TITLE 16. CRIMES AND OFFENSES
CHAPTER 13. CONTROLLED SUBSTANCES
ARTICLE 1. GENERAL PROVISIONS

§ 16-13-1. Drug related objects

(a) As used in this Code section, the term:

(1) "Controlled substance" shall have the same meaning as defined in Article 2 of this chapter, relating to controlled substances. For the purposes of this Code section, the term "controlled substance" shall include marijuana as defined by paragraph (16) of Code Section 16-13-21.

(2) "Dangerous drug" shall have the same meaning as defined in Article 3 of this chapter, relating to dangerous drugs.

(3) "Drug related object" means any machine, instrument, tool, equipment, contrivance, or device which an average person would reasonably conclude is intended to be used for one or more of the following purposes:

(A) To introduce into the human body any dangerous drug or controlled substance under circumstances in violation of the laws of this state;

(B) To enhance the effect on the human body of any dangerous drug or controlled substance under circumstances in violation of the laws of this state;

(C) To conceal any quantity of any dangerous drug or controlled substance under circumstances in violation of the laws of this state; or

(D) To test the strength, effectiveness, or purity of any dangerous drug or controlled substance under circumstances in violation of the laws of this state.

(4) "Knowingly" means having general knowledge that a machine, instrument, tool, item of equipment, contrivance, or device is a drug related object or having reasonable grounds to believe that any such object is or may, to an average person, appear to be a drug related object. If any such object has printed thereon or is accompanied by instructions explaining the purpose and use of such object and if following such instructions would cause a person to commit an act involving the use or possession of a dangerous drug or controlled substance in violation of the laws of this state, then such instructions shall constitute prima-facie evidence of knowledge that the object in question is a drug related object.

(5) "Minor" means any unmarried person under the age of 18 years.

(b) Except as otherwise provided by subsection (d) of this Code section, it shall be unlawful for any person knowingly to sell, deliver, distribute, display for sale, or provide to a minor or knowingly possess with intent to sell, deliver, distribute, display for sale, or provide to a minor any drug related object.

(c) It shall be unlawful for any minor falsely to represent to any person that such minor is 18 years of age or older with the intent to purchase or otherwise obtain any drug related object.

(d) No person shall be guilty of violating subsection (b) of this Code section if:

(1) The person had reasonable cause to believe that the minor involved was 18 years of age or older because the minor exhibited to such person a driver's license, birth certificate, or

other official or apparently official document purporting to establish that the minor was 18 years of age or older;

(2) The person made an honest mistake in believing that the minor was 18 years of age or over after making a reasonable bona fide attempt to ascertain the true age of the minor;

(3) The person was the parent or guardian of the minor; or

(4) The person was acting in his capacity as an employee or official of any governmental agency, governmental institution, public school or other public educational institution, any bona fide private school, educational institution, health care facility, or institution; or the person was acting in his capacity as a registered pharmacist or veterinarian or under the direction of a registered pharmacist or veterinarian to sell such object for a legitimate medical purpose.

(e) Any person who violates subsection (b) of this Code section shall be guilty of a misdemeanor for the first offense. For the second or any subsequent offense, a person violating subsection (b) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years or by a fine of not less than $1,000.00 nor more than $5,000.00, or both. Any person violating subsection (c) of this Code section shall be guilty of a misdemeanor.

§ 16-13-2. Conditional discharge for possession of controlled substances as first offense and certain nonviolent property crimes; dismissal of charges; restitution to victims

(a) Whenever any person who has not previously been convicted of any offense under Article 2 or Article 3 of this chapter or of any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a narcotic drug, marijuana, or stimulant, depressant, or hallucinogenic drug, the court may without entering a judgment of guilt and with the consent of such person defer further proceedings and place him on probation upon such reasonable terms and conditions as the court may require, preferably terms which require the person to undergo a comprehensive rehabilitation program, including, if necessary, medical treatment, not to exceed three years, designed to acquaint him with the ill effects of drug abuse and to provide him with knowledge of the gains and benefits which can be achieved by being a good member of society. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed accordingly. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this Code section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this Code section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this Code section may occur only once with respect to any person.

(b) Notwithstanding any law to the contrary, any person who is charged with possession of marijuana, which possession is of one ounce or less, shall be guilty of a misdemeanor and punished by imprisonment for a period not to exceed 12 months or a fine not to exceed $1,000.00, or both, or public works not to exceed 12 months.

(c) Persons charged with an offense enumerated in subsection (a) of this Code section and persons charged for the first time with nonviolent property crimes which, in the judgment of the court exercising jurisdiction over such offenses, were related to the accused's addiction to a controlled substance or alcohol who are eligible for any court approved drug treatment program may, in the discretion of the court and with the consent of the accused, be sentenced in accordance with subsection (a) of this Code section. The probated sentence imposed may be for a period of up to five years. No discharge and dismissal without court adjudication of guilt shall be entered under this subsection until the accused has made full restitution to all victims of the charged offenses. Discharge and dismissal under this Code section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this Code section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this Code section may not be used to disqualify a person in any application for employment or appointment to office in either the public or private sector.

§ 16-13-3. Penalty for abandonment of dangerous drugs, poisons, or controlled substances

Any person who shall abandon, in a public place, any dangerous drug, poison, or controlled substance as defined by Article 2 or Article 3 of this chapter shall be guilty of a misdemeanor.

§ 16-13-4. Approval by Food and Drug Administration as prerequisite to sale of controlled substances and dangerous drugs

(a) No controlled substance or dangerous drug shall be sold for dispensing unless the controlled substance, as defined in Code Section 16-13-21, or the dangerous drug, as defined in Code Section 16-13-71:

(1) Is approved by the Food and Drug Administration for resale;

(2) Has a new approved drug application number (known as an NDA number) unless excepted by the Food and Drug Administration; or

(3) Has an approved abbreviated new drug application number (known as an ANDA number) unless excepted by the Food and Drug Administration.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not less than one year nor more than five years.

§ 16-13-5. Immunity from arrest or prosecution for persons seeking medical assistance for drug overdose

(a) As used in this Code section, the term:

(1) "Drug overdose" means an acute condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death, resulting from the consumption or use of a controlled substance or dangerous drug by the distressed individual in violation of this chapter or that a reasonable person would believe to be

resulting from the consumption or use of a controlled substance or dangerous drug by the distressed individual.

(2) "Drug violation" means:

(A) A violation of subsection (a) of Code Section 16-13-30 for possession of a controlled substance if the aggregate weight, including any mixture, is less than four grams of a solid substance, less than one milliliter of liquid substance, or if the substance is placed onto a secondary medium with a combined weight of less than four grams;

(B) A violation of paragraph (1) of subsection (j) of Code Section 16-13-30 for possession of less than one ounce of marijuana; or

(C) A violation of Code Section 16-13-32.2, relating to possession and use of drug related objects.

(3) "Medical assistance" means aid provided to a person by a health care professional licensed, registered, or certified under the laws of this state who, acting within his or her lawful scope of practice, may provide diagnosis, treatment, or emergency medical services.

(4) "Seeks medical assistance" means accesses or assists in accessing the 9-1-1 system or otherwise contacts or assists in contacting law enforcement or a poison control center and provides care to a person while awaiting the arrival of medical assistance to aid such person.

(b) Any person who in good faith seeks medical assistance for a person experiencing or believed to be experiencing a drug overdose shall not be arrested, charged, or prosecuted for a drug violation if the evidence for the arrest, charge, or prosecution of such drug violation resulted solely from seeking such medical assistance. Any person who is experiencing a drug overdose and, in good faith, seeks medical assistance for himself or herself or is the subject of such a request shall not be arrested, charged, or prosecuted for a drug violation if the evidence for the arrest, charge, or prosecution of such drug violation resulted solely from seeking such medical assistance. Any such person shall also not be subject to, if related to the seeking of such medical assistance:

(1) Penalties for a violation of a permanent or temporary protective order or restraining order; or

(2) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug violation.

(c) Nothing in this Code section shall be construed to limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections of subsection (b) of this Code section or with regard to other crimes committed by a person who otherwise qualifies for protection pursuant to subsection (b) of this Code section. Nothing in this Code section shall be construed to limit any seizure of evidence or contraband otherwise permitted by law. Nothing in this Code section shall be construed to limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in subsection (b) of this Code section.

TITLE 16. CRIMES AND OFFENSES
CHAPTER 13. CONTROLLED SUBSTANCES

ARTICLE 2. REGULATION OF CONTROLLED SUBSTANCES
PART 1. SCHEDULES, OFFENSES, AND PENALTIES

§ 16-13-20. Short title

This article shall be known and may be cited as the "Georgia Controlled Substances Act."

§ 16-13-21. Definitions

As used in this article, the term:

(0.5) "Addiction" means a primary, chronic, neurobiologic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. It is characterized by behaviors that include the following: impaired control drug use, craving, compulsive use, and continued use despite harm. Physical dependence and tolerance are normal physiological consequences of extended opioid therapy for pain and are not the same as addiction.

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

(A) A practitioner or, in his or her presence, by his or her authorized agent; or

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

(1.1) "Agency" means the Georgia Drugs and Narcotics Agency established pursuant to Code Section 26-4-29.

(2) "Agent" of a manufacturer, distributor, or dispenser means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(2.1) "Board" means the State Board of Pharmacy or its designee, so long as such designee is another state entity.

(3) "Bureau" means the Georgia Bureau of Investigation.

(4) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Code Sections 16-13-25 through 16-13-29 and Schedules I through V of 21 C.F.R. Part 1308.

(5) "Conveyance" means any object, including aircraft, vehicle, or vessel, but not including a person, which may be used to carry or transport a substance or object.

(6) "Counterfeit substance" means:

(A) 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 controlled substance;

(B) A controlled substance or noncontrolled substance, which is held out to be a controlled substance or marijuana, whether in a container or not which does not bear a label which accurately or truthfully identifies the substance contained therein; or

(C) Any substance, whether in a container or not, which bears a label falsely identifying the contents as a controlled substance.

(6.1) "Dangerous drug" means any drug, other than a controlled substance, which cannot be dispensed except upon the issuance of a prescription drug order by a practitioner authorized under this chapter.

(6.2) "DEA" means the United States Drug Enforcement Administration.

(7) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(8) "Dependent," "dependency," "physical dependency," "psychological dependency," or "psychic dependency" means and includes the state of adaptation that is manifested by drug class specific signs and symptoms that can be produced by abrupt cessation, rapid dose reduction, decreasing blood level of the drug, and administration of an antagonist. Physical dependence, by itself, does not equate with addiction.

(9) "Dispense" means to deliver 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, or the delivery of a controlled substance by a practitioner, acting in the normal course of his or her professional practice and in accordance with this article, or to a relative or representative of the person for whom the controlled substance is prescribed.

(10) "Dispenser" means a person licensed under the laws of this state, or any other state or territory of the United States, to dispense or deliver a Schedule II, III, IV, or V controlled substance to the ultimate user in this state but shall not include:

(A) A pharmacy licensed as a hospital pharmacy by the Georgia State Board of Pharmacy pursuant to Code Section 26-4-110;

(B) An institutional pharmacy that serves only a health care facility, including, but not limited to, a nursing home, an intermediate care home, a personal care home, or a hospice program, which provides patient care and which pharmacy dispenses such substances to be administered and used by a patient on the premises of the facility;

(C) A practitioner or other authorized person who administers such a substance; or

(D) A pharmacy operated by, on behalf of, or under contract with the Department of Corrections for the sole and exclusive purpose of providing services in a secure environment to prisoners within a penal institution, penitentiary, prison, detention center, or other secure correctional institution. This shall include correctional institutions operated by private entities in this state which house inmates under the Department of Corrections.

(11) "Distribute" means to deliver a controlled substance, other than by administering or dispensing it.

(12) "Distributor" means a person who distributes.

(12.05) "FDA" means the United States Food and Drug Administration.

(12.1) "Imitation controlled substance" means:

(A) A product specifically designed or manufactured to resemble the physical appearance of a controlled substance such that a reasonable person of ordinary knowledge would not be able to distinguish the imitation from the controlled substance by outward appearances; or

(B) A product, not a controlled substance, which, by representations made and by dosage unit appearance, including color, shape, size, or markings, would lead a reasonable person to believe that, if ingested, the product would have a stimulant or depressant effect similar

to or the same as that of one or more of the controlled substances included in Schedules I through V of Code Sections 16-13-25 through 16-13-29.

(13) "Immediate precursor" means a substance which the State Board of Pharmacy has found to be and by rule identifies 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.

(14) "Isomers" means stereoisomers (optical isomers), geometrical isomers, and structural isomers (chain and positional isomers) but shall not include functional isomers.

(15) "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, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of a controlled substance:

(A) By a practitioner as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

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

(16) "Marijuana" means all parts of the plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include samples as described in subparagraph (P) of paragraph (3) of Code Section 16-13-25 and shall not include the completely defoliated mature stalks of such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized samples of seeds of the plant which are incapable of germination.

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

(A) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(B) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical to any of the substances referred to in subparagraph (A) of this paragraph, but not including the isoquinoline alkaloids of opium;

(C) Opium poppy and poppy straw; or

(D) Coca leaves and any salt, compound, derivative, stereoisomers of cocaine, or preparation of coca leaves, and any salt, compound, stereoisomers of cocaine, derivative, or preparation thereof which is chemically equivalent or identical to any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(17.1) "Noncontrolled substance" means any drug or other substance other than a controlled substance as defined by paragraph (4) of this Code section.

(18) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled

under Code Section 16-13-22, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

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

(19.1) "Patient" means the person who is the intended consumer of a drug for whom a prescription is issued or for whom a drug is dispensed.

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

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

(22) "Potential for abuse" means and includes a substantial potential for a substance to be used by an individual to the extent of creating hazards to the health of the user or the safety of the public, or the substantial potential of a substance to cause an individual using that substance to become dependent upon that substance.

(23) "Practitioner" means:

(A) A physician, dentist, pharmacist, podiatrist, scientific investigator, or other person licensed, registered, or otherwise authorized under the laws of this state to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

(B) A pharmacy, hospital, or other institution licensed, registered, or otherwise authorized by law to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

(C) An advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25. For purposes of this chapter and Code Section 43-34-25, an advanced practice registered nurse is authorized to register with the DEA and appropriate state authorities; or

(D) A physician assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103. For purposes of this chapter and subsection (e.1) of Code Section 43-34-103, a physician assistant is authorized to register with the DEA and appropriate state authorities.

(23.1) "Prescriber" means a physician, dentist, scientific investigator, or other person licensed, registered, or otherwise authorized under the laws of this state, or any other state or territory of the United States, to prescribe a controlled substance in the course of professional practice or research in this state.

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

(25) "Registered" or "register" means registration as required by this article.

(26) "Registrant" means a person who is registered under this article.

(26.1) "Schedule II, III, IV, or V controlled substance" means a controlled substance that is classified as a Schedule II, III, IV, or V controlled substance under Code Section 16-13-26, 16-13-27, 16-13-28, or 16-13-29, respectively, or under the federal Controlled Substances Act, 21 U.S.C. Section 812.

(27) "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, or any area subject to the legal authority of the United States.

(27.1) "Tolerance" means a physiologic state resulting from regular use of a drug in which an increased dosage is needed to produce a specific effect or a reduced effect is observed with a constant dose over time. Tolerance may or may not be evident during opioid treatment and does not equate with addiction.

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

§ 16-13-22. Administration of article; standards and schedules

(a) The State Board of Pharmacy shall administer this article and shall add substances to or reschedule all substances enumerated in the schedules in Code Sections 16-13-25 through 16-13-29 pursuant to the procedures of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." In making a determination or identification regarding a substance, the State Board of Pharmacy shall consider the following factors:

(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 psychic or physiological dependence liability;

(8) Whether the substance is an immediate precursor of a substance already controlled under this article; and

(9) The designation, deletion, or rescheduling of a substance under federal law controlling controlled substances.

(b) After considering the factors enumerated in subsection (a) of this Code section, the State Board of Pharmacy shall make findings with respect thereto and cause the publication of such findings as a rule, in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," controlling the substance if it finds the substance has a potential for abuse.

(c) If the State Board of Pharmacy identifies a substance as an immediate precursor, substances which are precursors of the controlled substance shall not be subject to control solely because they are precursors of the controlled substance.

(d) Authority to control under this Code section does not extend to distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in Title 3 or 48.

§ 16-13-23. Nomenclature for controlled substances

The controlled substances listed in the schedules in Code Sections 16-13-25 through 16-13-29 are included by whatever official, common, usual, chemical, or trade name designated.

§ 16-13-24. Establishment of schedules of controlled substances

(a) There are established five schedules of controlled substances, to be known as Schedules I, II, III, IV, and V. The schedules shall consist of the substances listed in Code Sections 16-13-25 through 16-13-29. The schedules so established shall be updated and republished by the State Board of Pharmacy on an annual basis.

(b) Except in the case of an immediate precursor, a drug or other substance may not be placed in any schedule unless the findings required for such schedule are made with respect to the drug or other substance. The findings for each of the schedules are as follows:

(1) Schedule I:

(A) The drug or other substance has a high potential for abuse;

(B) The drug or other substance has no currently accepted medical use in treatment in the United States; and

(C) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

(2) Schedule II:

(A) The drug or other substance has a high potential for abuse;

(B) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions; and

(C) Abuse of the drug or other substance may lead to severe psychological or physical dependence.

(3) Schedule III:

(A) The drug or other substance has a potential for abuse less than the drugs or other substances in Schedules I and II;

(B) The drug or other substance has a currently accepted medical use in treatment in the United States; and

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

(4) Schedule IV:

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule III;

(B) The drug or other substance has a currently accepted medical use in treatment in the United States; and

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

(5) Schedule V:

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule IV;

(B) The drug or other substance has a currently accepted medical use in treatment in the United States; and

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV.

§ 16-13-25. Schedule I

The controlled substances listed in this Code section are included in Schedule I:

(1) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, pursuant to this article, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(A) Acetylmethadol;
(B) Allylprodine;
(C) Reserved;
(D) Alphameprodine;
(E) Alphamethadol;
(F) Benzethidine;
(G) Betacetylmethadol;
(H) Betameprodine;
(I) Betamethadol;
(J) Betaprodine;
(K) Clonitazene;
(L) Dextromoramide;
(M) Dextromorphan;
(N) Diampromide;
(O) Diethylthiambutene;
(P) Dimenoxadol;
(Q) Dimetheptanol;
(R) Dimethylthiambutene;
(S) Dioxaphetyl butyrate;
(T) Dipipanone;
(U) Ethylmethylthiambutene;
(V) Etonitazene;
(W) Etoxeridene;
(X) Furethidine;
(Y) Hydroxypethidine;
(Z) Ketobemidone;
(AA) Levomoramide;
(BB) Levophenacylmorphan;
(CC) Morpheridine;
(DD) Noracymethadol;
(EE) Norlevorphanol;
(FF) Normethadone;
(GG) Norpipanone;
(HH) Phenadoxone;
(II) Phenampromide;
(JJ) Phenomorphan;
(KK) Phenoperidine;
(LL) Piritramide;
(MM) Proheptazine;
(NN) Properidine;

(OO) Propiram;
(PP) Racemoramide;
(QQ) Trimeperidine;

(2) Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:
(A) Acetorphine;
(B) Acetyldihydrocodeine;
(C) Benzylmorphine;
(D) Codeine methylbromide;
(E) Codeine-N-Oxide;
(F) Cyprenorphine;
(G) Desomorphine;
(H) Dihydromorphine;
(I) Etorphine;
(J) Heroin;
(K) Hydromorphinol;
(L) Methyldesorphine;
(M) Methyldihydromorphine;
(N) Morphine methylbromide;
(O) Morphine methylsulfonate;
(P) Morphine-N-Oxide;
(Q) Myrophine;
(R) Nicocodeine;
(S) Nicomorphine;
(T) Normorphine;
(U) Pholcodine;
(V) Thebacon;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers (whether optical, position, or geometrics), and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:
(A) 3, 4-methylenedioxyamphetamine;
(B) 5-methoxy-3, 4-methylenedioxyamphetamine;
(C) 3, 4, 5-trimethoxyamphetamine;
(D) Bufotenine;
(E) Diethyltryptamine;
(F) Dimethyltryptamine;
(G) 4-methyl-2, 5-dimethoxyamphetamine;
(H) Ibogaine;
(I) Lysergic acid diethylamide;
(J) Mescaline;
(K) Peyote;
(L) N-ethyl-3-piperidyl benzilate;

(M) N-methyl-3-piperidyl benzilate;
(N) Psilocybin;
(O) Psilocyn (Psilocin);
(P) Tetrahydrocannabinols which shall include, but are not limited to:

(i) All synthetic or naturally produced samples containing more than 15 percent by weight of tetrahydrocannabinols; and

(ii) All synthetic or naturally produced tetrahydrocannabinol samples which do not contain plant material exhibiting the external morphological features of the plant cannabis;

(Q) 2, 5-dimethoxyamphetamine;
(R) 4-bromo-2, 5-dimethoxyamphetamine;
(S) 4-methoxyamphetamine;
(T) Cyanoethylamphetamine;
(U) (1-phenylcyclohexyl) ethylamine;
(V) 1-(1-phenylcyclohexyl) pyrrolidine;
(W) Phencyclidine;
(X) 1-piperidinocyclohexanecarbonitrile;
(Y) 1-phenyl-2-propanone (phenylacetone);
(Z) 3, 4-Methylenedioxymethamphetamine (MDMA);
(AA) 1-methyl-4-phenyl-4-propionoxypiperidine;
(BB) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine;
(CC) 3-methylfentanyl;
(DD) N-ethyl-3, 4-methylenedioxyamphetamine;
(EE) Para-flurofentanyl;
(FF) 2,5-Dimethoxy-4-Ethylamphetamine;
(GG) Cathinone;
(HH) Reserved;
(II) PEPAP (1-(2-phenethyl)-4 phenyl-4-acetoxypiperide);
(JJ) Alpha-Methylthiofentanyl;
(KK) Acetyl-Alpha-Methylfentanyl;
(LL) 3-Methylthiofentanyl;
(MM) Beta-Hydroxyfentanyl;
(NN) Thiofentanyl;
(OO) 3,4-Methylenedioxy-N-Ethylamphetamine;
(PP) 4-Methylaminorex;
(QQ) N-Hydroxy-3,4-Methylenedioxyamphetamine;
(RR) Beta-Hydroxy-3-Methylfentanyl;
(SS) Chlorophenylpiperazine (CPP);
(TT) N, N-Dimethylamphetamine;
(UU) 1-(1-(2-thienyl)cyclohexy)pyrrolidine;
(VV) 4-Bromo-2,5-Dimethoxyphenethylamine (DMPE);
(WW) Alpha-Ethyltryptamine;
(XX) Methcathinone;
(YY) Aminorex;
(ZZ) 4-iodo-2,5-dimethoxyamphetamine;
(AAA) 4-chloro-2,5-dimethoxyamphetamine;
(BBB) 3,4-Methylenedioxypyrovalerone (MDPV);

(CCC) 4-Methylmethcathinone (Mephedrone);
(DDD) 3,4-Methylenedioxymethcathinone (Methylone);
(EEE) 4-Methoxymethcathinone;
(FFF) 4-Fluoromethcathinone;
(GGG) Fluorophenylpiperazine (FPP);
(HHH) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
(III) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
(JJJ) 4-iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (25I-NBOMe);
(KKK) 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (25C-NBOMe);
(LLL) 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (25B-NBOMe);
(MMM) N,N-Diallyl-5-Methoxytryptamine (5-MeO-DALT);
(NNN) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E);
(OOO) 2-(2,5-Dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl) ethanamine (25N-NBOMe);
(PPP) 4-acetoxy-N-ethyl-N-methyltryptamine (4-AcO-MET);
(QQQ) 4-nitro-2,5-dimethoxyphenethylamine (2C-N);
(RRR) 5-methoxy-N,N-methylisopropyltryptamine (5-MeO-MIPT);
(SSS) Methoxetamine;
(TTT) N-acetyl-3,4-methylenedioxymethcathinone;
(UUU) 3-(1,3-benzenodioxol-5-yl)-N,2-dimethylpropan-1-amine (3,4-methylenedioxymethamphetamine methyl homolog);
(VVV) (2-aminopropyl)-2,3-dihydrobenzofuran (APDB);
(WWW) 4-methyl-2,5-dimethoxy-N-[(2-methoxyphenyl) methyl]-benzeneethanamine (25D-NBOMe);
(XXX) 2-chloro-4,5-methylenedioxymethamphetamine;
(YYY) 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET);
(ZZZ) 2-bromo-4,5-methylenedioxymethamphetamine;
(AAAA) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25H-NBOMe);

(4) Any material, compound, mixture, or preparation which contains any of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:
(A) Fenethylline;
(B) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzyl-fentanyl);
(C) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl);
(D) Para-methoxyphenylpiperazine (MeOPP);

(5) Any material, compound, mixture, or preparation which contains any quantity of the following substances, their salts, isomers (whether optical, position, or geometrics), and salts of isomers, unless specifically excepted, whenever the existence of these substances, their salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) Gamma hydroxybutyric acid (gamma hydroxy butyrate); provided, however, that this does not include any amount naturally and normally occurring in the human body; and

(B) Sodium oxybate, when the FDA approved form of this drug is not:

(i) In a container labeled in compliance with subsection (a) or (b) of Code Section 26-3-8; and

(ii) In the possession of:

(I) A registrant permitted to dispense the drug;

(II) Any person other than to whom the drug was prescribed; or

(III) Any person who attempts to or does unlawfully possess, sell, distribute, or give this drug to any other person;

(6) Notwithstanding the fact that Schedule I substances have no currently accepted medical use, the General Assembly recognizes certain of these substances which are currently accepted for certain limited medical uses in treatment in the United States but have a high potential for abuse. Accordingly, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of methaqualone, including its salts, isomers, optical isomers, salts of their isomers, and salts of these optical isomers, is included in Schedule I;

(7) 2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);

(8) 1-(3-Trifluoromethylphenyl) Piperazine (TFMPP);

(9) N-Benzylpiperazine (BZP);

(10) 5-Methoxy-N,N-Diisopropyltryptamine (5-MeO-DIPT);

(11) Alpha-Methyltryptamine (AMT);

(12) Any of the following compounds, derivatives, their salts, isomers, or salts of isomers, halogen analogues, or homologues, unless specifically utilized as part of the manufacturing process by a commercial industry of a substance or material not intended for human ingestion or consumption, as a prescription administered under medical supervision, or research at a recognized institution, whenever the existence of these salts, isomers, or salts of isomers, halogen analogues, or homologues is possible within the specific chemical designation:

(A) Naphthoylindoles;

(B) Naphthylmethylindoles;

(C) Naphthoylpyrroles;

(D) Naphthylideneindenes;

(E) Phenylacetylindoles;

(F) Cyclohexylphenols;

(G) Benzoylindoles;

(H) Tricyclic benzopyrans;

(I) Adamantoylindoles;

(J) Indazole amides;

(K) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (WIN 55,212-2);

(L) Any compound, unless specifically excepted or listed in this or another schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(i) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substitutions, whether or not further substituted in the ring system;

(ii) By substitution at the 3-position with an acyclic alkyl substitution; or

(iii) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure;

(L.1) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);

(M) (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl) methanone (UR-144);

(N) [1-(5-fluoropentyl)indole-3yl]-(2,2,3,3-tetramethylcyclo-propyl) methanone (XLR11);

(O) [1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester (URB602);

(P) [1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]-(2,2,3,3-tetra- methylcyclopropyl) methanone (A-796,260);

(Q) [3-(3-carbamoylphenyl)phenyl] N-cyclohexylcarbamate (URB597);

(R) 6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one (URB754);

(S) 1-pentyl-3-(1-adamantylamido)indole (2NE1);

(T) 1-(5-fluoropentyl)-N-(tricyclo[3.31.13,7]dec-1-yl)-1H-indole-3- carboxamide (STS-135);

(U) 1-naphthalenyl[4-(pentylox)-1-naphthalenyl]-methanone (CB-13);

(V) N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide (NNEI);

(W) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADBICA);

(X) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl) (naphthalen-1-yl)methanone (AM-2201 benzimidazole analog);

(Y) Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22);

(Z) Naphthalen-1-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FDU-PB-22);

(AA) Naphthalene-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxy late (NM2201);

(BB) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclo-propyl)methanone (FUB-144);

(CC) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5-fluoro-ABICA);

(DD) 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone (THJ 018).

