21-23 through 12-21-32 of the general laws to show cause why such vessel, vehicle or aircraft shall be forfeited to the use of, or the sale by, the law enforcement agency making the seizure on producing due proof that the vessel, vehicle or aircraft was being used in violation of the provisions of section 21-28-4.01 (A) and (B). Notice on the owner thereof of such seizure and of the time set for hearing thereon shall not be less than five (5) days nor more than fifteen (15) days after said seizure. Where it appears by affidavit that the residence of the owner of a vessel, vehicle, or aircraft is out of the state or is unknown to the attorney general the court shall appoint an attorney to represent the absent owner within ten (10) days after such application. Such affidavit may be made by the attorney general or one of his assistants. The attorney so appointed may waive service and citation of the petition but shall not waive time or any legal defense. At all times herein notice shall be also given to all recorded lienholders and the use or sale of any ves-

sel, vehicle, or aircraft forfeited under the act shall be subject to the rights of said recorded lienholders.

Forfeitures of controlled substances, etc.

"21-28-5.05. **FORFEITURES.**—(a) The following shall be subject to forfeiture to the state and no property right shall exist in them:

(1) all controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter.

(2) all raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter.

(3) all property which is used, or intended for use, as a container for property described in paragraph (1) or (2), subject to the limitations of section 21-28-5.04.

(4) all books, records and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter.

(b) Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the law enforcement agency making the seizure. Whenever property is forfeited under this chapter the law enforcement agency may:

(1) retain the property for official use;

(2) sell any forfeited property which is not required by this chapter to be destroyed and which is not harmful to the public, but the proceeds of any such sale, after first deducting an amount sufficient for all prop-

er expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs, shall be paid to the general treasurer for the use thereof.

"21-28-5.06. **SEIZURE OF CONTRABAND.**—All controlled substances which may be handled, sold, possessed or distributed in violation of any of the provisions of this chapter shall be and the same are declared to be contraband; and shall be subject to seizure and confiscation by any state or local officer whose duty it is to enforce the laws of this state relating to controlled substances. Seizure of contraband.

"21-28-5.07. **DISPOSITION OF CONTROLLED SUBSTANCES.**—(a) controlled substances forfeited to the state shall be delivered to the director of health for distribution or destruction as hereinafter provided: Disposition of controlled substances.

(1) controlled substances seized as contraband shall be delivered to the director of health for distribution or destruction as hereinafter provided.

(2) any person lawfully in possession of excess or undesired controlled substances shall deliver said controlled substances to the director of health for distribution or destruction as hereinafter provided.

(3) the director of health shall keep a full and complete record of all controlled substances received and of all controlled substances disposed of, showing the exact kinds, quantities, and forms of such controlled substances; the persons from whom received and to whom delivered; by whose authority received, delivered and destroyed; and the dates of the receipt, dis-

posal, or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal law or of this chapter.

The director of health may deliver any controlled substance in his possession under the provisions of this chapter to an appropriate applicant for any lawful purpose for medical or scientific use, or cause the same to be destroyed.

Burden of proof.

"21-28-5.08. **BURDEN OF PROOF; LIABILITIES.**—(a) It shall not be necessary for the state to negate any exemption or exception set forth in this chapter in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this act, and the burden of pleading and proof of any such exemption or exception shall be upon the person claiming its benefit.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or an official written order issued under federal law, he shall be presumed not to be the holder of such registration form, and the burden of proof shall be upon him to rebut such presumption.

Revocation of professional license of persons convicted.

"21-28-5.09. **REVOCATION OF LICENSE OF PERSONS CONVICTED.**—On the conviction of any person of the violation of any provision of this chapter, a copy of the judgment or decision and the sentence, and of the opinion of the court, if one is filed, shall be sent forthwith by the clerk of the court to the director of health, who in turn shall notify the board, division, commission, officer, or officers, by whom the convicted person was licensed or registered to practice his pro-

fession, trade, occupation, or to carry on his business. Said licensing board, division, commission, officer or officers shall enter upon its records a statement of such conviction and shall forthwith revoke such license or registration and notify the director of health within seven (7) days to that effect. On the application of any person whose license or registration has been revoked, and upon proper showing and for good cause, said board, division, commission, officer or officers, may reinstate such license or registration, and when it does it shall so notify the director of health.

