

## **Controlled Substance Order Form Requirements - State Statutory Excerpts**

### Alabama

#### **20-2-57. Distribution of certain controlled substances by one registrant to another registrant.**

Controlled substances in schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

### Alaska

#### **Sec. 17.30.070 Order forms; prescriptions.**

(a) A controlled substance may be distributed by one registrant to another registrant only if the distribution is in accordance with federal requirements for order forms.

(b) A controlled substance may not be dispensed by a practitioner other than in accordance with federal requirements regarding prescriptions for controlled substances.

(c) If the classification of a controlled substance in a schedule set out in AS 11.71.140 - 11.71.190 is different from its corresponding classification under federal law, the requirements of (a) and (b) of this section are determined by the classification of the substance under federal law.

### Arizona

#### **§ 36-2524. Order forms**

Controlled substances in schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

### Arkansas

#### **5-64-307. Order forms, controlled substances**

Controlled substances in Schedules I and II shall be distributed by a practitioner to another practitioner only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

### California

#### **§ 11205. Controlled substance prescription file**

The owner of a pharmacy or any person who purchases a controlled substance upon federal order forms as required pursuant to the provisions of the Federal "Comprehensive

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Drug Abuse Prevention and Control Act of 1970," (P.L. 91-513, 84 Stat. 1236), relating to the importation, exportation, manufacture, production, compounding, distribution, dispensing, and control of controlled substances, and who sells controlled substances obtained upon such federal order forms in response to prescriptions shall maintain and file such prescriptions in a separate file apart from noncontrolled substances prescriptions. Such files shall be preserved for a period of three years.

### Colorado

#### **§ 18-18-307. Order forms**

A substance included in schedule I or II may be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms constitutes compliance with this section.

### Connecticut

#### **§ 21a-248. Sale or dispensing of controlled drugs by licensed manufacturer or wholesaler. Records; orders. Scope of uses limited**

(a) A licensed manufacturer or wholesaler may sell and dispense controlled drugs to any of the following-named persons, but in the case of schedule II drugs only on official written order: (1) To a manufacturer, wholesaler or pharmacist; (2) to a physician, dentist or veterinarian; (3) to a person in charge of a hospital, incorporated college or scientific institution, but only for use by or in that hospital, incorporated college or scientific institution for medical or scientific purposes; (4) to a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes; (5) to any registrant as defined in subdivision (47) of section 21a-240.

(b) A licensed manufacturer or wholesaler may sell controlled drugs only to registrants when permitted under federal and state laws and regulations.

(c) An official written order for any schedule I or II drug shall be signed in triplicate by the person giving such order or by his authorized agent and the original shall be presented to the person who sells or dispenses the drug or drugs named therein as provided by federal laws. If such order is accepted by such person, each party to the transaction shall preserve his copy of such order for a period of three 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.

(d) The manufacturer or wholesaler shall keep records of all sales and dispensing of controlled drugs and shall comply fully with applicable provisions of the federal controlled drug laws and the federal food and drug laws, and the state food, drug and cosmetic laws in such sale or dispensing of controlled drugs.

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(e) Possession or control of controlled drugs obtained as authorized by this section shall be lawful only if obtained in the regular course of the business, occupation, profession, employment or duty of the possessor.

(f) A person in charge of a hospital, incorporated college or scientific institution, or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains controlled drugs under the provisions of this section or otherwise, shall not administer, or dispense, or otherwise use such drugs within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes or for the purposes of research or analysis and subject to the provisions of this chapter.

### Delaware

#### **§ 4738 Order forms.**

Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with federal law respecting order forms shall be deemed compliance with this section.

### District of Columbia

#### **§ 48-903.07. Order forms.**

Controlled substances in Schedule I or II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

### Florida

#### **893.06. Distribution of controlled substances; order forms; labeling and packaging requirements**

(1) Controlled substances in Schedules I and II shall be distributed by a duly licensed manufacturer, distributor, or wholesaler to a duly licensed manufacturer, wholesaler, distributor, practitioner, pharmacy, as defined in chapter 465, hospital, or laboratory only pursuant to an order form. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with federal law respecting the use of order forms.

(2) Possession or control of controlled substances obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty.

(3) A person in charge of a hospital or laboratory or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of

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a ship or aircraft, who obtains controlled substances under the provisions of this section or otherwise, shall not administer, dispense, or otherwise use such controlled substances within this state, except within the scope of her or his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this chapter.

(4) It shall be unlawful to distribute a controlled substance in a commercial container unless such container bears a label showing the name and address of the manufacturer, the quantity, kind, and form of controlled substance contained therein, and the identifying symbol for such substance, as required by federal law. No person except a pharmacist, for the purpose of dispensing a prescription, or a practitioner, for the purpose of dispensing a controlled substance to a patient, shall alter, deface, or remove any labels so affixed.

### Georgia

#### **§ 16-13-40. Order forms to distribute Schedule I and II substances**

Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with federal law respecting order forms shall be deemed compliance with this Code section.

### Hawaii

#### **§ 329-37 Filing requirements.**

All persons registered to manufacture, distribute, or dispense controlled substances and all persons who transport, warehouse, or otherwise handle controlled substances, shall file with the department of public safety on forms and within the time and manner prescribed by the department of public safety, copies of order, receipt and distribution of Schedule I and Schedule II controlled substances and other controlled substances designated by the department of public safety, showing the amounts of such controlled substances ordered, received, distributed, transported, warehoused, or otherwise handled.

### Idaho

#### **37-2721 Order forms.**

Controlled substances in schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

### Illinois

#### **570/307. Distribution between registrants; written order**

Controlled substances in Schedules I and II shall be distributed by a registrant to another

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registrant only pursuant to a written order. Compliance with the laws of the United States respecting order forms shall be deemed compliance with this Section.

### Indiana

#### **35-48-3-8 Order forms**

Controlled substances in schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms is deemed compliance with this section.