§ 16-13-26. Schedule II

The controlled substances listed in this Code section are included in Schedule II:

(1) Any of the following substances, or salts thereof, except those narcotic drugs specifically exempted or listed in other schedules, whether produced directly or indirectly by extraction from

substances of vegetable origin, or independently by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

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

(i) Raw opium;
(ii) Opium extracts;
(iii) Opium fluid extracts;
(iv) Powdered opium
(v) Granulated opium;
(vi) Tincture of opium;
(vii) Codeine;
(viii) Ethylmorphine;
(ix) Hydrocodone;
(x) Hydromorphone;
(xi) Metopon;
(xii) Morphine;
(xiii) Oripavine;
(xiv) Oxycodone;
(xv) Oxymorphone;
(xvi) Thebaine;

(B) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (A) of this paragraph, except that these substances shall not include the isoquinoline alkaloids of opium;

(C) Opium poppy and poppy straw;

(D) Cocaine, coca leaves, any salt, compound, derivative, stereoisomers of cocaine, or preparation of coca leaves, and any salt, compound, derivative, stereoisomers of cocaine, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(A) Alfentanil;
(A.1) Alphaprodine;
(B) Anileridine;
(C) Bezitramide;
(D) Dihydrocodeine;
(E) Diphenoxylate;
(F) Fentanyl;
(G) Isomethadone;
(G.5) Levo-alphacetylmethadol (some other names: levomethadyl acetate, LAAM);
(H) Levomethorphan;
(I) Levorphanol;
(J) Methazocine;
(K) Methadone;

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

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

(N) Pethidine (meperidine);

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

(P) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

(Q) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(R) Phenazocine;

(S) Piminodine;

(T) Racemethorphan;

(U) Racemorphan;

(U.1) Remifentanil;

(V) Sufentanil;

(V.1) Tapentadol;

(W) 4-anilino-N-phenethyl-4-piperidine (ANPP);

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

(A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(B) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;

(C) Phenmetrazine and its salts;

(D) Methylphenidate, including its salts, isomers, and salts of isomers;

(E) Carfentanil;

(F) Nabilone;

(G) Lisdexamfetamine;

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

(A) Amobarbital;

(A.5) Glutethimide;

(B) Secobarbital;

(C) Pentobarbital.

§ 16-13-27. Schedule III

The controlled substances listed in this Code section are included in Schedule III:

(1) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, included as

having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) Those compounds, mixtures, or preparations in dosage unit forms containing any stimulant substances which are listed as excepted compounds by the State Board of Pharmacy pursuant to this article, and any other drug of quantitative composition so excepted or which is the same except that it contains a lesser quantity of controlled substances;

(B) Benzphetamine;

(C) Chlorphentermine;

(D) Clortermine;

(E) Phendimetrazine;

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

(A) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salts thereof and one or more active medicinal ingredients which are not listed in any schedule;

(B) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the State Board of Pharmacy for marketing only as a suppository;

(C) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof;

(D) Chlorhexadol;

(E) Reserved;

(F) Lysergic acid;

(G) Lysergic acid amide;

(H) Methyprylon;

(I) Sulfondiethylmethane;

(J) Sulfonethylmethane;

(K) Sulfonmethane;

(L) Tiletamine/Zolazepam (Telazol);

(3) Nalorphine;

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

(A) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

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

(C) Reserved;

(D) Reserved;

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

(F) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

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

(H) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) The State Board of Pharmacy may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in paragraphs (1) and (2) of this Code section from the application of all or any part of this article if the compound, mixture, or preparation contains one or more active, medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system;

(6) Any anabolic steroid or any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. Such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for such administration:

(A) Boldenone;

(A.5) Boldione (Androsta-1,4-diene-3,17-dione);

(B) Chlorotestosterone;

(C) Clostebol;

(D) Dehydrochlormethyltestosterone;

(D.1) Desoxymethyltestosterone (17a-methyl-5a-androst-2-en-17-ol, madol);

(E) Dihydrotestosterone;

(F) Drostanolone;

(G) Ethylestrenol;

(H) Fluoxymesterone;

(I) Formebolone;

(J) Mesterolone;

(K) Methandienone;

(L) Methandranone;

(M) Methandriol;

(N) Methandrostenolone;

(N.5) Methasterone;

(O) Methenolone;

(P) Methyltestosterone;

(Q) Mibolerone;

(R) Nandrolone;
(S) Norethandrolone;
(T) Oxandrolone;
(U) Oxymesterone;
(V) Oxymetholone;
(V.5) Prostanozol;
(W) Stanolone;
(X) Stanozolol;
(Y) Testolactone;
(Z) Testosterone;
(AA) Trenbolone;
(BB) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-di-ene-3,17-dione);

(7) Ketamine;

(8) Dronabinol (synthetic) in sesame oil and encapsulated in a U.S. Food and Drug Administration approved drug product also known as Marinol;

(9) Sodium oxybate, when the FDA approved form of this drug is in a container labeled in compliance with subsection (a) or (b) of Code Section 26-3-8, in the possession of a registrant permitted to dispense the drug, or in the possession of a person to whom it has been lawfully prescribed;

(10) Buprenorphine;

(11) Embutramide;

(12) Any drug product in hard or soft gelatin capsule form containing natural dronabinol (derived from the cannabis plant) or synthetic dronabinol (produced from synthetic materials) in sesame oil, for which an abbreviated new drug application (ANDA) has been approved by the FDA under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) which references as its listed drug the drug product referred to in paragraph (8) of this Code section;

(13) Perampanel and its salts, isomers, and salts of isomers.

§ 16-13-27.1. Exempt anabolic steroids

The following anabolic steroid containing compounds, mixtures, or preparations have been exempted as Schedule III Controlled Substances by the United States Drug Enforcement Administration, as listed in 21 C.F.R. 1308.34, and are therefore exempted from paragraph (6) of Code Section 16-13-27:

TABLE OF EXEMPT ANABOLIC STEROID PRODUCTS

Trade Name	Company

Androgen LA	Forest Pharmaceuticals St. Louis, MO
Andro-Estro 90-4	Rugby Labs Rockville Centre, NY
depANDROGYN	Forest Pharmaceuticals St. Louis, MO
DEPO-T.E.	Quality Research Pharm Carmel, IN
depTESTROGEN	Maroca Pharm Phoenix, AZ
Duomone	Winitec Pharm Pacific, MO
DURATESTRIN	W. E. Hauck Alpharetta, GA
DUO-SPAN II	Premedics Labs Gardena, CA
Estratest	Solvay Pharmaceuticals Marietta, GA
Estratest HS	Solvay Pharmaceuticals Marietta, GA
PAN ESTRA TEST	Pan American Labs Covington, LA
Premarin 1.25mg with Methyltestosterone	Ayerst Labs, Inc. New York, NY
Premarin 0.625mg with Methyltestosterone	Ayerst Labs, Inc. New York, NY
TEST-ESTRO Cypionates	Rugby Labs Rockville Centre, NY

Testosterone Cyp 50 Estradiol Cyp 2	I.D.E. Interstate Amityville, NY
Testosterone Cypionate-Estradiol Cypionate Injection	Best Generics N. Miami Beach, FL
Testosterone Cypionate-Estradiol Cypionate Injection	Schein Pharm Port Washington, NY
Testosterone Cypionate-Estradiol Cypionate Injection	Steris Labs, Inc. Phoenix, AZ
Testosterone Cypionate-Estradiol Valerate Injection	Schein Pharm Port Washington, NY
Testosterone Enanthate-Estradiol Valerate Injection	Steris Labs, Inc. Phoenix, AZ

§ 16-13-28. Schedule IV

(a) The controlled substances listed in this Code section are included in Schedule IV. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specified chemical designation, included as having a stimulant or depressant effect on the central nervous system or a hallucinogenic effect:

(0.5) Alfaxalone;

(1) Alprazolam;

(1.5) Armodafinil;

(2) Barbital;

(2.1) Bromazepam;

(2.15) Butorphanol;

(2.2) Camazepam;

(2.25) Carisoprodol;

(2.3) Cathine;

(3) Chloral betaine;

(4) Chloral hydrate;

(5) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clidinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens);

(5.1) Clobazam;

(6) Clonazepam;

(7) Clorazepate;

(7.1) Clotiazepam;

(7.2) Cloxazolam;

(7.3) Delorazepam;

(8) Desmethyldiazepam;

(8.5) Dexfenfluramine;
(9) Reserved;
(10) Diazepam;
(11) Diethylpropion;
(11.05) Difenoxin;
(11.1) Estazolam;
(12) Ethchlorvynol;
(13) Ethinamate;
(13.1) Ethyl loflazepate;
(13.15) Etizolam;
(13.2) Fencamfamin;
(14) Fenfluramine;
(14.1) Flunitrazepam;
(14.2) Fenproporex;
(15) Flurazepam;
(15.3) Fospropofol;
(16) Halazepam;
(16.1) Haloxazolam;
(16.15) Indiplon;
(16.2) Ketazolam;
(16.3) Lometazepam;
(16.4) Loprazolam;
(17) Lorazepam;
(17.5) Lorcaserin;
(18) Mazindol;
(19) Mebutamate;
(19.1) Medazepam;
(19.2) Mefenorex;
(20) Meprobamate;
(21) Methohexital;
(22) Methylphenobarbital;
(22.1) Midazolam;
(22.15) Modafinil;
(22.2) Nimetazepam;
(22.3) Nitrazepam;
(22.4) Nordiazepam;
(23) Oxazepam;
(23.1) Oxazolam;
(24) Paraldehyde;
(25) Pemoline;
(26) Pentazocine;
(27) Petrichloral;
(27.5) Phenazepam;
(28) Phenobarbital;
(29) Phentermine;
(29.1) Pipradrol;

(30) Prazepam;
(30.03) Propofol;
(30.05) Propoxyphene (including all salts and optical isomers);
(30.1) Quazepam;
(30.2) Sibutramine;
(30.3) SPA (-)-1-dimethylamino-1, 2-diphenylethane;
(30.5) Suvorexant;
(31) Temazepam;
(31.5) Tramadol [2-((dimethylamino)methyl)-1-(3-methoxyphenyl) cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers];
(32) Triazolam;
(32.5) Zaleplon;
(33) Zolpidem;
(34) Zopiclone.

(b) The State Board of Pharmacy may except by rule any compound, mixture, or preparation containing any depressant, stimulant, or hallucinogenic substance listed in subsection (a) of this Code section from the application of all or any part of this article if the compound, mixture, or preparation contains one or more active, medicinal ingredients not having a depressant or stimulant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant or stimulant effect on the central nervous system.

§ 16-13-29. Schedule V

The controlled substances listed in this Code section are included in Schedule V:

(1) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or salts thereof, which also contains one or more nonnarcotic, active, medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:
(A) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;
(B) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;
(C) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;
(D) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
(E) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(2) Lacosamide;

(3) Pregabalin;

(4) Pyrovalerone;

(5) Pseudoephedrine as an exempt over-the-counter Schedule V controlled substance distributed in the same manner as set forth in Code Section 16-13-29.2; provided, however, that such exemption shall take effect immediately and shall not require rulemaking by the State Board of Pharmacy; provided, further, that wholesale drug distributors located within this state and licensed by the State Board of Pharmacy and which are registered and regulated by the DEA shall not be subject to any board requirements for controlled substances for the storage, reporting, record keeping, or physical security of drug products containing pseudoephedrine which are more stringent than those included in DEA regulations; or

(6) Ezogabine.

§ 16-13-29.1. Nonnarcotic substances excluded from schedules of controlled substances

The following nonnarcotic substances which may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301), be lawfully sold over the counter without a prescription, are excluded from all schedules of controlled substances under this article:

Trade name or designation (Dosage form)	Composition/Potency	Manufacturer or distributor
Amodrine (Tablet)	Phenobarbital/8.00 mg; Aminophylline/100.00 mg; Racephedrine/25.00 mg	Searle, G.D. & Co.
Amodrine E C (Enteric-coated tablet)	Phenobarbital/8.00 mg; Aminophylline/100.00 mg; Racephedrine/25.00 mg	Searle, G.D. & Co.
Anodyne (Ointment)	Chloral hydrate/0.69 g/30 g	Zemmer Co.
Anti-Asthma (Tablet)	Phenobarbital/8.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/ 25.00 mg	Ormont Drug & Chem.
Anti-asthmatic (Tablet)	Phenobarbital/8.10 mg; Ephedrine hydrochloride/ 24.00 mg; Theophylline/ 130.00 mg	Zenith Labs., Inc.
Asma-Ese (Tablet)	Phenobarbital/8.10 mg; Theophylline/129.60 mg; Ephedrine hydrochloride/ 24.30 mg	Parmed Pharm.
Asma-Lief (Tablet)	Phenobarbital/8.10 mg; Ephedrine hydrochloride/	Columbia Medical Co.

	24.30 mg; Theophylline/ 129.60 mg	
Asma-Lief Pediatric (Suspension)	Phenobarbital/4.00 mg/05 ml; Ephedrine hydrochloride/ 12.00 mg/05 ml; Theophylline/65.00 mg/05 ml	Columbia Medical Co.
Asma Tuss (Syrup)	Phenobarbital/4.00 mg/05 ml; Glyceryl guaiacolate/50.00 mg/05 ml; Chlorphentramine maleate/1.00 mg/05 ml; Ephedrine sulfate/12.00 mg/05 ml; Theophylline/ 15.00 mg/05 ml	Halsey Drug Co.
Azma-Aid (Tablet)	Phenobarbital/8.00 mg; Theophylline/129.60 mg Ephedrine hydrochloride/ 24.30 mg	Rondex Labs.
Azmadrine (Tablet)	Phenobarbital/8.00 mg; Ephedrine hydrochloride/ 24.00 mg; Theophylline/ 130.00 mg	U.S. Ethicals.
Benzedrex Inhaler (Inhaler)	Propylhexedrine	Smith Kline Consumer Products.
Bet-U-Lol (Liquid)	Chloral hydrate/0.54 g/30 ml; Methyl salicylate/ 30.10 g/30 ml; Menthol/ 0.69 g/30 ml	Huxley Pharm.
Bronkolixir (Elixir)	Phenobarbital/4.00 mg/05 ml; Theophylline/15.00 mg/05 ml; Ephedrine sulfate/12.00 mg/05 ml; Glyceryl guaiacolate/50.00 mg/05 ml	Breon Labs.
Bronkotabs (Tablet)	Phenobarbital/8.00 mg; Theophylline/100.00 mg; Glyceryl guaiacolate/ 100.00 mg; Ephedrine sulfate/24.00 mg	Breon Labs.
Bronkotabs-Hafs (Tablet)	Phenobarbital/4.00 mg; Glyceryl guaiacolate/ 50.00 mg; Theophylline/ 50.00 mg; Ephedrine sulfate/12.00 mg	Breon Labs.
Ceepa (Tablet)	Phenobarbital/8.00 mg; Theophylline/130.00 mg;	Geneva Drugs.

	Ephedrine hydrochloride/ 24.00 mg	
Chlorasal (Ointment)	Chloral hydrate/648.00 mg/30 g; Menthol/ 972.00 mg/30 g; Methyl salicylate/ 4.277 g/30 g	Wisconsin Pharmacal.
Choate's Leg Freeze (Liquid)	Chloral hydrate/7.40 g/30 ml; Ether/10.3 ml/30 ml; Menthol/6.3 g/30 ml; Camphor/8.7 g/30 ml	Bickmore, Inc.
Chloro-salicylate (Ointment)	Chloral hydrate/648.00 mg/30 g; Methyl salicylate/6.66 g/30 g; Menthol/1.13 g/30 g	Kremers-Urban Co.
Menthalgesic (Ointment)	Chloral hydrate/0.45 g/30 g; Menthol/0.45 g/30 g; Methyl salicylate/3.60 g/30 g; Camphor/0.45 g/30 g	Blue Line Chem Co.
Neoasma (Tablet)	Phenobarbital/10.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/ 24.00 mg	Tarmac Products.
P.E.C.T. (Tablet)	Phenobarbital/8.10 mg; Chlorpheniramine maleate/ 2.00 mg; Ephedrine sulfate/24.30 mg; Theophylline/129.60 mg	Halsom Drug Co.
Primatene (Tablet)	Phenobarbital/8.00 mg; Ephedrine hydrochloride/ 24.00 mg; Theophylline/ 130.00 mg	Whitehall Labs.
Rynal (Spray)	d1-methamphetamine hydrochloride/0.11 g/50 ml; Antipyrine/ 0.14 g/50 ml; Pyriamine maleate/0.005 g/50 ml; Hyamine 2389/0.01 g/50 ml	Blaine Co.
S-K Asthma (Tablet)	Phenobarbital/8.00 mg; Ephedrine hydrochloride/ 24.30 mg; Theophylline/ 129.60 mg	S-K Research Labs.
Tedral (Tablet)	Phenobarbital/8.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/	Warner-Chilcott.

	24.00 mg	
Tedral Anti H (Tablet)	Phenobarbital/8.00 mg; Chlorpheniramine maleate/ 2.00 mg; Theophylline/ 130.00 mg; Ephedrine hydrochloride/24.00 mg	Warner-Chilcott.
Tedral Antiasthmatic (Tablet)	Phenobarbital/8.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/ 24.00 mg	Parke-Davis & Co.
Tedral Elixir (Elixir)	Phenobarbital/2.00 mg/05 ml; Ephedrine hydro-chloride/6.00 mg/05 ml; Theophylline/32.50 mg/ 05 ml	Warner-Chilcott.
Tedral Pediatric (Suspension)	Phenobarbital/4.00 mg/05 ml; Ephedrine hydro-chloride/12.00 mg/05 ml; Theophylline/65.00 mg/05 ml	Warner-Chilcott.
Teephen (Tablet)	Phenobarbital/8.00 mg; Ephedrine hydrochloride/ 24.00 mg; Theophylline/ 130.00 mg	Robinson Labs.
Teephen Pediatric (Suspension)	Phenobarbital/4.00 mg/05 ml; Ephedrine hydro-chloride/12.00 mg/05 ml; Theophylline anhydrous/ 65.00 mg/05 ml	Robinson Labs.
TEP (Tablet)	Phenobarbital/8.00 mg; Theophylline/130.00 mg; Ephedrine hydrochloride/ 24.00 mg	Towne, Paulsen & Co., Inc.
T.E.P. Compound (Tablet)	Phenobarbital/8.10 mg; Theophylline/129.60 mg; Ephedrine hydrochloride/ 24.30 mg	Stanlabs, Inc.
Thedrizem (Tablet)	Phenobarbital/8.00 mg; Ephedrine hydrochloride/ 25.00 mg; Theophylline/ 100.00 mg	Zemmer Co.
Theobal (Tablet)	Phenobarbital/8.00 mg; Ephedrine hydrochloride/ 24.00 mg; Theophylline/ 130.00 mg	Halsey Drug Co.
Val-Tep	Phenobarbital/8.00 mg;	Vale Chemical

(Tablet)	Ephedrine hydrochloride/ 24.00 mg; Theophylline/ 130.00 mg	Co.
Verequad (Suspension)	Phenobarbital/4.00 mg/05 ml; Ephedrine hydrochloride/ 12.00 mg/05 ml; Theophylline calcium salicylate/65.00 mg/05 ml; Glyceryl guaiacolate/ 50.00 mg/05 ml	Knoll Pharm.
Verequad (Tablet)	Phenobarbital/8.00 mg; Ephedrine hydrochloride/ 24.00 mg; Glyceryl guaiacolate/100.00 mg; Theophylline calcium salicylate/130.00 mg	Knoll Pharm.
Vicks Inhaler (Inhaler)	1-Desoxyephedrine/113.00 mg	Vick Chemical Co.

§ 16-13-29.2. Authority for exemption of over-the-counter Schedule V controlled substances

The State Board of Pharmacy shall have the authority to exempt and control the sale of Schedule V controlled substances by rule which shall allow the sale of such substances without the need for issuance of a prescription from a medical practitioner and shall require such substances to be sold only in a pharmacy when such substances are sold without a prescription. Such substances shall be known as Exempt Over-the-Counter (OTC) Schedule V Controlled Substances.

§ 16-13-30. Purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana; penalties

(a) Except as authorized by this article, it is unlawful for any person to purchase, possess, or have under his or her control any controlled substance.

(b) Except as authorized by this article, it is unlawful for any person to manufacture, deliver, distribute, dispense, administer, sell, or possess with intent to distribute any controlled substance.

(c) Except as otherwise provided, any person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule I or a narcotic drug in Schedule II shall be guilty of a felony and, upon conviction thereof, shall be punished as follows:

(1) If the aggregate weight, including any mixture, is less than one gram of a solid substance, less than one milliliter of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of less than one gram, by imprisonment for not less than one nor more than three years;

(2) If the aggregate weight, including any mixture, is at least one gram but less than four grams of a solid substance, at least one milliliter but less than four milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least one gram but less than four grams, by imprisonment for not less than one nor more than eight years; and

(3) (A) Except as provided in subparagraph (B) of this paragraph, if the aggregate weight, including any mixture, is at least four grams but less than 28 grams of a solid substance, at least four milliliters but less than 28 milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least four grams but less than 28 grams, by imprisonment for not less than one nor more than 15 years.

(B) This paragraph shall not apply to morphine, heroin, or opium or any salt, isomer, or salt of an isomer; rather, the provisions of Code Section 16-13-31 shall control these substances.

(d) Except as otherwise provided, any person who violates subsection (b) of this Code section with respect to a controlled substance in Schedule I or Schedule II shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 30 years. Upon conviction of a second or subsequent offense, he or she shall be imprisoned for not less than ten years nor more than 40 years or life imprisonment. The provisions of subsection (a) of Code Section 17-10-7 shall not apply to a sentence imposed for a second such offense; provided, however, that the remaining provisions of Code Section 17-10-7 shall apply for any subsequent offense.

(e) Any person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule II, other than a narcotic drug, shall be guilty of a felony and, upon conviction thereof, shall be punished as follows:

(1) If the aggregate weight, including any mixture, is less than two grams of a solid substance, less than two milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of less than two grams, by imprisonment for not less than one nor more than three years;

(2) If the aggregate weight, including any mixture, is at least two grams but less than four grams of a solid substance, at least two milliliters but less than four milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least two grams but less than four grams, by imprisonment for not less than one nor more than eight years; and

(3) If the aggregate weight, including any mixture, is at least four grams but less than 28 grams of a solid substance, at least four milliliters but less than 28 milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least four grams but less than 28 grams, by imprisonment for not less than one nor more than 15 years.

(f) Upon a third or subsequent conviction for a violation of subsection (a) of this Code section with respect to a controlled substance in Schedule I or II or subsection (i) of this Code section, such person shall be punished by imprisonment for a term not to exceed twice the length of the sentence applicable to the particular crime.

(g) Except as provided in subsection (l) of this Code section, any person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule III, IV, or V shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than three years. Upon conviction of a third or subsequent offense, he or she shall be imprisoned for not less than one year nor more than five years.

(h) Any person who violates subsection (b) of this Code section with respect to a controlled substance in Schedule III, IV, or V shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

(i) (1) Except as authorized by this article, it is unlawful for any person to possess or have under his or her control a counterfeit substance. Any person who violates this paragraph shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than two years.

(2) Except as authorized by this article, it is unlawful for any person to manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute a counterfeit substance. Any person who violates this paragraph shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

(j) (1) It shall be unlawful for any person to possess, have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute marijuana.

(2) Except as otherwise provided in subsection (c) of Code Section 16-13-31 or in Code Section 16-13-2, any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

(k) It shall be unlawful for any person to hire, solicit, engage, or use an individual under the age of 17 years, in any manner, for the purpose of manufacturing, distributing, or dispensing, on behalf of the solicitor, any controlled substance, counterfeit substance, or marijuana unless the manufacturing, distribution, or dispensing is otherwise allowed by law. Any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 20 years or by a fine not to exceed $20,000.00, or both.

(l) (1) Any person who violates subsection (a) of this Code section with respect to flunitrazepam, a Schedule IV controlled substance, shall be guilty of a felony and, upon conviction thereof, shall be punished as follows:

(A) If the aggregate weight, including any mixture, is less than two grams of a solid substance of flunitrazepam, less than two milliliters of liquid flunitrazepam, or if flunitrazepam is placed onto a secondary medium with a combined weight of less than two grams, by imprisonment for not less than one nor more than three years;

(B) If the aggregate weight, including any mixture, is at least two grams but less than four grams of a solid substance of flunitrazepam, at least two milliliters but less than four milliliters of liquid flunitrazepam, or if the flunitrazepam is placed onto a secondary medium

with a combined weight of at least two grams but less than four grams, by imprisonment for not less than one nor more than eight years; and

(C) If the aggregate weight, including any mixture, is at least four grams of a solid substance of flunitrazepam, at least four milliliters of liquid flunitrazepam, or if the flunitrazepam is placed onto a secondary medium with a combined weight of at least four grams, by imprisonment for not less than one nor more than 15 years.

(2) Any person who violates subsection (b) of this Code section with respect to flunitrazepam, a Schedule IV controlled substance, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 30 years. Upon conviction of a second or subsequent offense, such person shall be punished by imprisonment for not less than ten years nor more than 40 years or life imprisonment. The provisions of subsection (a) of Code Section 17-10-7 shall not apply to a sentence imposed for a second such offense, but that subsection and the remaining provisions of Code Section 17-10-7 shall apply for any subsequent offense.

(m) As used in this Code section, the term "solid substance" means a substance that is not in a liquid or gas form. Such term shall include tablets, pills, capsules, caplets, powder, crystal, or any variant of such items.

§ 16-13-30.1. Unlawful manufacture, delivery, distribution, possession, or sale of noncontrolled substances; civil forfeiture

(a)(1) It is unlawful for any person knowingly to manufacture, deliver, distribute, dispense, possess with the intent to distribute, or sell a noncontrolled substance upon either:

(A) The express or implied representation that the substance is a narcotic or nonnarcotic controlled substance;

(B) The express or implied representation that the substance is of such nature or appearance that the recipient of said delivery will be able to distribute said substance as a controlled substance; or

(C) The express or implied representation that the substance has essentially the same pharmacological action or effect as a controlled substance.

(2) The definitions of the terms "deliver," "delivery," "distribute," "dispense," and "manufacture" provided in Code Section 16-13-21 shall not be applicable to this Code section; but such terms as used in this Code section shall have the meanings ascribed to them in the ordinary course of business.

(b) An implied representation may be shown by proof of any two of the following:

(1) The manufacture, delivery, distribution, dispensing, or sale included an exchange or a demand for money or other valuable property as consideration for delivery of the substance and the amount of such consideration was substantially in excess of the reasonable value of the noncontrolled substance;

(2) The physical appearance of the finished product containing the substance is substantially identical to a specific controlled substance;

(3) The finished product bears an imprint, identifying mark, number, or device which is substantially identical to the trademark, identifying mark, imprint, number, or device of a manufacturer licensed by the Food and Drug Administration of the United States Department of

Health and Human Services.

(c) In any prosecution for unlawful manufacture, delivery, distribution, possession with intent to distribute, dispensing, or sale of a noncontrolled substance, it is no defense that the accused believed the noncontrolled substance to be actually a controlled substance.

(d) The provisions of this Code section shall not prohibit a duly licensed business establishment, acting in the usual course of business, from selling or for a practitioner, acting in the usual course of his professional practice, from dispensing a drug preparation manufactured by a manufacturer licensed by the Food and Drug Administration of the United States Department of Health and Human Services for over-the-counter sale which does not bear a label stating "Federal law prohibits dispensing without a prescription" or similar language meaning that the drug preparation requires a prescription.

(e) The unlawful manufacture, delivery, distribution, dispensing, possession with the intention to distribute, or sale of a noncontrolled substance in violation of this Code section is a felony and, upon conviction thereof, such person shall be punished by imprisonment for not less than one year nor more than ten years or by a fine not to exceed $25,000.00, or both.

(f) (1) As used in this subsection, the terms "proceeds" and "property" shall have the same meanings as set forth in Code Section 9-16-2.

(2) Any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of this Code section, and any proceeds, and any noncontrolled substance which is manufactured, distributed, dispensed, possessed with the intent to distribute, or sold in violation of this Code section are declared to be contraband and no person shall have a property right in them.

(3) Any property or noncontrolled substance subject to forfeiture pursuant to paragraph (2) of this subsection shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

§ 16-13-30.2. Unlawful manufacture, distribution, or possession with intent to distribute of imitation controlled substances; civil forfeiture

(a) Any person who knowingly manufactures, distributes, or possesses with intent to distribute an imitation controlled substance as defined in paragraph (12.1) of Code Section 16-13-21 is guilty of a misdemeanor of a high and aggravated nature.

