
A BILL FOR AN ACT

To further amend Title 11 of the Code of the Federated States of Micronesia (Annotated), by amending sections 1111, 1112, 1116, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1128, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1148, and 1149 thereof, to eliminate all references to 'Trust Territory', 'federal law', and 'Director'; to insert additional substances that are essential for the implementation of the Behavioral Health and Wellness Program (BHWP) activities; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Policy statement. It is the sense of Congress
2 that this act is crucial for the following reasons:

3 (1) It establishes a legal framework to regulate
4 drugs/substances that pose a risk for abuse and dependence.

5 (2) It aims to improve the manufacture, import, export,
6 distribution, prescribing, dispensing and use of controlled
7 substances/drugs for public safety.

8 (3) It serves as the national implementing law/legislation
9 for the three treaties/conventions that FSM is party to:

10 1. The Single Convention on Narcotic Drugs, 1961;

11 2. The Convention on Psychotropic Substances of 1971;

12 and

13 3. The Convention against Illicit Traffic in Narcotic
14 Drugs and Psychotropic Substances of 1988.

15 Section 2. Section 1111 of title 11 of the Code of the
16 Federated States of Micronesia (Annotated), is hereby amended to

1 read as follows:

2 "Section 1111. Short title.

3 This chapter may be cited as the "[~~Trust Territory~~] FSM
4 Controlled Substances Act."

5 Section 3. Section 1112 of Title 11 of the Code of the
6 Federated States of Micronesia (Annotated), is hereby amended to
7 read as follows:

8 "Section 1112. Definitions.

9 ~~[As used in this chapter]~~ In this chapter, except where
10 otherwise specified or unless the context otherwise
11 requires, the following terms shall have the meanings
12 stated below:

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

17 (a) a practitioner (or, in his presence, by his
18 authorized agent), or

19 (b) the patient or research subject at the
20 direction and in the presence of the practitioner.

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

(3) "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V of subchapter II of this chapter.

(4) "Counterfeit substance" means 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 or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

(5) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a controlled substance whether or not there exists an agency relationship.

(6) "[~~Director~~] Secretary" means the [~~director~~] Secretary of the Department of Health and Social Affairs [~~Services~~] of the Government of the [~~Trust Territory~~] FSM.

(7) "Dispense" means to deliver a controlled substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including prescribing, administering, packaging,

1 labeling, and compounding necessary to prepare the
2 substance for such delivery.

3 (8) "Dispenser" is a practitioner who dispenses.

4 (9) "Distribute" means to deliver other than by
5 administering or dispensing a controlled substance.

6 (10) "Distributor" means a person who distributes.

7 (11) "Drug" means:

8 (a) substances recognized in the official United
9 States pharmacopoeia, official homeopathic pharmacopoeia
10 of the United States, or official national formulary, or
11 any supplement to any of them; and

12 (b) substances intended for use in the diagnosis,
13 cure, mitigation, treatment, or prevention of disease in
14 man or other animals; and

15 (c) substances (other than food) intended to
16 affect the structure or any function of the body of man
17 or other animals; and

18 (d) substances intended for use as a component of
19 any article specified in paragraphs (a), (b), or (c) of
20 this subsection, but does not include devices or their
21 components, parts, or accessories.

22 (12) "Drug dependent person" means a person who is
23 using a controlled substance and who is in a state of
24 psychic or physical dependence, or both, arising from
25 administration of that controlled substance on a

1 continuous basis. Drug dependence is characterized by
2 behavioral and other responses which include a strong
3 compulsion to take the substance on a continuous basis
4 in order to experience its physical effects, or to avoid
5 the discomfort of its absence.

6 [~~(13)~~ "Federal law" means a law enacted by the Congress
7 of the United States.]

8 [~~(14)~~](13) "Immediate precursor" means a substance which
9 the [~~director~~]Secretary has found to be and by
10 regulation designates as being the principal compound
11 commonly used or produced primarily for use, and which
12 is an immediate chemical intermediary used or likely to
13 be used in the manufacture of a controlled substance,
14 the control of which is necessary to prevent, curtail,
15 or limit such manufacture.

16 [~~(15)~~](14) "Manufacture" means the production,
17 preparation, propagation, compounding, conversion or
18 processing of a controlled substance, either directly or
19 indirectly by extraction from substances of natural
20 origin, or independently by means of chemical synthesis,
21 or by a combination of extraction and chemical
22 synthesis, and includes any packaging or repackaging of
23 the substance or labeling or relabeling of its
24 container, except that this term does not include the
25 preparation or compounding of a controlled substance by

1 an individual for his own use or the preparation,
2 compounding, packaging, or labeling of a controlled
3 substance:

4 (a) by a practitioner as an incident to his
5 administering or dispensing of a controlled substance in
6 the course of his professional practice; or

7 (b) by a practitioner, or by his authorized agent
8 under his supervision, for the purpose of, or as an
9 incident to research, teaching, or chemical analysis and
10 not for sale

11 [~~(16)~~](15) "Marihuana" means all parts of the plant
12 *cannabis sativa L.*, whether growing or not, the seeds
13 thereof, the resin extracted from any part of such
14 plant, and every compound, manufacture, salt,
15 derivative, mixture, or preparation of such plant, its
16 seeds or resin, but shall not include the mature stalks
17 of such plant, fiber produced from such stalks, oil, or
18 cake made from the seeds of such plant, any other
19 compound, manufacture, salt, derivative, mixture, or
20 preparation of such mature stalks (except the resin
21 extracted therefrom), fiber, oil, or cake, or the
22 sterilized seed of such plant which is incapable of
23 germination.

