

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 48.
FOODS AND DRUGS.

CHAPTER 9.
CONTROLLED SUBSTANCES.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 9. CONTROLLED SUBSTANCES.

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CHAPTER 9. CONTROLLED SUBSTANCES.

Refs & Annos

Jurisdiction	Laws	Effective Date	Statutory Citation
Alabama	1971, No. 140	9-16-1971[FN*]	Code 1975, §§ 20-2-1 to 20-2-190.
Alaska	1982, c. 45	1-1-1983	AS 11.71.010 to 11.71.900, 17.30.010 to 17.30.900.
Arizona	1979, c. 103	7-1-1980	A.R.S. §§ 36-2501 to 36-2553.
Arkansas [FN2]	1971, No. 590	4-7-1971	A.C.A. §§ 5-64-101 to 5-64-608.
California	1972, c. 1407	3-7-1973	West's Ann.Cal.Health & Safety Code, §§ 11000 to 11657.
Colorado	1981, pp. 707 to 728		West's C.R.S.A. §§ 18-18-101 to 18-18-605.
Connecticut	1967, No. 555	6-21-1967	C.G.S.A. §§ 21a-240 to 21a-283.
Delaware	1972, c. 424	6-13-1972[FN*]	16 Del.C. §§ 4701 to 4796.
District of Columbia	1981, D.C.Law 4-29		D.C. Official Code, 2001 Ed. §§ 48-901.01 to 48-931.02.
Florida	1973, c. 331	7-1-1973	West's F.S.A. §§ 893.01 to 893.165.
Georgia	1974, p. 221	7-1-1974	O.C.G.A. §§ 16-13-20 to 16-13-56.
Hawaii	1972, c. 10	1-1-1973	HRS §§ 329-1 to 329-128.
Idaho	1971, c. 215	5-1-1971	I.C. §§ 37-2701 to 37-2751.
Illinois	1971, P.A. 77-757	8-16-1971	S.H.A. 720 ILCS 570/100 to 570/603.
Indiana	1976, P.L. 148	7-1-1977	West's A.I.C. 35-48-1-1 to 35-48-7-15.
Iowa	1971, c. 148	7-1-1971	I.C.A. §§ 124.101 to 124.602.
Kansas	1972, c. 234	7-1-1972	K.S.A. 65-4101 to 65-4166.
Kentucky	1972, c. 226	7-1-1972	KRS 218A.010 to 218A.993.
Louisiana	1972, No. 634	7-26-1972	LSA-R.S. 40:961 to 40:995.
Maine	1975, c. 499	5-1-1976	17-A M.R.S.A. §§ 1101 to 1118.
	1941, c. 251	4-16-1941	22 M.R.S.A. §§ 2383, 2383-A, 2383-B.
Maryland	2002, c. 26	10-1-2002	Criminal Law, §§ 5-101 to 5-1101.
Massachusetts	1971, c. 1071	7-1-1972	M.G.L.A. c. 94C, §§ 1 to 48.
Michigan	1978, No. 368	9-30-1978	M.C.L.A. §§ 333.7101 to 333.7545.
Minnesota	1971, c. 937	6-18-1971	M.S.A. §§ 152.01 to 152.20.
Mississippi	1971, c. 521	4-16-1971	Code 1972, §§ 41-29-101 to 41-29-185.
Missouri	1971, H.B. No. 69	9-28-1971	V.A.M.S. §§ 195.010 to 195.320.
Montana	1973, c. 412	7-1-1973	MCA 50-32-101 to 50-32-405.
Nebraska	1971, LB 326	5-26-1971	R.R.S.1943, §§ 28-401 to 28-457.
Nevada	1971, c. 667	1-1-1972	N.R.S. 453.011 et seq.
New Jersey	1970, c. 226	1-17-1971	N.J.S.A. 2C:35-1 to 2C:35-23, 2C:36-1 to 2C:36-10, 24:21-1 to 24:21-53.
New Mexico	1972, c. 84		NMSA 1978, §§ 30-31-1 to 30-31-41.
New York	1972, c. 878	4-1-1973	McKinney's Public Health Law §§ 3300 to 3396.
North Carolina	1971, c. 919	1-1-1972	G.S. §§ 90-86 to 90-113.8.
North Dakota	1971, c. 235	7-1-1971	NDCC 19-03.1-01 to 19-03.1-46.
Ohio	1975, p. 269	7-1-1976	R.C. §§ 3719.01 to 3719.99.
Oklahoma	1971, c. 119	9-1-1971	63 Okl.St.Ann. §§ 2-101 to 2-610.
Oregon	1977, c. 745	7-1-1978	ORS 475.005 to 475.285, 475.295, 475.940 to 475.999.
Pennsylvania	1972, No. 64	6-14-1972	35 P.S. §§ 780-101 to 780-144.
Puerto Rico	1971, No. 4	180 days after 6-23-1971	24 L.P.R.A. §§ 2101 to 2607.
Rhode Island	1974, c. 183	7-1-1974	Gen.Laws 1956, §§ 21-28-1.01 to 21-28-6.02.
South Carolina	1971, p. 800	6-17-1971	Code 1976, §§ 44-53-110 to 44-53-590.

South Dakota	1970, c. 229	2-13-1970	SDCL 34-20B-1 to 34-20B-114.
Tennessee	1971, c. 163	7-1-1971	T.C.A. §§ 39-17-401 to 39-17-434, 53-11-301 to 53-11-452.
Texas	1973, c. 429	8-27-1973	V.T.C.A. Health & Safety Code, §§ 481.001 to 482.005.
Utah	1971, c. 145	1-1-1972	U.C.A.1953, 58-37-1 to 58-37-21.
Virgin Islands	1971, No. 2961	30 days foll. 3-23-1971	19 V.I.C. §§ 591 to 630a.
Virginia	1970, c. 650	4-5-1970 [FN*]	Code 1950, § 54.1-3400 et seq.
Washington	1971, c. 308	5-21-1971	West's RCWA §§ 69.50.101 to 69.50.609.
West Virginia	1971, c. 54	6-10-1971	Code, 60A-1-101 to 60A-6-605.
Wisconsin	1971, c. 219	10-1-1972	W.S.A. 961.001 to 961.62.
Wyoming	1971, c. 246	3-4-1971 [FN*]	Wyo.Stat. Ann. §§ 35-7-1001 to 35-7-1062.

[FN1] The 1970, 1990, and 1994 versions of the Uniform Controlled Substances Act, while different, are similar in many of their provisions. The acts of the adopting jurisdictions will, therefore, generally contain many provisions common to all of those versions. Thus, it is often difficult to say with certitude that a jurisdiction has adopted one version of the act rather than another. For that reason, all jurisdictions adopting the Uniform Controlled Substances Act will be carried in an identical table found at the beginning of each of the versions of the act.

[FN2] Note that Arkansas has adopted and retains the major provisions of both the Uniform Narcotic Drug Act and the Uniform Controlled Substances Act. See General Statutory Note, *infra*.

[FN*] Date of approval.

HISTORICAL AND STATUTORY NOTES

Miscellaneous Notes

Revision of chapter: D.C. Law 4-29 enacted the District of Columbia Uniform Controlled Substances Act of 1981. D.C. Law 4-29 repealed former §§ 33-501, 33-503 to 33-513, 33-515 to 33-520, 33-521(a), (c) through (g), and 33-522 to 33-526 [1981 Ed.], redesignated former §§ 33-502, 33-514, and 33-521 [1981 Ed.] as present §§ 48-921.01, 48-921.02, and 48-931.01, respectively, and enacted present §§ 48-901.02, 48-902.01 to 48-902.13, 48-903.01 to 48-903.09, 48-904.01 to 48-904.10, 48-905.01 to 48-905.07, and 48-906.01 to 48-906.03. Former § 33-509 [1981 Ed.] had been amended by D.C. Law 4-25.

Former §§ 33-501 to 33-526 [1981 Ed.] as they existed prior to the revision of this chapter by D.C. Law 4-29, were part of the Uniform Narcotic Drug Act, approved June 20, 1938 (52 Stat. 785). D.C. Law 4-29 also repealed, *inter alia*, the provisions of former chapter 6 of this title, the Dangerous Drug Act for the District of Columbia, approved July 24, 1956 (70 Stat. 612).

UNIT A. CONTROLLED SUBSTANCES ACT.

SUBCHAPTER I. DEFINITIONS.

§ 48-901.01. [RESERVED]

§ 48-901.02. DEFINITIONS.

As used in this chapter, the term:

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

(A) A practitioner (or, in the practitioner's presence, by the practitioner's authorized agent); or

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

(2) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term "agent" does not include a common or contract carrier, a public warehouseman, or an employee of the carrier or warehouseman, when acting in the usual and lawful course of the carrier's or warehouseman's business.

(3) "Cannabis" means all parts of the plant genus *Cannabis*, including both marijuana and hashish defined as follows:

- (A) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus *Cannabis*, whether growing or not. The term "marijuana" does not include the resin extracted from any part of the plant, nor any compound, manufacture, salt, derivative, mixture, or preparation from the resin, including hashish and does not include the mature stalks of the plant, fiber produced from such stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- (B) "Hashish" includes the resin extracted from any part of the plant genus *Cannabis*, and every compound, manufacture, salt, derivative, mixture, or preparation from such resin.
- (4) "Controlled substance" means a drug, substance, or immediate precursor, as set forth in Schedules I through V of subchapter II of this chapter.
- (5) "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 who in fact manufactured, distributed, or dispensed the substance.
- (6) "D.E.A." means the Drug Enforcement Administration of the United States Department of Justice or its successor agency.
- (7) "Dispense" means to distribute 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.
- (8) "Dispenser" means a practitioner who dispenses.
- (9) "Distribute" means the actual, constructive, or attempted transfer from one person to another other than by administering or dispensing of a controlled substance, whether or not there is an agency relationship.
- (10) "Distributor" means a person who distributes.
- (11) "Drug" means: (A) substances recognized as drugs in the official United States Pharmacopoeia, the official Homeopathic Pharmacopoeia of the United States, or the official National Formulary, or any supplement to any of them; (B) active substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (C) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (D) substances intended for use as a component of any article specified in clause (A), (B), or (C) of this paragraph. The term "drug" does not include devices or their components, parts, or accessories.
- (12) "Immediate precursor" means a substance which the Mayor has found to be, and by rule designates 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.
- (13) "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, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term "manufacture" does not include the preparation or compounding of a controlled substance by an individual for his or her own use or the preparation, compounding, packaging, or labeling of a controlled substance:
- (A) By a practitioner as an incident to administering or dispensing a controlled substance in the course of the practitioner's professional practice; or
 - (B) By a practitioner, or by his or her authorized agent under supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.
- (14) "Mayor" means the Mayor as provided for in § 1-204.21, or the Mayor's designated agent.
- (15) "Narcotic drug" means 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:
- (A) Opium, its phenanthrene alkaloids, and their derivatives (except isoquiniline alkaloids of opium);
 - (B) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent to or identical with any of the substances referred to in subparagraph (A) of this paragraph;
 - (C) Opium poppy and poppy straw;
 - (D) Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - (E) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; and

(F) Any compound, mixture, or preparation that contains any of the substances referred to in this paragraph.

(16) "Opiate" means any drug or other substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability and includes its racemic and levorotatory forms. The term "opiate" does not include, unless specifically designated as controlled under § 48- 902.01, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).