(b) The provisions of this Code section are cumulative and shall not be construed as restricting any remedy, provisional or otherwise, provided by law for the benefit of any party.

(c) No civil or criminal liability shall be imposed by virtue of this Code section on any person registered under this article who manufactures, distributes, or possesses an imitation controlled substance for use by a practitioner, as defined in paragraph (23) of Code Section 16-13-21, in the course of lawful professional practice or research.

(d) All materials which are manufactured, distributed, or possessed in violation of this Code

section and any proceeds are declared to be contraband and no person shall have a property right in them and shall be forfeited according to the procedure set forth in Chapter 16 of Title 9. As used in this subsection, the term "proceeds" shall have the same meaning as set forth in Code Section 9-16-2.

§ 16-13-30.3. Possession of substances containing ephedrine, pseudoephedrine, and phenylpropanolamine; restrictions on sales of products containing pseudoephedrine

(a) As used in this Code section, the term:

(1) "Ephedrine," "pseudoephedrine," or "phenylpropanolamine" means any drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine, or any of their salts, isomers, or salts of isomers, alone or in a mixture.

(2) "Personal use" means the sale in a single transaction to an individual customer for a legitimate medical use of a product containing ephedrine, pseudoephedrine, or phenylpropanolamine in quantities at or below that specified in subsection (b) of this Code section, and includes the sale of those products to employers to be dispensed to employees from first-aid kits or medicine chests.

(3) "Retail distributor" means a grocery store, general merchandise store, drugstore, convenience store, or other related entity, the activities of which involve the distribution of ephedrine, pseudoephedrine, or phenylpropanolamine products.

(b)(1) It is unlawful for any person, other than a person or entity described in paragraph (28), (29), or (33) of Code Section 26-4-5 or a retail distributor, to knowingly possess any product that contains ephedrine, pseudoephedrine, or phenylpropanolamine in an amount which exceeds 300 pills, tablets, gelcaps, capsules, or other individual units or more than 9 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances, whichever is smaller.

(2) It shall be unlawful for any person to possess any amount of a substance set forth in this Code section with the intent to manufacture amphetamine or methamphetamine.

(3) Any person who violates the provisions of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

(b.1)(1) Products whose sole active ingredient is pseudoephedrine may be offered for retail sale only if sold in blister packaging. Such products may not be offered for retail sale by self-service but only from behind a counter or other barrier so that such products are not directly accessible by the public but only by a retail store employee or agent.

(2) No person shall deliver in any single over the counter sale more than three packages of any product containing pseudoephedrine as the sole active ingredient or in combination with other active ingredients or any number of packages that contain a combined total of more than nine grams of pseudoephedrine or its base, salts, optical isomers, or salts of its optical isomers.

(3) It shall be unlawful for a retail distributor to purchase any product containing pseudoephedrine from any person or entity other than a manufacturer or a wholesale distributor licensed by the State Board of Pharmacy.

(4) This subsection shall not apply to:

(A) Pediatric products labeled pursuant to federal regulation as primarily intended for administration to children under 12 years of age according to label instructions; and

(B) Products that the State Board of Pharmacy, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors.

(5) This subsection shall preempt all local ordinances or regulations governing the retail sale of over the counter products containing pseudoephedrine by a retail business except such local ordinances or regulations that existed on or before December 31, 2004. Effective January 1, 2006, this subsection shall preempt all local ordinances.

(6)(A) Except as otherwise provided herein, it shall be unlawful for any person knowingly to violate any prohibition contained in paragraph (1), (2), or (3) of this subsection.

(B) Any person convicted of a violation of paragraph (1) or (2) of this subsection shall be guilty of a misdemeanor which, upon the first conviction, shall be punished by a fine of not more than $500.00 and, upon the second or subsequent conviction, shall be punished by not more than six months' imprisonment or a fine of not more than $1,000.00, or both.

(C) Any person convicted of a violation of paragraph (3) of this subsection shall, upon the first conviction, be guilty of a misdemeanor and, upon the second or subsequent conviction, be guilty of a misdemeanor of a high and aggravated nature.

(D) It shall be a defense to a prosecution of a retail business or owner or operator thereof for violation of paragraph (1) or (2) of this subsection that, at the time of the alleged violation, all of the employees of the retail business had completed training under Georgia Meth Watch, the retail business was in compliance with Georgia Meth Watch, and the defendant did not knowingly, willfully, or intentionally violate paragraph (1) or (2) of this subsection. For purposes of this subsection only, the term "Georgia Meth Watch" shall mean that program entitled "Georgia Meth Watch" or similar program which has been promulgated, approved, and distributed by the Georgia Council on Substance Abuse.

(7) Except as otherwise provided in this subsection, the State Board of Pharmacy may adopt reasonable rules and regulations to effectuate the provisions of this subsection. The board is further authorized to charge reasonable fees to defray expenses incurred in maintaining any records or forms necessitated by this subsection or otherwise administering any other provisions of this subsection.

(c) This Code section shall not apply to:

(1) Pediatric products primarily intended for administration to children under 12 years of age, according to label instructions, either:

(A) In solid dosage form whose recommended dosage, according to label instructions, does not exceed 15 milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine per individual dosage unit; or

(B) In liquid form whose recommended dosage, according to label instructions, does not exceed 15 milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine per five milliliters of liquid product;

(2) Pediatric liquid products primarily intended for administration to children under two years of age for which the recommended dosage does not exceed two milliliters and the total package content does not exceed one fluid ounce; or

(3) Products that the State Board of Pharmacy, upon application of a manufacturer, exempts by rule from this Code section because the product has been formulated in such a way

as to prevent effectively the conversion of the active ingredient into methamphetamine or its salts or precursors.

(d) Except as authorized by this article, it is unlawful for any person to possess, have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute any substance containing any amounts of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers which have been altered from their original condition so as to be powdered, liquefied, or crushed. This subsection shall not apply to any of the substances identified within this subsection which are possessed or altered for a legitimate medical purpose. Any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

§ 16-13-30.4. Licenses for sale, transfer, or purchase for resale of products containing pseudoephedrine; reporting and record-keeping requirements; grounds for denial, suspension, or revocation of licenses; civil forfeiture; penalties

(a) As used in this Code section and unless otherwise specified, the term "board" or "board of pharmacy" shall mean the State Board of Pharmacy.

(b)(1) A wholesale distributor who sells, transfers, purchases for resale, or otherwise furnishes any product containing pseudoephedrine must first obtain a license from the board of pharmacy; provided, however, that a wholesale distributor that has a valid license as a wholesale distributor under Code Section 26-4-113 shall not be required to obtain an additional license under this Code section.

(2) Wholesale distributors licensed under Code Section 26-4-113 shall be subject to the provisions of this Code section in the same manner as wholesale distributors licensed under this Code section.

(3) Every wholesale distributor licensed as provided in this Code section shall:

(A) Submit reports, upon verbal or written request from the Georgia Drugs and Narcotics Agency, the Georgia Bureau of Investigation, or the sheriff of a county or the police chief of a municipality located in this state, to account for all transactions with persons or firms located within this state; such reportable transactions shall include all sales, distribution, or transactions dealing with products containing pseudoephedrine; and

(B) Within seven days, notify the Georgia Drugs and Narcotics Agency of any purchases of products containing pseudoephedrine from the wholesale distributor which the wholesaler judges to be excessive.

(4) Whenever any firm or person located in this state receives, purchases, or otherwise gains access to products containing pseudoephedrine from any wholesale distributor, whether located in or outside this state, such firm or person shall maintain a copy of such wholesale distributor's license issued by the State Board of Pharmacy. Such firm or person shall maintain copies of all invoices, receipts, and other records regarding such products containing pseudoephedrine for a minimum of three years from the date of receipt, purchase, or access. Failure to maintain records to verify the presence of any and all products containing pseudoephedrine being held by a firm or person shall subject such products containing

pseudoephedrine to being embargoed or seized by proper law enforcement authorities until such time as proof can be shown that such products containing pseudoephedrine were obtained from a Georgia licensed wholesale distributor.

(5) Agents of the Georgia Drugs and Narcotics Agency, agents of the Georgia Bureau of Investigation, and the sheriff of a county or the police chief of a county or municipality in this state in which a firm or person that receives, purchases, or otherwise gains access to products containing pseudoephedrine is located may request to review the receiving records for such products. Failure to provide such records within five business days following such request to account for the presence of such products shall result in the embargo or seizure of such products.

(c) A license or permit obtained pursuant to this Code section shall be denied, suspended, or revoked by the board of pharmacy upon finding that the licensee or permit holder has:

(1) Furnished false or fraudulent material information in any application filed under this Code section;

(2) Been convicted of a crime under any state or federal law relating to any controlled substance;

(3) Had his or her federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances;

(4) Violated the provisions of Chapter 4 of Title 26; or

(5) Failed to maintain effective controls against the diversion of products containing pseudoephedrine to unauthorized persons or entities.

(d) The board of pharmacy may adopt reasonable rules and regulations to effectuate the provisions of this Code section. The board is further authorized to charge reasonable fees to defray expenses incurred in issuing any licenses or permits, maintaining any records or forms required by this Code section, and the administration of the provisions of this Code section.

(e) Notwithstanding any other provision of this Code section to the contrary, no person shall be required to obtain a license or permit for the sale, receipt, transfer, or possession of a product containing pseudoephedrine when:

(1) Such lawful distribution takes place in the usual course of business between agents or employees of a single regulated person or entity; or

(2) A product containing pseudoephedrine is delivered to or by a common or contract carrier for carriage in the lawful and usual course of the business of the common or contract carrier or to or by a warehouseman for storage in the lawful and usual course of the business of the warehouseman.

(f) Any products containing pseudoephedrine that have been or that are intended to be sold, transferred, purchased for resale, possessed, or otherwise transferred in violation of a provision of this Code section and any proceeds are declared to be contraband and no person shall have a property right in them and shall be forfeited according to the procedure set forth in Chapter 16 of Title 9. As used in this subsection, the term "proceeds" shall have the same meaning as set forth in Code Section 9-16-2.

(g)(1) Any person who sells, transfers, receives, or possesses a product containing pseudoephedrine violates this Code section if the person:

(A) Knowingly fails to comply with the reporting requirements of this Code section;

(B) Knowingly makes a false statement in a report or record required by this Code section or the rules adopted thereunder; or

(C) Is required by this Code section to have a license or permit and knowingly or deliberately fails to obtain such a license or permit.

(2) It shall be illegal for a person to possess, sell, transfer, or otherwise furnish a product containing pseudoephedrine if such person possesses, sells, transfers, or furnishes the substance with the knowledge or intent that the substance will be used in the unlawful manufacture of a controlled substance.

(3)(A) A person who violates paragraph (2) of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 15 years or by a fine not to exceed $100,000.00, or both.

(B) A person who violates any provision of this Code Section other than paragraph (2) of this subsection shall be guilty of a misdemeanor on the first offense and a misdemeanor of a high and aggravated nature on the second and subsequent offenses.

§ 16-13-30.5. Possession of substances with intent to use or convey such substances for the manufacture of Schedule I or Schedule II controlled substances

(a) It shall be illegal for a person to possess, whether acquired through theft or other means, any substance with the intent to:

(1) Use such substance in the manufacture of a Schedule I or Schedule II controlled substance; or

(2) Knowingly convey such substance to another for use in the manufacture of a Schedule I or Schedule II controlled substance.

(b) In determining whether a particular substance is possessed with the intent required to violate subsection (a) of this Code section, the court or other authority making such a determination may, in addition to all other logically relevant factors, consider the following:

(1) Statements by the owner or anyone in control of the substance concerning its use;

(2) Prior convictions, if any, of the owner or of anyone in control of the substance for violation of any state or federal law relating to the sale or manufacture of controlled substances;

(3) Instructions or descriptive materials of any kind accompanying the substance or found in the owner's or controlling person's possession concerning, explaining, or depicting its use;

(4) The manner in which the substance is displayed or offered for sale;

(5) The quantity and location of the substance considered in relation to the existence and scope of legitimate uses for the substance in the community; and

(6) Expert testimony concerning the substance's use.

(c) This Code section shall not apply where possession was by a person authorized by law to dispense, prescribe, manufacture, or possess the substance in question.

(d) A person who violates this Code section shall be guilty of a felony and, upon conviction

thereof, shall be punished by imprisonment for not less than one nor more than 15 years or by a fine not to exceed $100,000.00, or both.

§ 16-13-30.6. Prohibition on purchase and sale of marijuana flavored products

(a) As used in this Code section, the term:

(1) "Marijuana flavored product" means any product, including lollipops, gumdrops, or other candy, which is flavored to taste like marijuana or hemp. The term shall include, but is not limited to, "Chronic Candy," "Kronic Kandy," or "Pot Suckers."

(2) "Minor" means any person under the age of 18 years.

(3) "Person" means any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, limited liability company, joint venture, joint stock association, or other entity or business organization of any kind.

(b) The General Assembly finds and determines that:

(1) According to the "2004 Monitoring the Future Study" conducted by the University of Michigan, 16.3 percent of eighth graders, 35.1 percent of tenth graders, and 45.7 percent of twelfth graders reported using marijuana at least once during their lifetimes;

(2) According to a 2002 Substance Abuse and Mental Health Service Administration report, "Initiation of Marijuana Use: Trends, Patterns and Implications," the younger children are when they first use marijuana, the more likely they are to use cocaine and heroin and become drug dependent as adults;

(3) Marijuana abuse is associated with many negative health effects, including frequent respiratory infections, impaired memory and learning, increased heart rate, anxiety, and panic attacks;

(4) Marijuana users have many of the same respiratory problems that are associated with tobacco use;

(5) According to the "2001 National Household Survey on Drug Abuse," marijuana is the nation's most commonly used illicit drug, and more than 83,000,000 Americans aged 12 and older have tried marijuana at least once;

(6) Use of marijuana has been shown to lower test scores among high school students, and workers who smoke marijuana are more likely to have problems on their jobs;

(7) Federal, state, and local governments spend millions of dollars annually on programs educating people about the hazards of drugs, and the marketing of marijuana flavored substances would have an adverse impact upon these programs;

(8) The sale of marijuana flavored products, including lollipops and gum drops, which claim "every lick is like taking a hit" is a marketing ploy that perpetuates an unhealthy culture and should not be permitted in the State of Georgia;

(9) Marijuana flavored products are a threat to minors in the State of Georgia because such products give the false impression that marijuana is fun and safe;

(10) Marijuana flavored products packaged as candy or lollipops falling into the hands of unsuspecting minors may serve as a gateway to future use of marijuana and other drugs; and

(11) Merchants who sell marijuana flavored products are promoting marijuana use and creating new customers for drug dealers in the State of Georgia.

Therefore, the purpose of this Code section is to prohibit the purchase and sale of marijuana flavored products to minors in the State of Georgia.

(c) It shall be unlawful for any person knowingly to sell, deliver, distribute, or provide to a minor or knowingly possess with intent to sell, deliver, distribute, or provide to a minor any marijuana flavored product in the State of Georgia.

(d) It shall be unlawful for any minor falsely to represent to any person that such minor is 18 years of age or older with the intent to purchase or otherwise obtain any marijuana flavored product.

(e) Any person who violates subsection (c) of this Code section shall be guilty of a misdemeanor and shall be subject to a fine of $500.00 for each offense. Each sale in violation of this Code section shall constitute a separate offense.

§ 16-13-31. Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine; penalties

(a) (1) Any person who sells, manufactures, delivers, or brings into this state or who is in possession of 28 grams or more of cocaine or of any mixture with a purity of 10 percent or more of cocaine, as described in Schedule II, in violation of this article commits the felony offense of trafficking in cocaine and, upon conviction thereof, shall be punished as follows:

(A) If the quantity of the cocaine or the mixture involved is 28 grams or more, but less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years and shall pay a fine of $200,000.00;

(B) If the quantity of the cocaine or the mixture involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of $300,000.00; and

(C) If the quantity of the cocaine or the mixture involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of $1 million.

(2) Any person who sells, manufactures, delivers, or brings into this state or who is in possession of any mixture with a purity of less than 10 percent of cocaine, as described in Schedule II, in violation of this article commits the felony offense of trafficking in cocaine if the total weight of the mixture multiplied by the percentage of cocaine contained in the mixture exceeds any of the quantities of cocaine specified in paragraph (1) of this subsection. Upon conviction thereof, such person shall be punished as provided in paragraph (1) of this subsection depending upon the quantity of cocaine such person is charged with selling, manufacturing, delivering, or bringing into this state or possessing.

(b) Any person who sells, manufactures, delivers, brings into this state, or has possession of four grams or more of any morphine or opium or any salt, isomer, or salt of an isomer thereof, including heroin, as described in Schedules I and II, or four grams or more of any mixture containing any such substance in violation of this article commits the felony offense of trafficking in illegal drugs and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of such substances involved is four grams or more, but less than 14 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five years and shall pay a fine of $50,000.00;

(2) If the quantity of such substances involved is 14 grams or more, but less than 28 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years and shall pay a fine of $100,000.00; and

(3) If the quantity of such substances involved is 28 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of $500,000.00.

(c) Any person who sells, manufactures, grows, delivers, brings into this state, or has possession of a quantity of marijuana exceeding ten pounds commits the offense of trafficking in marijuana and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of marijuana involved is in excess of ten pounds, but less than 2,000 pounds, the person shall be sentenced to a mandatory minimum term of imprisonment of five years and shall pay a fine of $100,000.00;

(2) If the quantity of marijuana involved is 2,000 pounds or more, but less than 10,000 pounds, the person shall be sentenced to a mandatory minimum term of imprisonment of seven years and shall pay a fine of $250,000.00; and

(3) If the quantity of marijuana involved is 10,000 pounds or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of $1 million.

(d) Any person who sells, manufactures, delivers, or brings into this state 200 grams or more of methaqualone or of any mixture containing methaqualone, as described in paragraph (6) of Code Section 16-13-25, in violation of this article commits the felony offense of trafficking in methaqualone and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of the methaqualone or the mixture involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five years and shall pay a fine of $50,000.00; and

(2) If the quantity of the methaqualone or the mixture involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of $250,000.00.

(e) Any person who sells, delivers, or brings into this state or has possession of 28 grams or more of methamphetamine, amphetamine, or any mixture containing either methamphetamine or amphetamine, as described in Schedule II, in violation of this article commits the felony offense of trafficking in methamphetamine or amphetamine and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 28 grams or more, but less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years and shall pay a fine of $200,000.00;

(2) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of $300,000.00; and

(3) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of $1 million.

(f) Any person who manufactures methamphetamine, amphetamine, or any mixture containing either methamphetamine or amphetamine, as described in Schedule II, in violation of this article commits the felony offense of trafficking methamphetamine or amphetamine and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years and shall pay a fine of $200,000.00;

(2) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of $300,000.00; and

(3) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of $1 million.

(g) (1) The district attorney may move the sentencing court to impose a reduced or suspended sentence upon any person who is convicted of a violation of this Code section who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may impose a reduced or suspended sentence if he or she finds that the defendant has rendered such substantial assistance.

(2) (A) In the court's discretion, the judge may depart from the mandatory minimum sentence specified for a person who is convicted of a violation of this Code section as set forth in subparagraph (B) of this paragraph if the judge concludes that:

(i) The defendant was not a leader of the criminal conduct;

(ii) The defendant did not possess or use a firearm, dangerous weapon, or hazardous object during the crime;

(iii) The criminal conduct did not result in a death or serious bodily injury to a person other than to a person who is a party to the crime;

(iv) The defendant has no prior felony conviction; and

(v) The interests of justice will not be served by the imposition of the prescribed mandatory minimum sentence.

(B) The sentencing departure ranges pursuant to subparagraph (A) of this paragraph shall be as follows:

(i) Any person convicted of violating paragraph (1) of subsection (b) or (d) of this Code section, two years and six months to five years imprisonment and a fine of not less than $25,000.00 nor more than $50,000.00;

(ii) Any person convicted of violating paragraph (1) of subsection (c) of this Code section, two years and six months to five years imprisonment and a fine of not less than $50,000.00 nor more than $100,000.00;

(iii) Any person convicted of violating paragraph (2) of subsection (c) of this Code section, three years and six months to seven years imprisonment and a fine of not less than $125,000.00 nor more than $250,000.00;

(iv) Any person convicted of violating subparagraph (a)(1)(A), paragraph (2) of subsection (a), relating to the quantity of drugs specified in subparagraph (a)(1)(A) of this Code section, or paragraph (1) of subsection (e) or (f) of this Code section, five to ten years imprisonment and a fine of not less than $100,000.00 nor more than $200,000.00;

(v) Any person convicted of violating paragraph (2) of subsection (b) of this Code section, five to ten years imprisonment and a fine of not less than $50,000.00 nor more than $100,000.00;

(vi) Any person convicted of violating subparagraph (a)(1)(B), paragraph (2) of subsection (a), relating to the quantity of drugs specified in subparagraph (a)(1)(B) of this Code section, or paragraph (2) of subsection (e) or (f) of this Code section, seven years and six months to 15 years imprisonment and a fine of not less than $150,000.00 nor more than $300,000.00;

(vii) Any person convicted of violating paragraph (3) of subsection (c) of this Code section, seven years and six months to 15 years imprisonment and a fine of not less than $500,000.00 nor more than $1 million;

(viii) Any person convicted of violating paragraph (2) of subsection (d) of this Code section, seven years and six months to 15 years imprisonment and a fine of not less than $125,000.00 nor more than $250,000.00;

(ix) Any person convicted of violating paragraph (3) of subsection (b) of this Code section, 12 years and six months to 25 years imprisonment and a fine of not less than $250,000.00 nor more than $500,000.00; and

(x) Any person convicted of violating subparagraph (a)(1)(C), paragraph (2) of subsection (a), relating to the quantity of drugs specified in subparagraph (a)(1)(C) of this Code section, or paragraph (3) of subsection (e) or (f) of this Code section, 12 years and six months to 25 years imprisonment and a fine of not less than $500,000.00 nor more than $1 million.

(C) If a judge reduces the mandatory minimum sentence pursuant to this paragraph, the judge shall specify on the record the circumstances for the reduction and the interests served by such departure. Any such order shall be appealable by the State of Georgia pursuant to Code Section 5-7-1.

(D) As used in this paragraph, the term:

(i) "Dangerous weapon" shall have the same meaning as set forth in Code Section 16-11-121.

(ii) "Firearm" shall have the same meaning as set forth in Code Section 16-11-127.1.

(iii) "Hazardous object" shall have the same meaning as set forth in Code Section 20-2-751.

(iv) "Leader" means a person who planned and organized others and acted as a guiding force in order to achieve a common goal.

(3) In the court's discretion, the judge may depart from the mandatory minimum sentence specified in this Code section for a person who is convicted of a violation of this Code section when the prosecuting attorney and the defendant have agreed to a sentence that is below such mandatory minimum.

(h) Any person who violates any provision of this Code section shall be punished as provided for in the applicable mandatory minimum punishment and for not more than 30 years of imprisonment and by a fine not to exceed $1 million.

(i) Notwithstanding Code Section 16-13-2, any sentence imposed pursuant to subsection (g) of this Code section shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections, the effect of which would be to reduce the period of incarceration ordered by the sentencing court or any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles; provided, however, that during the final year of incarceration, a defendant so sentenced shall be eligible to be considered for participation in a Department of Corrections administered transitional center or work release program.

§ 16-13-31.1. Trafficking in ecstasy; sentencing; variation

(a) Any person who sells, manufactures, delivers, brings into this state, or has possession of 28 grams or more of 3, 4-methylenedioxyamphetamine or 3, 4-methylenedioxy-methamphetamine, or any mixture containing 3, 4-methylenedioxy-amphetamine or 3, 4-methylenedioxy-methamphetamine as described in Schedule I, in violation of this article commits the felony offense of trafficking in 3, 4-methylenedioxyamphetamine or 3, 4-methylenedioxy-methamphetamine and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of such substance involved is 28 grams or more, but less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three years but not more than 30 years and shall pay a fine of not less than $25,000.00 nor more than $250,000.00;

(2) If the quantity of such substance involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five years but not more than 30 years and shall pay a fine of not less than $50,000.00 nor more than $250,000.00; and

(3) If the quantity of such substance involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years but not more than 30 years and shall pay a fine of not less than $100,000.00 nor more than $250,000.00.

(b) (1) In the court's discretion, the judge may depart from the mandatory minimum sentence specified for a person who is convicted of a violation of this Code section as set forth in paragraph (2) of this subsection if the judge concludes that:

(A) The defendant was not a leader of the criminal conduct;

(B) The defendant did not possess or use a firearm, dangerous weapon, or hazardous object during the crime;

(C) The criminal conduct did not result in a death or serious bodily injury to a person other than to a person who is a party to the crime;

(D) The defendant has no prior felony conviction; and

(E) The interests of justice will not be served by the imposition of the prescribed mandatory minimum sentence.

(2) The sentencing departure ranges pursuant to paragraph (1) of this subsection shall be as follows:

(A) Any person convicted of violating paragraph (1) of subsection (a) of this Code section, one year and six months to 30 years imprisonment and a fine of not less than $12,500.00 nor more than $250,000.00;

(B) Any person convicted of violating paragraph (2) of subsection (a) of this Code section, two years and six months to 30 years imprisonment and a fine of not less than $25,000.00 nor more than $250,000.00; and

(C) Any person convicted of violating paragraph (3) of subsection (a) of this Code section, five to 30 years imprisonment and a fine of not less than $50,000.00 nor more than $250,000.00;

(3) If a judge reduces the mandatory minimum sentence pursuant to this subsection, the judge shall specify on the record the circumstances for the reduction and the interests served by such departure. Any such order shall be appealable by the State of Georgia pursuant to Code Section 5-7-1.

(4) As used in this subsection, the term:

(A) "Dangerous weapon" shall have the same meaning as set forth in Code Section 16-11-121.

(B) "Firearm" shall have the same meaning as set forth in Code Section 16-11-127.1.

(C) "Hazardous object" shall have the same meaning as set forth in Code Section 20-2-751.

(D) "Leader" means a person who planned and organized others and acted as a guiding force in order to achieve a common goal.

(c) The district attorney may move the sentencing court to impose a reduced or suspended sentence upon any person who is convicted of a violation of this Code section who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may impose a reduced or suspended sentence if he or she finds that the defendant has rendered such substantial assistance.

(d) In the court's discretion, the judge may depart from the mandatory minimum sentence specified in this Code section for a person who is convicted of a violation of this Code section when the prosecuting attorney and the defendant have agreed to a sentence that is below such mandatory minimum.

(e) Notwithstanding Code Section 16-13-2, any sentence imposed pursuant to subsection (b) of this Code section shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections, the effect of which would be to reduce the period of incarceration ordered by the sentencing court or any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles; provided, however, that during the final year of incarceration, a

defendant so sentenced shall be eligible to be considered for participation in a Department of Corrections administered transitional center or work release program.

§ 16-13-32. Transactions in drug related objects; civil forfeiture; penalties

(a) As used in this Code section, the term:

(1) "Drug related object" means any instrument, device, or object which is designed or marketed as useful primarily for one or more of the following purposes:

(A) To inject, ingest, inhale, or otherwise introduce marijuana or a controlled substance into the human body;

(B) To enhance the effect of marijuana or a controlled substance on the human body;

(C) To test the strength, effectiveness, or purity of marijuana or a controlled substance;

(D) To process or prepare marijuana or a controlled substance for introduction into the human body;

(E) To conceal any quantity of marijuana or a controlled substance; or

(F) To contain or hold marijuana or a controlled substance while it is being introduced into the human body.

(2) "Knowing" means either actual or constructive knowledge of the drug related nature of the object; and a person or corporation has constructive knowledge of the drug related nature of the object if he or it has knowledge of facts which would put a reasonable and prudent person on notice of the drug related nature of the object.

(b) It shall be unlawful for any person or corporation, knowing the drug related nature of the object, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person any drug related object. It shall also be unlawful for any person or corporation, knowing the drug related nature of the object, to display for sale, or possess with the intent to distribute any drug related object. Unless stated within the body of the advertisement or notice that the object that is advertised or about which information is disseminated is not available for distribution of any sort in this state, it shall be unlawful for any person or corporation, knowing the drug related nature of the object, to distribute or disseminate in any manner to any person any advertisement of any kind or notice of any kind which gives information, directly or indirectly, on where, how, from whom, or by what means any drug related object may be obtained or made.

