certified the state election ballots as provided in RSA 659:95 and 96 shall deliver the sealed containers to the town or city clerk, or to his designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his name in the appropriate blank on the sealer. The clerk or his designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall, where the ballots shall be kept for a period of 60 days.

292:3 Assistant Secretary of State; Salary and Removal. Amend RSA 5:23 (supp) as inserted by 1977, 600:18 by striking out said section and inserting in place thereof the following:

5:23 Assistant Secretary of State. The secretary of state may appoint 2 assistant secretaries of state who shall hold office during good behavior. The salary of an assistant secretary of state shall be set by the secretary of state in accordance with the provisions of RSA 94:1-4. An assistant secretary of state shall be removed only in accordance with RSA 4:1.

292:4 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 14, 1985.]
[Effective Date August 13, 1985.]

CHAPTER 293 (HB 55)

AN ACT AUTHORIZING THE DIRECTOR OF THE DIVISION OF PUBLIC HEALTH SERVICES TO SCHEDULE CONTROLLED DRUGS AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

293:1 Definition. Amend RSA 318-B:1, VI as inserted by 1969, 421:1 as amended by striking out said paragraph and inserting in place thereof the following:

VI. "Controlled drugs" means any drug or substance, or immediate precursor, which is scheduled pursuant to RSA 318-B:1-a.

293:2 Definition. Amend RSA 318-B:1 by inserting after paragraph VII the following new paragraph:

VII-a. "Director" means the director, division of public health services, department of health and human services.

293:3 Scheduling and Schedule Tests. Amend RSA 318-B by inserting after section 1 the following new sections:

318-B:1-a Scheduling by the Director.

I. The director may add, delete, or reschedule all substances, by rule, pursuant to RSA 541-A, after hearing and after consulting with the pharmacy board. In making a determination regarding a substance, the director shall consider the following:

(a) Actual or relative potential for abuse;

(b) Scientific evidence of its pharmacological effect, if known;

(c) State of current scientific knowledge regarding the substance;
(d) History and current pattern of abuse;
(e) Scope, duration, and significance of abuse;
(f) Risk to the public health;
(g) Potential of the substance to produce psychic or physical dependence liability; and
(h) Whether the substance is an immediate precursor of a substance already controlled under this chapter.

II. After considering the factors in paragraph I, the director shall make findings relative to the substance and adopt a rule controlling the substance if he finds the substance has a potential for abuse.

III. In addition to the provisions of RSA 541-A, the director shall give due notice of the time, place and purpose of all hearings required under this chapter to podiatrists, osteopaths, hospitals, pharmacists, physicians, dentists, veterinarians, laboratories, registered manufacturers, suppliers and to the general public by such means as he shall deem adequate. From and after the hearing date, the sale or dispensation (except by prescription) of a drug or chemical containing any quantity of such substance as is the subject matter of the hearing shall be suspended pending a determination as to whether such substance is to be designated as a controlled drug. Designation as a controlled drug shall result in the continued suspension of the sale or dispensation (except by prescription) of any drug or chemical containing any quantity of such substance until the effective date of the designation. The substance shall thereafter be a controlled drug subject to this chapter. If any substance is so designated, the director shall publish the designation in a newspaper of general circulation in the state once each week for 3 successive weeks.

IV. Substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

V. If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the director, the director shall similarly control the substance under this chapter after the expiration of 30 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 30 day period, the director objects to inclusion, rescheduling, or deletion. In that case, the director shall publish the reasons for objection and afford all interested persons an opportunity to be heard. At the conclusion of the hearing, the director shall publish his decision, which shall be final unless altered by law. Upon publication of objection to inclusion, rescheduling, or deletion under this chapter by the director, control under this chapter shall be stayed until the director publishes his decision.

VI. Authority to control under this section shall not extend to distilled spirits, wine, malt beverages, or tobacco.

VII. Controlled drugs shall be scheduled by whatever official, common, usual, chemical or trade name designated.

VIII. The director shall revise and republish the schedules in RSA 318-B:1-b semi-annually for 2 years from the effective date of this section, and thereafter annually.

318-B:1-b Schedule Tests.

I. Schedule I Tests. The director shall place a substance in schedule I if he finds that the substance:
(a) Has high potential for abuse; and

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

II. Schedule II Tests. The director shall place a substance in schedule II if he finds that:

(a) The substance has high potential for abuse;

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

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

III. Schedule III Tests. The director shall place a substance in schedule III if he finds that:

(a) The substance has a potential for abuse less than the substances listed in schedules I and II of the current chapter 21, Code of Federal Regulations;

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

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

IV. Schedule IV Tests. The director shall place a substance in schedule IV if he finds that:

(a) The substance has a low potential for abuse relative to substances listed in schedule III of the current chapter 21, Code of Federal Regulations;

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

(c) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in schedule III of the current chapter 21, Code of Federal Regulations.

V. Schedule V Tests. The director shall place a substance in schedule V if he finds that:

(a) The substance has a low potential for abuse relative to substances listed in schedule IV of the current chapter 21, Code of Federal Regulations;

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

(c) The substance has limited physical dependence liability or psychological dependence liability relative to the substances in schedule IV of the current chapter 21, Code of Federal Regulations.