24 [~~(17)~~](16) "Narcotic drug" means any of the following
25 whether produced directly or indirectly by extraction

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

4 (a) opium and opiate, and any salt, compound,
5 derivative, or preparation of opium or opiate;

6 (b) any salt any salt, compound, isomer,
7 derivative, or preparation thereof which is chemically
8 equivalent or identical with any of the substances
9 referred to in subdivision (a) of this subsection, but
10 not including the isoquinoline alkaloids of opium;

11 (c) opium poppy and poppy straw;

12 (d) coca leaves and any salt, compound,
13 derivative, or preparation of coca leaves, and any salt,
14 compound, isomer, derivative, or preparation thereof
15 which is chemically equivalent or identical with any of
16 these substances, but not including decocainized coca
17 leaves or extractions of coca leaves which do not
18 contain cocaine or ecgonine.

19 (17) "National law" means any law enacted by the
20 Congress of the Federated States of Micronesia or
21 regulations promulgated subsidiary to such laws.

22 (18) "Opiate" means any substance having an addiction-
23 forming or addiction-sustaining liability similar to
24 morphine or being capable of conversion into a drug
25 having addiction-forming or addiction-sustaining

1 liability. It does not include, unless specifically
2 designated as controlled under section 1113 of this
3 chapter, the dextrorotatory isomer of 3-methoxy-n-
4 methylmorphinan and its salts (dextromethorphan). It
5 does include its racemic and levorotatory forms.

6 (19) "Opium poppy" means the plant of the species
7 *papaver somniferum L.*, except the seeds thereof.

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

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

14 (22) "Practitioner" means:

15 (a) a physician, dentist, veterinarian,
16 scientific investigator, or other person licensed,
17 registered or otherwise authorized by the [~~director~~]
18 Secretary to distribute, dispense, conduct research with
19 respect to, or to administer a controlled substance in
20 the course of professional practice or research in [~~this~~
21 ~~territory~~] the FSM.

22 (b) a pharmacy, hospital or other institution
23 licensed, registered, or otherwise authorized by the
24 [~~director~~]Secretary to distribute, dispense, conduct
25 research with respect to, or to administer a controlled

1 substance in the course of professional practice or
2 research in the [~~Trust Territory~~] FSM.

3 (23) "Production" includes the manufacture, planting,
4 cultivation, growing, or harvesting of a controlled
5 substance.

6 (24) "Ultimate user" means a person who lawfully
7 possesses a controlled substance for his own use or for
8 the use of a member of his household or for
9 administration to an animal owned by him or by a member
10 of his household.

11 Section 4. Section 1116 of Title 11 of the Code of the
12 Federated States of Micronesia (Annotated), is hereby amended to
13 read as follows:

14 "Section 1116. Reports and recommendations by
15 [~~director~~] Secretary to Congress; Amendment of schedule
16 by Congress.

17 (1) Annually, upon the convening of [~~each annual~~] the
18 first regular session of [~~the~~] Congress [~~of Micronesia~~],
19 the [~~director~~] Secretary shall report to [~~the~~] Congress
20 [~~of Micronesia~~] the effects of the implementation of
21 this chapter in relation to the problems of drug abuse
22 in the [~~Trust Territory~~] FSM, and shall recommend to ~~the~~
23 Congress [~~of Micronesia~~] any additions, deletions or
24 revisions in the schedules of substances enumerated in
25 sections 1119, 1121, 1123, 1125, and 1127 of this

chapter, and any other recommendations which he deems necessary. The [~~director~~] Secretary shall not recommend any additions, deletions or revisions in such schedules until after notice and an opportunity for a hearing is afforded all interested parties, except such hearing shall not be required if official notice has been received that the substance has been added, deleted, or rescheduled as a controlled substance under [~~Federal~~] national law. In making a determination regarding a substance, the [~~director~~] Secretary shall assess the degree of danger or probable danger of the substance by considering the following:

(a) the actual or probable abuse of the substance including:

- (i) its history and current pattern of abuse;
- (ii) the scope, duration and significance of abuse; and
- (iii) a judgement of the degree of actual or probable detriment which may result from the abuse of the substance.

(b) the biomedical hazard of the substance including:

- (i) its pharmacology: the effects and modifiers of effects of the substance;
- (ii) its toxicology: the acute and chronic

1 toxicity, interaction with other substances whether
2 controlled or not, and liability to psychic or
3 physiological dependence;

4 (iii) risk to public health and particular
5 susceptibility of segments of the population; and

6 (iv) existence of therapeutic alternatives for
7 substances which are or may be used for medical
8 purposes.

9 (c) a judgment of the probable physical and
10 social impact of widespread abuse of the substance.

11 (d) whether the substance is an immediate
12 precursor of a substance already controlled under this
13 chapter.

14 (e) the current state of scientific knowledge
15 regarding the substance.

