COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 4-29

"District of Columbia Uniform Controlled Substances Act of 1981".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-123 on first and second readings, May 5, 1981 and May 19, 1981, respectively. Following the signature of the Mayor on June 9, 1981, this legislation was assigned Act No. 4-51, published in the July 10, 1981 edition of the D.C. Register, (Vol. 28 page 3081) and transmitted to Congress on June 15, 1981 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-29, effective August 5, 1981.

ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 15,16,17,18,19,22,23,24,25,26

July 8,9,10,13,14,15,16,17,20,21,22,23,24,27,28,29,30,31

August 3,4

D.C. LAW 4-20

Enrolled Or

EFFECTIVE DATE AUG 0 5 1981

AN ACT

D.C. ACT 4-51

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 0 9 1981

To adopt a uniform law concerning controlled substances; to provide reasonable penalties for various narcotic and drug offenses; to provide for increased research into and prevention of drug abuse and drug dependence; to provide for education of abusers of controlled substances; to strengthen existing law enforcement authority in the field of drug abuse; to repeal the Uniform Narcotics Act and to amend other laws; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA. That this act may be cited as the "District of Columbia Uniform Controlled Substances Act of 1981".

TITLE I--DEFINITIONS

Sec. 102. Definitions. As used in this act, the term:

CODIFICATION
D.C. Code, sec. 33-401

(1) "administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(A) a practitioner (or, in the practitioner's presence, by the practitioner's authorized agent); or

(B) the patient or research subject at the direction of and in the presence of the practitioner.

(2) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term "agent" does not include a common or contract carrier, a public warehouseman, or an employee of the carrier or warehouseman, when acting in the usual and lawful course of the carrier's or warehouseman's business.

(3) "Cannabis" means all parts of the plant genus Cannabis, including both marijuana and hashish defined as follows:

(A) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus Cannabis, whether growing or not. The term "marijuana" does not include the resin extracted from any part of the plant, nor any compound, manufacture, salt, derivative, mixture, or preparation from the resin, including hashish

and does not include the mature stalks of the plant, fiber produced from such stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(3) "hashish" includes the resin extracted from any part of the plant genus Cannabis, and every compound, manufacture, salt, derivative, mixture, or preparation from such resin.

(4) "controlled substance" means a drug, substance, or immediate precursor, as set forth in Schedules I through V of Title II.

(5) "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 who in fact manufactured, distributed, or dispensed the substance.

(6) "D.E.A." means the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

(7) "dispense" means to distribute a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(8) "dispenser" means a practitioner who dispenses.

(9) "distribute" means the actual, constructive, or attempted transfer from one (1) person to another other than by administering or dispensing of a controlled substance, whether or not there is an agency relationship.

(10) "distributor" means a person who distributes.

(11) "drug" means (A) substances recognized as drugs in the official United States Pharmacopoeia, the official Homeopathic Pharmacopoeia of the United States, or the official National Formulary, or any supplement to

any of them; (B) active substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (C) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (D) substances intended for use as a component of any article specified in paragraphs (A), (B), or (C). The term "drug" does not include devices or their components, parts, or accessories.

(12) "immediate precursor" means a substance which the Mayor has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(13) "manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly 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 the substance or labeling or relabeling of its container. The term "manufacture" does not include the preparation or compounding of a controlled substance by an individual for his or her own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(A) by a practitioner as an incident to administering or dispensing a controlled substance in the course of the practitioner's professional practice, or

(B) by a practitioner, or by his or her authorized agent under supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(14) "Mayor" means the Mayor as provided for in section 401 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 814; D.C. Code, sec. 1-161), or the Mayor's designated agent.

(15) "narcotic drug" means 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:

(A) opium, its phenanthrene alkaloids, and their derivatives (except isoquiniline alkaloics of opium);

(B) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (A); or

(C) opium poppy and poppy straw.

(16) "opiate" means any drug or other 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 and includes its racemic and levorotatory forms. The term "opiate" does not include, unless specifically designated as controlled under section 201, the dextrorotatory

isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).

(17) "opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(18) "person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, or association, or unincorporated business, or any other legal entity.

(19) "poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(20) "practitioner" means:

(A) a physician, dentist, veterinarian, scientific investigator, or other person 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 the District of Columbia; or

(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 its professional practice or research in the District of Columbia.

(21) "production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(22) "state" when applied to a part of the United States, includes any state, the District of Columbia, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States government.

(23) "ultimate user" means a person who lawfully possesses a controlled substance for that person's own use or for the use of a member of that person's household or for administering to an animal owned by him or her or by a member of that person's household.

TITLE II - STANDARDS AND SCHEDULES

Sec. 201. Authority to Control.

D.C.Code, sec. 33-411

(a) The Mayor shall administer this act and, with provision for public notice and comment, may add substances to or delete or reschedule all substances enumerated in the schedules in sections 204, 206, 208, 210, or 212 pursuant to title I of

the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.) and pursuant to the procedures set forth in this act. In making a determination regarding a substance, the Mayor shall consider the following:

(1) the actual or relative potential for abuse;

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

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

(4) the history and current pattern of abuse;

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

(6) the risk to the public health;

(7) the potential of the substance to produce psychological or physiological dependence; and

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

(b) After considering the factors enumerated in subsection (a) and after complying with title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code, sec. 1-1501 et seq.), the Mayor shall make findings with respect thereto and issue a proposed rule controlling the substance if the Mayor finds the substance has a potential for abuse or deleting the substance if the Mayor finds the substance does not have a potential for abuse. The Mayor shall transmit such proposed rule to the Council of the District of Columbia and if the Council of the District of Columbia does not adopt a resolution disapproving the proposed rule within sixty (60) days it shall become effective. The Council of the District of Columbia may, by resolution, approve the proposed rule before the expiration of the sixty (60)-day period and it shall become effective upon that date. Such rule shall be published by the Mayor in the District of Columbia Register upon its becoming effective.

(c) If the Mayor designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not