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

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

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

(20) "Practitioner" means:

(A) A physician, dentist, advanced practice registered nurse, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in the District of Columbia; or

(B) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of its professional practice or research in the District of Columbia.

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

(22) "State" when applied to a part of the United States, includes any state, the District of Columbia, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States government.

(23) "Ultimate user" means a person who lawfully possesses a controlled substance for that person's own use or for the use of a member of that person's household or for administering to an animal owned by him or her or by a member of that person's household.

(24) "Addict" means any individual who habitually uses any narcotic drug or abusive drug so as to endanger the public morals, health, safety, or welfare, or who is or has been so far addicted to the use of such narcotic drug or abusive drug as to have lost the power of self-control with reference to his addiction.

(25) "Retail value" means the value in the market in which the substance was being distributed, manufactured or possessed, or the amount which the person possessing such controlled substance reasonably could have expected to receive upon the sale of the controlled substance at the time and place where the controlled substance was distributed, manufactured or possessed.

(26) "Abusive drug" means 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:

(A) Phencyclidine or a phencyclidine immediate precursor;

(B) Methamphetamine, its salts, isomers, and salts of its isomers; and

(C) Phenmetrazine and its salts.

(27) "Isomer" means the optical isomer, except as used in § 48-902.04(3) and § 48-902.06(1)(D). As used in § 48-902.04(3), "isomer" means any optical, positional, or geometric isomer. As used in § 48-902.06(1)(D), "isomer" means any optical or geometric isomer.

(28) "Real property" means any right, title, or interest in any tract of land, or any appurtenance or improvement on a tract of land.

(29) "Playground" means any facility intended for recreation, open to the public, and with any portion of the facility that contains one or more separate apparatus intended for the recreation of children, including, but not limited to, sliding boards, swingsets, and teeterboards.

(30) "Video arcade" means any facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement, and which contains a minimum of 10 pinball or video machines.

(31) "Youth center" means any recreational facility or gymnasium, including any parking lot appurtenant thereto, intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities.

June 13, 1990, D.C. Law 8-138, § 2(a), 37 DCR 2638; Mar. 21, 1995, D.C. Law 10-229, § 2(a), 42 DCR 9; Mar. 23, 1995, D.C. Law 10-247, § 4, 42 DCR 457; Apr. 18, 1996, D.C. Law 11-110, § 34(a), 43 DCR 530.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-501.

Legislative History of Laws

Law 4-29, the "District of Columbia Uniform Controlled Substances Act of 1981," was introduced in Council and assigned Bill No. 4-123, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 5, 1981, and May 19, 1981, respectively. Signed by the Mayor on June 9, 1981, it was assigned Act No. 4-51 and transmitted to both Houses of Congress for its review.

Law 4-166 was submitted to the electors of the District of Columbia on September 14, 1982, as Initiative No. 9. The results of the voting, certified by the Board of Elections and Ethics on October 12, 1982, were 84,012 for the Initiative and 32,333 against the Initiative. It was transmitted to Congress for review on October 21, 1982 and resubmitted due to the Congressional adjournment sine die on January 6, 1983. Prior to its publication in the D.C. Register on March 9, 1983, emergency legislation delayed the implementation of Law 4-166. This emergency legislation, Act 5-10, provided that the provisions of this initiative shall not be applied to any person until June 7, 1983, the expiration of the District of Columbia Mandatory-Minimum Sentences Initiative Act of 1981 Delayed Effectiveness Amendments Emergency Act of 1983.

Law 6-201 was introduced in Council and assigned Bill No. 6-455, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 25, 1986, and December 16, 1986, respectively. Signed by the Mayor on January 8, 1987, it was assigned Act No. 6-260 and transmitted to both Houses of Congress for its review.

Law 8-50 was introduced in Council and assigned Bill No. 8-295. The Bill was adopted on first and second readings on June 27, 1989, and July 11, 1989, respectively. Signed by the Mayor on August 1, 1989, it was assigned Act No. 8-83 and transmitted to both Houses of Congress for its review. D.C. Law 8-50 became effective on October 19, 1989.

For legislative history of D.C. Law 8-138, see Historical and Statutory Notes following § 48-904.03a.

Law 10-229, the "Youth Facilities Drug Free Zone Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-506, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 27, 1994, it was assigned Act No. 10-370 and transmitted to both Houses of Congress for its review. D.C. Law 10-229 became effective on March 21, 1995.

Law 10-247, the "Health Occupations Revision Act of 1985 Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-589, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Vetoed by the Mayor on December 28, 1994, Council overrode the veto on January 17, 1995, and the Bill was assigned Act No. 10-394 and transmitted to both Houses of Congress for its review. D.C. Law 10-247 became effective on March 23, 1995.

Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

Delegation of Authority

Delegation of authority pursuant to Law 4-29, see Mayor's Order 85-171, October 18, 1985, as amended by Mayor's Order 87-121, May 27, 1987.

Miscellaneous Notes

Mayor to implement public information program: Section 5 of D.C. Law 8-138 provided that within 10 days of June 13, 1990, the Mayor shall implement an extensive public information program to detail the new penalty structure established under this act.

Drug house abatement: Section 2(a) of D.C. Law 12-127 provided that whoever shall erect, establish, continue, maintain, use, own, occupy, or release any building, erection, or place which is resorted to by persons using controlled substances in violation of § 48-901.02 et seq., for the purpose of using any of these substances or for the purpose of keeping or selling any of these substances in violation of the Controlled Substances Act of 1981, is guilty of a nuisance, and the building, erection, or place, or the ground itself in or upon which such activity is conducted, permitted, or carried on, continued, or exists, and the furniture, fixtures, and contents thereof, are also declared a nuisance and disorderly house, and shall be enjoined and abated as hereinafter provided.

Chapter 5, Controlled Substances, is based upon provisions contained in the Uniform Controlled Substances Act (1970, 1990, and 1994 Acts). See Volume 9, Parts II to V Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

SUBCHAPTER II. STANDARDS AND SCHEDULES.

§ 48-902.01. ADMINISTRATION.

(a) The Mayor shall administer this chapter and, with provision for public notice and comment, may add substances to or delete or reschedule all substances enumerated in the schedules in § 48-902.04, § 48-902.06, § 48-902.08, § 48-902.10 or § 48-902.12 pursuant to subchapter I of Chapter 5 of Title 2 and pursuant to the procedures set forth in this chapter. In making a determination regarding a substance, the Mayor shall consider the following:

- (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 psychological or physiological dependence; and
- (8) Whether the substance is an immediate precursor of a substance already controlled under this subchapter.

(b) After considering the factors enumerated in subsection (a) of this section and after complying with subchapter I of Chapter 5 of Title 2, the Mayor shall make findings with respect to the factors and issue a rule either controlling the substance if the Mayor finds that the substance has a potential for abuse or deleting the substance if the Mayor finds that the substance does not have a potential for abuse.

(c) If the Mayor 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.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law, the Mayor may similarly propose to control or delete the substance under this chapter pursuant to subsections (a) and (b) of this section.

(e) Authority to control under this section does not extend to tobacco or to distilled spirits, wine, or malt beverages, as those terms are defined or used in § 25-103.

(Aug. 5, 1981, D.C. Law 4-29, § 201, 28 DCR 3081; Aug. 1, 1985, D.C. Law 6-15, § 5, 32 DCR 3570; July 24, 1998, D.C. Law 12-136, § 2(a), 45 DCR 2942.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-511.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

Law 6-15 was introduced in Council and assigned Bill No. 6-141, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 14, 1985 and May 28, 1985, respectively. Signed by the Mayor on June 7, 1985, it was assigned Act No. 6-30 and transmitted to both Houses of Congress for its review.

Law 12-136, the "Uniform Controlled Substances Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-213, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 3, 1998, and April 7, 1998, respectively. Signed by the Mayor on April 20, 1998, it was assigned Act No. 12-337 and transmitted to both Houses of Congress for its review. D.C. Law 12-136 became effective on July 24, 1998.

References in Text

Section 25-103, referred to in subsection (e) of this section, is part of Title 25, D.C. Official Code, which title was amended and enacted by D.C. Law 13-298, effective May 3, 2001. For disposition of the subject matter of former Title 25, see the Disposition Table preceding § 25-101.

Editor's Notes

Pursuant to subsection (b), sufentanil was added to the list of enumerated controlled substances in Schedule II, appearing in subparagraph (A) of paragraph (1) of § 48-902.06, by an order published upon adoption of the rule in 32 DCR 1097.

Pursuant to subsection (b), buprenorphine was rescheduled from Schedule II to Schedule V of enumerated controlled substances appearing in § 48-902.12(3), by an order published upon adoption of the rule in 33 DCR 6908.

Pursuant to subsection (b), loperamide was deleted from Schedule V appearing in § 48-902.12(3) by an order published upon adoption of the rule in 34 DCR 4370.

Delegation of Authority

Delegation of Authority to implement D.C. Law 4-29, the "District of Columbia Uniformed Controlled Substances Act of 1981", see Mayor's Order 98-49, April 15, 1998 (45 DCR 2694).

§ 48-902.02. NOMENCLATURE.

The controlled substances listed or to be listed in the schedules in §§ 48-902.04, 48-902.06, 48-902.08, 48-902.10 and 48-902.12 are included by whatever official, common, usual, chemical, or trade name designated.

(Aug. 5, 1981, D.C. Law 4-29, § 202, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-512.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-902.03. SCHEDULE I TESTS.

The Mayor shall place a substance in Schedule I if the Mayor finds that the substance:

- (1) Has high potential for abuse; and
- (2) Has no accepted medical use in treatment in the United States or in the District of Columbia or lacks accepted safety for use in treatment under medical supervision.

(Aug. 5, 1981, D.C. Law 4-29, § 203, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-513.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-902.04. SCHEDULE I ENUMERATED.