16 (2) After considering the factors enumerated above,
17 the ~~[director]~~ Secretary shall make a recommendation to
18 ~~[the]~~ Congress ~~[of Micronesia]~~, specifying to what
19 schedule the substance shall be added, deleted or
20 rescheduled if it finds that the substance has a degree
21 of danger or probable danger. The ~~[director]~~ Secretary
22 may make such recommendation to the Congress ~~[of~~
23 ~~Micronesia]~~ prior to the submission of its annual report
24 in which case the ~~[director]~~ Secretary shall publish and
25 give notice to the public of such recommendation.

(3) The Congress [~~of Micronesia~~] has the sole authority to add, delete, or reschedule all substances enumerated in the schedules in sections 1119, 1121, 1123, 1125, and 1127 of this chapter.

(4) If the Congress [~~of Micronesia~~] designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(5) If a substance is added, deleted or rescheduled as a controlled substance under [~~Federal~~] national law and notice of the designation is given to the [~~director~~] Secretary, the [~~director~~] Secretary shall recommend that a corresponding change in [~~Trust Territory~~] FSM law be made by the Congress [~~of Micronesia~~], unless the [~~director~~] Secretary objects to the change. In that case, the [~~director~~] Secretary shall publish the reasons for objection and afford all interested parties an opportunity to be heard. Following the hearing, the [~~director~~] Secretary shall announce his decision and shall notify the Congress [~~of Micronesia~~] in writing of the change in [~~Federal~~] national law or regulations and of the [~~director's~~] Secretary's recommendations."

Section 5. Section 1118 of Title 11 of the Code of the Federated States of Micronesia (Annotated), is hereby amended to

1 read as follows:

2 "Section 1118. Schedule I-Criteria for classification.

3 The [~~director~~] Secretary in his recommendation shall
4 place a substance in schedule I if he finds that the
5 substance:

6 (1) has a high potential for abuse; and

7 (2) has no accepted medical use in treatment in the
8 United States, or lacks accepted safety for use in
9 treatment under medical supervision."

10 Section 6. Section 1119 of Title 11 of the Code of the
11 Federated States of Micronesia (Annotated), is hereby amended to
12 read as follows:

13 "Section 1119. Schedule I-Designated.

14 The controlled substances listed in this section are
15 included in schedule I:

16 (1) any of the following opiates, including their
17 isomers, esters, ethers, ssalts, and salts of isomers,
18 esters, and ethers, unless specifically excepted,
19 whenever the existence of such isomers, esters, ethers,
20 and salts is possible within the specific chemical
21 designation:

22 (a) acetylmethadol,

23 (b) allylprodine,

24 (c) alphacetylmethadol,

25 (d) alphameprodine,

1	(e) alphamethadol,
2	(f) bensethidine,
3	(g) betacetylmethadol,
4	(h) betameprodine,
5	(i) betamethadol,
6	(j) betaprodine,
7	(k) clonitazene,
8	(l) dextromoramide,
9	(m) dextrorphan,
10	(n) diampromide,
11	(o) diethylambutene,
12	(p) dimenoxadol,
13	(q) dimepheptanol,
14	(r) dimethylthiambutene,
15	(s) dioxaphetylbutyrate,
16	(t) dipipanone,
17	(u) ethylmethylthiambutene,
18	(v) etonitazene,
19	(w) etoxeridine,
20	(x) furethidine,
21	(y) hydroxpethidine,
22	(z) ketobemidone,
23	(aa) lavomoramide,
24	(bb) levophenacylmorphane,
25	(cc) morpheridine,

1 (dd) noracymethadol,
2 (ee) norlevorphanol,
3 (ff) normethadone,
4 (gg) norpipanone,
5 (hh) phenadoxone,
6 (ii) phenampromide,
7 (jj) phenomorphan,
8 (kk) phenoperidine,
9 (ll) piritramide,
10 (mm) proheptazine,
11 (nn) properidine,
12 (oo) propiram,
13 (pp) racemoramide, and
14 (qq) trimeperidine

15 (2) any of the following opium derivatives, their
16 salts, isomers, and salts of isomers, unless
17 specifically excepted, whenever the existence of such
18 salts, isomers, and salts of isomers is possible within
19 the specific chemical designation:

20 (a) acetorphine,
21 (b) acetyldihydrocodeine,
22 (c) benzylmorphine,
23 (d) codeine methylbromide,
24 (e) codeine-N-Oxide,
25 (f) cyprenorphine

-
- 1 (g) desoporphine,
2 (h) dihydromorphine,
3 (i) drotebanol,
4 (j) etorphine (except hydrochloride salt),
5 (k) heroin,
6 (l) hydromorphenol,
7 (m) methyldesorphine,
8 (n) methyldihydromorphine,
9 (o) morphine methylbromide,
10 (p) morphine methylsulfonate,
11 (q) morphine-N-Oxide,
12 (r) myrophine,
13 (s) nicocodeine,
14 (t) nicomorphine,
15 (u) normorphine,
16 (v) phoclodine, and
17 (w) thebacon;

18 (3) any material, compound, mixture, or preparation
19 which contains any quantity of the following
20 hallucinogenic substances, their salts, isomers, and
21 salts of isomers, unless specifically excepted, whenever
22 the existence of such salts, isomers, and salts of
23 isomers is possible within the specific chemical
24 designation:

- 25 (a) 2, 5 dimethoxyamphetamine (2, 5-DMA),

-
- 1 (b) 3, 4-methylenedioxyamphetamine,
2 (c) 5-methoxy-3, 4-methylenedioxyamphetamine,
3 (d) 4-bromo-2, 5 dimethoxyamphetamine (4-bromo-2,
4 5-DMA),
5 (e) 3, 4, 5-trimethoxyamphetamine,
6 (f) bufotenine,
7 (g) 4-methoxyamphetamine (PMA),
8 (h) diethyltryptamine,
9 (i) dimethyltryptamine,
10 (j) 4-methyl-2, 5-dimethoxylamphetamine,
11 (k) Gamma-hydroxybutyric acid (GHB)
12 [~~(k)~~] (l) ibogaine,
13 [~~(l)~~] (m) lysergic acid diethylamide,
14 [~~(m)~~] (n) marihuana,
15 [~~(n)~~] (o) mescaline,
16 [~~(o)~~] (p) peyote,
17 [~~(p)~~] (q) N-ethyl-3-piperidyl benzilate,
18 [~~(q)~~] (r) N-methyl-3-piperidyl benzilate,
19 [~~(r)~~] (s) psilocyn,
20 [~~(s)~~] (t) psilocybin, and
21 [~~(t)~~] (u) tetrahydrocannabinol

22 Section 7. Section 1120 of Title 11 of the Code of the
23 Federated States of Micronesia (Annotated), is hereby amended to
24 read as follows:

25 "Section 1120. Schedule II-Criteria for classification.

1 The ~~[director]~~ Secretary in his recommendation shall
2 place a substance in schedule II if he finds that:

3 (1) the substance has a high potential for abuse;

4 (2) the substance has currently accepted medical use
5 with severe restrictions; and

6 (3) abuse of the substance may lead to severe psychic
7 or physical dependence."

8 Section 8. Section 1121 of Title 11 of the Code of the
9 Federated States of Micronesia (Annotated), is hereby amended to
10 read as follows:

11 "Section 1121. Schedule II-Designated.

12 The controlled substances listed in this section are
13 included in schedule II:

14 (1) any of the following substances except those
15 narcotic drugs listed in other schedules, whether
16 produced directly or indirectly by extraction from
17 substances of vegetable origin, or independently by
18 means of chemical synthesis, or by combination of
19 extraction and chemical synthesis:

20 (a) opium and opiate, and any salt, compound,
21 derivative, or preparation of opium or opiate;

22 (b) any salt, compound, isomers, derivative, or
23 preparation thereof which is chemically equivalent or
24 identical with any of the substances referred to in
25 paragraph (a) of this subsection, but not including the

1 isoquinoline alkaloids of opium;

2 (c) opium poppy and poppy straw;

3 (d) coca leaves and any salt, compound,
4 derivative, or preparation of coca leaves, and any salt,
5 compound, derivative, or preparation thereof which is
6 chemically equivalent or identical with any of these
7 substances, but not including decocainized coca leaves
8 or extractions which do not include cocaine or ecgonine;

9 (2) any of the following opiates, including their
10 immediate isomers, esters, ethers, salts, and salts of
11 isomers, esters, and ethers, unless specifically
12 excepted, whenever the existence of such isomers,
13 esters, ethers, and salts is possible within the
14 specific chemical designation:

15 (a) alphaprodine,

16 (b) anileridine,

17 (c) apomorphine,

18 (d) bezitramide,

19 (e) codeine (3-methylmorphine)

20 ~~(e)~~ (f) dihydrocodeine,

21 ~~(f)~~ (g) diphenoxylate,

22 ~~(g)~~ (h) fentanyl,

23 ~~(h)~~ (i) isomethadone,

24 ~~(i)~~ (j) levomethorphan,

25 ~~(j)~~ (k) levorphanol,

1 [~~(k)~~] (l) metazocine,
2 [~~(l)~~] (m) methadone,
3 [~~(m)~~] (n) methadone, intermediate, 4-cyano-2-
4 dimethylamino-4, 4-diphenyl butane,
5 [~~(n)~~] (o) methaqualone,
6 [~~(o)~~] (p) moramide, intermediate, 2-methyl-3-
7 morpholino-1, 1-diphenyl-propane- carboxylic acid,
8 [~~(p)~~] (q) morphine,
9 (r) oxycodone,
10 (s) pethidine,
11 [~~(q)~~] (t) pethidine, intermediate, A, 4-cyano-1-
12 methyl-4 phenylpiperidine,
13 [~~(r)~~] (u) pethidine, intermediate, B, ethyl-4-
14 phenylpiperidine; 4-carboxylate,
15 [~~(s)~~] (v) pethidine, intermediate, C, 1-methyl-4-
16 phenylpiperidine-4-carboxylic acid,
17 [~~(t)~~] (w) phenazocine,
18 [~~(u)~~] (x) piminodine,
19 [~~(v)~~] (y) racemethorphan, and
20 [~~(w)~~] (z) racemorphan;
21 (3) any material, compound, mixture, or preparation
22 which contains any quantity of the following substances
23 having a potential for abuse associated with a stimulant
24 effect on the central nervous system:
25 (a) amphetamine, its salts, optical

1 isomers, and salts of its optical isomers;

2 (b) any substance which contains any quantity of
3 methamphetamine, including its salts, isomers, and salts
4 of isomers;

5 (c) any material, compound, mixture, or
6 preparation which contains any quantity of the following
7 substances having a potential for abuse associated with
8 a stimulant effect on the central nervous system:

9 (i) phenmetrazine and its salts;

10 (ii) methylphenidate.