### Iowa

#### **124.307. Order forms**

Controlled substances in schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

### Kansas

#### **65-4122. Order forms for distribution of substances in schedules I and II.**

Controlled substances in schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

### Kentucky

#### **218A.170 Sale, distribution, administration, or prescription of controlled substances by licensed manufacturers, distributors, wholesalers, pharmacists, or practitioners**

(1) A duly licensed manufacturer, distributor, or wholesaler may sell or distribute controlled substances, other than samples, to any of the following persons:

- (a) To a manufacturer, wholesaler, or pharmacy;
- (b) To a practitioner;
- (c) To the administrator 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 in that laboratory for scientific and medical research purposes;
- (e) To a person registered pursuant to the federal controlled substances laws.

(2) A pharmacist may sell or distribute a controlled substance:

- (a) Pursuant to a prescription that conforms to the requirements of this chapter; or
- (b) To a person registered pursuant to the federal controlled substances laws.

(3) A practitioner may:

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(a) Administer, dispense, or prescribe a controlled substance only for a legitimate medical purpose and in the course of professional practice; or

(b) Distribute a controlled substance to a person registered pursuant to the federal controlled substance laws.

(4) All sales and distributions shall be in accordance with KRS 218A.200 and the federal controlled substances laws, including the requirements governing the use of order forms.

(5) Possession of or control of controlled substances obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

### Louisiana

#### **§ 977. Order forms**

Controlled dangerous substances in Schedules I and II shall be distributed only pursuant to an order form. Compliance with the regulations of the department respecting order forms shall be deemed compliance with this Section.

Maine (The following is an excerpt from an administrative rule that indicates the state's compliance with federal controlled substance order form regulations)

#### **ME ADC 02-392 Ch. 29, § 1**

##### 1. Violations of Federal Law or Rule as Constituting Unprofessional Conduct

The board finds that the federal legislative and regulatory scheme contained in the laws and rules listed in this section have established standards of professional behavior in the practice of pharmacy and the operation of drug outlets licensed or registered by the board. Unprofessional conduct includes, but is not limited to, any violation of the following laws and rules as they relate to prescription drugs and controlled substances:

1. Federal Food, Drug and Cosmetics Act, 21 USCS §301 et seq. (1997 & 2002 Supp.)
2. Drug Abuse Prevention and Control law, 21 USCS §801 et seq., including but not limited to the Controlled Substances Act (2002)
3. Fair Packaging and Labeling Act, 15 USCS §1451 et seq. (1993 and 2002 Supp.)
4. Poison Prevention Packaging Act, 15 USCS §1471 et seq. (1993 and 2002 Supp.)
5. The following FDA rules, codified in 21 CFR (April 1, 2003)-

Part 200 General

Part 201 Labeling

Part 202 Prescription Drug Advertising

Part 203 Prescription Drug Marketing

Part 205 Guidelines for State Licensing of Wholesale Prescription Drug Distributors

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Part 206 Imprinting of Solid Oral Dosage Form Drug Products for Human Use  
Part 207 Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution  
Part 208 Medication Guides for Prescription Drug Products  
Part 210 Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding of Drugs; General  
Part 211 Current Good Manufacturing Practice for Finished Pharmaceuticals  
Part 216 Pharmacy Compounding  
Part 226 Current Good Manufacturing Practice for Type A Medicated Articles  
Part 250 Special Requirements for Specific Human Drugs  
Part 290 Controlled Drugs

6. The following DEA rules, codified in 21 CFR (April 1, 2003)--

Part 1301 Registration of Manufacturers, Distributors, and Dispensers of Controlled Substances  
Part 1302 Labeling and Packaging Requirements for Controlled Substances  
Part 1304 Records and Reports of Registrants  
Part 1305 Order Forms  
Part 1306 Prescriptions  
Part 1307 Miscellaneous  
Part 1308 Schedules of Controlled Substances  
Part 1309 Registration of Manufacturers, Distributors, Importers and Exporters of List I Chemicals  
Part 1310 Records and Reports of Listed Chemicals and Certain Machines  
Part 1312 Importation and Exportation of Controlled Substances  
Part 1313 Importation and Exportation of Precursors and Essential Chemicals

### Maryland

#### **§ 5-303. Manufacturers and distributors**

Department to register applicants

(a) Unless the Department determines that the issuance of the registration is inconsistent with the public interest, the Department shall register an applicant to manufacture or distribute controlled dangerous substances included in Schedule I through Schedule V.

Factors to determine public interest

(b) To determine the public interest, the Department shall consider:

(1) the maintenance of effective controls against diversion of particular controlled dangerous substances and any Schedule I or Schedule II substance compounded from a controlled dangerous substance into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable federal, State, and local law;

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- (3) any convictions of the applicant under federal, State, and local laws relating to the manufacture, distribution, or dispensing of controlled dangerous substances;
- (4) the applicant's experience in the manufacture and distribution of controlled dangerous substances and the effectiveness of the applicant's controls against diversion; and
- (5) any other factor that is relevant to and consistent with public health and safety.

### Scope of registration

(c)(1) A registrant may manufacture or distribute only a controlled dangerous substance that is specified in the registration.

(2) A manufacturer or distributor who complies with federal law on registration, other than fees, is deemed to have complied with this section.

### Order forms

(d)(1) A registrant may distribute controlled dangerous substances in Schedule I and Schedule II only in accordance with an order form.

(2) A registrant who complies with federal law on order forms for Schedule I and Schedule II is deemed to have complied with this subsection.

### Massachusetts

#### **§ 16. Distribution between registrants; order form**

Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to such order form as may be required by the Federal "Comprehensive Drug Abuse Prevention and Control Act of 1970" or any amendment thereof and the Federal Food, Drug, and Cosmetic Act.