The controlled substances listed in this section are included in Schedule I, unless and until removed therefrom pursuant to § 48-902.01:

(1) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (A) Acetylmethadol;
- (B) Allyprodine;
- (C) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alphaacetylmethadol, levomethadyl, acetate, or LAAM);
- (D) Alphameprodine;

(E) Alphamethadol;
(F) Benzethidine;
(G) Betacetylmethadol;
(H) Betameprodine;
(I) Betamethadol;
(J) Betaprodine;
(K) Clonitazene;
(L) Dextromoramide;
(M) Diampromide;
(N) Diethylthiambutene;
(O) Difenoxin;
(P) Dimenoxadol;
(Q) Dimepheptanol;
(R) Dimethylthiambutene;
(S) Dioxaphetylbutyrate;
(T) Dipipanone;
(U) Ethylmethylthiambutene;
(V) Etonitazene;
(W) Etoxeridine;
(X) Furethidine;
(Y) Hydroxypethidine;
(Z) Ketobemidone;
(AA) Levomoramide;
(BB) Levophenacymorphan;
(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) Thiophene;
(RR) Trimeperidine;
(SS) Acetyl-Alpha-Methylfentanyl;
(TT) Alphe-methylfentanyl;
(UU) Alpha-Methylthiofentanyl;
(VV) Beta-hydroxyfentanyl;
(WW) Beta-hydroxy-3-Methylfentanyl;
(XX) 3-Methylfentanyl;
(YY) 3-Methylthiofentanyl;

- (ZZ) MPPP;
- (AAA) Para-fluorofentanyl;
- (BBB) PEPAP;
- (CCC) Thiofentanyl; and
- (DDD) Tilidine;

(2) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers, 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) Drotepanol;
- (J) Etorphine (except hydrochloride salt);
- (K) Diacetylated morphine (heroin);
- (L) Hydromorphenol;
- (M) Methyldesorphine;
- (N) Methyldihydromorphine;
- (O) Morphine methylbromide;
- (P) Morphine methylsulfonate;
- (Q) Morphine-N-Oxide;
- (R) Myorphine;
- (S) Nicocodeine;
- (T) Nicomorphine;
- (U) Normorphine;
- (V) Pholcodine; and
- (W) Thebacon;

(3) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, its salts, isomers and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position, and geometric isomers):

- (A) 4-bromo-2, 5-dimethoxyamphetamine;
- (B) 2, 5 dimethoxyamphetamine;
- (C) 4-methoxyamphetamine;
- (D) 5-methoxy-3, 4-methylenedioxy amphetamine;
- (E) 4-methyl-2,5-dimethoxyamphetamine;
- (F) 3,4-methylenedioxyamphetamine [MDA];
- (G) 3, 4, 5-trimethoxy amphetamine;
- (H) Bufotenine;
- (I) Diethyltryptamine;
- (J) Dimethyltryptamine;
- (K) Ethylamide analog of phencyclidine, PCE;
- (L) Ibogaine;
- (M) Lysergic acid diethylamide;

- (N) Mescaline;
- (O) Peyote;
- (P) N-ethyl-3-piperidyl benzilate;
- (Q) N-methyl-3-piperidyl benzilate;
- (R) Psilocybin;
- (S) Psilocyn;
- (T) Pyrrolidine analog of phencyclidine, PCPY;
- (U) Thiophene analog of phencyclidine;
- (V) Repealed;
- (W) Parahexyl;
- (X) 4-bromo-2,5-dimethoxyphenethylamine; and
- (Y) 3,4-methylenedioxymethamphetamine [MDMA];

(4) Unless specifically excepted or unless listed in another schedule, any material, compound, or mixture, or preparation which contains any quantity of the following substances 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) Mecloqualone; and
- (B) Methaqualone; and

(5) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (A) Fenethyline;
- (B) N-ethylamphetamine; and
- (C) Cathinone.

(Aug. 5, 1981, D.C. Law 4-29, § 204, 28 DCR 3081; amended by rule, 39 DCR 1882; amended by rule, Dec. 7, 1994, 41 DCR 7967; May 9, 2000, D.C. Law 13- 99, § 2(a), 47 DCR 791; Dec. 10, 2009, D.C. Law 18-88, § 225, 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-514.

Effect of Amendments

D.C. Law 13-99 corrected the way in which two chemicals were stated in subsec. (3) and added provisions contained in (X) and (Y) in subsec. (3).

D.C. Law 18-88, in par. (5), deleted "and" from the end of subpar. (A), substituted "; and" for a period at the end of subpar. (B), and added subpar. (C).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Uniform Controlled Substances Temporary Amendment Act of 1999 (D.C. Law 13-34, October 7, 1999, law notification 47 DCR 3423).

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2 of the Uniform Controlled Substances Emergency Amendment Act of 1999 (D.C. Act 13-96, June 15, 1999, 46 DCR 5640).

For temporary (90-day) amendment of section, see § 2 of the Uniform Controlled Substances Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13- 144, October 18, 1999, 46 DCR 9904).

For temporary (90 day) amendment of section, see § 225 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 225 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18- 227, October 21, 2009, 56 DCR 8668).

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

Law 13-99, the "Uniform Controlled Substances Amendment Act of 1999," was introduced in Council and assigned Bill No. 13-291, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 7, 1999, and December 21, 1999, respectively. Signed by the Mayor on January 10, 2000, it was assigned Act No. 13-245 and transmitted to both Houses of Congress for its review. D.C. Law 13-99 became effective on May 9, 2000.

Law 18-88, the "Omnibus Public Safety and Justice Amendment Act of 2009", as introduced in Council and assigned Bill No. 18-151, which was referred to the Committee on Public Safety and the Judiciary. The bill as adopted on first and second readings on June 30, 2009, and July 31, 2009, respectively. Signed by the Mayor on August 26, 2009, it was assigned Act No. 18-189 and transmitted to both Houses of Congress for its review. D.C. Law 18-88 became effective on December 10, 2009.

§ 48-902.05. SCHEDULE II TESTS.

The Mayor shall place a substance in Schedule II if the Mayor finds that:

- (1) The substance has high potential for abuse;
- (2) The substance has currently accepted medical use in treatment in the United States or the District of Columbia, or currently accepted medical use, with severe restrictions; and
- (3) The abuse of the substance may lead to severe psychological or physical dependence.

(Aug. 5, 1981, D.C. Law 4-29, § 205, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-515.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-902.06. SCHEDULE II ENUMERATED.

The controlled substances listed in this section are included in Schedule II unless and until removed therefrom pursuant to § 48-902.01:

(1) 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 combination of extraction and chemical synthesis:

(A) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrophan, nalbuphine, naloxone, naltrexone, and their respective salts, 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) Etorphine Hydrochloride;
- (x) Hydrocodone;
- (xi) Metopon;
- (xii) Morphine;
- (xiii) Oxycodone;
- (xiv) Oxymorphone;
- (xv) Thebaine;
- (xvi) Hydromorphone;

(xvii) Dihydrocodeine;

(xviii) Sufentanil;

(xix) Alfentanil; and

(xx) Carfentanil;

(B) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with 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;

(D) Coca leaves, except coca leaves or extracts of coca leaves from which cocaine, ecgonine, or derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; or any compound, mixture, or preparation that contains any substance referred to in this paragraph;

(E) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy);

(F) Hashish; and

(G) Synthetic Tetrahydrocannabinols: Chemical equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

(i) Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers;

(ii) Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; or

(iii) Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers (compounds of these structures, regardless of numerical designation of atomic positions covered);

(2) Unless specifically excepted or unless in another schedule, 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, dextrophan excepted:

(A) Alphaprodine;

(B) Anileridine;

(C) Bezitramide;

(D) Biphentamine;

(E) Diphenoxylate;

(F) Eskatrol;

(G) Fentanyl;

(H) Fetamine;

(I) Isomethadone;

(J) Levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

(K) Levomethorphan;

(L) Levorphanol;

(M) Metazocine;

(N) Methadone;

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

(P) Moramide -- Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;

(Q) Pethidine (meperidine);

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

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

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

(U) Phenazocine;

(V) Piminodine;

(W) Racemethorphan; and

(X) Racemorphan;

(3) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,

or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (B) Methamphetamine, its salts, isomers, and salts of its isomers;
- (C) Phenmetrazine and its salts;
- (D) Methylphenidate and its salts;
- (E) Repealed.
- (F) Amphetamine/methamphetamine immediate precursor: Phenyl acetone (Phenyl-2- propanone), P2P; and

(4) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances 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) Methagualone;
- (B) Amobarbital;
- (C) Secobarbital;
- (D) Pentobarbital;
- (E) Phencyclidine;
- (F) Phencyclidine immediate precursors:
 - (i) 1-phenyleyclohexylamine
 - (ii) 1-piperidinocyclohexanecarbonitrile (PCC);
- (G) Dronabianol;
- (H) Nabilone; and
- (I) Glutethimide.

(Aug. 5, 1981, D.C. Law 4-29, § 206, 28 DCR 3081; amended by rule, 32 DCR 1097; June 13, 1990, D.C. Law 8-138, § 2(b), 37 DCR 2638; amended by rule, 39 DCR 1882; amended by rule, Dec. 7, 1994, 41 DCR 7967.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-516.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 8-50, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 8-138, see Historical and Statutory Notes following § 48-904.03a.

Miscellaneous Notes

Mayor to implement public information program: See Historical and Statutory Notes following § 48-901.02.

§ 48-902.07. SCHEDULE III TESTS.

The Mayor shall place a substance in Schedule III if the Mayor finds that:

- (1) The substance has a potential for abuse less than the substances listed in Schedules I and II;
- (2) The substance has currently accepted medical use in treatment in the United States or the District of Columbia; and
- (3) The abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

(Aug. 5, 1981, D.C. Law 4-29, § 207, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-517.

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-902.08. SCHEDULE III ENUMERATED.

(a) The controlled substances listed in this section are included in Schedule III, unless and until removed therefrom pursuant to § 48-902.01:

(1) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances 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 form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 1308.32 of the Code of Federal Regulations, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

(B) Benzphetamine;

(C) Chlorphentermine;

(D) Clortermine;

(E) Mazindol; and

(F) Phendimetrazine;

(2) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(A) Any compound, mixture, or preparation containing:

(i) Amobarbital;

(ii) Secobarbital; or

(iii) Pentobarbital; or any salt thereof and 1 or more other active medicinal ingredients which are not listed in any schedule;

(B) Any suppository dosage form containing:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital; or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

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

(i) Chlorhexadol;

(ii) Rescheduled to Schedule II;

(iii) Lysergic acid;

(iv) Lysergic acid amide;

(v) Methyprylon;

(vi) Sulfondiethylmethane;

(vii) Sulfonethylmethane;

(viii) Sulfonmethane;

(ix) Tiletamine & Zolazepam Combination Product; and

(x) Vinbarbital;

(3) Nalorphine;

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

(A) Not more than 1.8 grams of codeine 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 per 100 milliliters or not more than 90 milligrams dosage

unit, with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(C) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a 4-fold or greater quantity of an isoquinoline alkaloid of opium;

(D) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(E) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(F) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with 1 or more 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 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts; and

(H) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, drug, or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progesterons, and corticosteroids) that promotes muscle growth and includes:

(A) Boldenone;

(B) Chlortestosterone (4-chlortestosterone);

(C) Clostebol;

(D) Dehydrochlormethyltestosterone;

(E) Dihydrotestosterone (4-dihydrotestosterone);

(F) Drostanolone;

(G) Ethylestrenol;

(H) Fluoxymesterone;

(I) Formebolone (formebolone);

(J) Mesterolone;

(K) Methandienone;

(L) Methandranone;

(M) Methandriol;

(N) Methandrostenolone;

(O) Methenolone;

(P) Methyltestosterone;

(Q) Mibolerone;

(R) Nandrolone;

(S) Norethandrolone;

(T) Oxandrolone;

(U) Oxymesterone;

(V) Oxymetholone;

(W) Stanolone;

(X) Stanozolol;

(Y) Testolactone;

(Z) Testosterone;

(AA) Trenbolone; and

(BB) 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. Except 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 Secretary of Health and Human Services for such administration. If any person prescribes, dispenses or distributes such steroid for human use such person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within

the meaning of this paragraph; and

(6) Cannabis.

(b) The Mayor may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in paragraphs (1) and (2) of subsection (a) of this section from the application of all or any part of this chapter if the compound, mixture, or preparation contains 1 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.

(Aug. 5, 1981, D.C. Law 4-29, § 208, 28 DCR 3081; amended by rule, 39 DCR 1882; amended by rule Dec. 7, 1994, 41 DCR 7967; June 8, 2001, D.C. Law 13- 300, § 2(a), 47 DCR 7037.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-518.