11 Section 9. Section 1122 of Title 11 of the Code of the
12 Federated States of Micronesia (Annotated), is hereby amended to
13 read as follows:

14 "Section 1122. Schedule III-Criteria for
15 classification.

16 The [~~director~~] Secretary in his recommendation shall
17 place a substance in schedule III if he finds that:

18 (1) the substance has a potential for abuse less than
19 the substances listed in schedules I and II;

20 (2) the substance has currently accepted medical use
21 in treatment in the United States; and

22 (3) abuse of the substance may lead to moderate or
23 low physical dependence or high psychological
24 dependence."

25 Section 10. Section 1123 of Title 11 of the Code of the

1 Federated States of Micronesia (Annotated), is hereby amended to
2 read as follows:

3 "Section 1123. Schedule III-Designated.

4 The controlled substances listed in this section are
5 included in schedule III:

6 (1) unless listed in another schedule any material,
7 compound, mixture, or preparation which contains any
8 quantity of the following substances having a potential
9 for abuse associated with a depressant effect on the
10 central nervous system:

11 (a) any substance which contains any quantity of
12 a derivative of barbituric acid, or any salt of a
13 derivative of barbituric acid, except those substances
14 which are specifically listed in other schedules,

15 (b) benzphetamine,

16 (c) buprenorphine,

17 [~~(c)~~](d) chlorhexadol,

18 [~~(d)~~](e) chlorphentermine,

19 [~~(e)~~](f) chlortermine,

20 [~~(f)~~](g) clutethimide,

21 [~~(g)~~](h) diethylpropion,

22 [~~(h)~~](i) lysergic acid,

23 [~~(i)~~](j) lysergic acid amide,

24 [~~(j)~~](k) mazindol,

25 [~~(k)~~](l) methypropylon,

1 ~~[(l)]~~(m) phencyclidine,
2 ~~[(m)]~~(n) phendimetrazine,
3 ~~[(n)]~~(o) phentermine,
4 ~~[(o)]~~(p) sulfondiethylmethane,
5 ~~[(p)]~~(q) sulfonethylmethane, and
6 ~~[(q)]~~(r) sulfonmethane;

7 (2) nalorphine;

8 (3) any material, compound, mixture, or preparation
9 containing limited quantities of any of the following
10 narcotic drugs, or any salts thereof:

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

15 (b) not more than 1.8 grams of codeine, or any of
16 its salts, per 100 milliliters or not more than 90
17 milligrams per dosage unit, with one or more active,
18 non-narcotic ingredients in recognized therapeutic
19 amounts;

20 (c) not more than 300 milligrams of
21 dihydrocodeinone, or any of its salts, per 100
22 milliliters or not more than 15 milligrams per dosage
23 unit, with a fourfold or greater quantity of an
24 isoquinoline alkaloid of opium;

25 (d) not more than 300 milligrams of

1 dihydrocodeinone, or any of its salts, per 100
2 milliliters or not more than 15 milligrams per dosage
3 unit, with one or more active, non-narcotic ingredients
4 in recognized therapeutic amounts;

5 (e) not more than 1.8 grams of dihydrocodeine, or
6 any of its salts, per 100 milliliters or not more than
7 90 milligrams per dosage unit, with one or more active,
8 non-narcotic ingredients in recognized therapeutic
9 amounts;

10 (f) not more than 300 milligrams of
11 ethylmorphine, or any of its salts, per 100 milliliters
12 or not more than 15 milligrams per dosage unit, with one
13 or more active, non-narcotic ingredients in recognized
14 therapeutic amounts;

15 (g) not more than 500 milligrams of opium per 100
16 milliliters or per 100 grams, or not more than 25
17 milligrams per dosage unit, with one or more active non-
18 narcotic ingredients in recognized therapeutic amounts;

19 (h) not more than 50 milligrams of morphine, or
20 any of its salts, per 100 milliliters or per 100 grams
21 with one or more active, non-narcotic ingredients in
22 recognized therapeutic amounts.

23 (4) The [~~director~~] Secretary may except by rule any
24 compound, mixture, or preparation containing any
25 stimulant or depressant substance listed in subsections

(2) and (3) of this section from the application of all or any part of this chapter 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 do have a stimulant or depressant effect on the central nervous system."

Section 11. Section 1124 of Title 11 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 1124. Schedule IV-Criteria for classification.

The [~~director~~] Secretary in his recommendation shall place a substance in schedule IV if he finds that:

(1) the substance has a low potential for abuse relative to substances in schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances listed in schedule III."

Section 12. Section 1125 of Title 11 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

1 "Section 1125. Schedule IV-Designated.