### Michigan

#### **333.7331. Purchases from licensed manufacturers or distributors; authorized persons; order forms**

(1) Only a practitioner who holds a license under this article to prescribe or dispense controlled substances may purchase from a licensed manufacturer or distributor a schedule 1 or 2 controlled substance. The authority granted under this subsection to purchase a schedule 1 or 2 controlled substance is not assignable or transferable.

(2) A purchase of a schedule 1 or 2 controlled substance under subsection (1) shall be made only pursuant to an order form which is in compliance with federal law.

Minnesota (The following is an administrative rule that indicates the state's compliance with federal controlled substance order form regulations)

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### Minn. R. 6800.1010

Subpart 1. Before closing. At least 14 days before a licensed pharmacy closes and ceases operation it shall:

A. notify the board of the intended closing; and

B. notify the Drug Enforcement Administration, 110 South 4th Street #402, Minneapolis, Minnesota 55401, (612) 348-1700, in person or by registered or certified mail with the return receipt requested, of the following information:

(1) name, address, registration number, and authorized business activity of the licensee discontinuing the business;

(2) name, address, registration number, and authorized business activity of the person acquiring the business, if any;

(3) whether the business activities will be continued at the same location or moved to another location, and if moved, the address of the new location; and

(4) the date on which the transfer of controlled substances will occur.

Subp. 2. At time of closing. Effective with the closing date, the pharmacist-in-charge shall:

A. return the pharmacy license to the board office, noting the closing date;

B. notify the board as to the disposition of the prescription files, prescription drugs, insulin, hypodermic syringes and needles, contraceptive drugs and devices, chemicals, and nonprescription drugs;

C. if the pharmacy that is closing has been computerized, give a printout of all patient profiles to the pharmacy that is receiving the prescription files;

D. ensure that all legend drugs are removed from the pharmacy at the time of closing and stored in a licensed pharmacy; legend drugs must not be stored elsewhere, including in the custody of a pharmacist;

E. return the pharmacy's Drug Enforcement Administration Certificate and any unused narcotic order forms to the Drug Enforcement Administration, 110 South 4th Street #402, Minneapolis, Minnesota 55401;

F. inform the succeeding business occupying the premises and the landlord, if any, that it is unlawful to use the words "drugs," "drug store," or "pharmacy," or similar words in connection with the place of business unless it is a licensed pharmacy; and

G. take a controlled substances inventory as described in subitems (1) to (4). The inventory shall serve as the final inventory of the closing pharmacy and the initial inventory of the pharmacy receiving the controlled substances, and a copy of the inventory shall be included in the records of both. It is not necessary to file a copy of the inventory with the Drug Enforcement Administration unless requested by the regional administrator.

(1) If controlled substance drugs are to be destroyed, the pharmacist-in-charge must contact the local Drug Enforcement Administration for instructions.

(2) If controlled substance drugs, Schedule III-V, are being transferred, they shall be transferred on duplicate invoices, with each pharmacy keeping a copy.

(3) If Schedule II narcotics are being transferred, the transferee must submit a new Drug Enforcement Administration 222 Form to the transferor for the Schedule II substances only.

(4) If the Drug Enforcement Administration responds to the previous notice in subpart 1,

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item B, and does not approve of the transfer, instructions must be given to the pharmacy that is closing to dispose of the drugs according to the written instructions provided by the regional director.

### Mississippi

#### **§ 41-29-135. Order forms**

Controlled substances in Schedules I and II of sections 41-29-113 and 41-29-115 shall be distributed by a registrant to another registrant only pursuant to an order form.

Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

### Missouri

#### **195.050. Controlled substances, legal sales, how made--records required to be kept**

1. A duly registered manufacturer or wholesaler may sell controlled substances to any of the following persons:

- (1) To a manufacturer, wholesaler, or pharmacy;
- (2) To a physician, dentist, podiatrist or veterinarian;
- (3) To a person in charge of a hospital, but only for use in that hospital;
- (4) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

2. A duly registered manufacturer or wholesaler may sell controlled substances to any of the following persons:

- (1) On a special written order accompanied by a certificate of exemption, as required by federal laws, to a person in the employ of the United States government or of any state, territorial, district, county, municipal or insular government, purchasing, receiving, possessing, or dispensing controlled substances by reason of his official duties;
- (2) To a master of a ship or person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board such ship or aircraft, when not in port; provided, such controlled substances shall be sold to the master of such ship or person in charge of such aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting surgeon of the United States Public Health Service;
- (3) To a person in a foreign country if the provisions of federal laws are complied with.

3. An official written order for any controlled substance listed in Schedules I and II shall

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be signed in duplicate by the person giving the order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the controlled substance named therein. In event of the acceptance of such order by the person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of sections 195.005 to 195.425. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with federal laws, respecting the requirements governing the use of order forms.

4. Possession of or control of controlled substances obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

5. A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains controlled substances under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs, within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of sections 195.005 to 195.425.

6. Every person registered to manufacture, distribute or dispense controlled substances under sections 195.005 to 195.425 shall keep records and inventories of all such drugs in conformance with the record keeping and inventory requirements of federal law, and in accordance with any additional regulations of the department of health and senior services.

7. Manufacturers and wholesalers shall keep records of all narcotic and 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 this section.

8. Apothecaries shall keep records of all controlled substances received and disposed of by them, in accordance with the provisions of this section.

9. The form of records shall be prescribed by the department of health and senior services.

### Montana

#### **50-32-207. Order forms for drugs in Schedules I and II**

Dangerous drugs in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section unless the board prescribes particular forms to be used.

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### Nebraska

#### **§ 28-413. Distribution to another registrant; order forms.**

Controlled substances in Schedules I and II of section 28-405 shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of the Controlled Substances Act, 21 USC 801 et seq., as such act existed on May 1, 2001, respecting order forms shall be deemed compliance with this section.