Effect of Amendments

D.C. Law 13-300, in subsec. (a), deleted "and" at the end of par. (4)(H), substituted "; and" for the period at the end of par. (5)(BB), and added par. (6).

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

Law 13-300, the "Distribution of Marijuana Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-240, which was referred to the Committee of the Judiciary. The Bill was adopted on first and second readings on June 26, 2000, and July 11, 2000, respectively. Signed by the Mayor on July 27, 2000, it was assigned Act No. 13-395 and transmitted to both Houses of Congress for its review. D.C. Law 13-300 became effective on June 8, 2001.

§ 48-902.09. SCHEDULE IV TESTS.

The Mayor shall place a substance in Schedule IV if the Mayor 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 or the District of Columbia; and
- (3) The abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

(Aug. 5, 1981, D.C. Law 4-29, § 209, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-519.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-902.10. SCHEDULE IV ENUMERATED.

(a) The controlled substances listed in this section are included in Schedule IV, unless and until removed therefrom pursuant to § 48-902.01:

(1) 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 specific chemical designation:

- (A) Barbitol;
- (B) Chloral betaine;
- (C) Chloral hydrate;
- (D) Chlordiazepoxide;

(E) Clonazepam;
(F) Clorazepate;
(G) Dextropropoxyphene;
(H) Diazepam;
(I) Ethchlorvynol;
(J) Ethinamate;
(K) Flurazepam;
(L) Lorazepam;
(M) Mebutamate;
(N) Meprobamate;
(O) Methohexital;
(P) Methylphenobarbital (mephobarbital);
(Q) Oxazepam;
(R) Paraldehyde;
(S) Petrichloral;
(T) Phenobarbital;
(U) Prazepam;
(V) Alprazolam;
(W) Bromazepam;
(X) Camazepam;
(Y) Clobazam;
(Z) Clotiazepam;
(AA) Cloxazolam;
(BB) Delorazepam;
(CC) Estazolam;
(DD) Ethyl loflazepate;
(EE) Fludiazepam;
(FF) Flunitrazepam;
(GG) Halazepam;
(HH) Haloxazolam;
(II) Ketazolam;
(JJ) Loprazolam;
(KK) Lormetazepam;
(LL) Medazepam;
(MM) Midazolam;
(NN) Nimetazepam;
(OO) Nitrazepam;
(PP) Oxazolam;
(QQ) Omitted;
(RR) Pinazepam;
(SS) Quazepam;
(TT) Temazepam;
(UU) Tetrazepam; and
(VV) Triazolam;

(2) Any material, compound, mixture, or preparation which contains any quantity of the following substances, 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, such as Fenfluramine;

(3) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances 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) Diethylpropion;
- (B) Phentermine;
- (C) Pemoline (including organometallic complexes and chelates thereof);
- (D) Cathine;
- (E) Fencamfimin;
- (F) Fenproporex;
- (G) Mefenorex;
- (H) Pipradrol; and
- (I) SPA;

(4) 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:

- (A) Dextropropoxyphene (Alpha-(+)-4-dimethylamino-1), 2-diphenyl-1-3-methyl-2-propionoxybutane; and
- (B) Pentazocine; and

(5) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof of not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(b) The Mayor may except by rule any compound, mixture, or preparation containing any depressant substance listed in paragraph (1) of subsection (a) of this section from the application of all or any part of this chapter if the compound, mixture, or preparation contains 1 or more active medicinal ingredients not having a 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 depressant effect on the central nervous system.

(Aug. 5, 1981, D.C. Law 4-29, § 210, 28 DCR 3081; amended by rule, 39 DCR 1882.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-520.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-902.11. SCHEDULE V TESTS.

The Mayor shall place a substance in Schedule V if the Mayor finds that:

- (1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;
- (2) The substance has currently accepted medical use in treatment in the United States or the District of Columbia; and
- (3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

(Aug. 5, 1981, D.C. Law 4-29, § 211, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-521.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-902.12. SCHEDULE V ENUMERATED.

The controlled substances listed in this section are included in Schedule V unless and until removed therefrom pursuant to § 48-902.01.

(1) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or salts thereof, which also contains 1 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 per 100 milliliters or per 100 grams;

(B) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(C) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(D) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(E) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit; and

(F) Not more than 0.5 milligrams of difenopin and not less than 25 micrograms of atropine sulfate per dosage unit;

(2) Repealed;

(3) Deleted upon adoption of rule in 34 DCMR 4370 on July 10, 1987;

(4) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below:
Buprenorphine;

(5) Propylhexedrine; and

(6) Pyrovalerone.

(Aug. 5, 1981, D.C. Law 4-29, § 212, 28 DCR 3081; amended by rule, 39 DCR 1882; June 8, 2001, D.C. Law 13-300, § 2(b), 47 DCR 7037.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-522.

Effect of Amendments

D.C. Law 13-300 repealed par. (2) which had read: "(2) Cannabis;".

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

For D.C. Law 13-300, see notes following § 48-902.08.

§ 48-902.13. REVISING AND REPUBLISHING OF SCHEDULES.

The Mayor shall revise and republish the schedules semiannually for 2 years from August 5, 1981, and thereafter annually. The published schedules may include the brand or trade names of the substances controlled.

(Aug. 5, 1981, D.C. Law 4-29, § 213, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-523.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-902.14. TREATMENT OF CONTROLLED SUBSTANCE ANALOGUES.

(a) A controlled substances analogue shall, to the extent intended for human consumption, be treated for the purposes of any District of Columbia law as a controlled substance in Schedule I.

(b) Except as provided in subsection (c) of this section, the term "controlled analogue" means: (1) a

substance with a chemical structure that is substantially similar to the chemical structure of a controlled substance in Schedule I or II;

(2) A substance that has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central system of a controlled substance in Schedule I or II; or

(3) A substance that, with respect to a particular person, is represented to have or is intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to, or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.

(c) Such term does not include:

(1) A controlled substance;

(2) Any substance for which there is an approved new drug application;

(3) With respect to a particular person any substance, if an exemption is in effect for investigational use, for that person, under § 505 of the Federal Food, Drug, and Cosmetic Act, approved June 25, 1938 (52 Stat. 1052, 21 U.S.C. § 355) to the extent conduct with respect to such substance is pursuant to such exemption; or

(4) Any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

(August 4, 1981, D.C. Law 4-29, § 214, as added as added May 9, 2000, D.C. Law 13-99, § 2(b), 47 DCR 791.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-99, see notes following § 48-902.04.

SUBCHAPTER III. REGULATION OF MANUFACTURE, DISTRIBUTION, AND DISPENSING.

§ 48-903.01. RULES AND REGULATIONS; FEES.

The Mayor may issue rules and regulations and may charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within the District of Columbia.

(Aug. 5, 1981, D.C. Law 4-29, § 301, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-531.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

Delegation of Authority

Delegation of Authority to implement D.C. Law 4-29, the "District of Columbia Uniformed Controlled Substances Act of 1981", see Mayor's Order 98-49, April 15, 1998 (45 DCR 2694).

§ 48-903.02. REGISTRATION--REQUIRED; RENEWAL; EXCEPTIONS; WAIVER; INSPECTION.

(a) Every person who manufactures, distributes, or dispenses any controlled substance within the District of Columbia, or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within the District of Columbia, must obtain annually a registration issued by the Mayor in accordance with the rules. Applications to renew a registration must be filed in a timely manner, not less than 60 days prior to the expiration of the registration, or the registration shall abate.

(b) Persons registered with the Mayor under this chapter 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 the other provisions of this subchapter. Any person registered under this subchapter whose authority to possess,

distribute, dispense, or conduct research with controlled substances is limited or otherwise restricted by any federal, state, or District of Columbia law, shall use such registration only to the extent authorized by said federal, state, or District of Columbia law unless otherwise specified.

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

- (1) An agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance acting in the usual course of business or employment;
- (2) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of 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) A designated civilian employee of the Metropolitan Police Department, or a law-enforcement official or agent of the District of Columbia or the United States if he or she is on duty and is acting in the performance of officially authorized functions.

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

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

(f) The Mayor may inspect the establishment of a registrant or applicant for registration in accordance with subsections (a) and (b) of this section.

(Aug. 5, 1981, D.C. Law 4-29, § 302, 28 DCR 3081; July 24, 1998, D.C. Law 12-136, § 2(b), 45 DCR 2942; June 12, 1999, D.C. Law 12-284, § 10(a), 46 DCR 1328.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-532.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 10(a) of Metropolitan Police Department Civilianization Temporary Amendment Act of 1998 (D.C. Law 12- 282, May 28, 1999, law notification 46 DCR 5148).

Emergency Act Amendments

For temporary amendment of section, see § 10(a) of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 45 5884), § 10(a) of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 45 8139), and § 10(a) of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

Law 12-284, the "Metropolitan Police Department Civilianization Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-710, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-613 and transmitted to both Houses of Congress for its review. D.C. Law 12-284 became effective on June 12, 1999.

Law 12-136, the "Uniform Controlled Substances Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-213, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 3, 1998, and April 7, 1998, respectively. Signed by the Mayor on April 20, 1998, it was assigned Act No. 12-337 and transmitted to both Houses of Congress for its review. D.C. Law 12-136 became effective on July 24, 1998.

§ 48-903.03. REGISTRATION--PUBLIC INTEREST; LIMITATIONS.

(a) The Mayor shall register an applicant to manufacture, distribute, or dispense controlled substances included in Schedules I, II, III, IV, and V unless the Mayor determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Mayor 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 District of Columbia law;
- (3) Any convictions of the applicant under any federal, state, or District of Columbia laws relating to any controlled substance;
- (4) Past experience in the manufacture, distribution, or dispensing of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;
- (5) Furnishing by the applicant of false or fraudulent material in any application filed under this chapter;
- (6) Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and
- (7) Any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) of this section does not entitle a registrant to:

- (1) Manufacture or distribute controlled substances in Schedule I or II other than those specified in the registration; or
- (2) Manufacture, distribute, or dispense Cannabis unless specified in the registration.

(c) 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 provisions of § 48-903.02. Separate registration shall be required for practitioners engaging in research with narcotic controlled substances set forth in Schedules II through V. The Mayor need not require separate registration under this subchapter for practitioners engaging in research with nonnarcotic controlled substances in Schedules II through V where the registrant is already registered under this subchapter in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within the District of Columbia upon furnishing the Mayor evidence of that federal registration.

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

(e) Any registration issued pursuant to this section shall be issued as a Public Health: Pharmacy and Pharmaceuticals endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47.

(Aug. 5, 1981, D.C. Law 4-29, § 303, 28 DCR 3081; Apr. 20, 1999, D.C. Law 12-261, § 2003(ee), 46 DCR 3142; Oct. 28, 2003, D.C. Law 15-38, § 3(jj), 50 DCR 6913.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-533.

Effect of Amendments

D.C. Law 15-38, in subsec. (e), substituted "Public Health: Pharmacy and Pharmaceuticals endorsement to a basic business license under the basic" for "Class A Public Health: Pharmacy and Pharmaceuticals endorsement to a master business license under the master".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 3(jj) of Streamlining Regulation Emergency Act of 2003 (D.C. Act 15-145, August 11, 2003, 50 DCR 6896).

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-615, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

For Law 15-38, see notes following § 48-703.

§ 48-903.04. REGISTRATION--SUSPENSION; REVOCATION; FORFEITURE OF SUBSTANCES.