2 The controlled substances listed in this section are
3 included in schedule IV:

4 (1) any material, compound, mixture, or preparation
5 which contains any quantity of the following substances
6 or salts thereof having a potential for abuse associated
7 with a depressant effect on the central nervous system:

8 (a) alprazolam,

9 (b) barbital,

10 [~~(b)~~](c) chloral betaine,

11 [~~(c)~~](d) chloral hydrate,

12 (e) chloraldiazepoxide,

13 (f) diazepam,

14 [~~(d)~~](g) diethylpropion,

15 [~~(e)~~](h) ethchlorvynol,

16 [~~(f)~~](i) ethinamate,

17 [~~(g)~~](j) fenfluramine,

18 (k) flurazepam,

19 [~~(h)~~](l) methohexital,

20 [~~(i)~~](m) meprobamate,

21 [~~(j)~~](n) methylphenobarbital,

22 (o) midazolam,

23 [~~(k)~~](p) paraldehyde,

24 [~~(l)~~](q) petrichloral, and

25 [~~(m)~~](r) phenobarbital;

1 (s) oxazepam,

2 (t) tramadol,

3 (u) triazolam,

4 (v) zolpidem;

5 (2) The [~~director~~] Secretary may except by rule any
6 compound, mixture, or preparation containing any
7 depressant substance listed in subsection (1) of this
8 section from the application of all or any part of this
9 chapter if the compound, mixture, or preparation
10 contains one or more active medicinal ingredients not
11 having a depressant effect on the central nervous
12 system, and if the admixtures are included therein in
13 combinations, quantity, proportion, or concentration
14 that vitiate the potential for abuse of the substances
15 which have a depressant effect on the central nervous
16 system.

17 Section 13. Section 1126 of Title 11 of the Code of the
18 Federated States of Micronesia (Annotated) is hereby amended to
19 read as follows:

20 "Section 1126. Schedule V-Criteria for classification.

21 The [~~director~~] Secretary in his recommendation shall
22 place a substance in schedule V if he finds that:

23 (1) the substance has a low potential for abuse
24 relative to the controlled substances listed in schedule
25 IV;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) the substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in schedule IV.

Section 14. Section 1128 of Title 11 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 1128. Annual revision and republication of schedules.

The [~~director~~] Secretary shall revise and republish the schedules annually and make them available to any registrant, law enforcement agency, or any member of the public desiring such list."

Section 15. Section 1131 of Title 11 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 1131. Authority of [~~director~~] Secretary to promulgate rules and regulations.

The [~~director~~] Secretary is authorized to promulgate rules in accordance with chapter 2 of title 17 of this code and charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within the [~~Trust Territory~~] FSM.

1 Section 16. Section 1132 of Title 11 of the Code of the
2 Federated States of Micronesia (Annotated), is hereby amended to
3 read as follows:

4 "Section 1132. Registration-Required; Exceptions.

5 (1) Every person who manufactures, distributes, or
6 dispenses any controlled substance within the [~~Trust~~
7 ~~Territory~~] FSM or who proposes to engage in the
8 manufacture, distribution, or dispensing of any
9 controlled substance within the [~~Trust Territory~~] FSM
10 shall obtain annually a registration issued by the
11 [~~director~~] Secretary in accordance with the rules made
12 by him.

13 (2) Persons registered by the [~~director~~] Secretary
14 under this chapter to manufacture, distribute, dispense,
15 or conduct research with controlled substances may
16 possess, manufacture, distribute, dispense, or conduct
17 research with those substances to the extent authorized
18 by their registration and in conformity with the other
19 provisions of this subchapter.

20 (3) The following persons need not register and may
21 lawfully possess controlled substances under the
22 provision of this chapter:

23 (a) a common or contract carrier or warehouseman,
24 or an employee thereof, whose possession of any
25 controlled substance is in the usual course of his

1 business or employment;

2 (b) an ultimate user or a person in possession of
3 any controlled substance pursuant to a lawful order of a
4 practitioner or in lawful possession of a schedule V
5 substance.

6 (4) The [~~director~~] Secretary may, by rule, waive the
7 requirement for registration of certain manufacturers,
8 distributors, or dispensers if he finds it consistent
9 with the public health and safety.

10 (5) A separate registration shall be required at each
11 principal place of business or professional practice
12 where the applicant manufactures, distributes, or
13 dispenses controlled substances.

14 (6) The [~~director~~] Secretary or his designee may
15 inspect the establishment of a registrant or applicant
16 for registration in accordance with the rules
17 promulgated by him.

18 Section 17. Section 1133 of Title 11 of the Code of the
19 Federated States of Micronesia (Annotated), is hereby amended to
20 read as follows:

21 "Section 1133. Registration-Criteria for granting;
22 Effect; Compliance with [~~federal~~] national law.