### Nevada

#### **453.251. Order forms**

Controlled substances listed in schedules I and II may be distributed by a registrant or licensed pharmacy to another registrant or licensed pharmacy only pursuant to an order form and may be received by a registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

### New Hampshire

#### **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.

### New Jersey

#### **24:21-14. Order forms**

a. Controlled dangerous substances in Schedule I and II shall be distributed only by a registrant, pursuant to an official written order form, clearly identifying it as covering or relating to Schedule I and Schedule II, or either thereof, controlled dangerous substances and bearing the registration number of the registrant. Except as provided herein, compliance with Federal law respecting order forms shall be deemed compliance with this section.

b. A pharmacist, only upon an official written order, may sell to a practitioner in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions

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compounded by him of which the content of narcotic drugs or other controlled dangerous substances does not exceed a proportion greater than 20% of the complete solution, to be used for medical purposes.

c. An official written order for any controlled dangerous substance in Schedule I or Schedule II shall be signed in triplicate by the person giving said order or by his duly authorized agent. The original and triplicate shall be presented to the person who sells or dispenses the controlled dangerous substance or substances named therein. In the event of the acceptance of such order by said person, except as may be otherwise required by rule, regulation, or order of the commissioner, 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.

### New Mexico

#### **§ 30-31-17. Order forms**

Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of the federal Comprehensive Drug Abuse Prevention and Control Act of 1970 respecting order forms shall be deemed compliance with this section.

New York (The following is an administrative rule that indicates the state's compliance with federal controlled substance order form regulations)

#### **Section 80.6 Safeguarding controlled substances.**

(a) Controlled substances shall at all times be properly safeguarded and securely kept at the address on file with the Drug Enforcement Administration and which is used in the ordering of the controlled substances, where they will be available for inspection by properly authorized officers, agents and employees of the New York State Department of Health, Bureau of Controlled Substances.

(b) Access to controlled substance stocks shall be limited to the minimum number of employees actually required to efficiently handle the manufacture, distribution custody, dispensing, administration or other handling of such substances.

(c) The administrative head of a licensee hospital, laboratory, dispensary, nursing home and health-related facility and the supervisor of a manufacturer or distributor is responsible for the proper safeguarding and handling of controlled substances within the hospital or other facility. An administrative head or supervisor is not relieved of his responsibility to detect and correct any diversion or mishandling of controlled substances by a delegation of responsibility.

(d) Persons operating pharmacies and supervising pharmacists of such pharmacies are responsible for the proper safeguarding and handling of controlled substances within the pharmacy. Persons operating pharmacies and supervising pharmacists are not relieved of their responsibility to detect and correct any diversion or mishandling of controlled

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substances by a delegation of responsibility.

### North Carolina

#### **§ 90-105. Order forms**

Controlled substances included in Schedules I and II of this Article shall be distributed only by a registrant or practitioner, pursuant to an order form. Compliance with the provisions of the Federal Controlled Substances Act or its successor respecting order forms shall be deemed compliance with this section.

### North Dakota

#### **19-03.1-21 Order forms.**

Controlled substances in schedules I and II must be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms must be deemed compliance with this section.

### Ohio

#### **3719.04 Regulations for sale by manufacturer or wholesaler; official written orders**

(A) A licensed manufacturer or wholesaler of controlled substances may sell at wholesale controlled substances to any of the following persons and subject to the following conditions:

- (1) To a licensed manufacturer or wholesaler of controlled substances, or a terminal distributor of dangerous drugs having a category III license;
- (2) To a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing controlled substances by reason of his official duties;
- (3) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board the ship or aircraft, when not in port; provided such controlled substances shall be sold to the master of the ship or person in charge of the aircraft only in pursuance of a special official written order approved by a commissioned medical officer or acting assistant surgeon of the United States public health service;
- (4) To a person in a foreign country, if the federal drug abuse control laws are complied with.

(B) An official written order for any schedule II controlled substances shall be signed in triplicate by the person giving the order or by his authorized agent. The original shall be

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presented to the person who sells or dispenses the schedule II controlled substances named in the order and, if that person accepts the order, each party to the transaction shall preserve his copy of the order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of Chapter 3719. of the Revised Code. Compliance with the federal drug abuse control laws, respecting the requirements governing the use of a special official written order constitutes compliance with this division.

### Oklahoma

#### **§ 2-308. Order forms**

Controlled dangerous substances in Schedules I and II shall be distributed only by a registrant to another registrant pursuant to an order form obtained from the United States Attorney General. Compliance with the provisions of the Federal Controlled Substances Act respecting order forms shall be deemed compliance with this section. This section shall not apply to dispensing as defined by this act, nor to distribution otherwise authorized by this act.

### Oregon

#### **475.175. Order forms required**

Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

### Pennsylvania

#### **§ 780-112. Records of distribution of controlled substances**

(a) Every person who sells or otherwise distributes controlled substances, shall keep records of all purchases or other receipt and sales or other distribution of such substances for two years from the date of purchase or sale. Such records shall include the name and address of the person from whom purchased or otherwise received or to whom sold or otherwise distributed, the date of purchase or receipt or sale or distribution, and the quantity involved: Provided, however, That this subsection shall not apply to a practitioner who dispenses controlled substances to his patients, unless the practitioner is regularly engaged in charging his patients, whether separately or together with charges for other professional services, for substances so dispensed.

(b) Every practitioner licensed by law to administer, dispense or distribute controlled substances shall keep a record of all such substances administered, dispensed or distributed by him, showing the amount administered, dispensed or distributed, the date, the name and address of the patient, and in the case of a veterinarian, the name and address of the owners of the animal to whom such substances are dispensed or

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distributed. Such record shall be kept for two years from the date of administering, dispensing or distributing such substance and shall be open for inspection by the proper authorities.

(c) Persons registered or licensed to manufacture or distribute or dispense a controlled substance, other drug or device under this act shall keep records and maintain inventories in conformity with the record-keeping, order form and inventory requirements of Federal law and with any additional regulations the secretary issues. Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form.