(a) A registration issued under § 48-903.03 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the Mayor upon a finding that the registrant:

- (1) Has been convicted of a felony under any District of Columbia, state, or federal law relating to any controlled substance;

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

(3) Has had his or her practitioner's license suspended or revoked in the District of Columbia by the appropriate authority; or

(4) has violated any provisions of this chapter.

(b) A registration issued under § 48-903.03 to manufacture, distribute, or dispense a controlled substance may be suspended by the Mayor upon a finding that the registrant has been convicted of a misdemeanor under any District of Columbia, state, or federal law relating to any controlled substance.

(c) The Mayor may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(d) If the Mayor 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 may 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 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 may be forfeited in accordance with the provisions of § 48-905.03(d).

(e) The Mayor shall promptly notify the D.E.A. of all orders suspending or revoking registration and all forfeitures of controlled substances.

(Aug. 5, 1981, D.C. Law 4-29, § 304, 28 DCR 3081; July 24, 1998, D.C. Law 12-136, § 2(c), 45 DCR 2942.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-534.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 12-136, see Historical and Statutory Notes following § 48-903.02.

§ 48-903.05. REGISTRATION--PROCEDURAL RIGHTS INVOLVING SUSPENSION OR REVOCATION.

(a) If it appears to the Mayor that an application for registration should be denied or that an existing registration should be suspended or revoked, the Mayor shall notify the applicant or registrant of the proposed denial, suspension, or revocation, briefly stating the reasons therefor. In the case of a denial of renewal of registration, notice shall be served not later than 30 days before the expiration of the registration. Service may be made by delivering a copy of the notice to the applicant or registrant personally, or by leaving a copy thereof at the place of residence identified on the application or registration with some person of suitable age and discretion then residing therein, or by mailing a copy of the notice by certified mail to the residence address identified on the application or certificate, in which case service shall be complete as of the date the return receipt was signed. In the case of an organization, service may be made upon the president, chief executive, or other officer, managing agent, or person authorized by appointment or law to receive such notice as described in the preceding sentence at the business address of the organization identified in the application or registration certificate. The person serving the notice shall make proof thereof with the Mayor in a manner prescribed by the Mayor. In the case of service by certified mail, the signed return receipt shall be filed with the Mayor together with a signed statement showing the date such notice was mailed and if the return receipt does not purport to be signed by the person named in the notice, then specific facts from which the Mayor can determine that the person who signed the receipt meets the appropriate qualifications for receipt of such notice set out in this subsection. The applicant or registrant shall have 30 days from the date the notice was served in which to request a hearing before the Mayor to contest the proposed action to be taken by the Mayor; provided, that if the applicant or registrant does not request a hearing within 30 days after the serving of the notice of the proposed action, the applicant or registrant shall be deemed to have conceded the validity of the reason or reasons stated in the notice, and the denial, suspension, or revocation shall become final. Within 30 days of the date upon which any contest is noted, the Mayor shall convene a hearing. Within 10 days of the close of the hearing, the Mayor shall notify the applicant or registrant of the decision in the case. All proceedings, including the right to judicial review of the Mayor's decision, shall be in accordance with the District of Columbia Administrative Procedure Act. Where the application for renewal of registration has been timely filed, proceedings to refuse renewal of registration shall not abate the existing registration, which shall remain in effect pending the outcome of the administrative hearing. With regard to summary suspension of any registrant or the denial of renewal to any registration pursuant to subsection (b) of this section, a hearing shall be convened within 5 days of the institution of proceedings in this section; except, that a registrant who has been summarily suspended or denied a renewal under this section shall be

entitled upon request to a postponement of such hearing.

(b)(1) The Mayor may suspend, without prior notice and hearing, any registration simultaneously with the institution of proceedings under § 48- 903.04, or where renewal of registration is refused, if the Mayor finds that there is an imminent danger to the public health or safety which warrants this action, including, but not limited to, the danger that would be created by the outbreak of a serious fire on the business premises of a registrant on which controlled substances are stored, resulting in heat in excess of 110 degrees fahrenheit; grossly inadequate security measures; or while proceedings under § 48-903.04 are pending, continued and flagrant violations of the same sort which led to the institution of the pending proceedings.

(2) The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the Mayor or dissolved by a court of competent jurisdiction.

(Aug. 5, 1981, D.C. Law 4-29, § 305, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-535.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

References in Text

The "District of Columbia Administrative Procedure Act," referred to in the tenth sentence of subsection (a), is codified in Chapter 5 of Title 2.

§ 48-903.06. RECORDS AND INVENTORIES OF REGISTRANTS.

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 law, laws of the District of Columbia, and with any additional rules which the Mayor issues.

(Aug. 5, 1981, D.C. Law 4-29, § 306, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-536.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-903.07. ORDER FORMS.

Controlled substances in Schedule I or II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

(Aug. 5, 1981, D.C. Law 4-29, § 307, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-537.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-903.08. PRESCRIPTIONS.

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

(b) In emergency situations, as defined by rule of the Mayor, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions

shall be retained in conformity with the requirements of § 48-903.06. No prescription for a Schedule II controlled substance may be refilled.

(c) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV which is a prescription drug as determined under § 353(b) of Title 21, United States Code, shall not be dispensed without a written or oral prescription of a practitioner. The prescription shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed by the practitioner.

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

(e) Whenever a practitioner dispenses any controlled substance on a written or oral prescription issued by a practitioner, the practitioner shall affix to the container in which such controlled substance is dispensed a label showing the name of the controlled substance or controlled substances contained therein unless otherwise so indicated by the prescribing practitioner; the serial number and date of initial filling; the directions for use; the practitioner's name and registry number; the name of the ultimate user, or if the ultimate user is an animal, the name of the owner and the species of the animal; the name of the practitioner issuing the prescription; and caution statements, if any, as required by law.

(Aug. 5, 1981, D.C. Law 4-29, § 308, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-538.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-903.09. CIVIL INFRACTIONS.

Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this subchapter, or any rules or regulations issued under the authority of this subchapter, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this subchapter shall be pursuant to Chapter 18 of Title 2.

(Aug. 5, 1981, D.C. Law 4-29, title III, § 309, as added Mar. 8, 1991, D.C. Law 8-237, § 6, 38 DCR 314.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-539.

Legislative History of Laws

Law 8-237 was introduced in Council and assigned Bill No. 8-203, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 4, 1990, and December 18, 1990, respectively. Signed by the Mayor on December 27, 1990, it was assigned Act No. 8-320 and transmitted to both Houses of Congress for its review.

SUBCHAPTER IV. OFFENSES AND PENALTIES.

§ 48-904.01. PROHIBITED ACTS A; PENALTIES.

(a)(1) Except as authorized by this chapter or Chapter 16B of Title 7, it is unlawful for any person knowingly or intentionally to manufacture, distribute, or possess, with intent to manufacture or distribute, a controlled substance.

(2) Any person who violates this subsection with respect to:

(A) A controlled substance classified in Schedule I or II that is a narcotic or abusive drug shall be imprisoned for not more than 30 years or fined not more than \$500,000, or both;

(B) Any other controlled substance classified in Schedule I, II, or III, except for a narcotic or abusive drug, is guilty of a crime and upon conviction may be imprisoned for not more than 5 years, fined not more than \$50,000, or both; except that upon conviction of manufacturing, distributing or possessing with intent to distribute 1/2 pound or less of marijuana, a person who has not previously been convicted of manufacturing, distributing or possessing with intent to distribute a controlled substance or attempting to manufacture, distribute, or possess with intent to distribute a controlled substance may be imprisoned for not more than 180 days or fined not more than \$1000 or both;

(C) A substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than 3 years, fined not more than \$25,000, or both; or

(D) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$10,000, or both.

(b)(1) Except as authorized by this chapter, it is unlawful for any person to create, distribute, or possess with intent to distribute a counterfeit substance.

(2) Any person who violates this subsection with respect to:

(A) A counterfeit substance classified in Schedule I or II that is a narcotic or abusive drug shall be imprisoned for not more than 30 years or fined not more than \$500,000, or both;

(B) Any other counterfeit substance classified in Schedule I, II, or III, except for a narcotic or abusive drug, is guilty of a crime and upon conviction may be imprisoned for not more than 5 years, fined not more than \$50,000, or both;

(C) A counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than 3 years, fined not more than \$25,000, or both; or

(D) A counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than 1 year, fined not more than \$10,000, or both.

(c) Repealed.

(d)(1) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter or Chapter 16B of Title 7. Except as provided in paragraph (2) of this subsection, any person who violates this subsection is guilty of a misdemeanor and upon conviction may be imprisoned for not more than 180 days, fined not more than \$1,000, or both.

(2) Any person who violates this subsection by knowingly or intentionally possessing the abusive drug phencyclidine in liquid form is guilty of a felony and, upon conviction, may be imprisoned for not more than 3 years, fined not more than \$3,000, or both.

(e)(1) If any person who has not previously been convicted of violating any provision of this chapter, or any other law of the United States or any state relating to narcotic or abusive drugs or depressant or stimulant substances is found guilty of a violation of subsection (d) of this section and has not previously been discharged and had the proceedings dismissed pursuant to this subsection, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him or her on probation upon such reasonable conditions as it may require and for such period, not to exceed one year, as the court may prescribe. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge him or her from probation before the expiration of the maximum period prescribed for such person's probation. If during the period of probation such person does not violate any of the conditions of the probation, then upon expiration of such period the court shall discharge such person and dismiss the proceedings against him or her. Discharge and dismissal under this subsection shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this subsection. Such discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime (including the penalties prescribed under § 48-904.08 for second or subsequent convictions) or for any other purpose.

(2) Upon the dismissal of such person and discharge of the proceedings against him under paragraph (1) of this subsection, such person may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained under paragraph (1) of this subsection) all recordation relating to his or her arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this subsection. If the court determines, after hearing, that such person was dismissed and the proceedings against him or her discharged, it shall enter such order. The effect of such order shall be to restore such person, in the contemplation of this law, to the status he or she occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge such arrest, or indictment, or trial in response to any inquiry made of him or her for any purpose.

(f) The prosecutor may charge any person who violates the provisions of subsection (a) or (b) of this section relating to the distribution of or possession with intent to distribute a controlled or counterfeit substance with a violation of subsection (d) of this section if the interests of justice so dictate.

(g) For the purposes of this section, "offense" means a prior conviction for a violation of this section or a felony that relates to narcotic or abusive drugs, marijuana, or depressant or stimulant drugs, that is rendered by a court of competent jurisdiction in the United States.

Mar. 9, 1983, D.C. Law 4-166, §§ 9, 10, 30 DCR 1082; Sept. 26, 1984, D.C. Law 5-121, § 2(a), 31 DCR 4046; Mar. 15, 1985, D.C. Law 5-171, § 2(a), 32 DCR 730; Feb. 28, 1987, D.C. Law 6-201, § 2(c), 34 DCR 524; June 13, 1990, D.C. Law 8-138, § 2(c), 37 DCR 2638; Aug. 20, 1994, D.C. Law 10-151, § 112(a), 41 DCR 2608; May 25, 1995, D.C. Law 10-258, § 3, 42 DCR 238; Apr. 18, 1996, D.C. Law 11-110, § 34(b), 43 DCR 530; June 8, 2001, D.C. Law 13-300, § 2(c), 47 DCR 7037; July 23, 2010, D.C. Law 18-196, § 2, 57 DCR 4522; July 27, 2010, D.C. Law 18-210, § 3(c), 57 DCR 4798.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-541.