(c) It shall be unlawful for any person or corporation, other than a licensed pharmacist, a pharmacy intern or pharmacy extern as defined in Code Section 26-4-5, or a practitioner licensed to dispense dangerous drugs, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person a hypodermic syringe or needle designed or marketed primarily for human use. It shall be an affirmative defense that the hypodermic syringe or needle was marketed for a legitimate medical purpose.

(d) For a first offense, any person or corporation which violates any provision of this Code section shall be guilty of a misdemeanor. For a second offense, the defendant shall be guilty of a misdemeanor of a high and aggravated nature. For a third or subsequent offense, the defendant shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one

year nor more than five years and shall be fined not more than $5,000.00.

(e) All instruments, devices, and objects which are distributed or possessed in violation of this Code section and any proceeds are declared to be contraband and no person shall have a property right in them and shall be forfeited according to the procedure set forth in Chapter 16 of Title 9. As used in this subsection, the term "proceeds" shall have the same meaning as set forth in Code Section 9-16-2.

§ 16-13-32.1. Transactions in drug related objects; evidence as to whether object is drug related; civil forfeiture; penalties

(a) It shall be unlawful for any person or corporation to sell, rent, lease, give, exchange, otherwise distribute, or possess with intent to distribute any object or materials of any kind which such person or corporation intends to be used for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance.

(b) Unless stated within the body of the advertisement or notice that the object or materials that are advertised or about which information is disseminated are not available for distribution of any sort in this state, it shall be unlawful for any person or corporation to sell, rent, lease, give, exchange, distribute, or possess with intent to distribute any advertisement of any kind or notice of any kind which gives information, directly or indirectly, on where, how, from whom, or by what means any object or materials may be obtained or made, which object or materials such person or corporation intends to be used for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance.

(c) In determining whether any object or materials are intended for any of the purposes listed in subsections (a) and (b) of this Code section, a court or other authority shall consider all logically relevant factors. In a trial under this Code section, any evidence admissible on this question under the rules of evidence shall be admitted. Subject to the rules of evidence, when they are the object of an offer of proof in a court proceeding, the following factors are among those that should be considered by a court or other authority on this question:

(1) Statements by an owner or anyone in control of the object or materials;

(2) Instructions provided with the object or materials;

(3) Descriptive materials accompanying the object or materials;

(4) National and local advertising or promotional materials concerning the object or materials;

(5) The appearance of, and any writing or other representations appearing on, the object or materials;

(6) The manner in which the object or materials are displayed for sale or other distribution;

(7) Expert testimony concerning the object or materials; and

(8) Any written or pictorial materials which are present in the place where the object is located.

(d) For a first offense, any person or corporation which violates any provision of this Code section shall be guilty of a misdemeanor. For a second offense, the defendant shall be guilty of a misdemeanor of a high and aggravated nature. For a third or subsequent offense, the defendant shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than five years and shall be fined not more than $5,000.00.

(e) All objects and materials which are distributed or possessed in violation of this Code section and any proceeds are declared to be contraband and no person shall have a property right in them and shall be forfeited according to the procedure set forth in Chapter 16 of Title 9. As used in this subsection, the term "proceeds" shall have the same meaning as set forth in Code Section 9-16-2.

§ 16-13-32.2. Possession and use of drug related objects

(a) It shall be unlawful for any person to use, or possess with the intent to use, any object or materials of any kind for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance.

(b) Any person or corporation which violates any provision of this Code section shall be guilty of a misdemeanor.

§ 16-13-32.3. Use of communication facility in committing or facilitating commission of act which constitutes felony under chapter; penalty

(a) It shall be unlawful for any person knowingly or intentionally to use any communication facility in committing or in causing or facilitating the commission of any act or acts constituting a felony under this chapter. Each separate use of a communication facility shall be a separate offense under this Code section. For purposes of this Code section, the term "communication facility" means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds and includes mail, telephone, wire, radio, computer or computer network, and all other means of communication.

(b) Any person who violates subsection (a) of this Code section shall be punished by a fine of not more than $30,000.00 or by imprisonment for not less than one nor more than four years, or both.

§ 16-13-32.4. Manufacturing, distributing, dispensing, or possessing controlled substances in, on, or near public or private schools

(a) It shall be unlawful for any person to manufacture, distribute, dispense, or possess with intent

to distribute a controlled substance or marijuana in, on, or within 1,000 feet of any real property owned by or leased to any public or private elementary school, secondary school, or school board used for elementary or secondary education.

(b) Any person who violates or conspires to violate subsection (a) of this Code section shall be guilty of a felony and upon conviction shall receive the following punishment:

(1) Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both; or

(2) Upon a second or subsequent conviction, imprisonment for not less than five years nor more than 40 years or a fine of not more than $40,000.00, or both. It shall be mandatory for the court to impose a minimum sentence of five years which may not be suspended unless otherwise provided by law.

A sentence imposed under this Code section shall be served consecutively to any other sentence imposed.

(c) A conviction arising under this Code section shall not merge with a conviction arising under any other provision of this article.

(d) It shall be no defense to a prosecution for a violation of this Code section that:

(1) School was or was not in session at the time of the offense;

(2) The real property was being used for other purposes besides school purposes at the time of the offense; or

(3) The offense took place on a school vehicle.

(e) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of the area on or within 1,000 feet of the real property of a school board or a private or public elementary or secondary school that is used for school purposes, or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima-facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county.

(f) A county school board may adopt regulations requiring the posting of signs designating the areas within 1,000 feet of school boards and private or public elementary and secondary schools as "Drug-free School Zones."

(g) It is an affirmative defense to prosecution for a violation of this Code section that the prohibited conduct took place entirely within a private residence, that no person 17 years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct was not carried on for purposes of financial gain.

Nothing in this subsection shall be construed to establish an affirmative defense with respect to any offense under this chapter other than the offense provided for in subsection (a) of this Code section.

§ 16-13-32.5. Manufacturing, distributing, dispensing, or possessing controlled substance, marijuana, or counterfeit substance near park or housing project; nonmerger of offenses; evidence of location and boundaries; posting; affirmative defenses

(a) It shall be unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana or a counterfeit substance in, on, or within 1,000 feet of any real property which has been dedicated and set apart by the governing authority of any municipality, county, state authority, or the state for use as a park, playground, recreation center, or for any other recreation purposes, unless the manufacture, distribution, or dispensing is otherwise allowed by law.

(b) It shall be unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana or a counterfeit substance in, on, or within 1,000 feet of any real property of any publicly owned or publicly operated housing project, unless the manufacture, distribution, or dispensing is otherwise allowed by law. For the purposes of this Code section, the term "housing project" means any facilities under the jurisdiction of a housing authority which constitute single or multifamily dwelling units occupied by low and moderate-income families pursuant to Chapter 3 of Title 8.

(c) Any person who violates or conspires to violate subsection (a) or (b) of this Code section shall be guilty of a felony and upon conviction shall receive the following punishment:

(1) Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both; or

(2) Upon a second or subsequent conviction, imprisonment for not less than five years nor more than 40 years or a fine of not more than $40,000.00, or both. It shall be mandatory for the court to impose a minimum sentence of five years which may not be suspended unless otherwise provided by law.

A sentence imposed under this Code section shall be served consecutively to any other sentence imposed.

(d) A conviction arising under this Code section shall not merge with a conviction arising under any other provision of this article.

(e) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of the area on or within 1,000 feet of the real property of any publicly owned or publicly operated housing project or the real property set apart for use as a park, playground, recreation center, or for any other recreation purposes, or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima-facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this

Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county.

(f) The governing authority of a municipality or county may adopt regulations requiring the posting of signs designating the areas within 1,000 feet of any lands or buildings set apart for use as parks, playgrounds, recreation centers, or any other recreation purposes as "Drug-free Recreation Zones" and designating the areas within 1,000 feet of the real property of any publicly owned or publicly operated housing project as "Drug-free Residential Zones."

(g) It is an affirmative defense to prosecution for a violation of this Code section that the prohibited conduct took place entirely within a private residence, that no person 17 years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct was not carried on for purposes of financial gain. Nothing in this subsection shall be construed to establish an affirmative defense with respect to any offense under this chapter other than the offense provided for in subsections (a) and (b) of this Code section.

§ 16-13-32.6. Manufacturing, distributing, dispensing, or possessing with intent to distribute controlled substance or marijuana in, on, or within drug-free commercial zone

(a) It shall be unlawful for any person to illegally manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana in, on, or within any real property which has been designated under this Code section as a drug-free commercial zone.

(b)(1) Any person who violates or conspires to violate subsection (a) of this Code section shall be guilty of a felony and upon conviction shall receive the following punishment:

(A) Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both; or

(B) Upon a second or subsequent conviction, imprisonment for not less than five years nor more than 40 years or a fine of not more than $40,000.00, or both.

(2) A sentence imposed under this Code section shall be served consecutively to any other sentence imposed.

(3) Any person convicted of a violation of subsection (a) of this Code section may, as a condition of probation or parole, be required by the sentencing court or State Board of Pardons and Paroles to refrain for a period of not more than 24 months from entering or at any time being within the boundaries of the drug-free commercial zone wherein such person was arrested for a violation of this Code section. Any person arrested for violation of his or her terms of probation shall be governed by the provisions of Code Section 42-8-38 and any person arrested for a violation of his or her terms of parole shall be governed by the provisions of Article 2 of Chapter 9 of Title 42.

(c) A conviction arising under this Code section shall not merge with a conviction arising under any other provision of this article.

(d) Any municipality or county may designate one or more commercial areas where there is a high rate of drug related crime as drug-free commercial zones. A drug-free commercial zone may include only an area which the municipality or county has previously zoned commercial pursuant to its planning and zoning powers and any residential area contiguous to such commercially zoned area extending not more than one-half mile from the external boundary of any portion of the commercially zoned area. A municipality or county which designates one or more areas as drug-free commercial zones shall be required to make such designations by ordinance and shall be required to post prominent and conspicuous signs on the boundaries of and throughout any such drug-free commercial zone. A municipality or county shall be required to file with the Department of Community Affairs a copy of each ordinance which shall have attached a clearly defined map describing each drug-free commercial zone and a report evidencing all drug related crimes in such drug-free commercial zone area during the 12 months preceding the enactment of such ordinance. A municipality or county shall also be required to file with the Department of Community Affairs, during the period that a drug-free commercial zone is in effect, annual reports evidencing all drug related crimes in such drug-free commercial zone. Such ordinances, maps, and drug crime reports shall be maintained in a permanent register by such department, and copies of such ordinances, maps, and drug crime reports of drug-free commercial zones shall be made available to the public at a reasonable cost. A drug-free commercial zone shall not be effective and valid for the purposes of this Code section until it has been adopted by the General Assembly by general law. After the General Assembly has adopted one or more drug-free commercial zones, the governing authority of each municipality or county which has such a zone or zones designated and adopted shall be required to have a description of each such zone published in the legal organ of the municipality or county at least once a week for three weeks. A drug-free commercial zone adopted by the General Assembly shall remain in effect for five years and shall expire five years from the effective date of such adoption by the General Assembly. An area which has been a drug-free commercial zone may be continued as or again designated as a drug-free commercial zone upon the enactment of an ordinance and adoption thereof by the General Assembly in accordance with the provisions of this subsection. No arrest for a violation of this Code section shall be permissible for a period of 30 days immediately following the effective date of the adoption of such drug-free commercial zone by the General Assembly.

(e) In a prosecution under this Code section, a true copy of a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of any drug-free commercial zone and filed and on record at the Department of Community Affairs shall, if certified as a true copy by the custodian of such records at such department, be admissible and shall constitute prima-facie evidence of the location and boundaries of such zone. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county; provided, however, that a revised map shall not become effective and the revised area shall not be a drug-free commercial zone until the revised map has been filed with the Department of Community Affairs and adopted by the General Assembly by general law; provided, further, that the revision of a drug-free commercial

zone shall not extend the expiration date of such a drug-free commercial zone. The original copy of every map approved or revised under this subsection or a true copy of such original map shall be filed with the Department of Community Affairs and shall be maintained as an official record of the department. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense.

(f) The General Assembly hereby adopts and incorporates into this Code section all drug-free commercial zones which have been adopted by municipal or county ordinance and entered in the register of the Department of Community Affairs as provided for in subsection (d) of this Code section on or before July 1, 2015.

§ 16-13-33. Attempt or conspiracy to commit offense under this article

Any person who attempts or conspires to commit any offense defined in this article shall be, upon conviction thereof, punished by imprisonment not exceeding the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

§ 16-13-34. Promulgation of rules relating to registration and control of controlled substances; registration fees

The State Board of Pharmacy may promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

§ 16-13-35. General registration requirements

(a) Every person who manufactures, distributes, or dispenses any controlled substances within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state must obtain annually a registration issued by the State Board of Pharmacy in accordance with its rules.

(b) Persons registered by the State Board of Pharmacy under this article to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with this article.

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

(1) An agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment;

(2) A common or contract carrier or warehouseman, or any employee thereof, whose possession of any controlled substance is in the usual course of his business or employment;

(3) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance; and

(4) Officers and employees of this state, or of a political subdivision of this state, or of the United States while acting in the course of their official duties.

(d) The State Board of Pharmacy may waive by rule the requirements for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.

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

(f) The State Board of Pharmacy, the director of the Georgia Drugs and Narcotics Agency, or other drug agents designated by the State Board of Pharmacy for this purpose may inspect the establishment of a registrant or applicant for registration in accordance with the State Board of Pharmacy rules and the provisions of this article.

(g) The following persons are registered under this article and are exempt from the registration fee and registration application requirements of this article:

(1) Persons licensed by the State Board of Pharmacy as a pharmacist or a pharmacy under Chapter 4 of Title 26;

(2) Persons licensed as a physician, dentist, or veterinarian under the laws of the state to use, mix, prepare, dispense, prescribe, and administer drugs in connection with medical treatment to the extent provided by the laws of this state; and

(3) An employee, agent, or representative of any person described in paragraph (1) or (2) of this subsection acting in the usual course of his employment or occupation and not on his own account, provided that suspension or revocation of licensure as set forth in paragraphs (1) and (2) of this subsection shall nullify the exemption as set forth in this subsection.

§ 16-13-36. Factors considered in determining whether to register manufacturer or distributor

(a) The State Board of Pharmacy shall register an applicant to manufacture or distribute controlled substances included in Code Sections 16-13-25 through 16-13-29 unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the State Board of Pharmacy shall consider the following factors:

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

(2) Compliance with applicable state and local law;

(3) Any convictions of the applicant under any federal or state laws relating to any controlled substance;

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

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

(6) Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law;

(7) Suspension or revocation of the applicant's registration or license to manufacture, distribute, or dispense controlled substances, drugs, or narcotics in this state or any other state of the United States; and

(8) Any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) of this Code section does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

(c) Practitioners must be registered under state law to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the law of this state. The State Board of Pharmacy need not require separate registration under this Code section for practitioners engaging in research with nonnarcotic controlled substances in Schedules II through V where the registrant is already registered under this article in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the State Board of Pharmacy satisfactory evidence of that federal registration. Any practitioner conducting research with Schedule I controlled substances must obtain a separate registration with the State Board of Pharmacy.

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

§ 16-13-37. Grounds for suspending or revoking registration; disposition of controlled substances; notification to bureau

(a) A registration under Code Section 16-13-36 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the State Board of Pharmacy upon a finding that the registrant:

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

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

(3) Has had his federal registration to manufacture, distribute, or dispense controlled substances suspended or revoked;

(4) Has violated any provision of this article or the rules and regulations promulgated under this article; or

(5) Has failed to maintain sufficient controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

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

(c) If the State Board of Pharmacy suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order shall be placed under seal. No disposition may be made of substances under seal

until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances shall be forfeited to the state.

(d) The State Board of Pharmacy shall promptly notify the bureau of all orders suspending or revoking registration and all forfeitures of controlled substances.

§ 16-13-38. Procedure for denying, suspending, revoking, or limiting registration; automatic suspension

(a) Before denying, suspending, revoking, or limiting registration, or refusing a renewal of registration, the State Board of Pharmacy shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, limited, or suspended, or why the renewal should not be refused. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the State Board of Pharmacy at a time and place not less than 30 days after the date of service of the order; but in the case of a denial of renewal of registration the show cause order shall be served not later than 30 days before the expiration of the registration. These proceedings shall be conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal or registration shall not abate the existing registration, which shall remain in effect pending the outcome of the administrative hearing.

(b) The State Board of Pharmacy shall suspend, without an order to show cause, any registration simultaneously with the institution of proceedings under Code Section 16-13-37 or where renewal of registration is refused if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the State Board of Pharmacy or dissolved by a court of competent jurisdiction.

§ 16-13-39. Manufacturers, distributors, and dispensers to maintain records of controlled substances

Persons registered to manufacture, distribute, or dispense controlled substances under this article shall keep a complete and accurate record of all controlled substances on hand, received, manufactured, sold, dispensed, or otherwise disposed of and shall maintain such records and inventories in conformance with the record-keeping and inventory requirements of federal law and with any rules issued by the State Board of Pharmacy.

§ 16-13-40. Distribution of 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.

§ 16-13-41. Prescriptions

(a) Except when dispensed directly by a registered practitioner, other than a pharmacy or pharmacist, to an ultimate user, no controlled substance in Schedule II may be dispensed without the written prescription of a registered practitioner.

(b) When a practitioner writes a prescription drug order to cause the dispensing of a Schedule II substance, he or she shall include the name and address of the person for whom it is prescribed, the kind and quantity of such Schedule II controlled substance, the directions for taking, the signature, and the name, address, telephone number, and DEA registration number of the prescribing practitioner. Such prescription shall be signed and dated by the practitioner on the date when issued, and the nature of such signature shall be defined in regulations promulgated by the State Board of Pharmacy. Prescription drug orders for Schedule II controlled substances may be transmitted via facsimile machine or other electronic means only in accordance with regulations promulgated by the State Board of Pharmacy in accordance with Code Section 26-4-80 or 26-4-80.1, or in accordance with DEA regulations at 21 C.F.R. 1306.

(c) In emergency situations, as defined by rule of the State Board of Pharmacy, Schedule II drugs may be dispensed upon oral prescription of a registered practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of Code Section 16-13-39. No prescription for a Schedule II substance may be refilled.

(d)(1) Except when dispensed directly by a practitioner, other than a pharmacy or pharmacist, to an ultimate user, a controlled substance included in Schedule III, IV, or V, which is a prescription drug as determined under any law of this state or the Federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301, 52 Stat. 1040 (1938), shall not be dispensed without a written or oral prescription of a registered practitioner. The prescription shall not be filled or refilled more than six months after the date on which such prescription was issued or be refilled more than five times.

(2) When a practitioner writes a prescription drug order to cause the dispensing of a Schedule III, IV, or V controlled substance, he or she shall include the name and address of the person for whom it is prescribed, the kind and quantity of such controlled substance, the directions for taking, the signature, and the name, address, telephone number, and DEA registration number of the practitioner. Such prescription shall be signed and dated by the practitioner on the date when issued or may be issued orally, and the nature of the signature of the prescriber shall meet the guidelines set forth in Chapter 4 of Title 26, the regulations promulgated by the State Board of Pharmacy, or both such guidelines and regulations.

(e) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a legitimate medical purpose.

(f) No person shall prescribe or order the dispensing of a controlled substance, except a registered practitioner who is:

(1) Licensed or otherwise authorized by this state to prescribe controlled substances;

(2) Acting in the usual course of his professional practice; and

(3) Prescribing or ordering such controlled substances for a legitimate medical purpose.

(g) No person shall fill or dispense a prescription for a controlled substance except a person who is licensed by this state as a pharmacist or a pharmacy intern acting under the immediate and direct personal supervision of a licensed pharmacist in a pharmacy licensed by the State Board of Pharmacy, provided that this subsection shall not prohibit a registered physician, dentist, veterinarian, or podiatrist authorized by this state to dispense controlled substances as provided in this article if such registered person complies with all record-keeping, labeling, packaging, and storage requirements regarding such controlled substances and imposed upon pharmacists and pharmacies in this chapter and in Chapter 4 of Title 26 and complies with the requirements of Code Section 26-4-130.

(h) It shall be unlawful for any practitioner to issue any prescription document signed in blank. The issuance of such document signed in blank shall be prima-facie evidence of a conspiracy to violate this article. The possession of a prescription document signed in blank by a person other than the person whose signature appears thereon shall be prima-facie evidence of a conspiracy between the possessor and the signer to violate the provisions of this article.

(i) (1) Pharmacists may dispense prescriptions from a remote location for the benefit of an institution that uses a remote automated medication system in accordance with the requirements set forth in the rules and regulations adopted by the State Board of Pharmacy pursuant to paragraph (12.1) of subsection (a) of Code Section 26-4-28.

(2) As used in this subsection, the term "institution" means a skilled nursing facility or a hospice licensed as such under Chapter 7 of Title 31.

§ 16-13-42. Unauthorized distribution and dispensation; refusal or failure to keep records; refusal to permit inspection; unlawfully maintaining structure or place; penalty

(a) It is unlawful for any person:

(1) Who is subject to the requirements of Code Section 16-13-35 to distribute or dispense a controlled substance in violation of Code Section 16-13-41;

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

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

(4) To refuse an entry into any premises for any inspection authorized by this article; or

(5) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place which is resorted to by persons using controlled substances in violation of this article for the purpose of using these substances, or which is used for keeping or selling them in violation of this article.

(b) Any person who violates this Code section is guilty of a felony and, upon conviction thereof, may be imprisoned for not more than five years, fined not more than $25,000.00, or both.

§ 16-13-43. Unauthorized distribution; penalties

(a) It is unlawful for any person:

(1) Who is a registrant to distribute a controlled substance classified in Schedule I or II, except pursuant to an order form as required by Code Section 16-13-40;

(2) To use, in the course of the manufacture or distribution of a controlled substance, a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or theft;

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

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

(6) To withhold information from a practitioner that such person has obtained a controlled substance of a similar therapeutic use in a concurrent time period from another practitioner.

(b) Any person who violates this Code section is guilty of a felony and, upon conviction thereof, may be imprisoned for not more than eight years or fined not more than $50,000.00, or both.

§ 16-13-44. Penalties under other laws

Any penalty imposed for violation of this article is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

§ 16-13-45. Powers of enforcement personnel

Any officer or employee of the State Board of Pharmacy designated by the director of the Georgia Drugs and Narcotics Agency may:

(1) Carry firearms in the performance of his official duties;

(2) Execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of this state;

(3) Make arrests without warrant for any offense under this article committed in his presence or if he has probable cause to believe that the person to be arrested has committed or is committing a violation of this article which may constitute a felony;

(4) Make seizures of property pursuant to this article; or

(5) Perform other law enforcement duties as the State Board of Pharmacy or the director of the Georgia Drugs and Narcotics Agency designates.

§ 16-13-46. Administrative inspections and warrants

(a) Issuance and execution of inspection warrants shall be as follows:

(1) A judge of the superior, state, city, or magistrate court, or any municipal officer clothed by law with the powers of a magistrate, upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting inspections authorized by this article, or rules promulgated under this article, and seizures of property appropriate to the inspections. For the purpose of the issuance of inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this article, or rules promulgated under this article, sufficient to justify inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the warrant;

(2) A warrant shall issue only upon an affidavit of a designated officer, drug agent, or employee of the State Board of Pharmacy having knowledge of the facts alleged, sworn to before the judicial officer and establishing the grounds for issuing the warrant. If the judicial officer is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, registrant, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any. The warrant shall:

(A) State the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;

(B) Be directed to persons authorized by Code Section 16-13-45 to execute it;

(C) Command the persons to whom it is directed to inspect the area, premises, building, registrant, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;

(D) Identify the item or types of property to be seized, if any; and

(E) Designate the judicial officer to whom it shall be returned;

(3) A warrant issued pursuant to this Code section must be executed and returned within ten days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy shall be provided upon request to the person from whom or from whose premises the property is taken, together with a receipt for the property taken. The return of the warrant shall be made promptly, accompanied by a written inventory of any property taken. A copy of the inventory shall be delivered upon request to the person from whom or from whose premises the property was taken and to the applicant for the warrant; and

(4) The judicial officer who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the superior court for the county in which the inspection was made.

(b) The State Board of Pharmacy, the director of the Georgia Drugs and Narcotics Agency or drug agents may make inspections of controlled premises in accordance with the following provisions:

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

(A) Places where persons registered or exempted from registration requirements under this article are required to keep records; and

(B) Places, including factories, warehouses, establishments, and conveyances, in which persons registered or exempted from registration requirements under this article are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance;

(2) When authorized by an inspection warrant issued pursuant to subsection (a) of this Code section, an officer or employee designated by the State Board of Pharmacy or the director of the Georgia Drugs and Narcotics Agency, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an inspection;

(3) When authorized by an inspection warrant, an officer or employee designated by the State Board of Pharmacy or the director of the Georgia Drugs and Narcotics Agency may:

(A) Inspect and copy records required by this article to be kept;

(B) Inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers, and labeling found therein, and, except as provided in paragraph (5) of subsection (b) of this Code section, all other things therein, including records, files, papers, processes, controls, and facilities bearing on violation of this article; and

(C) Inventory any stock of any controlled substance therein and obtain samples thereof;

(4) This Code section does not prevent the inspection without a warrant of books and records pursuant to an administrative inspection in accordance with subsection (c) of this Code section, nor does it prevent entries and inspections, including seizures of property, without a warrant:

(A) If the owner, operator, or agent in charge of the controlled premises consents;

(B) In situations presenting imminent danger to health or safety;

(C) In situations involving inspection of conveyance if there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(D) In any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; or

(E) In all other situations in which a warrant is not constitutionally required; and

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

(c) The State Board of Pharmacy, its members, or duly authorized agents or drug agents shall have the power to inspect, without a warrant, in a lawful manner at all reasonable hours, any pharmacy or other place licensed by the State Board of Pharmacy pursuant to Chapter 4 of Title 26 for the purpose:

(1) Of determining if any of the provisions of this article or any rule or regulation promulgated under its authority is being violated;

(2) Of securing samples or specimens of any drug or medical supplies, after first paying or offering to pay for such samples or specimens; and

(3) Of securing other such evidence as may be needed for an administrative proceedings action, as provided by this article.

§ 16-13-47. Injunctions

(a) The superior courts of this state may exercise jurisdiction to restrain or enjoin violations of this article.

(b) The defendant may demand a trial by jury for an alleged violation of an injunction or restraining order under this Code section.

§ 16-13-48. Cooperative arrangements with federal and other state agencies

(a) The State Board of Pharmacy shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, it may:

(1) Arrange for the exchange of information among governmental officials concerning the use and abuse of controlled substances;

(2) Coordinate and cooperate in training programs concerning controlled substance law enforcement at local and state levels;

(3) Cooperate with the bureau by establishing a centralized unit to accept, catalogue, file, and collect statistics, including records, other than medical treatment records, of drug dependent persons and other controlled substance law offenders within the state, and make the information available for federal, state, and local law enforcement purposes; and

(4) Conduct or promote programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.

(b) Results, information, and evidence received from the bureau relating to the regulatory functions of this article, including results of inspections conducted by it, may be relied and acted upon by the State Board of Pharmacy or drug agents in the exercise of its or their regulatory functions under this article.

§ 16-13-48.1. Funds or property transferred to state or local agencies under federal drug laws

Repealed by Ga. L. 2015, p. 693, § 2-21/HB 233, effective July 1, 2015.

§ 16-13-49. Declared items of contraband; forfeiture

(a) As used in this Code section, the term:

(1) "Controlled substance" shall have the same meaning as set forth in Code Section 16-13-21 and shall include marijuana, as such term is defined in Code Section 16-13-21.

(2) "Enterprise" means any person, sole proprietorship, partnership, corporation, trust, association, or other legal entity created under the laws of the United States or any foreign nation or a group of individuals associated in fact although not a legal entity and includes illicit as well as licit enterprises and governmental as well as other entities.

(3) "Proceeds" shall have the same meaning as set forth in Code Section 9-16-2.

(4) "Property" shall have the same meaning as set forth in Code Section 9-16-2.

(5) "United States" shall have the same meaning as set forth in Code Section 9-16-2.

