2009 HOUSE JUDICIARY

HB 1105

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1105

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/13/09

Recorder Job Number: 6872

Committee Clerk Signature K. Penrose

Minutes:

Chairman DeKrey: We will open the hearing on HB 1105.

Howard Anderson, Executive Director, ND State Board of Pharmacy: (attached).

Rep. Kretschmar: Are anabolic steroids what the athletes use?

Howard Anderson: Yes, and some are used for medical uses, when the doctors prescribe them for legitimate purposes.

Rep. Koppelman: Schedule 1 drugs serve no medical purpose, do other schedules have penalties.

Howard Anderson: Yes, all the controlled substances are on our list. That's not the problem. It's those drugs that are not scheduled, that somebody is out there selling.

Rep. Koppelman: Would you be able to identify which of those would be harmful.

Howard Anderson: Certainly we can make a list.

Rep. Klemin: I think we have to be a little careful, a lot of these drugs that are legal and prescribed, that are right in the family medicine cabinet, might be legal by someone in the home and used for purposes that weren't intended, I don't think we want to start prosecuting parents for not having that prescription drug under lock and key, or do we.

Howard Anderson: I think you are correct. We do need to be careful, those penalties would be for the people who are selling the drugs.

Chairman DeKrey: Any further testimony in support of HB 1105. Testimony in opposition. We will close the hearing. What are the committee's wishes in regard to HB 1105.

Rep. Delmore: I move a Do Pass.

Rep. Koppelman: Second.

13 YES 0 NO 0 ABSENT DO PASS CARRIER: Rep. Vig

Date: 1/13/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1105

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken ☑ DP ☐ DNP ☐ DP AS AMEND ☐ DNP AS AMEND

Motion Made By Rep. Delmore Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser	✓	
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 0

Floor Carrier: Rep. Vig

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1105: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1105 was placed on the Eleventh order on the calendar.

2009 SENATE JUDICIARY

HB 1105

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1105

Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/17/09

Recorder Job Number: 9610

Committee Clerk Signature

Minutes: **Senator Nething, Chairman**

Relating to controlled substances.

Howard Anderson – Executive Director of the Board of Pharmacy – see written testimony.

Senator Olafson – Asks about the rescheduling that keeps our law consistent with the Federal law in almost all cases. What cases are we not in line with Federal law?

Anderson – Sometimes we have things like salvia or date rape drug that are not scheduled federally. We have a few instances where we do decide to do some things that the Feds have not.

Senator Schneider – Are the additions currently on the Federal schedule?

Anderson – Replies yes they are.

Close the hearing on 1105

Senator Nelson motions do pass

Senator Schneider seconds

Vote- 6- 0a

Senator Nelson will carry

Date: 2/17/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1165

Senate **JUDICIARY** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ **Do Pass** ☐ **Do Not Pass** ☐ **Amended**

Motion Made By Sen Nelson Seconded By Sen Schneider

Senators	Yes	No	Senators	Yes	No
Sen. Dave Nething – Chairman	X		**Sen. Tom Fiebiger**	X	
Sen. Curtis Olafson – V. Chair.	X		**Sen. Carolyn Nelson**	X	
Sen. Stanley W. Lyson	X		**Sen. Mac Schneider**	X	

Total (Yes) 6 (N) 0

Absent _____

Floor Assignment Sen. Nelson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1105: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1105 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1105

BOARD OF PHARMACY
State of North Dakota

John Hoeven, Governor

OFFICE OF THE EXECUTIVE DIRECTOR
P O Box 1354 (1906 E Broadway)
Bismarck ND 58502-1354 (58501)
Telephone (701) 328-9535
Fax (701) 328-9536

www.nodakpharmacy.com
E-mail= ndboph@btinet.net
Howard C. Anderson, Jr, R.Ph.
Executive Director

Gary W. Dewhirst, R.Ph.
Hettinger, President
Rick L. Detwiller, R.Ph.
Bismarck
Laurel Haroldson, R.Ph.
Jamestown
Bonnie J. Thom, R.Ph.
Granville
Gayle D. Ziegler, R.Ph.
Fargo
William J. Grosz, Sc.D., R.Ph.
Wahpeton, Treasurer

Testimony on House Bill # 1105
Controlled Substances Rescheduling

HOUSE JUDICIARY COMMITTEE – PRAIRIE ROOM
TUESDAY – JANUARY 13TH, 2009 – 9:15 AM

Chairman DeKrey and members of the House Judiciary Committee, for the record I am Howard C. Anderson, Jr, R.Ph., Executive Director of the North Dakota State Board of Pharmacy. Thank you for the opportunity to speak with you today.

This Bill is one that comes to you periodically to reschedule those new drugs, or in a few cases drugs that have been moved from one of the federal controlled substances schedules to the next. This rescheduling keeps our law consistent with the federal law in almost all cases, and allows our law enforcement agencies to charge offenders using these drugs illegally with consistency between state and federal laws.

The rescheduling or scheduling uses chemical names, which most of you will not be familiar with, so please do not be afraid to ask questions, if I do not know the answer, I will find it for you.

I am attaching a copy of the cover page of the Federal Register indicating these changes for your reference.