Effect of Amendments

D.C. Law 13-300, in subsec. (a), par. (2)(A), substituted "both; except that upon conviction of manufacturing, distributing or possessing with intent to distribute 1/2 pound or less of marijuana, a person who has not previously been convicted of manufacturing, distributing or possessing with intent to distribute a controlled substance or attempting to manufacture, distribute, or possess with intent to distribute a controlled substance may be imprisoned for not more than 180 days or fined not more than \$1000 or both" for "both".

D.C. Law 18-196 rewrote subsec. (d), which had read as follows:

"(d) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a misdemeanor and upon conviction may be imprisoned for not more than 180 days, fined not more than \$1,000, or both."

D.C. Law 18-210, in subsec. (a)(1), substituted "Except as authorized by this chapter or Chapter 16B of Title 7," for "Except as authorized by this chapter"; and, in subsec. (d), substituted "except as otherwise authorized by this chapter or Chapter 16B of Title 7" for "except as otherwise authorized by this chapter".

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

Law 4-52 was introduced in Council and assigned Bill No. 4-270, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on July 28, 1981 and September 15, 1981, respectively. Signed by the Mayor on September 25, 1981, it was assigned Act No. 4-89 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 4-166, see Historical and Statutory Notes following § 48-901.02.

Law 5-121 was introduced in Council and assigned Bill No. 5-448. The Bill was adopted on first and second readings on June 12, 1984, and June 26, 1984, respectively. Signed by the Mayor on July 13, 1984, it was assigned Act No. 5-173 and transmitted to both Houses of Congress for its review.

Law 5-171 was introduced in Council and assigned Bill No. 5-443, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 4, 1984, and December 18, 1984, respectively. Signed by the Mayor on January 11, 1985, it was assigned Act No. 5-236 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 6-201, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 8-50, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 8-138, see Historical and Statutory Notes following § 48-904.03a.

Law 10-151, the "Omnibus Criminal Justice Reform Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-98, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 29, 1994, and April 12, 1994, respectively. Signed by the Mayor on May 4, 1994, it was assigned Act No. 10-238 and transmitted to both Houses of Congress for its review. D.C. Law 10-151 became effective on August 20, 1994.

Law 10-258, the "District of Columbia Nonviolent Offenses Mandatory-Minimum Sentences Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-617, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 28, 1994, it was assigned Act No. 10-392 and transmitted to both Houses of Congress for its review. D.C. Law 10-258 became effective May 25, 1995.

For legislative history of D.C. Law 11-110, see Historical and Statutory Notes following § 46-201.

For D.C. Law 13-300, see notes following § 48-902.08.

Law 18-196, the "Liquid PCP Possession Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-556, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 20, 2010, and May 4, 2010, respectively. Signed by the Mayor on May 19, 2010, it was assigned Act No. 18-407 and transmitted to both Houses of Congress for its

review. D.C. Law 18-196 became effective on July 23, 2010.

Law 18-210, the "Legalization of Marijuana for Medical Treatment Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-622, which was referred to the Committee on Health and the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 20, 2010, and May 4, 2010, respectively. Signed by the Mayor on May 21, 2010, it was assigned Act No. 18-429 and transmitted to both Houses of Congress for its review. D.C. Law 18-210 became effective on July 27, 2010.

Miscellaneous Notes

Mayor to implement public information program: See Historical and Statutory Notes following § 48-901.02.

§ 48-904.02. PROHIBITED ACTS B; PENALTIES.

(a) It is unlawful for any person:

(1) Who is subject to subchapter III of this chapter to distribute or dispense a controlled substance in violation of § 48-903.08;

(2) Who is a registrant, to manufacture a controlled substance not authorized by registration, or to distribute or dispense a controlled substance not authorized by 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 chapter;

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

(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 chapter for the purpose of using these substances or which is used for keeping or selling them in violation of this chapter;

(6) Who is a law-enforcement official, as designated by the Mayor, or a designated civilian employee of the Metropolitan Police Department, to divulge any knowledge relating to the records, order forms, or prescriptions of registrants which he or she received by virtue of his or her office, except in connection with officially authorized duties or in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the registrant to whom such records, order forms, or prescriptions relate is a party; or

(7) To use to his or her own advantage or to reveal, other than to duly authorized officers or employees of the District of Columbia or the United States, or to the courts when relevant in any judicial proceeding under this subchapter or subchapter III of this chapter, any information acquired in the course of an authorized inspection concerning any method or process which as a trade secret is entitled to protection.

(b) Except as provided for in subsection (c) of this section, any person who violates this section shall, with respect to any violation, be subject to a civil penalty of not more than \$50,000.

(c) If a violation of this section is prosecuted by an information or indictment which alleges that the violation was committed knowingly and the trier of fact specifically finds that the violation was so committed, such person shall be guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$50,000, or both.

(Aug. 5, 1981, D.C. Law 4-29, § 402, 28 DCR 3081; June 12, 1999, D.C. Law 12-284, § 10(b), 46 DCR 1328.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-542.

1981 Ed., § 33-542.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 10(b) of Metropolitan Police Department Civilianization Temporary Amendment Act of 1998 (D.C. Law 12-282, May 28, 1999, law notification 46 DCR 5148).

Emergency Act Amendments

For temporary amendment of section, see § 10(b) of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 5884), § 10(b) of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 8139), and § 10(b) of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999

(D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 12-284, see Historical and Statutory Notes following § 48-903.02.

§ 48-904.03. PROHIBITED ACTS C; PENALTIES.

(a) It is unlawful for any person knowingly or intentionally:

- (1) To distribute as a registrant a controlled substance classified in Schedule I or II, except pursuant to an order form as required by § 48-903.07;
- (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, or subterfuge;
- (4) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter; or
- (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.

(b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than 4 years, fined not more than \$50,000, or both.

(Aug. 5, 1981, D.C. Law 4-29, § 403, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-543.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-904.03A. PROHIBITED ACTS D; PENALTIES.

(a) It shall be unlawful for any person to knowingly open or maintain any place to manufacture, distribute, or store for the purpose of manufacture or distribution a narcotic or abusive drug.

(b) Any person who violates this section shall be imprisoned for not less than 5 years nor more than 25 years, fined not more than \$500,000, or both.

(Aug. 5, 1981, D.C. Law 4-29, § 411, as added June 13, 1990, D.C. Law 8- 138, § 2(e), 37 DCR 2638.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-543a.

Legislative History of Laws

For legislative history of D.C. Law 8-50, see Historical and Statutory Notes following § 48-901.02.

Law 8-138, the "Omnibus Narcotic and Abusive Drug Interdiction Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-495, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 13, 1990, and March 27, 1990, respectively. Signed by the Mayor on April 17, 1990, it was assigned Act No. 8-194 and transmitted to both Houses of Congress for its review.

Miscellaneous Notes

Mayor to implement public information program: See Historical and Statutory Notes following § 48-901.02.

§ 48-904.04. PENALTIES UNDER OTHER LAWS.

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

(Aug. 5, 1981, D.C. Law 4-29, § 404, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-544.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-904.05. EFFECT OF ACQUITTAL OR CONVICTION UNDER FEDERAL LAW.

No person shall be prosecuted for a violation of any provision of this chapter if such person has been acquitted or convicted under any United States statute governing the sale or distribution of controlled substances of the same act or omission which is alleged to constitute a violation of this chapter.

(Aug. 5, 1981, D.C. Law 4-29, § 405, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-545.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-904.06. DISTRIBUTION TO MINORS.

(a) Any person who is 21 years of age or over and who violates § 48-904.01(a) by distributing a controlled substance which is listed in Schedule I or II and which is a narcotic drug, phencyclidine, or a phencyclidine immediate precursor to a person who is under 18 years of age may be punished by the fine authorized by § 48-904.01(a)(2)(A), by a term of imprisonment of up to twice that authorized by § 48-904.01(a)(2)(A), or by both.

(b) Any person who is 21 years of age or over and who violates § 48-904.01(a) by distributing for remuneration any other controlled substance which is listed in Schedule I, II, III, IV, or V, except for phencyclidine or a phencyclidine immediate precursor, to a person who is under 18 years of age may be punished by the fine authorized by § 48-904.01(a)(2)(B), (C), or (D), respectively, by a term of imprisonment up to twice that authorized by § 48-904.01(a)(2)(B), (C), or (D), respectively, or both.

(Aug. 5, 1981, D.C. Law 4-29, § 406, 28 DCR 3081; Mar. 15, 1985, D.C. Law 5-171, § 2(b), 32 DCR 730.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-546.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 5-121, see Historical and Statutory Notes following § 48-904.01.

For legislative history of D.C. Law 5-171, see Historical and Statutory Notes following § 48-904.01.

§ 48-904.07. ENLISTMENT OF MINORS TO DISTRIBUTE.

(a) Any person who is 21 years of age or over and who enlists, hires, contracts, or encourages any person under 18 years of age to sell or distribute any controlled substance, in violation of § 48-904.01(a), for the profit or benefit of such person who enlists, hires, contracts, or encourages this criminal activity shall be punished for sale or distribution in the same manner as if that person directly sold or distributed the controlled substance.

(b) Anyone found guilty of subsection (a) of this section shall be subject to the following additional penalties:

(1) Upon a first conviction the party may be imprisoned for not more than 10 years, fined not more than \$10,000, or both;

(2) Upon a second or subsequent conviction, the party may be imprisoned for not more than 20 years, fined not more than \$20,000, or both.

(Aug. 5, 1981, D.C. Law 4-29, § 407, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-547.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-904.07A. DRUG FREE ZONES.

(a) All areas within 1000 feet of an appropriately identified public or private day care center, elementary school, vocational school, secondary school, junior college, college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by Department of Housing and Urban Development, or in or around housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority, or an event sponsored by any of the above entities shall be declared a drug free zone. For the purposes of this subsection, the term "appropriately identified" means that there is a sign that identifies the building or area as a drug free zone.

(b) Any person who violates § 48-904.01(a) by distributing or possessing with the intent to distribute a controlled substance which is listed in Schedule I, II, III, IV, or V within a drug free zone shall be punished by a fine up to twice that otherwise authorized by this chapter to be imposed, by a term of imprisonment up to twice that otherwise imposed, or both.

(Aug. 5, 1981, D.C. Law 4-29, § 407a, as added Mar. 21, 1995, D.C. Law 10-229, § 2(b), 42 DCR 9; Sept. 18, 1998, D.C. Law 12-146, § 2, 45 DCR 3851; Apr. 13, 2005, D.C. Law 15-353, § 702, 52 DCR 2331; Apr. 24, 2007, D.C. Law 16-306, § 225, 53 DCR 8610.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-547.1.

Effect of Amendments

D.C. Law 15-353, in subsec. (a), inserted "public charter school," following "secondary school,".

D.C. Law 16-306 rewrote subsec. (a), which had read as follows:

"(a) All areas within 1000 feet of a public or private day care center, elementary school, vocational school, secondary school, public charter school, junior college, college, or university, or any public swimming pool, playground, video arcade, youth center, public library, or in and around public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by the United States Department of Housing and Urban Development, or an event sponsored by any of the above entities shall be declared a drug free zone."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 702 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2002 (D.C. Law 14-164, June 25, 2002, law notification 49 DCR 6500).