(b) Except as provided in subsection (d) of this Code section, the following are declared to be contraband and no person shall have a property right in them:

(1) Any controlled substances, raw materials, or controlled substance analogs that have been manufactured, distributed, dispensed, possessed, or acquired in violation of this article;

(2) Any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of this article and any proceeds;

(3) Any property located in this state which was, directly or indirectly, used or intended for use in any manner to facilitate a violation of this article or the laws of the United States relating to controlled substances that is punishable by imprisonment for more than one year and any proceeds;

(4) Any interest, security, claim, or property or contractual right of any kind affording a source of influence over any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of in violation of this article or the laws of the United States relating to controlled substances that is punishable by imprisonment for more than one year and any proceeds;

(5) Any property found in close proximity to any controlled substance or other property subject to forfeiture under this Code section; and

(6) Any weapon available for any use in any manner to facilitate a violation of this article.

(c) Any property subject to forfeiture pursuant to subsection (b) of this Code section shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

(d) Property shall not be subject to forfeiture under this Code section for a violation involving only one gram or less of a mixture containing cocaine or four ounces or less of marijuana unless such property was used to facilitate a transaction in or a purchase of or sale of a controlled substance.

(e) In addition to persons authorized to seize property pursuant to Code Section 9-16-6, property which is subject to forfeiture under this Code section may be seized by the director of the Georgia Drugs and Narcotics Agency or by any drug agent of this state or any political subdivision thereof who has power to make arrests or execute process or a search warrant issued by any court having jurisdiction over the property.

(f) Controlled substances included in Schedule I which are contraband and any controlled substance whose owners are unknown shall be summarily forfeited to the state. The court may include in any judgment of conviction under this article an order forfeiting any controlled substance involved in the offense to the extent of the defendant's interest.

§ 16-13-50. Burden of proof; liability of enforcement officers in lawful performance of duties

(a) It is not necessary for the state to negate any exemption or exception in this article in any complaint, accusation, indictment, or other pleading or in any trial, hearing, or other proceeding under this article. The burden of proof of any exemption or exception is upon the person claiming it.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this article, he is presumed not to be the holder of the registration or form. The burden of proof is upon him to rebut the presumption.

(c) No liability is imposed by this article upon any authorized state, county, or municipal officer engaged in the lawful performance of his duties.

§ 16-13-51. Judicial review of administrative determinations, findings, and conclusions

All final determinations, findings, and conclusions of the State Board of Pharmacy under this article are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision in the Superior Court of Fulton County. Findings of fact by the State Board of Pharmacy, if supported by substantial evidence, are conclusive.

§ 16-13-52. Programs and research on prevention of abuse of controlled substances; confidentiality of research; exemption from penalties

(a) The State Board of Pharmacy and the Georgia Drugs and Narcotics Agency shall carry out programs designed to prevent and deter misuse and abuse of controlled substances.

(b) The State Board of Pharmacy and the Georgia Drugs and Narcotics Agency shall encourage research on misuse and abuse of controlled substances. In connection with the research and in furtherance of the enforcement of this article, they may:

(1) Establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse;

(2) Make studies and undertake programs of research to:

(A) Develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of this article;

(B) Determine patterns of misuse and abuse of controlled substances and the social effects thereof;

(C) Improve methods for preventing, predicting, understanding, and dealing with the misuse and abuse of controlled substances; and

(3) Enter into agreements with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.

(c) The State Board of Pharmacy, in the public interest, may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not to be compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

(d) The State Board of Pharmacy may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.

§ 16-13-53. Pending proceedings

Reserved. Repealed by Ga. L. 2015, p. 693, § 2-23/HB 233, effective July 1, 2015.

§ 16-13-54. Orders and rules promulgated prior to July 1, 1974

Any orders and rules promulgated under any law affected by this article and in effect on July 1, 1974, and not in conflict with it shall continue in effect until modified, superseded, or repealed.

§ 16-13-54.1. Weight or quantity of controlled substance or marijuana not essential element of offense

When an offense in this part measures a controlled substance or marijuana by weight or quantity, the defendant's knowledge of such weight or quantity shall not be an essential element of the offense, and the state shall not have the burden of proving that a defendant knew the weight or quantity of the controlled substance or marijuana in order to be convicted of an offense.

§ 16-13-55. Construction of article

This article shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this article among those states which enact it.

§ 16-13-56. Penalty for violation of article; restitution to the state for cleanup of environmental hazards; other remedies

(a) Unless otherwise specified with respect to a particular offense, any person who violates any provision of this article shall be guilty of a misdemeanor.

(b) In addition to any other penalty imposed by law for a violation of this article, if the sentencing court finds that in committing a violation of this article, the defendant contributed to a release of hazardous waste, a hazardous constituent, or a hazardous substance as such terms are defined by Code Sections 12-8-62 and 12-8-92, the court shall require such defendant to make restitution to the State of Georgia pursuant to subsection (a) of Code Section 12-8-96.1 for the reasonable costs of activities associated with the cleanup of environmental hazards, including legal expenses incurred by the state. Restitution made pursuant to this Code section shall not preclude the State of Georgia from obtaining any other civil or criminal remedy available under any other provision of law. The restitution authorized by this Code section is supplemental and not exclusive.

TITLE 16. CRIMES AND OFFENSES
CHAPTER 13. CONTROLLED SUBSTANCES
ARTICLE 2. REGULATION OF CONTROLLED SUBSTANCES

PART 2. ELECTRONIC DATA BASE OF PRESCRIPTION INFORMATION

§ 16-13-57. Program to record prescription information into electronic database; administration and oversight

(a) Subject to funds as may be appropriated by the General Assembly or otherwise available for such purpose, the agency shall, in consultation with members of the Georgia Composite Medical Board, establish and maintain a program to electronically record into an electronic data base prescription information resulting from the dispensing of Schedule II, III, IV, or V controlled substances and to electronically review such prescription information that has been entered into such data base. The purpose of such program shall be to assist in the reduction of the abuse of controlled substances, to improve, enhance, and encourage a better quality of health care by promoting the proper use of medications to treat pain and terminal illness, and to reduce duplicative prescribing and overprescribing of controlled substance practices.

(b) Such program shall be administered by the agency at the direction and oversight of the board.

§ 16-13-58. Funds for development and maintenance of program; granting of funds to dispensers

(a) The agency shall be authorized to apply for available grants and may accept any gifts, grants, donations, and other funds to assist in developing and maintaining the program established pursuant to Code Section 16-13-57; provided, however, that neither the board, agency, nor any other state entity shall accept a grant that requires as a condition of the grant any sharing of information that is inconsistent with this part.

(b) The agency shall be authorized to grant funds to dispensers for the purpose of covering costs for dedicated equipment and software for dispensers to use in complying with the reporting requirements of Code Section 16-13-59. Such grants to dispensers shall be funded by gifts, grants, donations, or other funds received by the agency for the operation of the program established pursuant to Code Section 16-13-57. The agency shall be authorized to establish standards and specifications for any equipment and software purchased pursuant to a grant received by a dispenser pursuant to this Code section. Nothing in this part shall be construed to require a dispenser to incur costs to purchase equipment or software to comply with this part.

(c) Nothing in this part shall be construed to require any appropriation of state funds.

§ 16-13-59. Information to include for each Schedule II, III, IV, or V controlled substance prescription; compliance

(a) For purposes of the program established pursuant to Code Section 16-13-57, each dispenser shall submit to the agency by electronic means information regarding each prescription dispensed for a Schedule II, III, IV, or V controlled substance. The information submitted for each prescription shall include at a minimum, but shall not be limited to:

(1) DEA permit number or approved dispenser facility controlled substance identification number;
(2) Date the prescription was dispensed;
(3) Prescription serial number;
(4) If the prescription is new or a refill;
(5) National Drug Code (NDC) for drug dispensed;
(6) Quantity and strength dispensed;
(7) Number of days supply of the drug;
(8) Patient's name;
(9) Patient's address;
(10) Patient's date of birth;
(11) Patient gender;
(12) Method of payment;
(13) Approved prescriber identification number or prescriber's DEA permit number;
(14) Date the prescription was issued by the prescriber; and
(15) Other data elements consistent with standards established by the American Society for Automation in Pharmacy, if designated by regulations of the agency.

(b) Each dispenser shall submit the prescription information required in subsection (a) of this Code section in accordance with transmission methods and frequency requirements established by the agency on at least a weekly basis and shall report, at a minimum, such prescription information no later than ten days after the prescription is dispensed. If a dispenser is temporarily unable to comply with this subsection due to an equipment failure or other circumstances, such dispenser shall notify the board and agency.

(c) The agency may issue a waiver to a dispenser that is unable to submit prescription information by electronic means acceptable to the agency. Such waiver may permit the dispenser to submit prescription information to the agency by paper form or other means, provided all information required in subsection (a) of this Code section is submitted in this alternative format and in accordance with the frequency requirements established pursuant to subsection (b) of this Code section. Requests for waivers shall be submitted in writing to the agency.

(d) The agency shall not revise the information required to be submitted by dispensers pursuant to subsection (a) of this Code section more frequently than annually. Any such change to the required information shall neither be effective nor applicable to dispensers until six months after the adoption of such changes.

(e) The agency shall not access or allow others to access any identifying prescription information from the electronic data base after one year from the date such information was originally received by the agency. The agency may retain aggregated prescription information for a period of one year from the date the information is received but shall promulgate regulations and procedures that will ensure that any identifying information the agency receives from any dispenser or reporting entity that is one year old or older is deleted or destroyed on an ongoing basis in a timely and secure manner.

(f) A dispenser may apply to the agency for an exemption to be excluded from compliance with

this Code section if compliance would impose an undue hardship on such dispenser. The agency shall provide guidelines and criteria for what constitutes an undue hardship.

(g) For purposes of this Code section, the term "dispenser" shall include any pharmacy or facility physically located in another state or foreign country that in any manner ships, mails, or delivers a dispensed controlled substance into this state.

§ 16-13-60. Privacy and confidentiality; use of data; security program

(a) Except as otherwise provided in subsections (c) and (d) of this Code section, prescription information submitted pursuant to Code Section 16-13-59 shall be confidential and shall not be subject to open records requirements, as contained in Article 4 of Chapter 18 of Title 50.

(b) The agency, in conjunction with the board, shall establish and maintain strict procedures to ensure that the privacy and confidentiality of patients, prescribers, and patient and prescriber information collected, recorded, transmitted, and maintained pursuant to this part are protected. Such information shall not be disclosed to any person or entity except as specifically provided in this part and only in a manner which in no way conflicts with the requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996, P.L. 104-191.

(c) The agency shall be authorized to provide requested prescription information collected pursuant to this part only as follows:

(1) To persons authorized to prescribe or dispense controlled substances for the sole purpose of providing medical or pharmaceutical care to a specific patient;

(2) Upon the request of a patient, prescriber, or dispenser about whom the prescription information requested concerns or upon the request on his or her behalf of his or her attorney;

(3) To local, state, or federal law enforcement or prosecutorial officials pursuant to the issuance of a search warrant pursuant to Article 2 of Chapter 5 of Title 17; and

(4) To the agency or the Georgia Composite Medical Board upon the issuance of an administrative subpoena issued by a Georgia state administrative law judge.

(d) The board may provide data to government entities for statistical, research, educational, or grant application purposes after removing information that could be used to identify prescribers or individual patients or persons who received prescriptions from dispensers.

(e) Any person or entity who receives electronic data base prescription information or related reports relating to this part from the agency shall not provide such information or reports to any other person or entity except by order of a court of competent jurisdiction pursuant to this part.

(f) Any permissible user identified in this part who directly accesses electronic data base prescription information shall implement and maintain a comprehensive information security program that contains administrative, technical, and physical safeguards that are substantially equivalent to the security measures of the agency. The permissible user shall identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of personal information that could result in the unauthorized disclosure, misuse, or other compromise of the information and shall assess the sufficiency of any safeguards in place to control the risks.

(g) No provision in this part shall be construed to modify, limit, diminish, or impliedly repeal any authority existing on June 30, 2011, of a licensing or regulatory board or any other entity so authorized to obtain prescription information from sources other than the data base maintained pursuant to this part; provided, however, that the agency shall be authorized to release information from the data base only in accordance with the provisions of this part.

§ 16-13-61. Electronic Database Review Advisory Committee; members; terms; officers; procedure; compensation

(a) There is established an Electronic Database Review Advisory Committee for the purposes of consulting with and advising the agency on matters related to the establishment, maintenance, and operation of how prescriptions are electronically reviewed pursuant to this part. This shall include, but shall not be limited to, data collection, regulation of access to data, evaluation of data to identify benefits and outcomes of the reviews, communication to prescribers and dispensers as to the intent of the reviews and how to use the data base, and security of data collected.

(b) The advisory committee shall consist of ten members as follows:

(1) A representative from the agency;

(2) A representative from the Georgia Composite Medical Board;

(3) A representative from the Georgia Board of Dentistry;

(4) A representative with expertise in personal privacy matters, appointed by the president of the State Bar of Georgia;

(5) A representative from a specialty profession that deals in addictive medicine, appointed by the Georgia Composite Medical Board;

(6) A pain management specialist, appointed by the Georgia Composite Medical Board;

(7) An oncologist, appointed by the Georgia Composite Medical Board;

(8) A representative from a hospice or hospice organization, appointed by the Georgia Composite Medical Board;

(9) A representative from the State Board of Optometry; and

(10) The consumer member appointed by the Governor to the State Board of Pharmacy pursuant to subsection (b) of Code Section 26-4-21.

(c) Each member of the advisory committee shall serve a three-year term or until the appointment and qualification of such member's successor.

(d) The advisory committee shall elect a chairperson and vice chairperson from among its membership to serve a term of one year. The vice chairperson shall serve as the chairperson at times when the chairperson is absent.

(e) The advisory committee shall meet at the call of the chairperson or upon request by at least three of the members and shall meet at least one time per year. Five members of the committee shall constitute a quorum.

(f) The members shall receive no compensation or reimbursement of expenses from the state for their services as members of the advisory committee.

§ 16-13-62. Rules and regulations

The agency shall establish rules and regulations to implement the requirements of this part. Nothing in this part shall be construed to authorize the agency to establish policies, rules, or regulations which limit, revise, or expand or purport to limit, revise, or expand any prescription or dispensing authority of any prescriber or dispenser subject to this part. Nothing in this part shall be construed to impede, impair, or limit a prescriber from prescribing pain medication in accordance with the pain management guidelines developed and adopted by the Georgia Composite Medical Board.

§ 16-13-63. Liability

Nothing in this part shall require a dispenser or prescriber to obtain information about a patient from the program established pursuant to this part. A dispenser or prescriber shall not have a duty and shall not be held civilly liable for damages to any person in any civil or administrative action or criminally responsible for injury, death, or loss to person or property on the basis that the dispenser or prescriber did or did not seek or obtain information from the electronic data base established pursuant to Code Section 16-13-57.

§ 16-13-64. Violations; criminal penalties; civil damages

(a) A dispenser who knowingly and intentionally fails to submit prescription information to the agency as required by this part or knowingly and intentionally submits incorrect prescription information shall be guilty of a felony and, upon conviction thereof, shall be punished for each such offense by imprisonment for not less than one year nor more than five years, a fine not to exceed $50,000.00, or both, and such actions shall be reported to the licensing board responsible for issuing such dispenser's dispensing license for action to be taken against such dispenser's license.

(b) An individual authorized to access electronic data base prescription information pursuant to this part who negligently uses, releases, or discloses such information in a manner or for a purpose in violation of this part shall be guilty of a misdemeanor. Any person who is convicted of negligently using, releasing, or disclosing such information in violation of this part shall, upon the second or subsequent conviction, be guilty of a felony and shall be punished by imprisonment for not less than one nor more than three years, a fine not to exceed $5,000.00, or both.

(c) (1) An individual authorized to access electronic data base prescription information pursuant to this part who knowingly obtains or discloses such information in a manner or for a purpose in violation of this part shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than five years, a fine not to exceed $50,000.00, or both.

(2) Any person who knowingly obtains, attempts to obtain, or discloses electronic data base prescription information pursuant to this part under false pretenses shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than five years, a fine not to exceed $100,000.00, or both.

(3) Any person who obtains or discloses electronic data base prescription information not specifically authorized herein with the intent to sell, transfer, or use such information for commercial advantage, personal gain, or malicious harm shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than two years nor more than ten years, a fine not to exceed $250,000.00, or both.

(d) Any person who is injured by reason of any violation of this part shall have a cause of action for the actual damages sustained and, where appropriate, punitive damages. Such person may also recover attorney's fees in the trial and appellate courts and the costs of investigation and litigation reasonably incurred.

(e) The penalties provided by this Code section are intended to be cumulative of other penalties which may be applicable and are not intended to repeal such other penalties.

§ 16-13-65. Exceptions

(a) This part shall not apply to any veterinarian.

(b) This part shall not apply to any drug, substance, or immediate precursor classified as an exempt over the counter (OTC) Schedule V controlled substance pursuant to this chapter or pursuant to board rules established in accordance with Code Section 16-13-29.2.

TITLE 16. CRIMES AND OFFENSES
CHAPTER 13. CONTROLLED SUBSTANCES
ARTICLE 3. DANGEROUS DRUGS

§ 16-13-70. Short title

This article shall be known and may be cited as the "Dangerous Drug Act."

§ 16-13-70.1. Definition of terms

Any term used in this article and not defined in this article but defined in Code Section 16-13-21 shall have the meaning provided for that term in Code Section 16-13-21.

§ 16-13-71. "Dangerous drug" defined

(a) A "dangerous drug" means any drug other than a drug contained in any schedule of Article 2 of this chapter, which, under the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 (1938)), 21 U.S.C. Section 301, et seq., as amended, may be dispensed only upon prescription. In any

civil or criminal action or other proceedings, a certification from the Food and Drug Administration of the United States Department of Health and Human Services attesting to the fact that a drug other than a drug contained in any schedule of Article 2 of this chapter involved in the action or proceeding is a dangerous drug that federal law prohibits dispensing of without a prescription pursuant to the Federal Food, Drug, and Cosmetic Act shall be admissible as prima-facie proof that such drug is a "dangerous drug."

(b) In addition to subsection (a) of this Code section, a "dangerous drug" means any other drug or substance declared by the General Assembly to be a dangerous drug; to include any of the following drugs, chemicals, or substances; salts, isomers, esters, ethers, or derivatives of such drugs, chemicals, or substances which have essentially the same pharmacological action; all other salts, isomers, esters, ethers, and compounds of such drugs, chemicals, or substances unless specifically exempted and the following devices, identified as "dangerous drugs":

(.03) Abacavir;
(.035) Abarelix;
(.037) Abatacept;
(.04) Abciximab;
(.042) Abiraterone;
(.043) abobotulinumtoxinA;
(.045) Acamprostate;
(.05) Acarbose;
(.1) Acebutolol;
(1) Acecarbromal;
(2) Acenocoumarol;
(3) Acetazolamide;
(3.5) Reserved;
(4) Acetohexamide;
(4.1) Aceto-hydroxamic acid;
(5) Acetophenazine;
(6) Acetosulfone;
(7) Acetyl sulfamethoxypyridazine;
(8) Acetyl sulfisoxazole;
(9) Acetylcarbromal;
(10) Acetylcholine;
(11) Acetylcysteine;
(12) Acetyldigitoxin;
(12.1) Acitretin;
(12.5) Aclidinium bromide;
(13) Acrisorcin;
(13.3) Acrivastine;
(13.5) Acyclovir;
(13.53) Adalimumab;
(13.55) Adapalene;
(13.6) Adenosine;
(14) Adenosine 5-monophosphate;
(14.5) Adenovirus;

(15) Adenylic acid;
(16) Adiphenine hydrochloride;
(16.5) Ado-trastuzumab;
(17) Adrenal cortex extracts;
(17.1) Afatinib;
(17.3) Aflibercept;
(17.5) Albendazole;
(17.6) Albiglutide;
(17.7) Albiraterone;
(18) Albumin, normal human serum;
(18.1) Albuterol;
(19) Albutonium;
(19.3) Alcaftadine;
(19.5) Alclometasone dipropionate;
(19.58) Alemtuzumab;
(19.6) Alendronate;
(19.65) Alfuzosin;
(19.7) Alglucerase;
(19.75) Alglucosidase alfa;
(19.77) Aliskiren;
(19.8) Alitretinoin;
(20) Alkaverir;
(21) Alkavervir;
(21.1) Alkyl nitrites;
(22) Allopurinol;
(22.2) Almotriptan;
(22.3) Alogliptin;
(22.5) Alosetron;
(23) Alpha amylase;
(23.1) Alprostadil;
(24) Alseroxylon;
(24.1) Altenodol;
(24.6) Altretamine;
(25) Aluminum nicotinate;
(26) Alverine;
(26.5) Alvimopan;
(27) Amantadine;
(28) Ambenonium chloride;
(28.5) Ambrisentan;
(29) Ambrosiacae follens;
(30) Amcinonide;
(30.1) Amdinocillin;
(30.5) Amifostine;
(31) Amikacin;
(31.1) Amiloride;
(32) Aminacrine;

(33) 4-amino-N-methyl-pteroylglutamic acid;
(34) Amino acid preparations for injection or vaginal use
(35) Aminocaproic acid;
(36) Aminohippurate;
(36.5) Aminolevulinic acid;
(37) Aminophylline;
(38) Aminosalicylate -- See exceptions;
(39) Aminosalicylate calcium -- See exceptions;
(40) Aminosalicylate potassium -- See exceptions;
(41) Aminosalicylate sodium -- See exceptions;
(42) Aminosalicylic acid -- See exceptions;
(42.1) Amiodarone;
(43) Amisometradine;
(44) Amitriptyline;
(44.3) Amlexanox;
(44.5) Amlodipine;
(44.6) Ammonia, N-13;
(44.7) Ammonium lactate;
(45) Amodiaquin;
(45.5) Amoxapine;
(46) Amoxicillin;
(47) Amphotericin B;
(48) Ampicillin;
(48.2) Amprenavir;
(48.6) Amrinone;
(49) Amyl nitrite;
(50) Amylolytic enzymes;
(50.1) Anabolic steroids, if listed in Code Section 16-13-27.1 as being exempt as Schedule III controlled substances;
(50.3) Anagrelide;
(50.4) Anakinra;
(50.5) Anastrozole;
(51) Androgens, except those androgens listed in paragraph (6) of Code Section 16-13-27;
(52) Angiotensin amide;
(52.5) Anidulafungin;
(53) Anisindione;
(54) Anisotropine;
(55) Antazoline;
(56) Anterior pituitary hormones;
(57) Anthralin;
(58) Anti-coagulant acid:
(A) Citrate dextrose;
(59) Antigens:
(A) Alternaria tenius;
(B) Aqua ivy;

(C) Ash mix;
(D) Aspergillus fumigatus;
(E) Bacterial, Staphylococcus aureus, Type 1;
(F) Bacterial, Staphylococcus aureus, Type 3;
(G) Bacterial, Undenatured;
(H) Bee;
(I) Beech;
(J) Bermuda grass;
(K) Birch;
(L) California live oak;
(M) Candida albicans;
(N) Careless weed;
(O) Cat epithelia;
(P) Cattle epithelia;
(Q) Coccidioides immitis;
(R) Cottonwood fremont;
(S) Dog epithelia;
(T) Elm mix;
(U) English plantain;
(V) Feather mix;
(W) Gram negative bacterial;
(X) Helminthosporium sativum;
(Y) Hickory;
(Z) Hormodendrum hordei;
(AA) Hornet;
(BB) House dust;
(CC) House dust mix;
(DD) Insects;
(EE) Intradermal or scratching test;
(FF) Johnson grass;
(GG) Kentucky blue grass;
(HH) Kochia;
(II) Lamb quarters;
(JJ) Maple;
(KK) Mesquite;
(LL) Mixed epidermals;
(MM) Mixed grass, ragweeds (spring-fall);
(NN) Mixed grasses (spring);
(OO) Mixed inhalants;
(PP) Mixed molds;
(QQ) Mixed ragweed;
(RR) Mixed ragweed -- mixed weeds (fall);
(SS) Mixed weeds;
(TT) Molds;
(UU) Mountain cedar;
(VV) Mugwort common;

(WW) National weed mix;
(XX) Oak mix;
(YY) Olive;
(ZZ) Orchard grass;
(AAA) Pecan;
(BBB) Penicillium notatum;
(CCC) Perennial rye;
(DDD) Poison oak and poison ivy;
(EEE) Pollens;
(FFF) Poplar mix;
(GGG) Prescription;
(HHH) Ragweed mix;
(III) Red top grass;
(JJJ) Respiratory bacterial;
(KKK) Rough pigweed;
(LLL) Russian thistle;
(MMM) Sagebrush common;
(NNN) Scale mix;
(OOO) Short ragweed;
(PPP) Simplified allergy screening set;
(QQQ) Skin bacterial;
(RRR) Southern grass;
(SSS) Staphylococcal;
(TTT) Stinging insect mix;
(UUU) Stinging insects;
(VVV) Sweet vernal;
(WWW) Sycamore;
(XXX) Tall ragweed;
(YYY) Timothy;
(ZZZ) Tree mix;
(AAAA) Trees (early spring);
(BBBB) Walnut;
(CCCC) Wasp;
(DDDD) West ragweed;
(EEEE) West weed mix;
(FFFF) Yellow jacket;

(60) Antihemophilic factor, Human;
(61) Antirabies serum;
(62) Antivenin;
(62.05) Apixaban;
(62.1) Apomorphine;
(62.3) Apraclonidine;
(62.38) Apremilast;
(62.4) Aprepitant;
(62.5) Aprotinin;
(62.7) Ardeparin;

(62.75) Arformoterol tartrate;
(62.8) Argatroban;
(63) Arginine, L-;
(63.5) Aripiprazole;
(64) Arsenic -- Preparation for human use;
(64.1) Arsenic trioxide;
(65) Artegraft;

(65.5) Artemether;
(66) Ascorbate sodium -- Injection;
(66.5) Asenapine;
(67) Asparaginase;
(67.6) Astemizole;
(67.67) Astenajavol;
(67.72) Atazanavir;
(68.1) Atenolol;
(68.15) Atomoxetine;
(68.2) Atorvastatin;
(68.3) Atovaquone;
(68.4) Atracurium besylate;
(68.5) Atropine -- See exceptions;
(68.6) Auranofin;
(69) Aurothioglucose;
(69.1) Avanafil;
(69.3) Axitinib;
(69.5) Azacitidine;
(70) Azapetine;
(71) Azatadine maleate;
(72) Azathioprine;
(72.3) Azelaic acid;
(72.4) Azelastine;
(72.43) Azficel-T;
(72.45) Azilsartan;
(72.5) Azithromycin;
(72.7) Azlocillin;
(73) Azo-sulfisoxazole;
(73.5) Aztreonam;
(74) Azuresin;
(75) Bacitracin -- See exceptions;
(76) Baclofen;
(76.5) Balsalazide;
(77) Barium -- See exceptions;
(77.3) Bazedoxifene;
(77.5) Beclomethasone;
(78) Bedaquiline;
(78.3) Belatacept;

(78.5) Belimumab;
(78.7) Belinostat;
(79) Belladonna;
(80) Belladonna alkaloids;
(81) Belladonna extracts;
(82) Benactyzine;
(82.5) Benazepril;
(82.7) Bendamustine;
(83) Bendroflumethiazide;

(83.1) Benoxaprofen;
(83.2) Bentiromide;
(83.5) Bentoquatam -- See exceptions;
(84) Benzestrol;
(85) Benzonatate;
(86) Benzoylpas;
(87) Benzquinamide;
(88) Benzthiazide;
(89) Benztropine;
(90) Benzylpenicilloyl - polylysine;
(91) Bephenium hydroxynaphthoate;
(91.3) Bepotastine;
(91.5) Bepridil;
(91.7) Beractant;
(91.8) Besifloxacin;
(92) Beta-carotene -- See exceptions;
(93) Betadine vaginal gel;
(94) Betahistine;
(94.5) Betaine, anhydrous;
(95) Betamethasone;
(95.1) Betaxolol;
(96) Betazole;
(97) Bethanechol;
(97.1) Bethanidine sulfate;
(97.2) Bevacizumab;
(97.3) Bexarotene;
(97.5) Bicalutamide;
(98) Bile extract;
(98.2) Bimatoprost;
(99) Biperiden;
(100) Bisacodyl tannex;
(101) Bishydroxycoumarin;
(101.5) Biskalcitrate;
(102) Bismuth sodium tartrate -- See exceptions;
(102.05) Bisoprolol;
(102.1) Bitolterol mesylate;