### Rhode Island

#### **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:

- (1) To a manufacturer or wholesaler;
- (2) To a practitioner;
- (3) To a person in charge of a hospital, but only for use by or in that hospital;
- (4) To a person in charge of a laboratory, but only for use by or in that laboratory;
- (5) To any other person lawfully permitted to possess controlled substances under federal law.

### South Carolina

#### **§ 44-53-350. Order forms for distribution of controlled substances.**

(a) Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form prescribed by the Department. Compliance with the provisions of Federal law respecting order forms shall be deemed compliance with this section.

(b) Nothing contained in subsection (a) shall apply:

(1) To the administering or dispensing of such substances to a patient by a practitioner in the course of his professional practice, however, such practitioner shall comply with the requirements of § 44-53-340.

(2) To the distribution or dispensing of such substances by a pharmacist to an ultimate user pursuant to a written prescription issued by a practitioner authorized to issue such

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prescription, however, such pharmacist shall comply with the requirements of § 44-53-340.

### South Dakota

#### **34-20B-46. Intentional distribution of Schedule I or II substance without order form as felony**

It is a Class 5 felony for any person who is a registrant knowingly to distribute a controlled drug or substance classified in Schedules I or II, in the course of his legitimate business, except pursuant to an order form as required by this chapter.

### Tennessee

#### **§ 53-11-307. Distribution by registrant to another registrant**

(a) Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form.

(b) Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

### Texas

#### **§ 481.069. Order Forms**

A registrant may not distribute or order a controlled substance listed in Schedule I or II to or from another registrant except under an order form. A registrant complying with the federal law concerning order forms is in compliance with this section.

Utah (This statutory text is “as amended” by newly enacted legislation)

#### **§ 58-37-6. License to manufacture, produce, distribute, dispense, administer, or conduct research--Issuance by division--Denial, suspension, or revocation--Records required--Prescriptions**

(1)(a) The division may adopt rules relating to the licensing and control of the manufacture, distribution, production, prescription, administration, dispensing, conducting of research with, and performing of laboratory analysis upon controlled substances within this state.

(b) The division may assess reasonable fees to defray the cost of issuing original and renewal licenses under this chapter pursuant to Section 63-38- 3.2.

(2)(a)(i) Every person who manufactures, produces, distributes, prescribes, dispenses, administers, conducts research with, or performs laboratory analysis upon any controlled substance in Schedules II through V within this state, or who proposes to engage in manufacturing, producing, distributing, prescribing, dispensing, administering, conducting research with, or performing laboratory analysis upon controlled substances

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included in Schedules II through V within this state shall obtain a license issued by the division.

(ii) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(b) Persons licensed to manufacture, produce, distribute, prescribe, dispense, administer, conduct research with, or perform laboratory analysis upon controlled substances in Schedules II through V within this state may possess, manufacture, produce, distribute, prescribe, dispense, administer, conduct research with, or perform laboratory analysis upon those substances to the extent authorized by their license and in conformity with this chapter.

(c) The following persons are not required to obtain a license and may lawfully possess controlled substances under this section:

(i) an agent or employee, except a sales representative, of any registered manufacturer, distributor, or dispenser of any controlled substance, if the agent or employee is acting in the usual course of his business or employment; however, nothing in this subsection shall be interpreted to permit an agent, employee, sales representative, or detail man to maintain an inventory of controlled substances separate from the location of his employer's registered and licensed place of business;

(ii) a motor carrier or warehouseman, or an employee of a motor carrier or warehouseman, who possesses any controlled substance in the usual course of his business or employment; and

(iii) an ultimate user, or any person who possesses any controlled substance pursuant to a lawful order of a practitioner.

(d) The division may enact rules waiving the license requirement for certain manufacturers, producers, distributors, prescribers, dispensers, administrators, research practitioners, or laboratories performing analysis if consistent with the public health and safety.

(e) A separate license is required at each principal place of business or professional practice where the applicant manufactures, produces, distributes, dispenses, conducts research with, or performs laboratory analysis upon controlled substances.

(f) The division may enact rules providing for the inspection of a licensee or applicant's establishment, and may inspect the establishment according to those rules.

(3)(a) Upon proper application, the division shall license a qualified applicant to manufacture, produce, distribute, conduct research with, or perform laboratory analysis upon controlled substances included in Schedules I through V, unless it determines that issuance of a license is inconsistent with the public interest. The division shall not issue a license to any person to prescribe, dispense, or administer a Schedule I controlled substance. In determining public interest, the division shall consider whether or not the applicant has:

(i) maintained effective controls against diversion of controlled substances and any Schedule I or II substance compounded from any controlled substance into other than legitimate medical, scientific, or industrial channels;

(ii) complied with applicable state and local law;

(iii) been convicted under federal or state laws relating to the manufacture, distribution, or dispensing of substances;