For temporary (225 day) amendment of section, see § 702 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2003 (D.C. Law 15-2, May 3, 2003, law notification 50 DCR 3782).

For temporary (225 day) addition of section, see § 702 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2004 (D.C. Law 15-117, March 30, 2004, law notification 51 DCR 3804).

For temporary (225 day) addition of section, see § 702 of the Child and Youth, Safety and Health Omnibus Second Temporary Amendment Act of 2004 (D.C. Law 15-319, on April 8, 2005, law notification 52 DCR 4708).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 702 of Child and Youth, Safety And Health Omnibus Emergency Amendment Act of 2002 (D.C. Act 14-310, March 26, 2002, 49 DCR 3420).

For temporary (90 day) amendment of section, see § 702 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2003 (D.C. Act 15-3, January 22, 2003, 50 DCR 1426).

For temporary (90 day) amendment of section, see § 702 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-71, April 16, 2003, 50 DCR 3593).

For temporary (90 day) amendment of section, see § 702 of Child and Youth, Safety and Health Omnibus Second Emergency Amendment Act of 2003 (D.C. Act 15- 279, December 18, 2003, 51 DCR 60).

For temporary (90 day) amendment of section, see § 702 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-407, March 18, 2004, 51 DCR 3659).

For temporary (90 day) amendment of section, see § 702 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2004 (D.C. Act 15-630, November 30, 2004, 52 DCR 1143).

For temporary (90 day) amendment of section, see § 702 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-30, February 17, 2005, 52 DCR 2993).

For temporary (90 day) amendment of section, see § 225 of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 225 of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 225 of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 225 of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

Legislative History of Laws

For legislative history of D.C. Law 10-229, see Historical and Statutory Notes following § 48-901.02.

Law 12-146, the "Library and Public Housing Drug Free Zone Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-10, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 7, 1998, and May 5, 1998, respectively. Signed by the Mayor on May 20, 1998, it was assigned Act No. 12-358 and transmitted to both Houses of Congress for its review. D.C. Law 12-146 became effective on September 18, 1998.

Law 15-353, the "Child and Youth, Safety and Health Omnibus Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-607 which was referred to the Committees on Human Services, Finance and Revenue, and Education, Libraries and Recreation. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 19, 2005, it was assigned Act No. 15-759 and transmitted to both Houses of Congress for its review. D.C. Law 15-353 became effective on April 13, 2005.

Law 16-306, the "Omnibus Public Safety Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-247, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on June 6, 2006, and October 3, 2006, respectively. Signed by the Mayor on October 17, 2006, it was assigned Act No. 16-482 and transmitted to both Houses of Congress for its review. D.C. Law 16-306 became effective on April 24, 2007.

§ 48-904.08. SECOND OR SUBSEQUENT OFFENSES.

(a) Any person convicted of a second or subsequent offense under this chapter may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

(b) For purposes of this section, an offense is considered a second or subsequent offense if, prior to commission of the offense, the offender has at any time been convicted under this chapter or under any statute of the United States or of any state relating to narcotic drugs, depressants, stimulants, or hallucinogenic drugs.

(c) A person who is convicted of violating § 48-904.06 may be sentenced according to the provisions of § 48-904.06 or according to the provisions of this section, but not both.

(Aug. 5, 1981, D.C. Law 4-29, § 408, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-548.

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-904.09. ATTEMPT; CONSPIRACY.

Any person who attempts or conspires to commit any offense defined in this subchapter is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

(Aug. 5, 1981, D.C. Law 4-29, § 409, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-549.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-904.10. POSSESSION OF DRUG PARAPHERNALIA.

Whoever, except for a physician, dentist, chiroprapist, or veterinarian licensed in the District of Columbia or a state, registered nurse, registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, industrial user, official of any government having possession of the proscribed articles by reason of his or her official duties, nurse or medical laboratory technician acting under the direction of a physician or dentist, employees of a hospital or medical facility acting under the direction of its superintendent or officer in immediate charge, person engaged in chemical, clinical, pharmaceutical or other scientific research, acting in the course of their professional duties, has in his or her possession a hypodermic needle, hypodermic syringe, or other instrument that has on or in it any quantity (including a trace) of a controlled substance with intent to use it for administration of a controlled substance by subcutaneous injection in a human being shall be fined not more than \$1000 or imprisoned for not more than 180 days, or both.

(Aug. 5, 1981, D.C. Law 4-29, § 410, 28 DCR 3081; Aug. 20, 1994, D.C. Law 10-151, § 112(b), 41 DCR 2608.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-550.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 8-50, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 10-151, see Historical and Statutory Notes following § 48-904.01.

SUBCHAPTER V. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS.

§ 48-905.01. COOPERATIVE ARRANGEMENTS; CONFIDENTIALITY.

(a) The Mayor shall cooperate with the Board of Education, federal agencies, and other state agencies in discharging the Mayor's responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, the Mayor may:

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

(2) Coordinate and cooperate in training programs concerning controlled substance law enforcement within the District of Columbia.

(b) Results, information, and evidence received from the D.E.A. relating to the regulatory functions of this chapter, including results of inspections conducted by it, may be relied and acted upon by the Mayor in the exercise of the Mayor's regulatory functions under this chapter.

(c)(1) A practitioner engaged in medical practice or research shall not nor shall be compelled to:

(A) Furnish to the Mayor the name or identity of a patient or research subject without the prior consent of the patient or research subject; or

(B) Furnish the name or identity of an individual that the practitioner is obligated to keep confidential in any civil, criminal, administrative, legislative, or other proceedings in the District of Columbia without prior consent of such individual.

(2) This section per se shall not limit, in a criminal investigation or prosecution or in an administrative proceeding by the Commission on Licensure to Practice the Healing Art in the District of Columbia, the authority to subpoena dispensing logs or other records of a practitioner containing information concerning the sale, prescription, or distribution of controlled substances under this chapter. The court may order sealed any information furnished without consent, pursuant to the provisions of this subsection.

(Aug. 5, 1981, D.C. Law 4-29, § 501, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-551.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 49-901.02.

Delegation of Authority

Delegation of Authority to implement D.C. Law 4-29, the "District of Columbia Uniformed Controlled Substances Act of 1981", see Mayor's Order 98-49, April 15, 1998 (45 DCR 2694).

§ 48-905.02. FORFEITURES.

(a) The following are subject to forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, or delivering any controlled substance in violation of this chapter;

(3) All property which is used, or intended for use, as a container for property described in paragraph (1) or (2) of this subsection;

(4) All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraph (1) or (2) of this subsection; provided, that:

(A) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(B) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his or her knowledge or consent;

(C) Repealed; or

(D) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data, which are used, or intended for use, in violation of this chapter;

(6) All cash or currency which has been used, or intended for use, in violation of this chapter;

(7) Everything of value furnished or intended to be furnished in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, or securities used or intended to be used to facilitate any violation of this chapter.

(A) No property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by the owner to have been committed or omitted without the owner's knowledge or consent; and

(B) All moneys, coins and currency found in close proximity to forfeitable controlled substances, forfeitable drug manufacturing or distributing paraphernalia or records of the importation,

manufacture, or distribution of controlled substances, are presumed to be forfeitable under this paragraph. The burden of proof is upon any claimant of the property to rebut this presumption; and

(8) Any real property that is used or intended to be used in any manner to commit or facilitate the commission of a violation of this chapter, except that:

(A) No real property shall be forfeited under this paragraph by reason of an act or omission established by the owner to have been committed or omitted without the knowledge and consent of the owner;

(B) Real property shall not be subject to forfeiture for a violation of § 48-904.01(d); and

(C) The forfeiture of real property encumbered by a bona fide security interest shall be subject to the interest of the secured party if the secured party had no knowledge and did not consent to the act or omission that constituted a violation of this chapter.

(a-1) All moneys, coins and currency forfeited pursuant to this chapter shall be deposited as provided in § 23-527.

(b) Property subject to forfeiture under this chapter may be seized by law enforcement officials, as designated by the Mayor, or designated civilian employees of the Metropolitan Police Department, upon process issued by the Superior Court of the District of Columbia having jurisdiction over the property, or without process if authorized by other law.

(c) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted promptly.

(d)(1) All controlled substances, the lawful possession of which is not established or the title to which cannot be ascertained, which come into the custody of law-enforcement officials of the District of Columbia, or any designated civilian employees of the Metropolitan Police Department, shall be delivered promptly to the United States Department of Justice or its delegate for disposal, except that controlled substances which may be needed as evidence in any criminal or administrative proceeding pursuant to the provisions of this chapter or the provisions of any federal controlled substances law shall, upon delivery to the United States Department of Justice, not be so disposed of until the public official in charge of prosecuting any violation under this chapter shall certify that such controlled substances are no longer needed as evidence.

(2) Property, other than controlled substances, taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the Mayor. When property is seized under this chapter, the Mayor shall:

(A) Place the property under seal;

(B) Remove the property to a place designated by the Mayor; or

(C) Remove the property to an appropriate location for disposition in accordance with law.

(3)(A) After a proper showing of probable cause for the seizure is made, the Mayor shall cause notice of the seizure of property, other than controlled substances, and the Mayor's intention to forfeit and sell or otherwise dispose of the property in accordance with this chapter to be published for at least 2 successive weeks in a local newspaper of general circulation. In addition, the Mayor shall provide written notice of the seizure together with information on the applicable procedures for claiming the property to each party who is known or in the exercise of reasonable diligence should be known by the Mayor to have a right of claim to the seized property. Notice to each party shall be by registered or certified mail, return receipt requested.

(B) Any person claiming the property may, at any time within 30 days from the date of receipt of notice of seizure, file with the Mayor a claim stating his or her interest in the property. Upon the filing of a claim, the claimant shall give a bond to the District government in the penal sum of \$2,500 or 10% of the fair market value of the claimed property (as appraised by the Chief of the Metropolitan Police Department), whichever is lower, but not less than \$250, with sureties to be approved by the Mayor. In case of forfeiture of the claimed property, the costs and expenses of the forfeiture proceedings shall be deducted from the bonds. Any costs that exceed the amount of the bond shall be paid by the claimant. In determining the fair market value of the property seized, the Chief of the Metropolitan Police Department shall consider any verifiable and reasonable evidence of value that the claimant may present. The balance of the proceeds shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia;

(C) If a claim and bond (or application for a waiver of bond) are not filed within 30 days of receipt of notice, and if either the property seized has a value of less than \$250,000 or the property seized is a conveyance subject to forfeiture under the provisions of paragraph (a)(4) of this section, the Mayor, after determining that the property is forfeitable under this chapter, shall declare the property forfeited and shall dispose of the property in accordance with the provisions of paragraph (4) of this subsection. If the Mayor determines that the seized property is not forfeitable under this chapter and is not otherwise subject to forfeiture, the Mayor shall return the property to its rightful owner.

(D) If it appears to the Mayor that any property seized under this paragraph is liable to perish, waste, or be greatly reduced in value by the keeping, or that the expense of keeping is disproportionate to the value of the property, the Mayor may proceed to advertise and sell the property at auction or otherwise dispose of the property under rules promulgated by the Mayor.