(102.5) Bivalirudin;
(103) Blastomycine;
(104) Bleomycin;
(104.3) Blinatumomab;
(104.5) Boceprevir;
(105) Boroglycerin glycerite;
(105.3) Bortezomib;
(105.5) Bosentan;
(105.6) Bosutinib;
(105.7) Botulinum toxin (B);
(106) Botulism antitoxin;
(106.5) Brentuxima vedotin;
(107) Bretylium;
(107.3) Briazolamide;
(107.5) Brimonidine;
(108) Bromelains -- See exceptions;
(108.5) Bromfenac;
(109) Bromisovalum;
(110) Bromocriptine;
(111) Bromodiphenhydramine;
(112) Brompheniramine -- See exceptions;
(113) Brucella antigen;
(114) Brucella protein nucleate;
(115) Buclizine;
(115.3) Budesonide;
(115.5) Bumetanide;
(116) Bupivacaine;
(116.05) Reserved;
(116.1) Bupropion;
(116.5) Buspirone;
(117) Busulfan;
(118) Butacaine;
(119) Butaperazine;
(119.05) Butenafine -- See exceptions;
(119.1) Butoconazole -- See exceptions;
(120) Reserved;
(121) Butyl nitrite;
(122) Butyrophenone;
(122.3) Cabazitaxel;
(122.5) Cabergoline;
(122.7) Cabozantinib;
(123) Cadmium sulfide -- See exceptions;
(124) Caffeine sodium benzoate;
(124.3) Calcifediol;
(124.7) Calcipotriene;
(125) Calcitonin, Salmon;

(126) Calcitriol;
(127) Calcium disodium edetate -- See exceptions;
(128) Calcium gluconogalactogluconate;
(129) Calcium levulinate;
(129.5) Calfactant;
(130) Calusterone;
(130.1) Canagliflozin;
(130.3) Canakinumab;
(130.5) Candesartan;
(131) Candicidin;
(132) Cantharidin;
(132.5) Capecitabine;
(133) Capreomycin;

(133.05) Capsaicin -- see exceptions;
(133.1) Captopril;
(134) Capyodiame;
(135) Caramiphen;
(136) Carbachol;
(137) Carbamazepine;
(138) Carbazochrome;
(139) Carbenicillin;
(140) Carbetapentane;
(141) Carbidopa;
(142) Carbinoxamine;
(142.5) Carboplatin;
(142.7) Carfilzomib;
(143) Carglumic Acid;
(144) Carmustine;
(144.1) Carnitine;
(145) Carphenazine;
(145.6) Carteolol;
(145.8) Carvedilol;
(146) Casein hydrolysate;
(146.6) Caspofungin;
(147) Catarrhalis combined vaccine;
(148) Catarrhalis vaccine mixed;
(149) Cefaclor;
(150) Cefadroxil;
(151) Cefamandole;
(151.3) Cefazolin;
(151.4) Cefdinir;
(151.45) Cefditoren;
(151.5) Cefepime;
(151.6) Cefixime;
(151.7) Cefmetazole;

(151.8) Cefonicid;
(152) Cefoperazone;
(152.1) Ceforanide;
(152.2) Cefotaxime;
(152.3) Cefotetan;
(152.7) Cefotiam;
(152.9) Cefoxitin;
(153.1) Cefpiramide
(153.2) Cefpodoxime;
(153.3) Cefprozil;
(153.35) Ceftaroline;
(153.4) Ceftazidime;
(153.5) Ceftibuten;
(153.6) Ceftizoxime;
(153.7) Ceftolozane;
(153.8) Ceftriaxone;
(153.9) Cefuroxime;
(153.95) Celecoxib;
(154) Cellulose, Oxadized, Regenerated -- See exceptions;
(154.5) Centruroides [Scorpion] Immune;
(155) Cephalexin;
(156) Cephaloglycin;
(157) Cephaloridine;
(158) Cephalothin;
(159) Cephapirin;
(159.3) Cephradine;
(159.6) Ceretec;
(159.7) Ceritinib;
(159.8) Cerivastatin;
(160) Certolizumab;
(160.1) Ceruletide;
(160.15) Cetirizine -- See exceptions;
(160.16) Cetrorelix;
(160.165) Cetuximab;
(160.17) Cevimeline;
(160.20) Chenodiol;
(161) Chlophedianol;
(162) Chlorambucil;
(163) Chloramphenicol;
(164) Chloranil -- See exceptions;
(165) Chlordantoin;
(166) Chlordiazepoxide in combination with clidinium bromide or water soluble esterified estrogens;
(166.5) Chlorhexidine -- See exceptions;
(167) Chlormadinone;
(168) Chlormerodrin;

(169) Chlormezanone;
(170) Chloroacetic acid -- See exceptions;
(171) Chlorobutanol -- See exceptions;
(172) Chloroform -- See exceptions;
(173) Chloroguanide;
(174) Chloroprocaine;
(175) Chloroquine;
(176) Chlorothiazide;
(177) Chlorotrianisene;
(178) Chloroxine;
(179) Chlorphenesin;
(180) Chlorpheniramine -- See exceptions;
(181) Chlorphenoxamine;
(182) Chlorpromazine;
(183) Chlorpropamide;
(184) Chlorprothixene;
(185) Chlorquinaldol
(186) Chlortetracycline;
(187) Chlorthalidone;
(188) Chlorzoxazone;
(189) Cholera vaccine;
(190) Cholestyramine resin;
(190.5) Choline C 11;
(191) Chondroitin;
(191.5) Chymopapain;
(192) Chymotrypsin;
(192.02) Ciclesonide;
(192.03) Ciclopirox;
(192.05) Cidofovir;
(192.1) Cilastatin;
(192.4) Cilexetil;
(192.7) Cilostazol;
(193) Cimetidine -- See exceptions;
(193.5) Cinacalcet;
(194) Cinoxacin;
(194.5) Ciprofloxacin;
(194.7) Cisapride;
(194.8) Cisatracurium;
(195) Cisplatin;
(195.2) Citalopram;
(195.3) Cladribine;
(195.5) Clarithromycin;
(195.7) Clavulanate;
(196) Clemastine -- See exceptions;
(196.5) Clevidipine;
(197) Clidinium bromide;

(198) Clindamycin;
(198.05) Clobazam;
(198.1) Clobetasol propionate;
(199) Clocortolone pivalate;
(200) Clofibrate;
(201) Clomiphene;
(201.5) Clomipramine;
(202) Clonidine;
(203) Clopidogerel;
(204) Clostridiopeptidase;
(205) Clotrimazole -- See exceptions;
(206) Cloxacillin;
(206.5) Clozapine;
(207) Coal tar solution topical;
(207.5) Cobicistat;
(208) Cobra venom;
(208.5) Coccidioides immitis;
(209) Colchicine -- See exceptions;
(209.5) Colesevelam;
(210) Colestipol;
(211) Colistimethate;
(212) Colistin;
(213) Collagenase;
(213.1) Collagenase clostridium histolyticum;
(213.3) Conivaptan;
(213.5) Corticorelin;
(214) Corticotropin;
(215) Corticotropin, Respository;
(216) Cortisone;
(217) Cosyntropin;
(217.5) Crixivan;
(217.8) Crizotinib;
(217.9) Crofelemer;
(218) Cromolyn -- See exceptions;
(219) Crotaline antivenin, Polyvalent;
(220) Crotamiton;
(221) Cryptenamine;
(221.5) Cupric chloride -- injectable;
(222) Cyanide antidote;
(223) Cyclacillin;
(224) Cyclandelate;
(225) Reserved;
(226) Cyclobenzaprine;
(227) Cyclomethycaine;
(228) Cyclopentamine;
(229) Cyclopentolate;

(230) Cyclophosphamide;
(231) Cycloserine;
(231.5) Cyclosporine;
(232) Cyclothiazide;
(233) Cycrimine;
(234) Cyproheptadine;
(234.5) Cysteamine;
(235) Cytarabine;
(235.5) Dabigatran;
(235.7) Dabrafenib;
(236) Dacarbazine;
(236.6) Daclizumab;
(237) Dactinomycin;
(237.05) Dalbavancin;
(237.1) Dalfampridine;
(237.2) Dalfopristin;
(237.5) Dalteparin;
(237.7) Danaparoid;
(238) Danazol;
(239) Dantrolene;
(239.4) Dapagliflozin;
(239.5) Dapiprazole;
(240) Dapsone -- See exceptions;
(240.3) Daptomycin;
(240.5) Darbepoetin alfa;
(240.6) Darifenacin;
(240.7) Darunavir;
(240.8) Dasabuvir;
(240.9) Dasatinib;
(241) Daunorubicin;
(242) Deanol;
(243) Decamethonium;
(243.3) Decitabine;
(243.5) Deferasirox;
(244) Deferoxamine;
(244.4) Degarelix;
(244.5) Delavirdine;
(245) Demecarium;
(246) Demeclocycline;
(247) Demethylchlortetracycline;
(247.7) Denosumab;
(248) Deoxyribonuclease, Pancreatic;
(249) Deserpidine;
(249.5) Desflurane;
(250) Desipramine;
(250.5) Desirudin;

(251) Deslanoside;
(251.5) Desloratadine;
(252) Desmopressin;
(252.5) Desogestrel;
(253) Desonide;
(254) Desoximetasone;
(255) Desoxycorticosterone;
(256.5) Desvenlafaxine;
(257) Dexamethasone;
(258) Dexbrompheniramine -- See exceptions;
(259) Dexchlorpheniramine;
(259.5) Dexlansoprazole;
(260) Dexpanthenol;
(260.5) Dexrazoxane;
(261) Dextran;
(262) Reserved;
(263) Dextriferron;
(264) Dextroisoephedrine;
(265) Dextrothyroxine;
(265.5) Dezocine;
(266) Diatrizoate;
(267) Diazoxide;
(268) Dibucaine;
(269) Dichloralphenazone;
(270) Dichlorphenamide;
(270.5) Diclofenac;
(271) Dicloxacillin;
(272) Dicyclomine;
(272.5) Didanosine;
(273) Dienestrol;
(273.5) Dienogest;
(274) Diethylcarbamazine;
(275) Diethylstilbestrol;
(276) Reserved;
(277) Diflorasone diacetate;
(277.5) Diflunisal;
(277.57) Difluprednate;
(278) Digitalis;
(279) Digitoxin;
(280) Digoxin;
(281) Dihydroergocornine;
(282) Dihydroergocristine;
(283) Dihydroergocryptine;
(284) Dihydroergotamine;
(285) Dihydrostreptomycin;
(286) Dihydrotachysterol;

(287) Diiodohydroxyquin;
(287.5) Diltiazem;
(288) Dimenhydrinate -- Injection or suppositories;
(289) Dimercaprol;
(290) Dimethindene;
(291) Dimethisterone;
(291.5) Dimethyl fumarate;
(292) Dimethyl sulfoxide -- See exceptions;
(293) Dimethyl tubocurarine;
(293.5) Dimyristoyl;
(294) Dinoprost;
(295) Dinoprostone;
(296) Dioxyline;
(297) Diphemanil;
(298) Diphenadione;
(299) Diphenhydramine -- See exceptions;
(300) Diphenidol;
(301) Diphenylhydantoin;
(302) Diphenylpyraline;
(303) Diphtheria antitoxin;
(304) Diphtheria and tetanus toxoids;
(305) Diphtheria and tetanus toxoids and pertussis vaccine;
(306) Diphtheria and tetanus toxoids, Absorbed;
(307) Diphtheria and tetanus toxoids, Pertussis;
(308) Diphtheria toxoid;
(309) Dipivefrin;
(310) Dipyridamole;
(311) Dipyron;
(311.3) Dirithromycin;
(311.5) Disibind;
(312) Disodium edetate -- See exceptions;
(313) Disopyramide;
(314) Disulfiram;
(314.5) Divalproex;
(315) Dobutamine;
(315.5) Docetaxel;
(315.7) Docosanol -- See exceptions;
(316) Doderlein bacilli;
(316.2) Dofetilide;
(316.3) Dolasetron;
(316.4) Dolutegravir;
(316.5) Donepezil;
(317) Dopamine;
(317.2) Doripenem;
(317.3) Dornase Alpha;
(317.4) Dorzolamide;

(317.5) Doxacurium;
(318) Doxapram;
(318.5) Doxazosin mesylate;
(319) Doxepin;
(319.5) Doxercalciferol;
(320) Doxorubicin;
(321) Doxycycline;
(322) Reserved;
(323) Doxylamine succinate;
(324) Dromostanolone;
(324.5) Dronedarone;
(325) Droperidol;
(325.3) Drospirenone;
(325.4) Drotrecogin alfa;
(325.43) Droxidopa;
(325.44) Dulaglutide;
(325.45) Duloxetine;
(325.5) Dutasteride;
(326) Dyclonine;
(327) Dydrogesterone;
(328) Dyphylline;
(328.5) Ecallantide;
(329) Echothiophate;
(329.5) Econazole;
(330) Ectylurea;
(330.3) Eculizumab;
(330.5) Edetate -- See exceptions;
(331) Edrophonium;
(331.03) Efavirenz;
(331.04) Efinaconazole;
(331.05) Eflornithine;
(331.055) Eliglustat;
(331.058) Elosulfase;
(331.06) Eltrombopag;
(331.065) Elvitegravir;
(331.07) Emedastine;
(331.071) Empagliflozin;
(331.072) Emtricitabine;
(331.1) Enalapril;
(331.6) Enalaprilat;
(332) Enflurane;
(332.2) Enfuvirtide;
(332.5) Enoxacin;
(332.7) Enoxaparin;
(332.8) Entacapone;
(332.85) Entecavir;

(332.87) Enzalutamide;
(332.9) Epinastine;
(333) Epinephrine;
(334) Epinephryl borate;
(334.3) Epirubicin;
(334.4) Eplerenone;
(334.5) Epoprostenol;
(334.7) Eprosartan;
(334.8) Eptifibatide;
(335) Ergocalciferol -- See exceptions;
(335.5) Ergoloid mesylates;
(336) Ergonovine;
(337) Ergotamine;
(338) Ergosine;
(339) Ergocristine;
(340) Ergocryptine;
(341) Ergocornine;
(342) Ergotaminine;
(343) Ergosinine;
(344) Ergocristinine;
(345) Ergocryptinine;
(346) Ergocorninine;
(346.05) Eribulin;
(346.1) Erlotinib;
(346.5) Ertapenem;
(347) Erythrityl tetranitrate;
(348) Erythromycin;
(348.722) Escitalopram;
(349) Eserine;
(349.3) Eslicarbazepine;
(349.4) Esmolol;
(349.7) Esomeprazole -- See exceptions;
(350) Esterified estrogens;
(351) Estradiol;
(352) Estriol;
(353) Estrogens;
(354) Estrogenic substances;
(355) Estrone;
(355.5) Estropipate;
(356) Ethacrynate;
(357) Ethacrynic acid;
(358) Ethambutol;
(359) Ethamivan;
(359.5) Ethanolamine oleate;
(360) Ethaverine;
(361) Ether -- See exceptions;

(361.5) Ethinamate;
(362) Ethinyl estradiol;
(363) Ethiodized oil;
(364) Ethionamide;
(365) Ethisterone;
(366) Ethoheptazine;
(367) Ethopropazine;
(368) Ethosuximide;
(369) Ethotoin;
(370) Ethoxazene -- See exceptions;
(371) Ethoxyzolamide;
(372) Ethyl biscoumacetate;
(373) Ethyl chloride -- See exceptions;
(374) Ethyl nitrite spirit;
(375) Reserved;
(376) Ethylnorepinephrine;
(377) Ethynodiol diacetate;
(378) Etidocaine;
(379) Etidronate;
(379.05) Etodolac;
(379.07) Etomidate;
(379.09) Etonogestrel;
(379.1) Etoposide;
(379.5) Etravirine;
(380) Eucatropine;
(380.3) Everolimus;
(380.5) Exemestane;
(380.6) Exenatide;
(380.7) Ezetimibe;
(381) Factor IX complex, Human;
(381.1) Famciclovir;
(381.2) Famotidine -- See exceptions;
(381.3) Felbamate;
(381.5) Felodipine;
(381.55) Fenfibrate;
(381.6) Fenofenadine;
(381.7) Fenofibrate;
(381.75) Fenofibric acid;
(381.8) Fenoldopam;
(382) Fenoprofen;
(382.25) Febuxostat;
(383) Ferric cacodylate;
(383.15) Ferric Hexacyanoferrate;
(383.3) Ferumoxides;
(383.4) Ferumoxsil;
(383.43) Ferumoxytol;

(383.45) Fesoterodine;
(383.5) Fexofenadine -- See exceptions;
(384) Fibrinogen;
(385) Fibrinogen/antihemophilic factor, Human;
(386) Fibrinolysin, Human;
(386.05) Fidaxomicin;
(386.3) Finasteride;
(386.5) Filgrastin;
(386.6) Finafloxacin;
(386.7) Fingolimod;
(387) Flavoxate;
(387.1) Flecainide acetate;
(388) Florantyrone;
(388.3) Florbetapir F 18;
(388.5) Flosequinan;
(389) Floxuridine;
(389.5) Fluconazole;
(390) Flucytosine;
(390.5) Fludarabine;
(390.7) Fludeoxyglucose;
(391) Fludrocortisone;
(391.5) Flumazenil;
(392) Flumethasone;
(392.1) Flunisolide;
(393) Fluocinonide;
(394) Fluocinolone;
(395) Fluorescein;
(396) Fluoride -- See exceptions;
(396.5) Fluorometholone;
(397) Fluorophosphates;
(398) Fluorouracil;
(399) Fluoxetine;
(399.5) Fluoxymesterone;
(400) Fluphenazine;
(401) Fluprednisolone;
(402) Flurandrenolide;
(402.2) Flurbiprofen;
(402.5) Flutamide;
(402.6) Flutemetamol F18;
(402.7) Fluticasone -- See exceptions;
(402.8) Fluvastatin;
(402.9) Fluvoxamine;
(403) Folate sodium;
(404) Folic acid -- See exceptions;
(404.3) Follitropin;
(404.5) Fomivirsen;

(404.7) Fondaparinux;
(405) Foreign protein;
(406) Formaldehyde -- See exceptions;
(406.2) Formoterol;
(406.3) Fosamprenavir;
(406.35) Fosaprepitant;
(406.4) Foscarnet;
(406.5) Fosfomycin;
(406.7) Fosinopril;
(406.9) Fosphenytoin;
(406.95) Frovatriptan;
(407) Furazolidone;
(408) Furosemide;
(408.2) Gabapentin;
(408.25) Gadobenate;
(408.27) Gadobutrol;
(408.3) Gadodiamide;
(408.35) Gadofosveset;
(408.4) Gadopentetate dimeglumine;
(408.5) Gadoterate meglumine;
(408.8) Gadoversetamide;
(408.85) Gadoxetate;
(408.9) Galantamine;
(409) Gallamine triethiodide;
(409.3) Gallium citrate;
(409.5) Gallium nitrate;
(409.8) Galsulfase;
(410) Gamma benzene hexachloride;
(411) Gamma globulin;
(411.5) Ganciclovir;
(411.7) Ganirelix;
(412) Gas gangrene polyvalent antitoxin;
(412.03) Gatifloxacin;
(412.04) Gefitinib;
(412.05) Gemcitabine;
(412.1) Gemfibrozil;
(412.2) Gemifloxacin;
(412.3) Gemtuzumab ozogamicin;
(412.5) Genotropin;
(413) Gentamicin;
(414) Gentian violet vaginal suppositories;
(415) Gitalin;
(415.03) Glatiramer;
(415.05) Glimepiride;
(415.1) Glipizide;
(416) Glucagon;

(417) Gluceptate;
(418) Gluconate magnesium;
(419) Gluconate potassium -- See exceptions;
(420.1) Glyburide;
(420.2) Glycerol phenylbutyrate;
(420.5) Glycine -- See exceptions;
(421) Glycobiarsol;
(422) Glycopyrrolate;
(423) Gold sodium thiomalate;
(424) Gold thiosulfate -- See exceptions;
(424.4) Golimumab;
(425) Gomenol Solution;
(425.5) Gonadorelin acetate;
(426) Gonadotropin, Chorionic;
(427) Gonadotropin, Chorionic, Anti-human serum;
(428) Gonadotropin, Serum;
(428.5) Goserelin;
(429) Gramicidin;
(430) Gramineae pollens;
(430.3) Gramosetron;
(430.5) Granisetron;
(431) Griseofulvin;
(431.5) Guanabenz;
(432) Guanethidine;
(432.4) Guanadrel;
(432.7) Guanfacine;
(432.9) Guanidine;
(433) Halcinonide;
(433.5) Halobetasol Propionate;
(433.7) Halofantrine;
(434) Haloperidol;
(435) Haloprogin;
(436) Halothane;
(437) Hartman's solution;
(438) Heparin;
(439) Hetacillin;
(440) Hexachlorophene -- See exceptions;
(441) Hexafluorenium;
(442) Hexocyclium;
(443) Hexylcaine;
(444) Histamine;
(445) Histoplasmin;
(445.5) Histrelin acetate;
(446) Homatropine;
(446.4) Human secretin;
(446.6) Hyaluronan;

(446.7) Hyaluronic acid;
(447) Hyaluronidase;
(448) Hydralazine;
(449) Hydrocalciferol;
(450) Hydrochlorothiazide;
(451) Hydrocortamate;
(452) Hydrocortisone -- See exceptions;
(453) Hydroflumethiazide;
(454) Hydroquinone;
(455) Hydroxocobalamin -- See exceptions;
(456) Hydroxyamphetamine;
(457) Hydroxychloroquine;
(458) Hydroxyprogesterone;
(459) Hydroxyurea;
(460) Hydroxyzine;
(461) Hyoscyamine;
(462) Hyoscyamus alkaloids;
(463) Hypophamine;
(463.03) Ibandronate;
(463.5) Ibrutinib;
(464) Ibuprofen -- See exceptions;
(464.05) Ibutilide;
(464.07) Icatibant;
(464.1) Idarubicin;
(464.2) Idelalisib;
(464.3) Idoxuridine;
(464.5) Idursulfase;
(464.6) Ifosfamide;
(464.67) Iloperidone;
(464.7) Iloprost;
(464.8) Imatinib;
(465) Imiglucerase;
(465.1) Imipenem/cilastatin;
(466) Imipramine;
(466.5) Imiquimod;
(467) Immune hepatitis B globulin, Human;
(468) Immune poliomyelitis globulin, Human;
(469) Immune serum globulin, Human;
(469.05) IncobotulinumtoxinA;
(469.07) Indacaterol;
(469.1) Indapamide;
(469.5) Indecainide;
(470) Indigotindisulfonate;
(470.05) Indinavir;
(470.1) Indium IN-III oxyquinolone;
(470.3) Indium IN-III pentetreotide;

(471) Indocyanine green;
(472) Indomethacin;
(472.5) Infliximab;
(473) Influenza virus vaccines;
(473.5) Ingenol mebutate;
(474) Injections, All substances for human use -- See exceptions;
(474.2) Insulin aspart;
(474.4) Insulin glargine;
(474.45) Insulin glulisine;
(474.5) Interferon;
(475) Intrinsic factor concentrate manufactured for human use;
(475.3) Inulin;
(475.5) Iobenguane;
(476) Iocetamic acid;
(477) Iodamide;
(478) Iodinated I-125 serum albumin;
(479) Iodinated I-131 serum albumin;
(480) Iodinated glycerol-theophylline;
(481) Iodine solution, Strong oral;
(482) Iodipamide;
(482.5) Iodixanol;
(483) Iodized oil;
(484) Iodobenzoic acid -- See exceptions;
(485) Iodobrassid;
(485.1) Iodohippurate sodium;
(486) Iodopyracet;
(487) Iodothiouracil;
(487.05) Iofetamine;
(487.06) Ioflupane;
(487.08) Iohexol;
(487.1) Iopamidol;
(488) Iopanoic acid -- See exceptions;
(489) Iophendylate;
(489.1) Iopromide;
(489.2) Iothalamate;
(489.3) Iothiouracil;
(489.5) Iotrolan;
(489.6) Ioversol;
(490.1) Ioxaglate;
(490.5) Ioxilan;
(490.7) Ipilimumab;
(491) Ipodate;
(491.5) Ipratropium;
(491.6) Irbesartan;
(491.7) Irinotecan;
(492) Iron cacodylate;

(493) Iron dextran injection;
(494) Iron peptonized;
(495) Iron sorbitex;
(496) Isocarboxazid;
(497) Isoetharine;
(498) Isoflurane;
(499) Isoflurophate;
(500) Isometheptene;
(501) Isoniazid;
(502) Isopropamide;
(503) Isoproterenol;
(504) Isosorbide dinitrate;
(504.05) Isosorbide mononitrate;
(504.1) Isosulfan blue;
(505) Isothipendyl;
(505.5) Isotretinoin;
(506) Isoxsuprine;
(506.5) Isradipine;
(506.7) Itraconazole;
(506.75) Ivacaftor;
(506.8) Ivermectin;
(506.9) Ixabepilone;
(507) Kanamycin;
(508) Reserved;
(509) Ketocholanic acids;
(509.1) Ketoconazole -- See exceptions;
(509.15) Ketoprofen -- See exceptions;
(509.17) Ketorolac tromethamine;
(509.18) Ketotifen -- See exceptions;
(509.2) Labetalol;
(509.7) Lacosamide;
(510) Lactated ringers solution;
(511) Lactulose;
(511.3) Lamivudine;
(511.5) Lamotrigine;
(512) Lanatoside C;
(512.3) Lanreotide;
(512.5) Lansoprazole -- See exceptions;
(512.6) Lanthanum;
(512.67) Lapatinib;
(512.7) Latanoprost;
(513) Latrodectus mactans;
(513.3) Ledipasvir;
(513.5) Leflunomide;
(513.7) Lenalidomide;
(513.8) Letrozole;

(514) Leucovorin;
(514.1) Leuprolide;
(514.5) Levalbuterol;
(515) Reserved;
(515.5) Levamisole;
(516) Levarterenol;
(516.05) Levetiracetam;
(516.07) Levobetaxolol;
(516.1) Levobunolol;
(516.3) Levobupivacine;
(516.5) Levocabastine;
(516.7) Levocarnitine;
(516.75) Levocetirizine;
(517) Levodopa;
(517.2) Levofloxacin;
(517.25) Levoleucovorin;
(517.3) Levomethadyl;
(517.35) Levomilnacipran;
(517.4) Levonordefrin;
(518) Levopropoxyphene;
(519) Levothyroxine;
(520) Lidocaine -- See exceptions;
(520.3) Linaclotide;
(520.5) Linagliptin;
(521) Lincomycin;
(522) Lindane -- See exceptions;
(522.5) Linezolid;
(523) Linolenic acid;
(524) Liothyronine;
(525) Liotrix;
(525.2) Liraglutide;
(525.5) Lisinopril;
(526) Lithium carbonate -- See exceptions;
(527) Lithium citrate;
(528) Liver extract;
(528.3) Lodoxamide;
(528.5) Lomefloxacin;
(528.7) Lomitapide;
(529) Lomustine;
(529.1) Loperamide -- See exceptions;
(529.5) Lopinavir;
(529.7) Loracarbef;
(529.9) Loratadine -- See exceptions;
(529.93) Lorcaserin hydrochloride;
(529.95) Losartan;
(529.97) Loteprednol;

(530) Lovastatin;
(530.5) Loxapine;
(530.7) Lubiprostone;
(530.8) Lucinactant;
(531) Lugols solution;
(531.3) Luliconazole;
(531.5) Lumefantrine;
(531.7) Lurasidone;
(532) Lututrin;
(533) Lymphogranuloma venereum antigen;
(534) Lypressin synthetic;
(534.5) Macitentan;
(535) Mafenide;
(536) Magnesium gluconate -- See exceptions;
(537) Magnesium salicylate;
(538) Mandelic acid -- See exceptions;
(539) Mannitol -- See exceptions;
(540) Mannitol hexanitrate;
(540.1) Maprotiline;
(540.3) Maraviroc;
(540.5) Masoprocol;
(541) Measles immune globulin, Human;
(542) Measles virus vaccines;
(543) Mebendazole for human use;
(544) Mecamylamine;
(544.5) Mecasermin;
(545) Mechlorethamine;
(546) Meclizine -- See exceptions;
(546.5) Meclocycline;
(547) Meclofenamate;
(548) Medroxyprogesterone;
(549) Medrysone;
(550) Mefenamic acid;
(550.5) Mefloguine;
(551) Megestrol;
(552) Meglumine;
(552.5) Meloxicam;
(553) Melphalan;
(553.5) Memantine;
(554) Menadiol;
(555) Menadione;
(556) Meningococcal polysaccharide vaccine;
(557) Menotropins;
(558) Mepenzolate;
(559) Mephenesin;
(560) Mephentermine;