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- (iv) past experience in the manufacture of controlled dangerous substances;
  - (v) established effective controls against diversion; and
  - (vi) complied with any other factors that the division establishes that promote the public health and safety.
- (b) Licenses granted under Subsection (3)(a) do not entitle a licensee to manufacture, produce, distribute, conduct research with, or perform laboratory analysis upon controlled substances in Schedule I other than those specified in the license.
- (c)(i) Practitioners shall be licensed to administer, dispense, or conduct research with substances in Schedules II through V if they are authorized to administer, dispense, or conduct research under the laws of this state.
- (ii) The division need not require a separate license for practitioners engaging in research with nonnarcotic controlled substances in Schedules II through V where the licensee is already licensed under this act in another capacity.
- (iii) With respect to research involving narcotic substances in Schedules II through V, or where the division by rule requires a separate license for research of nonnarcotic substances in Schedules II through V, a practitioner shall apply to the division prior to conducting research.
- (iv) Licensing for purposes of bona fide research with controlled substances by a practitioner considered qualified may be denied only on a ground specified in Subsection (4), or upon evidence that the applicant will abuse or unlawfully transfer or fail to safeguard adequately his supply of substances against diversion from medical or scientific use.
- (v) Practitioners registered under federal law to conduct research in Schedule I substances may conduct research in Schedule I substances within this state upon furnishing the division evidence of federal registration.
- (d) Compliance by manufacturers, producers, and distributors with the provisions of federal law respecting registration, excluding fees, entitles them to be licensed under this chapter.
- (e) The division shall initially license those persons who own or operate an establishment engaged in the manufacture, production, distribution, dispensation, or administration of controlled substances prior to April 3, 1980, and who are licensed by the state.
- (4)(a) Any license pursuant to Subsection (2) or (3) may be denied, suspended, placed on probation, or revoked by the division upon finding that the applicant or licensee has:
- (i) materially falsified any application filed or required pursuant to this chapter;
  - (ii) been convicted of an offense under this chapter or any law of the United States, or any state, relating to any substance defined as a controlled substance;
  - (iii) been convicted of a felony under any other law of the United States or any state within five years of the date of the issuance of the license;
  - (iv) had a federal license denied, suspended, or revoked by competent federal authority and is no longer authorized to engage in the manufacturing, distribution, or dispensing of controlled substances;
  - (v) had his license suspended or revoked by competent authority of another state for violation of laws or regulations comparable to those of this state relating to the manufacture, distribution, or dispensing of controlled substances;
  - (vi) violated any division rule that reflects adversely on the licensee's reliability and integrity with respect to controlled substances;

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- (vii) refused inspection of records required to be maintained under this chapter by a person authorized to inspect them; or
- (viii) prescribed, dispensed, administered, or injected an anabolic steroid for the purpose of manipulating human hormonal structure so as to:
  - (A) increase muscle mass, strength, or weight without medical necessity and without a written prescription by any practitioner in the course of his professional practice; or
  - (B) improve performance in any form of human exercise, sport, or game.
- (b) The division may limit revocation or suspension of a license to a particular controlled substance with respect to which grounds for revocation or suspension exist.
- (c)(i) Proceedings to deny, revoke, or suspend a license shall be conducted pursuant to this section and in accordance with the procedures set forth in Title 58, Chapter 1, Division of Occupational and Professional Licensing Act, and conducted in conjunction with the appropriate representative committee designated by the director of the department.
- (ii) Nothing in this Subsection (4)(c) gives the Division of Occupational and Professional Licensing exclusive authority in proceedings to deny, revoke, or suspend licenses, except where the division is designated by law to perform those functions, or, when not designated by law, is designated by the executive director of the Department of Commerce to conduct the proceedings.
- (d)(i) The division may suspend any license simultaneously with the institution of proceedings under this section if it finds there is an imminent danger to the public health or safety.
- (ii) Suspension shall continue in effect until the conclusion of proceedings, including judicial review, unless withdrawn by the division or dissolved by a court of competent jurisdiction.
- (e)(i) If a license is suspended or revoked under this Subsection (4), all controlled substances owned or possessed by the licensee may be placed under seal in the discretion of the division.
- (ii) Disposition may not be made of substances under seal until the time for taking an appeal has lapsed, or until all appeals have been concluded, unless a court, upon application, orders the sale of perishable substances and the proceeds deposited with the court.
- (iii) If a revocation order becomes final, all controlled substances shall be forfeited.
- (f) The division shall notify promptly the Drug Enforcement Administration of all orders suspending or revoking a license and all forfeitures of controlled substances.
- (5)(a) Persons licensed under Subsection (2) or (3) shall maintain records and inventories in conformance with the record keeping and inventory requirements of federal and state law and any additional rules issued by the division.
- (b)(i) Every physician, dentist, veterinarian, practitioner, or other person who is authorized to administer or professionally use a controlled substance shall keep a record of the drugs received by him and a record of all drugs administered, dispensed, or professionally used by him otherwise than by a prescription.
- (ii) A person using small quantities or solutions or other preparations of those drugs for local application has complied with this Subsection (5)(b) if he keeps a record of the quantity, character, and potency of those solutions or preparations purchased or prepared by him, and of the dates when purchased or prepared.

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(6) Controlled substances in Schedules I through V may be distributed only by a licensee and pursuant to an order form prepared in compliance with division rules or a lawful order under the rules and regulations of the United States.

(7)(a) A person may not write or authorize a prescription for a controlled substance unless he is:

(i) a practitioner authorized to prescribe drugs and medicine under the laws of this state or under the laws of another state having similar standards; and

(ii) licensed under this chapter or under the laws of another state having similar standards.

(b) A person other than a pharmacist licensed under the laws of this state, or his licensed intern, as required by Sections 58-17b-303 and 58-17b-304, may not dispense a controlled substance.

(c)(i) A controlled substance may not be dispensed without the written prescription of a practitioner, if the written prescription is required by the federal Controlled Substances Act.

(ii) That written prescription shall be made in accordance with Subsection (7)(a) and in conformity with Subsection (7)(d).

(iii) In emergency situations, as defined by division rule, controlled substances may be dispensed upon oral prescription of a practitioner, if reduced promptly to writing on forms designated by the division and filed by the pharmacy.

(iv) Prescriptions reduced to writing by a pharmacist shall be in conformity with Subsection (7)(d).

(d) Except for emergency situations designated by the division, a person may not issue, fill, compound, or dispense a prescription for a controlled substance unless the prescription is signed **by the prescriber** in ink or indelible pencil ~~by the prescriber~~ **or is signed with an electronic or digital signature of the prescriber as authorized by division rule**, and contains the following information:

(i) the name, address, and registry number of the prescriber;

(ii) the name, address, and age of the person to whom or for whom the prescription is issued;

(iii) the date of issuance of the prescription; and

(iv) the name, quantity, and specific directions for use by the ultimate user of the controlled substance.

