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HOUSE BILL 41

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO CONTROLLED SUBSTANCES; REQUIRING REGISTRATION
EXCLUSIVELY THROUGH THE BOARD OF PHARMACY OF CERTAIN PERSONS
HANDLING CONTROLLED SUBSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-31-12 NMSA 1978 (being Laws 1972,
Chapter 84, Section 12, as amended) is amended to read:

"30-31-12. REGISTRATION REQUIREMENTS. --

A. Every person who manufactures, distributes or
dispenses any controlled substance or who proposes to engage
in the manufacture, distribution or dispensing of any
controlled substance ~~[must]~~ shall obtain annually a
registration issued by the board in accordance with its
regulations. ~~[Registration of practitioners, however, may be
obtained annually from the practitioners' respective examining~~

underscored material = new
[bracketed material] = delete

1 ~~and licensing authorities pursuant to regulations promulgated~~
2 ~~by the board and on forms supplied by the board. Copies of~~
3 ~~all registrations shall be provided to the board by all such~~
4 ~~examining and licensing authorities at such time as~~
5 ~~registration is initiated. Practitioners, whose examining and~~
6 ~~licensing authorities do not elect to obtain registration of~~
7 ~~their own licensees as provided in this subsection, shall be~~
8 ~~registered directly by the board.]~~

9 B. Persons registered by the board to manufacture,
10 distribute, dispense or conduct research with controlled
11 substances may possess, manufacture, distribute, dispense,
12 prescribe or conduct research with those substances to the
13 extent authorized by their registration and in conformity with
14 the other provisions of the Controlled Substances Act.

15 C. The following persons need not register and may
16 lawfully possess controlled substances:

17 (1) an agent of any registered manufacturer,
18 distributor or dispenser of any controlled substance if he is
19 acting in the usual course of his principal's business or
20 employment;

21 (2) a common or contract carrier or
22 warehouseman, or an employee whose possession of any
23 controlled substance is in the usual course of the common or
24 contract carrier or warehouseman's business; or

25 (3) an ultimate user.

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[bracketed material] = delete

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D. The board may waive by regulation the requirement for registration of certain manufacturers, distributors or dispensers if it is consistent with the public health and safety.

E. The board may inspect the establishment of a registrant or applicant for registration in accordance with the board's regulations. "