23 (1) The [~~director~~] Secretary shall register an
24 applicant to manufacture or distribute controlled
25 substances included in schedules I through V of

1 subchapter II of this chapter unless he determines that
2 the issuance of that registration is inconsistent with
3 the public interest. In determining the public interest,
4 the ~~[director]~~ Secretary shall consider the following
5 factors:

6 (a) maintenance of effective controls against
7 diversion of controlled substances into other than
8 legitimate medical, scientific, or industrial channels;

9 (b) compliance with applicable law;

10 (c) prior conviction record of applicant under
11 ~~[Federal]~~ national, State and local laws relating to
12 controlled substances;

13 (d) past experience in the manufacture or
14 distribution of controlled substances, and the existence
15 in the establishment of effective controls against
16 diversion;

17 (e) furnishing by the applicant of false or
18 fraudulent material in any application filed under this
19 chapter;

20 (f) suspension or revocation of the applicant's
21 ~~[Federal]~~ registration to manufacture, distribute, or
22 dispense controlled substances as authorized by
23 ~~[Federal]~~ national law; and

24 (g) any other factors relevant to and consistent
25 with the public health and safety.

(2) Registration granted under subsection (1) of this section shall not entitle a registrant to manufacture and distribute controlled substances in schedule I or II other than those specified in the registration.

(3) Practitioners must be registered 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 the ~~[Trust Territory]~~ FSM. The ~~[director]~~ Secretary need not require separate registration under this subchapter for practitioners engaging in research with non-narcotic controlled substances in schedules II through V where the registrant is already registered under this subchapter in another capacity.

Practitioners registered under ~~[Federal]~~ national law to conduct research with schedule I substances may conduct research with schedule I substances within the ~~[Trust Territory]~~ FSM upon furnishing evidence of that ~~[Federal]~~ national registration.

(4) Compliance by manufacturers and distributors with the provisions of the ~~[Federal]~~ national law respecting registration (excluding fees) shall be deemed compliance with this section.

Section 18. Section 1134 of Title 11 of the Code of the Federated States of Micronesia (Annotated), is hereby amended to

1 read as follows:

2 "Section 1134. Registration-Revocation or suspension-
3 Grounds; Limitation of effect; Sealing of substances;
4 Notice to bureau.

5 (1) A registration pursuant to section 1133 of this
6 chapter to manufacture, distribute, or dispense a
7 controlled substance, may be suspended or revoked by the
8 [~~director~~] Secretary upon a finding that the registrant:

9 (a) has materially falsified any application
10 filed pursuant to this chapter or required by this
11 chapter;

12 (b) has been convicted of any violation under
13 this chapter or any law of the [~~United States~~] FSM or
14 any other jurisdiction, [~~or of any state or territory~~],
15 relating to any substance defined herein as a controlled
16 substance; or

17 (c) has had his [~~Federal~~] registration suspended
18 or revoked by competent [~~Federal~~] national authority and
19 is no longer authorized by [~~Federal~~] national law to
20 engage in the manufacture, distribution, or dispensing
21 of controlled substances; or

22 (d) has violated any regulation promulgated by
23 the [~~director~~] Secretary relating to subchapter III of
24 this chapter;

25 (e) will abuse or unlawfully transfer such

1 substances or that the registrant will fail to safeguard
2 adequately his supply of such substances against
3 diversion into other than legitimate channels of
4 distribution.

5 (2) The [~~director~~] Secretary may limit revocation or
6 suspension of a registration to the particular
7 controlled substance with respect to which grounds for
8 revocation or suspension exists.

9 (3) In the event the [~~director~~] Secretary suspends or
10 revokes a registration granted under section 1133 of
11 this chapter, controlled substances owned or possessed
12 by the registrant pursuant to such registration at the
13 time of suspension or the effective date of the
14 revocation order, as the case may be, may in the
15 discretion of the [~~director~~] Secretary be placed under
16 seal. No disposition may be made of substances under
17 seal until the time for taking an appeal has elapsed or
18 until all appeals have been concluded unless a court,
19 upon application therefor, orders the sale of perishable
20 substances and the deposit of the proceeds of the sale
21 with the court. Upon a revocation order becoming final,
22 all such controlled substances shall be forfeited.

23 (4) The bureau shall promptly be notified of all
24 orders suspending or revoking registration and all
25 forfeitures of controlled substances.

1 Section 19. Section 1135 of Title 11 of the Code of the
2 Federated States of Micronesia (Annotated) is hereby amended to
3 read as follows:

4 "Section 1135. Registration-Revocation or suspension-
5 Notice and hearing.

6 (1) Before denying, suspending or revoking a
7 registration, or refusing a renewal of registration, the
8 [~~director~~] Secretary shall serve upon the applicant or
9 registrant in accordance with chapter 2 of title 17 of
10 this code notice to show cause why registration should
11 not be denied, revoked, or suspended, or why the renewal
12 should not be refused. The notice to show cause shall
13 contain a statement of the basis therefor and shall call
14 upon the applicant or registrant to appear before the
15 [~~director~~] Secretary at a time and place not less than
16 thirty days after the date of service of the notice, but
17 in the case of a denial or renewal of registration the
18 show cause notice shall be served not later than thirty
19 days before the expiration of the registration. These
20 proceedings shall be conducted in accordance with
21 chapter 2 of title 17 of this code without regard to any
22 criminal prosecution or other proceeding. Proceedings
23 to refuse renewal of registration shall not abate the
24 existing registration which shall remain in effect
25 pending the outcome of the administrative hearing.

(2) The ~~[director]~~ Secretary may suspend, without a notice to show cause, any registration simultaneously with the institution of proceedings under section 1134 of this chapter, or where renewal of registration is refused, if he 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 ~~[director]~~ Secretary or dissolved by the FSM Supreme Court [~~a court of competent jurisdiction~~].