(e) A prescription may not be written, issued, filled, or dispensed for a Schedule I controlled substance.

(f) Except when administered directly to an ultimate user by a licensed practitioner, controlled substances are subject to the following restrictions:

(i)(A) A prescription for a Schedule II substance may not be refilled.

(B) A Schedule II controlled substance may not be filled in a quantity to exceed a one-month's supply, as directed on the daily dosage rate of the prescriptions.

(ii) A Schedule III or IV controlled substance may be filled only within six months of issuance, and may not be refilled more than six months after the date of its original issuance or be refilled more than five times after the date of the prescription unless renewed by the practitioner.

(iii) All other controlled substances in Schedule V may be refilled as the prescriber's prescription directs, but they may not be refilled one year after the date the prescription

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was issued unless renewed by the practitioner.

(iv) Any prescription for a Schedule II substance may not be dispensed if it is not presented to a pharmacist for dispensing by a pharmacist or a pharmacy intern within 30 days after the date the prescription was issued, or 30 days after the dispensing date, if that date is specified separately from the date of issue.

(v) A practitioner may issue more than one prescription at the same time for the same Schedule II controlled substance, but only under the following conditions:

(A) no more than three prescriptions for the same Schedule II controlled substance may be issued at the same time;

(B) no one prescription may exceed a 30-day supply;

(C) a second or third prescription shall include the date of issuance and the date for dispensing; and

(D) unless the practitioner determines there is a valid medical reason to the contrary, the date for dispensing a second or third prescription may not be fewer than 30 days from the dispensing date of the previous prescription.

(vi) Each prescription for a controlled substance may contain only one controlled substance per prescription form and may not contain any other legend drug or prescription item.

(g) An order for a controlled substance in Schedules II through V for use by an inpatient or an outpatient of a licensed hospital is exempt from all requirements of this Subsection (7) if the order is:

(i) issued or made by a prescribing practitioner who holds an unrestricted registration with the federal Drug Enforcement Administration, and an active Utah controlled substance license in good standing issued by the division under this section, or a medical resident who is exempted from licensure under Subsection 58-1-307(1)(c);

(ii) authorized by the prescribing practitioner treating the patient and the prescribing practitioner designates the quantity ordered;

(iii) entered upon the record of the patient, the record is signed by the prescriber affirming his authorization of the order within 48 hours after filling or administering the order, and the patient's record reflects the quantity actually administered; and

(iv) filled and dispensed by a pharmacist practicing his profession within the physical structure of the hospital, or the order is taken from a supply lawfully maintained by the hospital and the amount taken from the supply is administered directly to the patient authorized to receive it.

(h) A practitioner licensed under this chapter may not prescribe, administer, or dispense a controlled substance to a minor, without first obtaining the consent required in Section 78-14-5 of a parent, guardian, or person standing in loco parentis of the minor except in cases of an emergency. For purposes of this Subsection (7)(h), "minor" has the same meaning as defined in Section 78-3a-103, and "emergency" means any physical condition requiring the administration of a controlled substance for immediate relief of pain or suffering.

(i) A practitioner licensed under this chapter may not prescribe or administer dosages of a controlled substance in excess of medically recognized quantities necessary to treat the ailment, malady, or condition of the ultimate user.

(j) A practitioner licensed under this chapter may not prescribe, administer, or dispense any controlled substance to another person knowing that the other person is using a false

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name, address, or other personal information for the purpose of securing the controlled substance.

(k) A person who is licensed under this chapter to manufacture, distribute, or dispense a controlled substance may not manufacture, distribute, or dispense a controlled substance to another licensee or any other authorized person not authorized by this license.

(l) A person licensed under this chapter may not omit, remove, alter, or obliterate a symbol required by this chapter or by a rule issued under this chapter.

(m) A person licensed under this chapter may not refuse or fail to make, keep, or furnish any record notification, order form, statement, invoice, or information required under this chapter.

(n) A person licensed under this chapter may not refuse entry into any premises for inspection as authorized by this chapter.

(o) A person licensed under this chapter may not furnish false or fraudulent material information in any application, report, or other document required to be kept by this chapter or willfully make any false statement in any prescription, order, report, or record required by this chapter.

(8)(a)(i) Any person licensed under this chapter who is found by the division to have violated any of the provisions of Subsections (7)(k) through (7)(o) is subject to a penalty not to exceed \$5,000. The division shall determine the procedure for adjudication of any violations in accordance with Sections 58-1-106 and 58-1-108.

(ii) The division shall deposit all penalties collected under Subsection (8)(a)(i) in the General Fund as a dedicated credit to be used by the division under Subsection 58-37-7.7(1).

(b) Any person who knowingly and intentionally violates Subsections (7)(h) through (7)(j) is:

(i) upon first conviction, guilty of a class B misdemeanor;

(ii) upon second conviction, guilty of a class A misdemeanor; and

(iii) on third or subsequent conviction, guilty of a third degree felony.

(c) Any person who knowingly and intentionally violates Subsections (7)(k) through (7)(o) shall upon conviction be guilty of a third degree felony.

(9) Any information communicated to any licensed practitioner in an attempt to unlawfully procure, or to procure the administration of, a controlled substance is not considered to be a privileged communication.

### Vermont

#### **§ 4213 Authorized sales of regulated drugs**

(a) A duly licensed manufacturer or wholesaler may sell and dispense regulated drugs to any of the following persons, but only on official written orders:

(1) To a manufacturer, wholesaler or pharmacy.

(2) To a physician, dentist or veterinarian except that an official written order shall not be required when regulated drugs are provided in person by a representative of a duly licensed manufacturer or wholesaler in quantities as samples for which there is no charge, either direct or indirect, and do not exceed ten times the manufacturer's recommended

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maximum individual dose and are clearly marked "Sample" or "Not For Sale" on each individual tablet or capsule.