(561) Mephenytoin;
(562) Meprednisone;
(563) Mepivacaine;
(563.5) Mequinol;
(564) Meralluride;
(565) Mercaptomerin;
(566) Mercaptopurine;
(567) Mercury bichloride -- See exceptions;
(567.1) Meropenem;
(567.2) Mersalyl;
(567.3) Mesalamine;
(567.5) Mesna;
(568) Mesoridazine;
(569) Mestranol;
(570) Metaproterenol;
(571) Metaraminol;
(572) Metaxalone;
(572.5) Metformin;
(573) Methacholine;
(574) Methacycline;
(575) Methallenestril;
(576) Reserved;
(577) Reserved;
(578) Methantheline;
(579) Methazolamide;
(580) Methdilazine;
(581) Methenamine hippurate;
(582) Methenamine mandelate;
(583) Methenamine sulfosalicylate;
(584) Methicillin;
(585) Methimazole;
(586) Methiodal;
(587) Methionine;
(588) Methixene;
(589) Methocarbamol;
(590) Methotrexate;
(591) Methotrimeprazine;
(592) Methoxamine;
(593) Methoxsalen;
(594) Methoxyflurane;
(595) Methoxyphenamine;
(595.5) Methoxy polyethylene glycol-epoetin beta;
(596) Methscopolamine;
(597) Methsuximide;
(598) Methyclothiazide;
(599) Methylandrostenediol;

(600) Methylatropine;
(601) Methyldopa;
(602) Methyldopate;
((604) Methylergonovine;
(604.5) Methylnaltrexone;
(605) Methylprednisolone;
(606) Reserved;
(607) Methysergide;
(608) Metoclopramide;
(609) Metocurine iodide injection;
(610) Metolazone;
(611) Metoprolol;
(611.5) Metreleptin;
(612) Metrizamide;
(612.5) Metrizoate;
(613) Metronidazole;
(614) Metyrapone;
(615) Metyrosine;
(615.01) Mexiletine;
(615.1) Mezlocillin;
(615.6) Mibefradil;
(615.9) Micafungin;
(616) Miconazole -- See exceptions;
(617) Microfibrillar collagen hemostat;
(617.1) Midodrine;
(617.22) Midubosathol;
(617.3) Mifepristone;
(617.4) Miglitol;
(617.44) Miglustat;
(617.47) Milnacipran;
(617.5) Milrinone;
(617.7) Miltefosine;
(618) Minocycline;
(619) Minoxidil -- See exceptions;
(619.05) Mipomersen;
(619.1) Mirabegron;
(619.3) Mirtazapine;
(619.5) Misoprostol;
(620) Mithramycin;
(621) Mitomycin;
(622) Mitotane;
(622.3) Mitoxantrone;
(622.5) Mivacurium;
(622.7) Moexipril;
(623) Molindone;
(623.5) Mometasone;

(624) Monobenzone;
(624.1) Monooctanoin;
(624.5) Montelukast;
(624.7) Moricizine;
(625) Morrhuate;
(625.1) Moxalactam;
(625.3) Moxidectin;
(625.5) Moxifloxacin;
(626) Mumps virus vaccines;
(626.5) Mupirocin;
(627) Mushroom spores which, when mature, contain either psilocybin or psilocin;
(627.5) Mycophenolate;
(628) N-acetyl-1-cysteine;
(629) N. cattarhalis antigen;
(629.5) Nabumetone;
(630) Nadolol;
(630.5) Nafarelin;
(631) Nafcillin;
(631.5) Naftifine;
(632) Nalbuphine;
(633) Reserved;
(634) Nalidixic acid;
(634.5) Nalmefene;
(634.7) Naloxegol;
(635) Naloxone;
(635.1) Naltrexone;
(636) Reserved;
(637) Naphazoline -- See exceptions;
(638) Naproxen -- See exceptions;
(638.3) Naratriptan;
(638.4) Natalizumab;
(638.45) Nebivolol;
(638.5) Nedocromil;
(638.7) Nefazodone;
(638.75) Nelarabine;
(638.8) Nelfinavir;
(639) Neomycin -- See exceptions;
(640) Neostigmine;
(640.1) Nepafenac;
(640.2) Nesiritide;
(640.3) Netilmicin;
(640.35) Netupitant;
(640.4) Nevirapine;
(640.5) Niacinamide -- See exceptions;
(640.7) Nicardipine;
(640.8) Niclosamide;

(641.1) Nicotine resin complex (polacrilex) -- See exceptions;
(641.15) Nicotine transdermal system -- See exceptions;
(642) Nicotinyl alcohol;
(642.1) Nifedipine;
(643) Nifuroximine;
(644) Nikethamide;
(644.3) Nilotinib;
(644.4) Nilutamide;
(644.5) Nimodipine;
(644.6) Nintedanib;
(644.7) Nisoldipine;
(644.72) Nitazoxanide;
(644.8) Nitisinone;
(644.9) Nitric oxide -- for use in humans;
(645) Nitrofurantoin;
(646) Nitrofurazone;
(647) Nitroglycerin;
(648) Nitroprusside -- See exceptions;
(648.3) Nitrous oxide -- See exceptions;
(648.5) Nivolumab;
(648.6) Nizatidine -- See exceptions;
(649.1) Nomifensine maleate;
(650) Nonoxynol -- See exceptions;
(651) Norepinephrine;
(652) Norethindrone;
(653) Norethynodrel;
(653.5) Norfloxacin;
(654) Norgestrel;
(655) Normal serum albumin, Human;
(656) Nortriptyline;
(657) Nositol;
(658) Novobiocin;
(659) Nux vomica;
(660) Nylidrin;
(661) Nystatin;
(661.1) Obinutuzumab;
(661.15) Ocilizumab;
(661.3) Ocriplasmin;
(661.5) Octreotide acetate;
(661.6) Ofatumumab;
(661.7) Ofloxacin;
(661.8) Olanzapine;
(661.9) Olaparib;
(662) Old tuberculin;
(663) Oleandomycin;
(663.1) Olmesartan;

(663.15) Olodaterol;
(663.2) Olopatadine;
(663.3) Olsalazine Sodium;
(663.35) Omacetaxine mepesuccinate;
(663.37) Ombitasvir;
(663.4) Omega-3-acid;
(663.5) Omeprazole -- See exceptions;
(663.7) Ondansetron;
(663.73) Oritavancin;
(663.75) Orlistat -- See exceptions;
(664) Orphenadrine;
(665) Orthoiodobenzoic acid;
(665.5) Oseltamivir;
(665.6) Ospemifene;
(665.7) Ovine hyaluronidase;
(666) Oxacillin;
(666.4) Oxaliplatin;
(666.6) Oxamniquine;
(667) Oxaprozin;
(667.5) Oxcarbazepine;
(668) Oxethazaine;
(668.5) Oxiconazole;
(669) Oxolinic acid;
(669.1) Oxprenolol;
(670) Oxtriphylline;
(671) Oxybutynin -- See exceptions;
(672) Oxygen for human use -- See exceptions;
(673) Reserved;
(674) Oxyphenbutazone;
(675) Oxyphencyclimine;
(676) Oxyphenisatin;
(677) Oxyphenonium;
(678) Oxyquinoline;
(679) Oxytetracycline;
(680) Oxytocin;
(680.5) Ozogamicin;
(681) P-nitrosulfathiazole;
(681.3) Paclitaxel;
(681.4) Palifermin;
(681.45) Paliperidone;
(681.5) Palonosetron;
(681.7) Pamidronate;
(682) Pancreatin dornase;
(683) Pancreatic enzyme;
(684) Pancrelipase;
(685) Pancuronium;

(685.5) Panidronate;
(685.6) Panitumumab;
(685.7) Pantoprazole;
(686) Papaverine;
(687) Paramethadione;
(688) Paramethasone;
(689) Paranitrosulfathiazole;
(690) Parathyroid injection;
(691) Pargyline;
(691.5) Paricalcitol;
(691.7) Paritaprevir;
(692) Paromomycin;
(692.2) Paroxetine;
(692.25) Pasereotide;
(692.28) Pasireotide;
(692.3) Pazopanib;
(692.4) Pegademase bovine;
(692.5) Pegaspargase;
(692.51) Pegfilgrastin;
(692.513) Peginesatide;
(692.515) Peginterferon;
(692.517) Pegloticase;
(692.52) Pegvisomant;
(692.53) Pembrolizumab;
(692.54) Pemetrexed;
(692.55) Pemirolast;
(692.6) Penbutolol;
(692.8) Penciclovir;
(693) Penicillamine;
(694) Penicillin;
(695) Penicillin G;
(696) Penicillin O;
(697) Penicillin V;
(698) Penicillinase;
(699) Pentaerythritol tetranitrate;
(700) Pentagastrin;
(700.1) Pentamidine isethionate;
(701) Pentapiperide;
(701.5) Pentetate calcium trisodium;
(701.7) Pentetate zinc trisodium;
(702) Penthienate;
(703) Pentolinium;
(703.03) Pentosan;
(703.05) Pentostatin;
(703.1) Pentoxifylline;
(703.4) Pentylenetetrazol;

(703.42) Peramivir;
(703.43) Perampanel;
(703.45) Perflexane;
(703.5) Perflubron;
(703.6) Perfluoroalkylpolyether;
(703.65) Perflutren;
(703.7) Pergolide;
(704) Perindopril;
(704.1) Permethrin -- See exceptions;
(705) Perphenazine;
(706) Pertussis immune globulin, Human;
(706.5) Pertuzumab;
(707) Phenacemide;
(708) Phenaglycodol;
(709) Phenaphthazine;
(710) Phenazopyridine -- See exceptions;
(711) Phenelzine;
(712) Phenethicillin;
(713) Phenformin;
(714) Phenindamine;
(715) Phenindione;
(716) Pheniramine -- See exceptions;
(717) Phenitramin;
(718) Phenothiazine derivatives;
(719) Phenoxybenzamine;
(720) Phenoxymethyl penicillin;
(721) Phenuprocoumon;
(722) Phensuximide;
(723) Phentolamine;
(724) Phenylbutazone;
(725) Phenylmercuric acetate;
(726) Phenylmercuric nitrate;
(726.5) Phenylpropanolamine;
(727) Phenyltoloxamine dihydrogen citrate;
(727.2) Phenytoin;
(728) Phthalylsulfacetamide;
(729) Phthalylsulfathiazole;
(730) Physostigmine;
(731) Phytonadione;
(731.1) Pimozide;
(732) Pilocarpine;
(732.3) Pinacidil;
(732.7) Pindolol;
(732.8) Pioglitazone;
(732.9) Pimecrolimus;
(733) Pipazethate;

(733.5) Pipecuronium;
(734) Pipenzolate;
(735) Piperacetazine;
(735.1) Piperacillin;
(736) Piperazine;
(737) Piperidolate;
(738) Piperocaine;
(739) Pipobraman;
(740) Pipradrol;
(740.05) Pirbuterol;
(740.07) Pirfenidone;
(740.1) Piroxicam;
(740.5) Pitavastatin;
(741) Plague vaccine;
(742) Plasma protein fraction;
(742.3) Plerixafor;
(742.5) Plicamycin;
(743) Pneumococcal polyvalent vaccine;
(743.3) Podofilox;
(743.5) Podophyllotoxin;
(744) Poison ivy extract;
(745) Poison ivy oak extract;
(746) Poison ivy oak, sumac extract;
(747) Poldine methylsulfate;
(747.4) Polidocanol;
(748) Poliomyelitis vaccine;
(749) Poliovirus vaccine, Live, Oral, All;
(750) Polyestradiol;
(751) Polymyxin B -- See exceptions;
(751.5) Polytetrafluoroethylene;
(752) Polythiazide;
(752.05) Pomalidomide;
(752.1) Ponatinib;
(752.2) Poractant alfa;
(752.5) Porfimer;
(752.7) Posaconazole;
(753) Posterior pituitary;
(754) Potassium acetate injection;
(755) Potassium acid phosphate -- See exceptions;
(756) Potassium p-aminobenzoate -- See exceptions;
(757) Potassium aminosalicylate -- See exceptions;
(758) Potassium arsenite -- See exceptions;
(759) Potassium bicarbonate -- See exceptions;
(760) Potassium carbonate -- See exceptions;
(761) Potassium chloride -- See exceptions;
(762) Potassium citrate -- See exceptions;

(763) Potassium gluconate -- See exceptions;
(764) Potassium hetacillin;
(765) Potassium iodide -- See exceptions;
(766) Reserved;
(767) Potassium permanganate -- See exceptions;
(768) Povidone -- Iodine -- See exceptions;
(768.8) Pralatrexate;
(769) Pralidoxime;
(769.2) Pramipexole;
(769.3) Pramlintide;
(769.35) Prasugrel;
(769.4) Pravastatin;
(769.7) Praziquantel;
(770) Prazosin;
(770.5) Prednicarbate;
(771) Prednisolone;
(772) Prednisone;
(773) Prilocaine;
(774) Primaquine;
(775) Primidone;
(776) Probenecid;
(777) Probucol;
(778) Procainamide;
(779) Procaine;
(780) Procaine penicillin;
(781) Procaine penicillin G;
(782) Procarbazine;
(783) Prochlorperazine;
(784) Procyclidine;
(785) Progesterone;
(785.5) Proguanil;
(786) Promazine;
(787) Promethazine;
(788) Promethestrol;
(788.5) Propafenone;
(789) Propantheline;
(790) Proparacaine;
(791) Prophenpyridamine -- See exceptions;
(792) Propiolactone;
(793) Propiomazine;
(794) Propoxycaine;
(795) Propranolol;
(795.5) Propylhexedrine;
(796) Propylparaben;
(797) Propylthiouracil;
(798) Protamine sulfate injection;

(799) Protein hydrolysate injection;
(800) Protein, Foreign injection;
(801) Proteolytic enzyme;
(802) Protirelin;
(803) Protokylol;
(804) Protoveratrine A and B;
(805) Protriptyline;
(805.5) Prussian blue;
(806) Reserved;
(807) Pseudomonas polysaccharide complex;
(808) P-ureidobenzenearsonic acid;
(809) Purified protein derivatives of tuberculin;
(810) Pyrantel;
(811) Pyrazinamide;
(812) Pyrazolon;
(813) Pyridostigmine;
(814) Pyrimethamine;
(815) Pyrrobutamine;
(816) Pyrvinium;
(816.5) Quetiapine;
(817) Quinacrine;
(817.5) Quinapril;
(818) Quinestrol;
(819) Quinethazone;
(820) Quinidine;
(821) Quinine hydrochloride;
(822) Quinine and urea hydrochloride;
(822.3) Quinupristin;
(822.5) Rabeprazole;
(823) Rabies anti-serum;
(824) Rabies immune globulin, Human;
(825) Rabies vaccine;
(826) Radio-iodinated compounds;
(827) Radio-iodine;
(828) Radio-iron;
(829) Radioisotopes;
(830) Radiopaque media;
(831) Ragweed pollen extract;
(831.02) Raloxifene;
(831.03) Raltegravir;
(831.04) Ramelteon;
(831.05) Ramipril;
(831.06) Ramucirumab;
(831.07) Ranibizumab;
(831.1) Ranitidine -- See exceptions;
(831.3) Ranolazine;

(831.5) Rapacuronium;
(831.7) Rasagiline;
(832) Rauwolfia serpentina;
(832.1) Raxibacumab;
(832.2) Reboparhamil;
(832.5) Regadenoson;
(832.7) Regorafenib;
(833) Rescinnamine;
(834) Reserpine;
(835) Reserpine alkaloids;
(836) Resorcinol monoacetate -- See exceptions;
(836.3) Retapamulin;
(836.5) Retinoic acid, all-trans;
(837) Rhus toxicodendron antigen;
(838) Rh D immune globulin, Human;
(838.5) Ribavirin;
(839) Riboflavin -- See exceptions;
(840) Ricinoleic acid;
(840.5) Rifabutin;
(841) Reserved;
(842) Rifampin;
(842.1) Rifapentine;
(842.15) Rifaximin;
(842.17) Rilonacept;
(842.18) Rilpivirine;
(842.2) Riluzole;
(842.4) Rimantadine;
(842.7) Rimexolone;
(843) Ringer's injection;
(843.1) Riociguat;
(843.2) Risedronate;
(843.3) Risperidone;
(843.7) Ritodrine;
(843.8) Ritonavir;
(843.82) Rituximab;
(843.825) Rivaroxaban;
(843.83) Rivastigmine;
(843.9) Rizatritpan;
(844) Rocky mountain spotted fever vaccine;
(844.5) Rocuronium;
(844.7) Rofecoxib;
(844.75) Roflumilast;
(845) Rolitetracycline;
(845.1) Romidepsin;
(845.15) Romiplostim;
(845.3) Ropinirole;

(845.5) Ropivacaine;
(845.7) Rosiglitazone;
(845.8) Rosuvastatin;
(845.9) Rotavirus vaccine;
(845.95) Rotigotine;
(846) Rotoxamine;
(846.5) RSVIGIV;
(847) Rubella and mumps virus vaccine;
(848) Rubella virus vaccine;
(848.5) Rufinamide;
(849) Rutin -- See exceptions;
(849.5) Sacrosidase;
(850) Salicylazosulfapyridine;
(850.5) Salmeterol;
(851) Salmonella typhosa, Killed;
(851.02) Salvinorin A;
(851.03) Samarium SM 153 lexidronam;
(851.04) Saneromazile;
(851.045) Sapropterin;
(851.05) Saquinavir;
(851.1) Saralasin acetate;
(851.7) Saxagliptin;
(852) Scopolamine;
(852.1) Secretin;
(852.6) Selegiline;
(853) Selenium sulfide -- See exceptions;
(853.5) Selenomethionine;
(854) Senecio cineraria extract ophthalmic solution;
(855) Senega fluid extract;
(855.3) Seractide acetate;
(855.5) Sermorelin Acetate;
(855.6) Sertaconazole;
(855.7) Sertraline;
(855.74) Sevelamer;
(855.8) Sevoflurane;
(855.85) Sildenafil;
(855.9) Silodosin;
(855.95) Siltuximab;
(856) Silver nitrate ophthalmic solutions or suspensions;
(857) Silver sulfadiazine cream;
(857.1) Simeprevir;
(857.3) Simethicone coated cellulose suspension;
(857.5) Simvastatin;
(858) Sincalide;
(858.3) Sinecatechins;
(858.5) Sirolimus;

(858.7) Sitagliptin;
(859) Sitosterols;
(860) Solutions for injections, All;
(861) Smallpox vaccine;
(862) Sodium acetate injection;
(863) Sodium acetrizoate;
(864) Sodium ascorbate injection;
(865) Sodium biphosphate -- See exceptions;
(866) Sodium cacodylate;
(867) Sodium chloride injection;
(868) Sodium dehydrocholate;
(869) Sodium dextrothyroxine;
(870) Sodium estrone;
(871) Sodium fluorescein -- See exceptions;
(872) Sodium fluoride -- See exceptions;
(873) Sodium iothalamate;
(873.5) Sodium nitroprusside;
(873.7) Sodium phenylbutyrate;
(873.8) Sodium picosulfate;
(874) Sodium polystyrene sulfonate;
(875) Sodium propionated vaginal cream;
(876) Sodium sulfacetamide;
(877) Sodium sulfadiazine;
(878) Sodium sulfobromophthalein;
(879) Sodium sulfoxone;
(880) Sodium tetradecyl;
(880.5) Sodium thiosulfate;
(881) Sodium tyropanoate;
(881.03) Sofosbuvir;
(881.05) Solifenacin;
(881.1) Somatrem;
(882) Somatropin;
(882.5) Sorafenib;
(883) Sorbus extract;
(883.5) Sotalol;
(883.8) Sparfloxacin;
(884) Sparteine;
(885) Spectinomycin;
(885.5) Spinosad;
(886) Spirapril;
(887) Spironolactone;
(888) Staphage lysate bacterial antigen;
(889) Staphylococcus and streptococcus vaccine;
(890) Staphylococcus toxoid;
(890.5) Stavudine;
(891) Stibophen;

(892) Stinging insect antigens -- Combined;
(893) Stockes expectorant;
(894) Stramonium;
(895) Streptococcus antigen;
(896) Streptokinase-streptodornase;
(897) Streptomycin;
(898) Strontium -- See exceptions;
(899) Strophanthin-G;
(900) Strychnine -- See exceptions;
(901) Succimer;
(902) Succinylchloline;
(903) Succinylsulfathiazole;
(903.1) Sucralfate;
(903.15) Sucroferric oxyhydroxide;
(903.2) Sulconazole;
(904) Sulfabenzamide vaginal preparations;
(905) Sulfacetamide;
(906) Sulfachlorpyridazine;
(907) Sulfacytine;
(908) Sulfadiazine;
(909) Sulfadimethoxine;
(909.1) Sulfadoxine;
(910) Sulfaethidole;
(911) Sulfaguanidine;
(912) Sulfamerazine;
(913) Sulfameter;
(914) Sulfamethazine;
(915) Sulfamethizole;
(916) Sulfamethoxazole;
(917) Sulfamethoxypyridazine;
(918) Sulfanilamide;
(919) Sulfaphenazole;
(920) Reserved;
(921) Sulfapyridine;
(922) Sulfasalazine;
(922.5) Sulfathiazole;
(923) Sulfinpyrazone;
(924) Sulfisomidine;
(925) Sulfisoxazole;
(926) Sulfur thioglycerol;
(927) Sulindac;
(927.5) Sumatriptan;
(927.7) Sunitinib;
(928) Superinone;
(928.1) Suprofen;

(929) Sutilains;
(930) Syrosingopine;
(930.5) Tacrine;
(930.7) Tacrolimus;
(930.9) Tadalafil;
(930.93) Tafluprost;
(930.97) Tagliglucerase alfa;
(931) Tamoxifen;
(931.1) Tamsulosin;
(931.2) Tasimelteon;
(931.21) Tavaborole;
(931.3) Tazarotene;
(931.35) Tazobactam;
(931.37) Tbo-filgrastim;
(931.5) Technetium;
(931.52) Tedizolid;
(931.53) Teduglutide;
(931.55) Tegaserod;
(931.553) Telaprevir;
(931.555) Telavancin;
(931.56) Telbivudine;
(931.57) Telithromycin;
(931.6) Telmisartan;
(931.7) Temafloxacin;
(931.75) Temozolomide;
(931.77) Temsirolimus;
(931.8) Teniposide;
(931.85) Terazosin;
(931.9) Tenofovir;
(931.95) Terbinafine -- See exceptions;
(932) Terbutaline;
(932.05) Terconazole;
(932.1) Terfenadine;
(932.2) Teriflunomide;
(932.3) Teriparatide;
(933) Terpin hydrate with codeine;
(934) Reserved;
(935) Tesamorelin;
(936) Tetanus and diphtheria toxoids;
(937) Tetanus antitoxin;
(938) Tetanus immune globulin;
(939) Tetanus toxoids;
(939.5) Tetrabenazine;
(940) Tetracaine;
(941) Tetracycline;
(942) Tetraethylammonium chloride;

(943) Tetrahydrozoline -- See exceptions;
(943.5) Thalidomide;
(944) Thallous chloride;
(945) Theobromide;
(945.5) Theobromine;
(946) Theobromine magnesium oleate;
(947) Theophylline -- See exceptions;
(948) Theophylline sodium glycinate;
(949) Thiabendazole;
(950) Thiamylal;
(951) Thiethylperazine;
(952) Thiopropazate;
(953) Thioguanine;
(954) Thioridazine;
(955) Thiosalicylate;
(956) Thiotepa;
(957) Thiothixene;
(958) Thiphenamil;
(959) Thrombin;
(960) Thyroglobulin;
(961) Thyroid;
(962) Thyrotropin;
(963) Thyroxine;
(964) Thyroxine fraction;
(964.5) Tiagabine;
(964.7) Ticagrelor;
(965) Ticarcillin;
(965.5) Ticlopidine;
(966) Ticrynafen;
(966.3) Tigecycline;
(966.6) Tiludronate;
(967) Timolol;
(967.1) Tinidazole;
(967.2) Tinzaparin;
(967.3) Tioconazole -- See exceptions;
(967.5) Tiopronin;
(967.55) Tiotropium;
(967.57) Tipranavir;
(967.6) Tirofiban;
(967.7) Tizanidine;
(968) Tobramycin;
(968.1) Tocainide;
(969) Tocamphyl;
(969.6) Tocilizumab;
(969.8) Tofacitinib;
(970) Tolazamide;

(971) Tolazoline;
(972) Tolbutamide;
(972.5) Tolcapone;
(973) Tolmetin;
(973.05) Tolterodine;
(973.07) Tolvaptan;
(973.1) Topiramate;
(973.3) Topotecan;
(973.4) Toremifene;
(973.5) Torsemide;
(973.7) Trametinib;
(973.8) Trandolapril;
(973.9) Tranexamic acid;
(974) Tranylcypromine;
(974.4) Travoprost;
(974.5) Trazodone;
(974.7) Treprostinil;
(975) Tretinoin;
(976) Triamcinolone;
(977) Triamterene;
(978) Trichlormethiazide;
(979) Trichloroacetic acid -- See exceptions;
(980) Trichloroethylene -- See exceptions;
(981) Trichlobisonium;
(982) Triclofos;
(983) Tridihexethyl chloride;
(983.1) Trientine;
(984) Triethanolamine polypeptides;
(985) Triethylenethiophosphoramide;
(986) Trifluoperazine;
(987) Triflupromazine;
(988) Trifluridine;
(989) Trihexyphenidyl;
(990) Triiodothyronine;
(990.1) Trilostane;
(991) Trimeprazine;
(992) Trimethadione;
(993) Trimethaphan cansylate;
(994) Trimethobenzamide;
(995) Trimethoprim;
(995.5) Trimetrexate;
(996) Trimipramine;
(997) Triolein;
(998) Trioxsalen;
(999) Tripelennamine -- See exceptions;
(1000) Triphenyltetrazolium;

(1001) Triple sulfas;
(1002) Triprolidine -- See exceptions;
(1002.5) Triptorelin;
(1003) Trisulfapyrimidines;
(1003.5) Troglitazone;
(1004) Troleandomycin;
(1005) Trolnitrate;
(1006) Tromethamine;
(1007) Tropicamide;
(1007.3) Trospium;
(1007.5) Trovafloxacin;
(1008) Trypsin;
(1009) Trypsin-chymotrypsin;
(1010) Tuaminoheptane;
(1011) Tuberculin, Purified protein derivatives;
(1012) Tuberculin tine test;
(1013) Tuberculin, Old;
(1014) Tubocurarine;
(1015) Tybamate;
(1016) Typhoid and paratyphoid vaccine;
(1017) Typhus vaccine;
(1018) Tyropanoate;
(1018.5) Ulipristal;
(1018.8) Umeclidinium;
(1019) Undecoylium;
(1019.5) Unoprostone;
(1020) Uracil;
(1021) Urea -- See exceptions;
(1021.3) Urofollitropin;
(1021.5) Ursodiol;
(1021.6) Ustekinumab;
(1021.7) Valacyclovir;
(1021.8) Valdecoxib;
(1022) Valethamate;
(1022.2) Valganciclovir;
(1023) Valproate;
(1024) Valproic acid -- See exceptions;
(1024.3) Valrubicin;
(1024.5) Valsartan;
(1025) Vancomycin;
(1025.2) Vandetanib;
(1025.5) Vardenafil;
(1025.7) Varenicline;
(1026) Vasopressin;
(1027) VDRL antigen;
(1027.1) Vecuronium bromide;

(1027.2) Vedolizumab;
(1027.3) Velaglucerase;
(1027.5) Velnacrine;
(1027.55) Vemuranfenib;
(1027.6) Venlafaxine;
(1027.7) Verapamil;
(1028) Veratrum viride;
(1029) Versenate;
(1029.5) Verteporfin;
(1030) Vidarabine;
(1030.3) Vigabatrin;
(1030.4) Vilanterol;
(1030.5) Vilazodone;
(1031) Vinblastine;
(1032) Vincristine;
(1032.5) Vinorelbine;
(1033) Vinyl ethyl -- See exceptions;
(1034) Viomycin;
(1034.5) Vismodegib;
(1035) Vitamin K;
(1036) Vitamin B12 injection;
(1037) Vitamine with fluoride;
(1037.3) Vorapaxar;
(1037.5) Voriconazole;
(1037.7) Vorinostat;
(1037.8) Vortioxetine;
(1038) Warfarin;
(1039) Wargarin;
(1039.1) Xylocaine;
(1040) Yellow fever vaccine;
(1041) Yohimbine;
(1042) 4-chloro-3, 5-xylenol -- See exceptions;
(1042.01) Zafirlukast;
(1042.02) Zalcitabine;
(1042.03) Zanamivir;
(1042.05) Zidovudine;
(1042.4) Zileuton;
(1042.7) Zinc acetate -- See exceptions;
(1042.75) Ziprasidone;
(1042.78) Ziv-aflibercept;
(1042.8) Zoledronic Acid;
(1042.9) Zolmitriptan;
(1042.92) Zonisamide;
(1043) Devices that require a prescription:
    (A) Cellulose, Oxadized, Regenerated (surgical absorbable hemostat) -- See exceptions;

(B) Diaphragms for vaginal use;
(C) Hemodialysis solutions;
(D) Hemodialysis kits;
(E) Lippes loop intrauterine;
(F) Saf-T-Coil intrauterine device;
(G) Intrauterine devices, All;
(H) Absorbable hemostat;
(I) Gonorrhea test kit.