293:4 Reference to Federal Schedule. Amend RSA 318-B:7 as inserted by 1969, 421:1 as amended by striking out said section and inserting in place thereof the following:

318-B:7 Written Orders. An official written order for any controlled drug in schedule II shall be signed in triplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the controlled drug or drugs 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 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 compliance with this section if the parties to the transaction have complied with the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, or the federal food and drug laws, respecting the requirements governing the use of order forms.

293:5 Reference to Federal Schedule. Amend RSA 318-B:9, II as inserted by 1969, 421:1 as amended by striking out said paragraph and inserting in place thereof the following:

II. The legal owner of any stock of controlled drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or registered pharmacy but only upon an official written order, and in accordance with the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, and regulations where applicable. A licensed pharmacy only upon an official written order may sell controlled drugs in schedule II to a practitioner to be used for medical purposes.

293:6 Reference to Federal Schedule. Amend RSA 318-B:9, IV (supp) as inserted by 1979, 398:5 as amended by striking out said paragraph and inserting in place thereof the following:

IV. No prescription shall be filled for more than a 34-day supply or 100 dosage units, whichever is less, upon any single filling for controlled drugs of schedules II or III; provided, however, that with regard to dextro amphetamine sulphate and methyl phenidate hydrochloride, a prescription may be filled for up to a 60-day supply if either such prescription specifies it is being used for the treatment of minimum brain dysfunction or narcolepsy.

293:7 References to Federal Schedule. Amend RSA 318-B:10, I and II as inserted by 1969, 421:1 as amended by striking out said paragraphs and inserting in place thereof the following:

I. A practitioner other than a veterinarian, in good faith, in the course of his professional practice, and for a legitimate medical purpose, may administer and prescribe controlled drugs, or the practitioner may cause the same to be administered by a nurse or intern under his direction and supervision. In a bona fide emergency situation, the practitioner may dispense a controlled drug to a patient under his care but only in a quantity not to exceed a 48-hour supply for all schedule II substances or a 7-day supply of schedule III, IV, or V substances.

II. A veterinarian, in good faith, in the course of his professional practice only, and not for use by a human being, may administer and prescribe controlled drugs, and the veterinarian may cause them to be administered to an animal under his care, but only in a quantity not to exceed a 48-hour supply of a schedule II substance or a 7-day supply of schedule III, IV, or V substances.

293:8 Schedules of Controlled Drugs. There are hereby established 5 schedules of controlled drugs to be known as schedules I, II, III, IV and V. Such schedules shall initially consist of substances listed in this section. The schedules established by this section shall be updated and republished pursuant to RSA 318-B:1-a.

I. Schedule I shall include the controlled substances listed in schedule I of the current chapter 21, Code of Federal Regulations.

II. Schedule II shall include the controlled substances listed in schedule II of the current chapter 21, Code of Federal Regulations.

III. Schedule III shall include the controlled substances listed in schedule III of the current chapter 21, Code of Federal Regulations.

IV. Schedule IV shall include the controlled substances listed in schedule IV of the current chapter 21, Code of Federal Regulations.

V. Schedule V shall include the controlled substances listed in schedule V of the current chapter 21, Code of Federal Regulations.

293:9 Appropriation. The sum of $3,552 for the fiscal year ending June 30, 1986, and the sum of $3,552 for the fiscal year ending June 30, 1987, are hereby appropriated to the division of public health services, department of health and human services, for the purposes of this act. These appropriations are in addition to any other funds appropriated to the division of public health services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

293:10 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 14, 1985.]
[Effective Date August 13, 1985.]

CHAPTER 294 (HB 64)

AN ACT LIMITING THE LIABILITY OF PERSONS AIDING CRIME VICTIMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

294:1 Aid to Victims of Crime. Amend RSA 508:12 as inserted by 1967, 128:1 as amended by striking out said section and inserting in place thereof the following:

508:12 Aid at Scene of Emergency or to Victim of Crime.

I. If any person in good faith renders emergency care at the place of the happening of an emergency or to a victim of a crime or delinquent act or while in transit in an ambulance or rescue vehicle, to a person who is in urgent need of care as a result of the emergency or crime or a delinquent act, and if the acts of care are made in good faith and without willful or wanton negligence, the person who renders the care is not liable in civil damages for his acts or omissions in rendering the care, as long as he receives no direct compensation for the care from or on behalf of the person cared for. Any person rendering emergency care shall have the duty to place the injured person under the care of a physician, nurse, or other person qualified to care for such person as soon as possible and to obey the instructions of such qualified person.

II. Nothing in this section shall be used to construe that the perpetrator of a crime or a delinquent act or his accomplice shall be rendered innocent of liability.

III. A law enforcement officer acting in the line of duty who in good faith and without negligence renders emergency care or transport pursuant to paragraph I is exempt from civil liability under the provisions of paragraph I.

294:2 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 14, 1985.]
[Effective Date August 13, 1985.]