Inspection of records.

"21-28-5.10. **INSPECTION OF RECORDS—INFORMATION OR KNOWLEDGE OBTAINED CONFIDENTIAL.**—Prescriptions, orders and records required by this chapter, and stocks of controlled substances, shall be open for inspection only to federal, state, county and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to controlled substances. No person having information or knowledge by virtue of his office of any such prescription, order, or record shall divulge or shall be required to divulge such information of knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer to which prosecution or proceeding the person to whom such prescription, orders, or records relate is a party. Any personal records of individual use of controlled substances shall be destroyed after two years unless such records relate to an on-going judicial proceeding.

Information or knowledge obtained confidential.

"21-28-5.11. **SUSPENSION OF LICENSE OR REGISTRATION OF DRUG DEPENDENT PERSONS.**—

Suspension of license or registration of drug dependent persons.

If any person licensed or registered to practice his profession, trade, occupation, or carry on his business, shall at any time, after a fair hearing held upon reasonable notice, and upon the production of sufficient evidence, be found by the director of health to be a drug dependent person, then said director shall, within seven (7) days after such hearing, give notice in writing to the board, division, commission, officer or officers issuing a license to such practitioner, or nurse, that said practitioner, or nurse is a drug dependent person, and the said board, division, commission, officer or officers empowered to issue such license or registration shall in regular course examine the facts in the case and shall, in their judgment, suspend such license or registration and shall forthwith notify the director of health that such license or registration has been suspended, and such license or registration shall remain suspended until such time as the said director of health shall notify the board, division, commission, officer or officers empowered to issue such license or registration that in the opinion of the director of health such person whose license or registration is suspended is no longer a drug dependent person and thereupon such license or registration may be reissued by the board, commission, officer or officers empowered to issue such license or registration.

Appropriations and disbursements.

"21-28-5.12. **APPROPRIATIONS AND DISBURSEMENTS.**—The general assembly shall annually appropriate such sums as it may deem necessary for the payment of the necessary expenses incurred by the department in the performance of its duties; and the state controller is hereby authorized and directed to draw his orders upon the general treasurer for the

payment of said sums or so much thereof as may from time to time be required, upon receipt by him of proper vouchers approved by the director of health.

"21-28-5.13. **SEVERABILITY OF PROVISIONS.**— If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are declared to be severable. Severability.

"21-28-5.14. **JUDICIAL REVIEW.**—All final determinations, findings, and conclusions of the director of health under this chapter shall be final and conclusive decisions of the matters involved, except that any person aggrieved by such decision may obtain review of the decision in the superior court. Findings of fact by the director of health if supported by substantial evidence, shall be conclusive. Judicial review shall be conducted subject to the provisions of the general laws 42-35-15. Judicial review.

ARTICLE VI

Miscellaneous

"21-28-6.01. **PENDING PROCEEDINGS.**—(a) Prosecutions for any violations of law occurring prior to the effective date of this chapter shall not be affected by these repealers or amendments, or abated by reason thereof. Pending proceedings.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of this

Same.

chapter shall not be affected by these repealers or amendments, or abated by reason thereof.

(c) All administrative proceedings pending before the department on the effective date of this enactment shall be continued and brought to final determination in accord with laws and regulations in effect prior to the date of this enactment. Such drugs placed under control prior to enactment of this chapter which are not listed within schedules I through V inclusive, shall automatically be controlled and listed in the appropriate schedule.

(d) The provisions of this chapter shall be applicable to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur following its effective dates.

Continuation of regulations.

"21-28-6.02. CONTINUATION OF REGULATIONS. —Any orders, rules and regulations which have been promulgated under any law affected by this chapter and which are in effect on the day preceding enactment of this chapter shall continue in effect until notified, superceded or repealed by the director.

Act effective, when.

Sec. 3. This act shall take effect July 1, 1974.