Section 20. Section 1136 of Title 11 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 1136. Registration-Records.

Persons registered to manufacture, distribute, or dispense controlled substances under this chapter shall keep records and maintain inventories in conformance with the record-keeping and inventory requirements of ~~[Federal]~~ national law and in accordance with any rules or regulations adopted by the ~~[director]~~ Secretary pursuant to the provisions of this chapter."

Section 21. Section 1137 of Title 11 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

1 "Section 1137. Order forms for substances on schedules I
2 or II.

3 Controlled substances in schedules I and II shall be
4 distributed by a registrant to another registrant only
5 pursuant to an order form. Compliance with the
6 provisions of [~~Federal~~] national law respecting order
7 forms shall be deemed compliance with this section.

8 Section 22. Section 1138 of Title 11 of the Code of the
9 Federated States of Micronesia (Annotated) is hereby amended to
10 read as follows:

11 "Section 1138. Prescriptions.

12 (1) Except when dispensed directly by a practitioner,
13 other than a pharmacy, to an ultimate user, no
14 controlled substance in schedule II may be dispensed
15 without the written prescription of a practitioner.

16 (2) In emergency situations, as defined by rule of
17 the [~~director~~] Secretary, schedule II drugs may be
18 dispensed upon oral prescription of a practitioner
19 reduced promptly to writing and filled by the pharmacy.
20 Prescriptions shall be retained in conformity with the
21 requirements of section 1136 of this chapter. No
22 prescription for a schedule II substance may be
23 refilled.

24 (3) Except when dispensed directly by a practitioner,
25 other than a pharmacy, to an ultimate user, a controlled

1 substance included in schedules III or IV which is a
2 prescription drug, shall not be dispensed without a
3 written or oral prescription of a practitioner. The
4 prescription shall not be filled or refilled more than
5 six months after the date thereof or be refilled more
6 than five times, unless renewed by the practitioner.

7 (4) A controlled substance included in schedule V
8 shall not be distributed or dispensed other than for a
9 medical purpose.

10 (5) No prescription for a controlled substance shall
11 be filled or refilled with more than a 30- day supply,
12 based upon the dosage units contained in the
13 prescription.

14 Section 23. Section 1148 of Title 11 of the Code of the
15 Federated States of Micronesia (Annotated) is hereby amended to
16 read as follows:

17 "Section 1148. Conditional discharge for first offense
18 possession.

19 (1) Whenever any person who has not previously been
20 convicted of any offense under this chapter or under any
21 other law of the FSM or of any of its states or
22 municipalities [~~statute of the United States or of any~~
23 ~~state or territory~~] relating to narcotic drugs,
24 marihuana, or stimulant, depressant, or hallucinogenic
25 drugs, pleads guilty to or is found guilty of possession

1 of a controlled substance under subsection (1) of
2 section 1142 of this chapter the court, without entering
3 a judgment of guilt and with the consent of the accused,
4 may defer further proceedings and place him on probation
5 upon terms and conditions. Upon violation of a term or
6 condition, the court may enter an adjudication of guilt
7 and proceed as otherwise provided. Upon fulfillment of
8 the terms and conditions, the court shall discharge such
9 person and dismiss the proceedings against him.

10 Discharge and dismissal under this section shall be
11 without court adjudication of guilt and shall not be
12 deemed a conviction for purposes of disqualifications or
13 disabilities imposed by law upon conviction of a crime
14 including the additional penalties imposed for second or
15 subsequent convictions under section 1149 of this
16 chapter. Discharge and dismissal under this section may
17 occur only once with respect to any person.

18 (2) Upon the dismissal of such person and discharge
19 of the proceedings against him under subsection (1) of
20 this section, such person may apply to the court for an
21 order to expunge from all official records (other than
22 the nonpublic records to be retained by the court solely
23 for the purpose of use by the courts in determining
24 whether or not, in subsequent proceedings, such person
25 qualifies under this section) all recordation relating

1 to his arrest, indictment or information, trial, finding
2 of guilty, and dismissal and discharge pursuant to this
3 section. If the court determines after hearing that
4 such person was dismissed and the proceedings against
5 him discharged, it shall enter such order. The effect
6 of such order shall be to restore such person, in the
7 contemplation of the law, to the status he occupied
8 before such arrest or indictment or information. No
9 person as to whom such order has been entered shall be
10 held hereafter under any provisions of any law to be
11 guilty of perjury or otherwise giving a false statement
12 by reason of his failures to recite or acknowledge such
13 arrest, or indictment or information, or trial in
14 response to any inquiry made of him for any purpose.

15 Section 24. Section 1149 of Title 11 of the Code of the
16 Federated States of Micronesia (Annotated), is hereby amended to
17 read as follows:

18 "Section 1149. Conviction by another jurisdiction not
19 bar to prosecution.

20 If a violation of this chapter is a violation of a State
21 law or the law of another jurisdiction [~~Federal law or~~
22 ~~the law of another State~~], a conviction or acquittal
23 under State law or the law of another jurisdiction
24 [~~Federal law or the law of another State~~] for the same
25 act is not a bar to prosecution in the [~~Trust Territory~~]