Same testimony given to Senate

#4

DIVERSION PROGRAMS
APPLICATIONS & ON-LINE FORMS
ARCOS
CHEMICALS
CONTROLLED SUBSTANCE SCHEDULES
CSOS
IMPORT AND EXPORT
NFLIS
QUOTAS
REGISTRATION SUPPORT
REPORTS REQUIRED BY 21 CFR

RESOURCES
CAREER OPPORTUNITIES
DEA MAILING ADDRESSES
DRUGS/CHEMICALS OF CONCERN
COMMERCE INITIATIVES
RAL REGISTER NOTICES
MEETINGS & EVENTS
OFFICES & DIRECTORIES
PROGRAM DESCRIPTION
PUBLICATIONS
QUESTIONS & ANSWERS
REGULATIONS & CODIFIED CSA
SIGNIFICANT GUIDANCE DOCUMENTS

LINKS
FEDERAL AGENCIES & RELATED
INDUSTRY RELATED
PUBLIC INTEREST

REGISTRATION VALIDATION
CASES AGAINST DOCTORS

Code of Federal Regulations

Section 1308.12 Schedule II.

NOTICE: This is an unofficial version. An official version of this publication may be obtained directly from the Government Printing Office (GPO).

(a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Controlled Substances Code Number set forth opposite it.

(b) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

(i) Codeine	9050
(ii) Dihydroetorphine	9334
(iii) Ethylmorphine	9190
(iv) Etorphine hydrochloride	9059
(v) Granulated opium	9640
(vi) Hydrocodone	9193
(vii) Hydromorphone	9150
(viii) Metopon	9260
(ix) Morphine	9300
(x) Opium extracts	9610
(xi) Opium fluid	9620
(xii) Oripavine	9330
(xiii) Oxycodone	9143
(xiv) Oxymorphone	9652
(xv) Powdered opium	9639
(xvi) Raw opium	9600
(xvii) Thebaine	9333
(xviii) Tincture of opium	9630

(2) Any salt, compound, derivative, or preparation thereof which is chemically

#2

Rules - 2007

NOTICE: This is an unofficial version. An official version of these publications may be obtained directly from the Government Printing Office (GPO).

FR Doc E7-8421 [Federal Register: May 3, 2007 (Volume 72, Number 85)] [Rules and Regulations] [Page 24532-24534] From the Federal Register Online via GPO Access [wais.access.gpo.gov] [DOCID:fr03my07-3]

#2

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA-301F]

Schedules of Controlled Substances: Placement of Lisdexamfetamine Into Schedule II

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final Rule.

SUMMARY: With the issuance of this final rule, the Deputy Administrator of the Drug Enforcement Administration (DEA) places the substance lisdexamfetamine, including its salts, isomers and salts of isomers into schedule II of the Controlled Substances Act (CSA). As a result of this rule, the regulatory controls and criminal sanctions of schedule II will be applicable to the manufacture, distribution, dispensing, importation and exportation of lisdexamfetamine and products containing lisdexamfetamine.

EFFECTIVE DATE: June 4, 2007.

FOR FURTHER INFORMATION CONTACT: Christine A. Sannerud, PhD, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, (202) 307-7183.

SUPPLEMENTARY INFORMATION: Lisdexamfetamine is a central nervous system stimulant drug. On February 23, 2007, the Food and Drug Administration (FDA) approved lisdexamfetamine for marketing under the trade name Vyvanse TM. Lisdexamfetamine will be marketed as a prescription drug product for the treatment of Attention Deficit Hyperactivity

#3

Rules - 2008

FR Doc E8-8842[Federal Register: April 25, 2008 (Volume 73, Number 81)] [Proposed Rules] [Page 22294-22300] From the Federal Register Online via GPO Access [wais.access.gpo.gov] [DOCID:fr25ap08-10]

DEPARTMENT OF JUSTICE

#3

Drug Enforcement Administration

21 CFR Part 1300

[Docket No. DEA-285P] RIN 1117-AB17

Classification of Three Steroids as Schedule III Anabolic Steroids Under the Controlled Substances Act

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of Proposed Rulemaking (NPRM) proposes to classify the following three steroids as "anabolic steroids" under the Controlled Substances Act (CSA): boldione, desoxymethyltestosterone, and 19-nor-4,9(10)-androstadienedione. The Drug Enforcement Administration (DEA) believes that this action is necessary in order to prevent the abuse and trafficking of these steroids. If the regulations are amended, these steroids will be listed as schedule III controlled substances subject to the regulatory control provisions of the CSA.

DATES: Written comments must be postmarked, and electronic comments must be sent on or before June 24, 2008.

ADDRESSES: To ensure proper handling of comments, please reference "Docket No. DEA-285" on all written and electronic correspondence. Written comments via regular mail should be sent to the Deputy Administrator, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/ODL. Written comments sent via express mail should be sent to DEA Headquarters, Attention: DEA Federal Register Representative/ODL, 8701 Morrissette Drive, Springfield, VA 22152. Comments may be sent directly to DEA electronically by sending an electronic message to dea.diversion.policy@usdoj.gov. Comments may also be sent electronically through http://www.regulations.gov using the electronic comment form provided on that site. An electronic copy of this document is also available at the http://www.regulations.gov Web site. DEA will accept attachments to electronic comments in Microsoft Word, WordPerfect, Adobe