(3) To a person in charge of a hospital having in effect a certificate of approval but only for use by or in that hospital for scientific or medical purposes.

(4) To a person in charge of a laboratory having in effect a certificate of approval but only for use in that laboratory for scientific or medical purposes.

(b) A duly licensed manufacturer or wholesaler may sell regulated drugs to any of the following persons:

(1) On an official written order, accompanied by a certificate of exemption, as and if required by the federal drug laws, and in compliance with regulations adopted by the board of health to a person in the employ of the government of the United States or of any state, territory, district, county, municipality, or insular government, purchasing, receiving, possessing, or dispensing regulated drugs by reason of his official duties.

(2) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed or to a physician or surgeon duly licensed in some state, territory, or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft, for the actual medical needs of persons on board such ship or aircraft, when not in port. However, such regulated drugs shall be sold to the master of such ship or person in charge of such aircraft or to a physician, surgeon, or retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft only in pursuance of an order form approved by a commissioned medical officer or acting assistant surgeon of the United States public health service.

(3) To a person in a foreign country if the provisions of the federal drug laws and the regulations adopted by the board of health are complied with.

(c) An official written order for any regulated drug shall be signed in triplicate by the person giving such order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the drug named therein. In event of the acceptance of such order, by such person, each party to the transaction shall preserve his copy of such order for a period of three years in such a way as to be readily accessible for inspection by any federal or state officer or their specifically authorized agent whose duty it is to enforce the federal drug laws or this chapter. Notwithstanding the other provisions of this chapter, a duly licensed manufacturer or wholesaler may sell and dispense depressant or stimulant drugs to a person referred to in subdivisions (1), (2), (3) and (4) of subsection (a) of this section pursuant to telephone order, provided, however, that an official written order shall be presented to the person selling or dispensing that drug within seven days of the making of that telephone order, and all the provisions of this chapter after the expiration of that period of time apply.

(d) Possession of or control of regulated drugs even though obtained as authorized by this

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section shall not be lawful if not in the regular course of business, occupation, profession, employment or duty of the possessor.

(e) A person in charge of a hospital or of 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, or public health service employed upon such ship or aircraft, who obtains regulated drugs under the provisions of this section or otherwise, shall not possess, nor administer, nor dispense, nor otherwise use such drugs, within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this chapter.-- 1967, No. 343 (Adj. Sess.), § 13, eff. March 23, 1968; amended 1969, No. 256 (Adj. Sess.), § 8, eff. April 6, 1970.

### Virginia

#### **§ 54.1-3414. Official orders for Schedule II drugs**

An official written order for any Schedule II drug shall be signed by the purchasing licensee or by his agent. The original shall be presented to the person who supplies the drug or drugs. If such person accepts the order, each party to the transaction shall preserve his copy of the order for two 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 laws respecting the requirements governing the use of order forms.

### Washington

#### **Repealed - 69.50.307. Repealed by Laws 2001, ch. 248, § 2**

The repealed § 69.50.307 related to order forms for the distribution of Schedule I and II controlled substances. See now RCWA 69.50.308, related to prescriptions.

### West Virginia

#### **§ 60A-3-307. Order forms**

Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

Wisconsin (The following is an administrative rule that indicates the state's compliance with federal controlled substance order form regulations)

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### Pharmacy 8.02 Records.

(1) Any pharmacy practitioner, or other federal drug enforcement administration registrant, as referenced in ch. 961, Stats., shall maintain complete and accurate records of each controlled substance received, manufactured, distributed, dispensed or disposed of in any other manner.

(2) Records required by the federal controlled substances act and ch. 961, Stats., shall be maintained at the location where the drug is received, manufactured, distributed or dispensed, and be available for inspection by authorized persons for at least 5 years from the date of such record. Financial and shipping records such as invoices and packing slips, but not executed order forms, may be kept at a central location. A complete and accurate biennial physical inventory of all schedule II, III, IV and V controlled substances pursuant to ss. 961.16, 961.18, 961.20 and 961.22, Stats., and ch. CSB 2 on hand shall be made in conformance with all applicable federal and state laws.

(3) Required records shall be maintained as follows:

(a) Records of schedule II controlled substances, other than prescription orders, shall be maintained separately from all other records.

(b) Records of schedule III, IV and V controlled substances shall be maintained either separately or in such form that the information required is readily retrievable from the registrant's ordinary records.

(c) The official drug enforcement administration order forms, DEA form 222, used in the procurement and distribution of schedule II substances shall be maintained at the locations from which the drug was distributed and where it is received.

(d) Any person authorized to manufacture, distribute or dispense controlled substances shall maintain complete and accurate records with the following information:

1. The name of the substance.
2. The dosage form, strength and quantity of the substance.
3. The quantity and date of distribution as well as the name, address and DEA registration number of the person to whom distributed.
4. The number of units and date of receipt as well as the name, address and DEA registration number of the person from whom received.
5. The name and address of the person for whom dispensed, date of dispensing, quantity dispensed and name or initials of the individual who dispensed the substance.

(e) Records for dispensed schedule V substances shall be maintained as follows:

1. If a schedule V drug is dispensed pursuant to the prescription order of a practitioner, the prescription shall be labeled properly and the order filed in accordance with the requirements for schedule III and IV orders.
2. If a schedule V drug is dispensed other than pursuant to a prescription order, the dispenser shall make the record required by s. 961.23, Stats., in a bound controlled substance V register at the time of the transaction.

(f) Any pharmacy practitioner or other drug enforcement administration registrant authorized to possess controlled substances shall notify the regional office of the drug enforcement administration, the local police, and the pharmacy examining board of the theft or loss of any controlled substances upon discovery of such theft or loss.

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### Wyoming

#### **§ 35-7-1029 Order forms required for distribution of substances in Schedules I and II.**

Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.