(c) The following are exceptions to and exemptions from subsection (b) of this Code section:

(1) Atropine sulfate -- where the oral dose is less than 1/200 gr. per unit;

(2) Bacitracin cream or ointment for topical use;

(3) Belladonna or belladonna alkaloids when in combination with other drugs and the dosage unit is less than 0.1 mg. of the alkaloids or its equivalent;

(3.5) Bentoquatam -- when used with a strength of 5 percent or less in topical preparations;

(4) Beta carotene -- all forms occurring in food products or lotions

(5) Bromelain, pancreatic enzymes, trypsin and bile extract -- when labeled properly as digestive aids with appropriate dosage and in compliance with FDA labeling and restrictions;

(6) Brompheniramine -- where a single dosage unit is 4 mg. or less but with no more than 3 mg. of the dextrorotary optical isomer of racemic brompheniramine per released dose;

(6.2) Butenafine -- when used with a strength of 1 percent or less as a topical preparation;

(6.4) Butoconazole -- when used with a strength up to 2 percent in a vaginal preparation;

(6.45) Capsaicin -- when in an external analgesic with concentration of 0.25 percent or less;

(6.5) Cetirizine -- when a single dosage unit is either 1mg per 1ml or less or 10mg or less;

(6.7) Chlorhexadine -- when used with a strength up to 4 percent in a topical skin product;

(7) Chlorpheniramine -- where a single dosage unit is 12 mg. or less;

(7.1) Cimetidine -- when a single dosage unit is 200 mg. or less;

(7.3) Clemastine -- where a single dose is 1.34 mg. or less;

(7.5) Clotrimazole -- when a single vaginal insert is 200 mg. or less or with a strength up to 2 percent in a topical skin, topical vaginal, or vaginal product;

(7.8) Cromolyn -- when used as cromolyn sodium in a nasal solution of 4 percent or less in strength;

(7.9) Dexbrompheniramine -- when a single dosage unit is 6 mg. or less;

(8) Diphenhydramine -- up to 12.5 mg. in each 5 cc's when used in cough preparations and up to 50 mg. per single dose when used as a nighttime sleep aid or used as an antihistamine and labeled in compliance with FDA requirements;

(8.5) Docosanol -- when used in 10 percent topical preparation to treat fever blisters, cold sores, or fever blisters and cold sores.

(9) Doxylamine succinate -- where a single dosage form is 25 mg. or less and when labeled to be used as a nighttime sedative;

(9.3) Edetate -- when used in any form other than an oral or parenteral;

(9.4) Esomeprazole -- when a single dosage unit is 20 mg. or less;

(9.5) Famotidine -- when a single dosage unit is 20 mg. or less;

(9.6) Fexofenadine -- when packaged for distribution as an over-the-counter (OTC) drug product;

(9.7) Fluoride -- when used with a strength up to 1,500 parts per million in an oral care or dentifrice product;

(9.75) Fluticasone -- when available in a device that delivers a metered spray of 0.05 mg and to be used for the temporary relief of symptoms due to hay fever or other upper respiratory allergies;

(9.8) Glycine -- when used with a strength up to 1.5 percent in an irrigation solution, when used in a topical skin product;

(10) Hydrocortisone topical skin preparations up to 1.0 percent in strength;

(11) Hydroxocobalamin, riboflavin, niacinamide, ergocalciferol (maximum of 400 I.U. per day), Folic acid (maximum of 0.4 mg. per day), and magnesium gluconate -- when as a source of vitamins and dietary supplement but must bear such labels and adhere to such restrictions of FDA regulations;

(11.1) Ibuprofen -- where a single dose is 200 mg. or less;

(11.6) Reserved;

(12) Insulin -- all injectable products which do not require a prescription drug order and bear a label which indicates "Rx Use Only" or are otherwise listed under subsection (b) of this Code section; and no injectable insulin product may be sold except by a pharmacy issued a permit by the State Board of Pharmacy or by a medical practitioner authorized to dispense medications;

(12.3) Ketoconazole -- when used with a strength of 1 percent or less in topical preparations;

(12.5) Ketoprofen -- when a single dosage unit is 12.5 mg. or less;

(12.7) Ketotifen -- when used with a strength of 0.025 percent or less in an ophthalmic solution;

(12.9) Lansoprazole -- when a single dosage unit is 15 mg. or less;

(13) Lidocaine topical ointment, 25 mg./gm. or less;

(13.5) Loperamide -- where a single dose is either 1 mg. per 5 ml. or 2 mg. per dosage unit;

(13.7) Loratadine -- when used in a single dose of 10 mg. or less, including doses used in combination with other drugs provided for under this subsection;

(14) Meclizine -- 25 mg. or less;

(14.1) Miconazole -- when used as antifungal powder or cream, or both, and containing not more than 4 percent of miconazole, or when used as a vaginal insert and containing not more than 1,200 mg. of miconazole;

(14.2) Minoxidil -- when used with a strength of 5 percent or less in topical preparations;

(14.3) Naphazoline -- when used in an ophthalmic solution in a concentration of 0.027 percent or less in combination with a pheniramine concentration of 0.315 percent or less;

(14.5) Naproxen -- where a single dosage unit is 220 mg. or less;

(15) Neomycin sulfate ointment or cream for topical use;

(15.5) Nicotine resin complex (polacrilex) -- when used as oral chewing gum where a single dose (piece of gum) is 4 mg. or less;

(15.55) Nicotine transdermal system -- when used in a strength of 21 mg. or less per transdermal patch (transdermal delivery system);

(16) Nitrous oxide -- air products suppliers shall not sell medical grade nitrous oxide to other than licensed practitioners or medical suppliers; industrial grade nitrous oxide shall only be sold when mixed with not less than 100 parts per million of sulfur dioxide and used as a fuel additive for combustion engines or when used in industrial laboratory equipment;

(16.3) Nizatidine -- when a single dosage unit is 75 mg. or less;

(16.8) Nonoxynol -- when used with a strength up to 12.5 percent or 1 gram per dose in a vaginal product;

(16.9) Omeprazole -- when a single dosage unit is 20.6 mg. or less;

(16.95) Orlistat -- when a single dosage unit is 60 mg. or less;

(16.97) Oxybutynin -- when a single dose is delivered as 3.9 mg. per day using a transdermal system patch;

(17) Oxygen -- compressed oxygen which is not labeled "CAUTION: Federal law prohibits dispensing without prescription" or similar wording;

(17.3) Permethrin -- when used as a topical preparation in a strength of 1 percent or less;

(17.5) Phenazopyridine -- where a single dose is 100 mg. or less, as approved by the federal Food and Drug Administration;

(18) Pheniramine -- when the oral dose is 25 mg. or less, or when used in an ophthalmic solution in a concentration of 0.315 percent or less in combination with a naphazoline concentration of 0.027 percent or less;

(19) Polymyxin B when in combination with other drugs in an ointment or cream for topical use;

(20) Any potassium electrolyte when manufactured for use as a dietary supplement, food additive for industrial, scientific, or commercial use, or when added to other drug products when the product is not intended as a potassium supplement but must bear such labels and adhere to such restrictions of FDA regulations;

(21) Povidone -- Iodine solutions and suspensions;

(22) Reserved;

(23) Reserved;

(23.5) Ranitidine -- when a single dosage unit is 150 mg. or less;

(24) Rutin -- where the dosage unit is less than 60 mg.;

(25) Selenium sulfide suspension 1 percent or less in strength;

(25.1) Strychnine -- when used in combination with other active ingredients in a rodent killer, and when not bearing a label containing the words "CAUTION: Federal law prohibits dispensing without prescription" or other similar wording;

(25.5) Terbinafine -- when used with a strength of 1 percent or less in a topical antifungal cream;

(26) Tetrahydrozoline for ophthalmic or topical use;

(27) Theophylline preparations alone or in combination with other drugs prepared for and approved for OTC (over the counter) sale by FDA; example -- tedral tablets (plain) or oral suspension;

(27.5) Tioconazole -- when used with a strength of 1 percent or less in topical preparations or when used with a strength of 6.5 percent or less in vaginal preparations;

(28) Tripelennamine cream or ointment for topical use;

(28.5) Triprolidine -- when a single dose is 5 mg. or less when combined in the same preparation as one or more other drug products for use as an antihistamine or decongestant or an antihistamine and decongestant;

(29) Urea -- except when the manufacturer's label contains the wording "CAUTION: Federal law prohibits dispensing without prescription" or similar wording;

(29.5) Zinc acetate -- when used in topical preparations;

(30) Any drug approved by FDA for animal use and the package does not bear the statement "CAUTION: Federal law prohibits dispensing without prescription" or similar wording; or

(31) Loperamide Oral Liquid (1.00 mg/5.00 ml).

(d) The following list of compounds or preparations may be purchased without a prescription, provided the products are manufactured for industrial, scientific, or commercial sale or use, unless they are intended for human use or contain on the label "CAUTION: Federal law prohibits dispensing without prescription" or similar wording:

(1) Aminosalicylate;

(2) Aminosalicylate calcium;
(3) Aminosalicylate potassium;
(4) Aminosalicylate sodium;
(5) Aminosalicylic acid;
(6) Barium;
(7) Beta-carotene;
(8) Bismuth sodium tartrate;
(9) Cadmium sulfide;
(10) Calcium disodium edetate;
(11) Cellulose, Oxadized, Regenerated;
(12) Chlorabutanol;
(13) Chloranil;
(14) Chloroacetic acid;
(15) Chloroform;
(16) Colchicine;
(17) Dapsone;
(18) Dimethyl sulfoxide;
(19) Disodium edetate;
(20) Edetate disodium;
(21) Ether;
(22) Ethoxazene;
(23) Ethyl chloride;
(24) Fluoride;
(25) Formaldehyde;
(26) Gold thiosulfate;
(27) Hexachlorophene;
(28) Iodobenzoic acid;
(29) Iopanoic acid;
(30) Lindane;

(31) Lithium carbonate;
(32) Mandelic acid;
(33) Mannitol;
(34) Mercury bichloride;
(35) Nitroprusside;
(36) Potassium aminosalicylate;
(37) Potassium p-aminobenzoate;
(37.5) Potassium perchlorate;
(38) Potassium permanganate;
(39) Resorcinol monoacetate;
(40) Selenium sulfide;
(41) Sodium biphosphate;
(42) Sodium fluorescein;
(43) Sodium fluoride;
(44) Strontium;
(45) Trichloroacetic acid;
(46) Trichloroethylene;
(47) Valproic acid;
(48) Vinyl ether;
(49) 4-chloro-3, 5-xylenol.

(e) The State Board of Pharmacy may delete drugs from the dangerous drug list set forth in this Code section. In making such deletions the board shall consider, with respect to each drug, the following factors:

(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 drug;
(4) The history and current pattern of abuse, if any;
(5) The scope, duration, and significance of abuse;
(6) Reserved;
(7) The potential of the drug to produce psychic or physiological dependence liability; and
(8) Whether such drug is included under the federal Food, Drug, and Cosmetic Act, 52 Stat. 1040 (1938), 21 U.S.C. Section 301, et seq., as amended.

§ 16-13-71.1. "Anabolic steroid" defined

Repealed by Ga. L. 1991, p. 312, § 3, effective April 4, 1991.

§ 16-13-72. Sale, distribution, or possession of dangerous drugs

Except as provided for in this article, it shall be unlawful for any person, firm, corporation, or association to sell, give away, barter, exchange, distribute, or possess in this state any dangerous drug, except under the following conditions:

(1) A drug manufacturer, wholesaler, distributor, or supplier holding a license or registration issued in accordance with the Federal Food, Drug, and Cosmetic Act and authorizing

the holder to possess dangerous drugs may possess dangerous drugs within this state but may not distribute, sell, exchange, give away, or by any other means supply dangerous drugs without a permit issued by the State Board of Pharmacy. Any drug manufacturer, wholesaler, distributor, or supplier holding a permit issued by the State Board of Pharmacy may sell, give away, exchange, or distribute dangerous drugs within this state, but only to a pharmacy, pharmacist, a practitioner of the healing arts, and educational institutions licensed by the state, or to a drug wholesaler, distributor, or supplier, and only if such distribution is made in the normal course of employment;

(2) A pharmacy may possess dangerous drugs, but the same shall not be sold, given away, bartered, exchanged, or distributed except by a licensed pharmacist in accordance with this article;

(3) A pharmacist may possess dangerous drugs but may sell, give away, barter, exchange, or distribute the same only when he compounds or dispenses the same upon the prescription of a practitioner of the healing arts. No such prescription shall be refilled except upon the authorization of the practitioner who prescribed it;

(4) A practitioner of the healing arts may possess dangerous drugs and may sell, give away, barter, exchange, or distribute the same in accordance with Code Section 16-13-74;

(4.1) A physician in conformity with Code Section 43-34-23 may delegate to a nurse or a physician assistant the authority to possess vaccines and such other drugs as specified by the physician for adverse reactions to those vaccines, and a nurse or physician assistant may possess such drugs pursuant to that delegation; provided, however, that nothing in this paragraph shall be construed to restrict any authority of nurses or physician assistants existing under other provisions of law;

(4.2) A registered professional nurse licensed under Article 1 of Chapter 26 of Title 43 who is employed or engaged by a licensed home health agency may possess sterile saline, sterile water, and diluted heparin for use as intravenous maintenance for use in a home health setting, and such nurse may administer such items to patients of the home health agency upon the order of a licensed physician. The State Board of Pharmacy shall be authorized to adopt regulations governing the storage, quantity, use, and administration of such items; provided, however, nothing in this paragraph or in such regulations shall be construed to restrict any authority of nurses existing under other provisions of law;

(4.3) Possession, planting, cultivation, growing, or harvesting of Salvia divinorum or Salvia divinorum A strictly for aesthetic, landscaping, or decorative purposes;

(5) A manufacturer's sales representative may distribute a dangerous drug as a complimentary sample only upon the written request of a practitioner. The request must be made for each distribution and shall contain the names and addresses of the supplier and the requestor and the name and quantity of the specific dangerous drug requested. The written request shall be preserved by the manufacturer for a period of two years; and

(6) Such person, firm, corporation, or association shall keep a complete and accurate record of all dangerous drugs received, purchased, manufactured, sold, dispensed, or otherwise disposed of and shall maintain such records for at least two years or in conformance with any other state or federal law or rule issued by the State Board of Pharmacy.

§ 16-13-72.1. Revocation of dangerous drug permit; forfeiture

(a) A permit issued by the State Board of Pharmacy under paragraph (1) of Code Section 16-13-

72 may be suspended or revoked by the State Board of Pharmacy upon a finding that the drug manufacturer, wholesaler, distributor, or supplier:

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

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

(3) Has violated any provision of this article or the rules and regulations promulgated under this article; or

(4) Has failed to maintain sufficient controls against diversion of dangerous drugs into other than legitimate medical, scientific, or industrial channels.

(b) The State Board of Pharmacy may limit revocation or suspension of a permit to the particular dangerous drug with respect to which grounds for revocation or suspension exist.

(c) Instead of suspending or revoking a permit as authorized by subsection (a) or (b) of this Code section, the State Board of Pharmacy may impose a fine in an amount not to exceed $1,500.00.

(d) If the State Board of Pharmacy suspends or revokes a permit, all dangerous drugs owned or possessed by the permittee at the time of suspension or the effective date of the revocation order shall be placed under seal. No disposition may be made of drugs under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable drugs and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all dangerous drugs shall be forfeited to the state.

§ 16-13-73. Labeling prescription containers of dangerous drugs

(a) Whenever a pharmacist dispenses a dangerous drug, he shall, in each case, place upon the container the following information:

(1) Name of the patient;

(2) Name of the practitioner prescribing the drug;

(3) The expiration date, if any, of the drug;

(4) Name and address of the pharmacy from which the drug was dispensed; and

(5) The date of the prescription.

(b) Any pharmacist who dispenses a dangerous drug and fails to place the label required by subsection (a) of this Code section upon the container of such drug shall be guilty of a misdemeanor.

§ 16-13-74. Written prescriptions for dangerous drugs; content; signature

(a) All written prescription drug orders for dangerous drugs shall be dated as of, and be signed on, the date when issued and shall bear the name and address of the patient, together with the name and strength of the drug, the quantity to be dispensed, complete directions for administration, the printed name, address, and telephone number of the practitioner, and the

number of permitted refills. A prescription drug order for a dangerous drug is not required to bear the DEA permit number of the prescribing practitioner. A prescription drug order for a dangerous drug may be prepared by the practitioner or the practitioner's agent. The practitioner's signature must appear on each prescription prepared by the practitioner or the practitioner's agent and the nature of the practitioner's signature must meet the guidelines set forth in Chapter 4 of Title 26, the regulations promulgated by the State Board of Pharmacy, or both such guidelines and regulations. Any practitioner who shall dispense dangerous drugs shall comply with the provisions of Code Section 16-13-73.

(b) Any practitioner of the healing arts who fails to comply with subsection (a) of this Code section shall be guilty of a misdemeanor.

§ 16-13-75. Drugs to be kept in original container; exception

(a) Possession and control of controlled substances or dangerous drugs by anyone other than the individuals specified in Code Section 16-13-35 or 16-13-72 shall be legal only if such drugs are in the original container in which they were dispensed by the pharmacist or the practitioner of the healing arts and are labeled according to Code Section 26-3-8.

(b) The possession, filling, and use of canisters for remote automated medication systems pursuant to subsection (i) of Code Section 16-13-41 shall not be considered a violation of this Code section.

§ 16-13-76. Use of fictitious name or false address when obtaining drugs

No person shall obtain or attempt to obtain any dangerous drug by use of a fictitious name or by the giving of a false address.

§ 16-13-77. Applicability of article to practitioner of the healing arts

Nothing in this article shall be construed to prohibit the administration of dangerous drugs by or under the direction of a practitioner of the healing arts.

§ 16-13-78. Obtaining or attempting to obtain dangerous drugs by fraud, forgery, or concealment of material fact

(a) No person shall obtain or attempt to obtain any dangerous drug or attempt to procure the administration of any such drug by:

(1) Fraud, deceit, misrepresentation, or subterfuge;
(2) The forgery or alteration of any prescription or of any written order;
(3) The concealment of a material fact; or
(4) The use of a false name or the giving of a false address.

(b) Any person violating subsection (a) of this Code section shall be guilty of a misdemeanor.

(c) Nothing in this Code section shall apply to drug manufacturers or their agents or employees

when such manufacturers or their agents or employees are authorized to engage in and are actually engaged in investigative activities directed toward the safeguarding of the manufacturer's trademark.

§ 16-13-78.1. Prescribing or ordering dangerous drugs

(a) No person shall prescribe or order the dispensing of a dangerous drug, except a registered practitioner who is:

(1) Licensed or otherwise authorized by this state to prescribe dangerous drugs;
(2) Acting in the usual course of his professional practice; and
(3) Prescribing or ordering such dangerous drug for a legitimate medical purpose.

(b) Any person violating subsection (a) of this Code section shall be guilty of a misdemeanor.

§ 16-13-78.2. Possession, manufacture, delivery, distribution, or sale of counterfeit substances

Except as authorized by this article, it is unlawful for any person to possess, have under his control, manufacture, deliver, distribute, dispense, administer, sell, or possess with intent to distribute a counterfeit substance. Any person who violates this Code section shall be guilty of a misdemeanor.

§ 16-13-79. Violations

(a) Except as provided in subsections (b), (c), and (d) of this Code section, any person who violates this article shall be guilty of a misdemeanor.

(b) Any person who distributes or possesses with the intent to distribute nitrous oxide for any use other than for a medical treatment prescribed by the order of a licensed medical practitioner, except as provided for by paragraph (16) of subsection (c) of Code Section 16-13-71, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one year nor more than three years or by a fine not to exceed $5,000.00 or both.

(c) Any person who distributes or possesses with the intent to distribute to any person under 18 years of age nitrous oxide for any use other than for a medical treatment prescribed by the order of a licensed medical practitioner, except as provided for by paragraph (16) of subsection (c) of Code Section 16-13-71, shall be guilty of a felony and upon conviction thereof shall be punished for not less than two years nor more than six years or by a fine not to exceed $10,000.00 or both.

(d) This article shall not apply to any person who possesses, distributes, sells, or uses nitrous oxide for food preparation in a restaurant, for food service, or in household products.

TITLE 16. CRIMES AND OFFENSES
CHAPTER 13. CONTROLLED SUBSTANCES

ARTICLE 4. SALE, POSSESSION, TRANSFER, OR INHALATION OF MODEL GLUE

§ 16-13-90. "Model glue" defined

As used in this article, the term "model glue" means any glue, cement, solvent, or chemical substance containing one or more of the following chemicals: acetone, amyl chloride (iso- and tertiary), benzene, carbon disulfide, carbon tetrachloride, chloroform, ether, ethyl acetate, ethyl alcohol, ethylene dichloride, isopropyl acetate, isopropyl alcohol, isopropyl ether, methyl acetate, methyl alcohol, propylene dichloride, propylene oxide, trichlorethylene, amyl acetate, amyl alcohol, butyl acetate, butyl alcohol, butyl ether, diethylcarbonate, diethylene oxide (dioxane), dipropyl ketone, ethyl butyrate, ethylene glycol monoethyl ether (cellosolve), ethylene glycol monomethyl ether acetate (methyl cellosolve acetate), isobutyl alcohol, methyl amyl acetate, methyl amyl alcohol, methyl isobutyl ketone, or toluene.

§ 16-13-91. Intentional inhalation of model glue; application of article to anesthesia

No person shall, for the purpose of causing a condition of intoxication, stupefaction, euphoria, excitement, exhilaration, or dulling of the senses or nervous system, intentionally smell or inhale the fumes from any model glue, provided that this Code section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

§ 16-13-92. Possession, sale, or transfer of model glue

No person shall intentionally possess, buy, sell, transfer possession, or receive possession of any model glue for the purpose of violating or aiding another person to violate this article.

§ 16-13-93. Sale or transfer of model glue to minors

No person shall sell or transfer possession of any model glue to another person under 18 years of age, nor shall any person under 18 years of age possess or buy any model glue unless the purchase is for model building or other lawful use and the person under 18 years of age has in his possession and exhibits to the seller or transferor the written consent of his parent or legal guardian to make such purchase or take possession of the model glue, provided any minor who shall transfer possession of model glue to another minor for model building or other lawful purpose shall not be held criminally liable for failing to require exhibition of the written consent of the transferee-minor's parents or for failing to keep same available for inspection by law enforcement officials.

§ 16-13-94. Maintenance of records of sales to minors

The person making a sale or transfer of possession of model glue to a person under 18 years of age must require the purchaser to exhibit the written consent of his parent or guardian and the

name and address of the consenting parent or guardian. All data required by this Code section shall be kept available by the seller for inspection by law enforcement officials for a period of six months.

§ 16-13-95. Effect of article on laws or ordinances of counties and municipalities

No provisions in this article shall be construed to repeal or limit laws or ordinances of the governing authority of any county or municipality regulating, restricting, or prohibiting the sale of model glue to any person under the age of 18, nor shall this article restrict the governing authority of any county or municipality from enacting ordinances or regulations governing the regulation of model glue not inconsistent with this article.

§ 16-13-96. Penalty for violation of article; separate offenses

Any person who violates this article shall be guilty of a misdemeanor. Each violation of this article shall be deemed a separate and distinct offense.

TITLE 16. CRIMES AND OFFENSES
CHAPTER 13. CONTROLLED SUBSTANCES
ARTICLE 5. SANCTIONS AGAINST LICENSED PERSONS FOR OFFENSES INVOLVING CONTROLLED SUBSTANCES OR MARIJUANA

§ 16-13-110. Definitions

(a) As used in this article, the term:

(1) "Controlled substance" means any drug, substance, or immediate precursor included in the definition of the term "controlled substance" in paragraph (4) of Code Section 16-13-21.

(2) "Convicted" or "conviction" refers to a final conviction in a court of competent jurisdiction, or the acceptance of a plea of guilty or nolo contendere or affording of first offender treatment by a court of competent jurisdiction.

(3) "Licensed individual" means any individual to whom any department, agency, board, bureau, or other entity of state government has issued any license, permit, registration, certification, or other authorization to conduct a licensed occupation.

(4) "Licensed occupation" means any occupation, profession, business, trade, or other commercial activity which requires for its lawful conduct the issuance to an individual of any license, permit, registration, certification, or other authorization by any department, agency, board, bureau, or other entity of state government.

(5) "Licensing authority" means any department, agency, board, bureau, or other entity of state government which issues to individuals any license, permit, registration, certification, or other authorization to conduct a licensed occupation.

(6) "Marijuana" means any substance included in the definition of the term "marijuana" in paragraph (16) of Code Section 16-13-21.

(b) Without limiting the generality of the provisions of subsection (a) of this Code section, the practice of law shall constitute a licensed occupation for purposes of this article and the Supreme Court of Georgia shall be the licensing authority for the practice of law.

§ 16-13-111. Notification of conviction of licensed individual to licensing authority; reinstatement of license; imposition of more stringent sanctions

(a) Any licensed individual who is convicted under the laws of this state, the United States, or any other state of any criminal offense involving the manufacture, distribution, trafficking, sale, or possession of a controlled substance or marijuana shall notify the appropriate licensing authority of the conviction within ten days following the conviction.

(b) Upon being notified of a conviction of a licensed individual, the appropriate licensing authority shall suspend or revoke the license, permit, registration, certification, or other authorization to conduct a licensed occupation of such individual as follows:

(1) Upon the first conviction, the licensed individual shall have his or her license, permit, registration, certification, or other authorization to conduct a licensed occupation suspended for a period of not less than three months; provided, however, that in the case of a first conviction for a misdemeanor the licensing authority shall be authorized to impose a lesser sanction or no sanction upon the licensed individual; and

(2) Upon the second or subsequent conviction, the licensed individual shall have his or her license, permit, registration, certification, or other authorization to conduct a licensed occupation revoked.

(c) The failure of a licensed individual to notify the appropriate licensing authority of a conviction as required in subsection (a) of this Code section shall be considered grounds for revocation of his or her license, permit, registration, certification, or other authorization to conduct a licensed occupation.

(d) A licensed individual sanctioned under subsection (b) or (c) of this Code section may be entitled to reinstatement of his or her license, permit, registration, certification, or other authorization to conduct a licensed occupation upon successful completion of a drug abuse treatment and education program approved by the licensing authority.

(e) The suspension and revocation sanctions prescribed in this Code section are intended as minimum sanctions, and nothing in this Code section shall be construed to prohibit any licensing authority from establishing and implementing additional or more stringent sanctions for criminal offenses and other conduct involving the unlawful manufacture, distribution, trafficking, sale, or possession of a controlled substance or marijuana.

§ 16-13-112. Applicability of administrative procedures

Administrative procedures for the implementation of this article for each licensed occupation shall be governed by the appropriate provisions applicable to each licensing authority.

§ 16-13-113. Article as supplement to power of licensing authority

The provisions of this article shall be supplemental to and shall not operate to prohibit any licensing authority from acting pursuant to those provisions of law which may now or hereafter authorize other sanctions and actions for that particular licensing authority.

§ 16-13-114. Period of applicability of article

This article shall apply only with respect to criminal offenses committed on or after July 1, 1990; provided, however, that nothing in this Code section shall prevent any licensing authority from implementing sanctions additional to or other than those provided for in this article with respect to offenses committed prior to July 1, 1990.