

LICENSE FOR CONTROLLED SUBSTANCES

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael T. Morley

Senate Sponsor: Mark B. Madsen

LONG TITLE

General Description:

This bill modifies the Controlled Substance Precursor Act to provide one controlled substance precursor license for persons engaged in regulated transactions.

Highlighted Provisions:

This bill:

- ▶ provides for the Division of Occupational and Professional Licensing to issue a controlled substance precursor license, which combines the current controlled substance precursor purchaser and the controlled substance precursor distributor licenses.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-37c-7, as repealed and reenacted by Laws of Utah 1992, Chapter 155

58-37c-8, as last amended by Laws of Utah 2008, Chapter 382

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-37c-7** is amended to read:

58-37c-7. Controlled substance precursor license.

30 (1) The division shall issue to persons qualified under the provisions of this chapter
31 and rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a
32 controlled substance precursor license [~~in the classifications:~~].

33 [~~(a) controlled substance precursor distributor; or~~]

34 [~~(b) controlled substance precursor purchaser.~~]

35 (2) It is unlawful for a person to engage in the distribution, sale, or transfer, or in the
36 purchase or obtaining of a controlled substance precursor in a regulated transaction without
37 being licensed or excepted from licensure under this chapter.

38 Section 2. Section **58-37c-8** is amended to read:

39 **58-37c-8. License -- Exceptions from licensure or regulation.**

40 (1) Any person engaged in a regulated transaction [~~must be appropriately licensed~~
41 ~~under this chapter as a regulated distributor and regulated purchaser~~] under this chapter shall
42 hold a controlled substance precursor license issued under Section 58-37c-7, unless excepted
43 from licensure under this chapter.

44 (2) The division shall:

45 (a) establish the form of application for a license, the requirements for licensure, and
46 fees for initial licensure and renewal; and

47 (b) identify required information to be contained in the application as a condition of
48 licensure.

49 (3) A practitioner who holds a Utah Controlled Substance License and a Controlled
50 Substance Registration issued by the Drug Enforcement Administration of the U.S.
51 Government is excepted from licensure under this chapter.

52 (4) Any purchase, sale, transfer, furnishing, or receipt of any drug intended for lawful
53 use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other
54 animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or
55 phenylpropanolamine, if the drug is lawfully purchased, sold, transferred, or furnished as an
56 over-the-counter medication without prescription pursuant to the federal Food, Drug and
57 Cosmetic Act, 21 USC, Sec. 301 et seq., or regulations adopted under that act, are excepted

58 from licensure, reporting, and recordkeeping under this chapter, except that products
59 containing ephedrine, pseudoephedrine, or phenylpropanolamine are subject to Section
60 58-37c-20.5.

61 (5) Any purchase, sale, transfer, receipt, or manufacture of any dietary supplement,
62 vitamins, minerals, herbs, or other similar substances, including concentrates or extracts,
63 which are not otherwise prohibited by law, and which may contain naturally occurring
64 amounts of chemicals or substances listed in this chapter, or in rules adopted pursuant to Title
65 63G, Chapter 3, Utah Administrative Rulemaking Act, are exempt from licensure under this
66 chapter.

67 (6) A purchaser of two ounces or less of crystal iodine in a single transaction is not
68 required to be licensed as a regulated purchaser if the transaction complies with Section
69 58-37c-18.

70 (7) Any purchase, sale, transfer, receipt, or manufacture of any product that contains
71 any precursor chemical listed in Subsection 58-37c-3(2)(ff) or (gg) and that is not intended for
72 human consumption is exempt from licensure or regulation and is not subject to criminal
73 penalties under this chapter.