(E) If the property seized is not forfeited or disposed of in accordance with subparagraphs (C) and (D) of this paragraph, the Mayor shall request the Corporation Counsel to apply to the Superior Court of the District of Columbia for forfeiture of the property in accordance with the rules of the Superior Court of the District of Columbia.

(F) Whenever any person who has an interest in forfeited property files with the Mayor, either before or after the sale or disposition of property, a petition for remission or mitigation of the forfeiture, the Mayor shall remit or mitigate the forfeiture upon the terms and conditions as the Mayor deems reasonable if the Mayor finds:

(i) That the forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law; or

(ii) That mitigating circumstances justify the remission or mitigation of the forfeiture.

(G) In all suits or actions brought for forfeiture of any property seized under this chapter when the property is claimed by any person, the burden of proof shall be on the claimant once the Mayor has established probable cause as provided in subsection (a) of this section.

(H) The Mayor shall, pursuant to subchapter I of Chapter 5 of Title 2, issue proposed rules to implement the provisions of this paragraph. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by subchapter I of Chapter 5 of Title 2.

(4) When property, other than controlled substances, is forfeited under this chapter, the Mayor shall:

(A) Retain it for official use;

(B) Sell that which is not required by law to be destroyed and which is not harmful to the public. All proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs shall be deducted from the proceeds. The balance of the proceeds shall be used, and shall remain available until expended regardless of the expiration of the fiscal year in which they were collected, to finance law enforcement activities of the Metropolitan Police Department of the District of Columbia, with any remaining balance used to finance programs which shall serve to rehabilitate drug addicts, educate citizens, or prevent drug addiction;

(C) Remove the property for disposition in accordance with law; or

(D) Forward it to the D.E.A. for disposition.

(e) During the course of any civil forfeiture proceeding pursuant to this section, which involves real property, the Mayor shall file a notice of the proceeding with the Recorder of Deeds. The notice shall include the legal description of the property and indicate that civil forfeiture is being sought. The Recorder of Deeds shall record the notice against the title of any real property for which civil forfeiture is being sought. Upon resolution of the proceeding, the Recorder of Deeds shall be notified of the disposition of the action.

(Aug. 5, 1981, D.C. Law 4-29, § 502, 28 DCR 3081; Apr. 3, 1982, D.C. Law 4-96, § 2, 29 DCR 762; Sept. 29, 1988, D.C. Law 7-162, § 2, 35 DCR 5733; Dec. 12, 1989, 103 Stat. 1901, Pub. L. 101-223, § 6; June 13, 1990, D.C. Law 8-138, § 2(d), 37 DCR 2638; Sept. 26, 1992, D.C. Law 9-155, § 2(a), 39 DCR 5679; Mar. 25, 1993, D.C. Law 9-253, § 3, 40 DCR 790; May 16, 1995, D.C. Law 10-255, § 25, 41 DCR 5193; June 12, 1999, D.C. Law 12-284, § 10(c), 46 DCR 1328; October 4, 2000, D.C. Law 13-160, § 403(b), 47 DCR 4619; Sept. 14, 2011, D.C. Law 19-21, § 9067(a), 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 98(d), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-552.

Effect of Amendments

D.C. Law 13-160 rewrote subsec. (b) which formerly provided:

"(b) Property subject to forfeiture under this chapter may be seized by law enforcement officials, as designated by the Mayor, or designated civilian employees of the Metropolitan Police Department, upon process issued by the Superior Court of the District of Columbia having jurisdiction over the property, or

without process if authorized by other law."

D.C. Law 19-21 rewrote subsec. (d)(3)(B), which formerly read:

"(B) Any person claiming the property may, at any time within 30 days from the date of receipt of notice of seizure, file with the Mayor a claim stating his or her interest in the property. Upon the filing of a claim, the claimant shall give a bond to the District government in the penal sum of \$2,500 or 10% of the fair market value of the claimed property (as appraised by the Chief of the Metropolitan Police Department), whichever is lower, but not less than \$250, with sureties to be approved by the Mayor. In case of forfeiture of the claimed property, the costs and expenses of the forfeiture proceedings shall be deducted from the bonds. Any costs that exceed the amount of the bond shall be paid by the claimant. In determining the fair market value of the property seized, the Chief of the Metropolitan Police Department shall consider any verifiable and reasonable evidence of value that the claimant may present. The balance of the proceeds shall be transferred to the Drug Interdiction and Demand Reduction Fund ('Fund') created by subchapter VII of this chapter. The Fund shall remain available until expended regardless of the expiration of the fiscal year in which the proceeds were collected. The Fund shall be distributed in the following descending order of priority:

" (i) To fund law enforcement activities of the Metropolitan Police Department of the District of Columbia, except that, beginning October 1, 1990, not more than 49% of the total amount deposited to the Fund in the immediately preceding quarter-year period shall be used for this purpose in the next succeeding quarter-year period; and

"(ii) To provide grants to fund community-based drug education, prevention, and demand reduction programs;"

D.C. Law 19-171 made a technical amendment to the enacting clause of D.C. Law 19-21, § 9067(a), that did not change the text of the section.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 10(c) of Metropolitan Police Department Civilianization Temporary Amendment Act of 1998 (D.C. Law 12- 282, May 28, 1999, law notification 46 DCR 5148).

Emergency Act Amendments

For temporary amendment of section, see § 10(c) of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 5884), § 10(c) of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 45 8139), and § 10(c) of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

Law 4-96 was introduced in Council and assigned Bill No. 4-307, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on January 12, 1982, and January 26, 1982, respectively. Signed by the Mayor on February 9, 1982, it was assigned Act No. 4-154 and transmitted to both Houses of Congress for its review.

Law 7-162 was introduced in Council and assigned Bill No. 7-361, which was referred to the Committee on the Judiciary. The Bill was adopted on the first and second readings on June 28, 1988 and July 12, 1988, respectively. Signed by the Mayor on July 15, 1988, it was assigned Act No. 7-217 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 8-50, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 8-138, see Historical and Statutory Notes following § 48-904.03a.

For legislative history of D.C. Law 9-123, see Historical and Statutory Notes following § 48-907.03.

For legislative history of D.C. Law 9-155, see Historical and Statutory Notes following § 48-907.03.

Law 9-253 was introduced in Council and assigned Bill No. 9-154, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 1, 1992, and December 15, 1992, respectively. Signed by the Mayor on January 14, 1993, it was assigned Act No. 9-399 and transmitted to both Houses of Congress for its review. D.C. Law 9-254 became effective on March 25, 1993.

Law 10-255, the "Technical Amendments Act of 1994," was introduced in Council and assigned Bill No. 10-673, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 21, 1994, and July 5, 1994, respectively. Signed by the Mayor on July 25, 1994, it was assigned Act No. 10-302 and transmitted to both Houses of Congress for its review. D.C. Law 10-255 became effective May 16, 1995.

For legislative history of D.C. Law 12-284, see Historical and Statutory Notes following § 48-903.02.

Law 13-160, the "Omnibus Police Reform Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-118, which was referred to the Committee on Government Operations. The Bill was adopted on

first and second readings on February 1, 2000, and April 3, 2000, respectively. Signed by the Mayor on April 24, 2000, it was assigned Act No. 13-334 and transmitted to both Houses of Congress for its review. D.C. Law 13-160 became effective on October 4, 2000.

Law 19-21, the "Fiscal Year 2012 Budget Support Act of 2011", was introduced in Council and assigned Bill No. 19-203, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 25, 2011, and June 14, 2011, respectively. Signed by the Mayor on July 22, 2011, it was assigned Act No. 19-98 and transmitted to both Houses of Congress for its review. D.C. Law 19-21 became effective on September 14, 2011.

For history of Law 19-171, see notes under § 48-832.01.

References in Text

Section 23-527, referred to in subsec. (a-1), did not exist in the 1981 Edition at the time of the recodification into the 2001 Edition.

Miscellaneous Notes

Mayor to implement public information program: See Historical and Statutory Notes following § 48-901.02.

§ 48-905.03. BURDEN OF PROOF.

(a) It is not necessary for the prosecution to negate any exemption or exception in this chapter in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under this chapter. 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 chapter, he or she is presumed not to be the holder of the registration or form. The burden of proof is upon him or her to rebut the presumption.

(Aug. 5, 1981, D.C. Law 4-29, § 503, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-553.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-905.04. EDUCATIONAL PROGRAMS; RESEARCH PURPOSES.

(a) The Mayor shall establish and operate an educational program consisting of films, lectures, panel discussions, or whatever other educational device the Mayor deems necessary and appropriate to enlighten persons on the habitual use of controlled substances in general and to instill in persons participating in such a program a respect for the law and legal institutions.

(b) The Mayor shall cooperate with the Board of Education in preparing similar programs for school children with the purpose of preventing their abuse of controlled substances.

(c) The Mayor shall prepare and operate similar and appropriate programs for children found to be delinquent for violation of the provisions of this chapter.

(d) The Mayor may authorize the possession and distribution of controlled substances by persons engaged in research. Possession and distribution of controlled substances by such persons, in the course of their research and to the extent of the authorization, does not violate the provisions of this chapter.

(Aug. 5, 1981, D.C. Law 4-29, § 504, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-554.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-905.05. ADMINISTRATIVE INSPECTIONS.

(a) The Mayor may make administrative inspections of controlled premises in accordance with the

following provisions:

- (1) For purposes of this section only, the term "controlled premises" means:
 - (A) Places where persons registered or exempted from registration requirements under this chapter 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 chapter are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance.
 - (2) When authorized by an administrative inspection warrant issued pursuant to subsection (b) of this section, an officer, an employee designated by the Mayor, or a designated civilian employee of the Metropolitan Police Department, 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 administrative inspection.
 - (3) When authorized by an administrative inspection warrant, an officer or employee designated by the Mayor may:
 - (A) Inspect and copy records required by this chapter 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 this subsection, all other things therein, including records, files, papers, processes, controls, and facilities bearing on violation of this chapter; and
 - (C) Inventory any stock of any controlled substance therein and obtain samples thereof.
 - (4) This section does not prevent the inspection without a warrant of books and records pursuant to an administrative subpoena issued in accordance with § 48-905.07 nor does it prevent entries and administrative 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 conveyances 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.
 - (5) An inspection authorized by this 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.
- (b) Issuance and execution of administrative inspection warrants shall be as follows:
- (1) A judge of the Superior Court of the District of Columbia, upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections authorized by this chapter or rules hereunder, and seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this chapter or rules hereunder, sufficient to justify administrative 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 or employee having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the issuance of the warrant exist or that there is probable cause to believe they exist, a warrant shall be issued identifying the area, premises, building, 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 a person authorized and designated by the Mayor to execute it;
 - (C) Command the person to whom it is directed to inspect the area, premises, building, 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) Direct that it be served during normal business hours and designate the judge to whom it shall be returned.
 - (3) A warrant issued pursuant to this section must be executed and returned within 10 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 given 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. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if present, or in the presence of at least one person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(Aug. 5, 1981, D.C. Law 4-29, § 505, 28 DCR 3081; June 12, 1999, D.C. Law 12-284, § 10(d), 46 DCR 1328.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-555.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 10(d) of Metropolitan Police Department Civilianization Temporary Amendment Act of 1998 (D.C. Law 12- 282, May 28, 1999, law notification 46 DCR 5148).

Emergency Act Amendments

For temporary amendment of section, see § 10(d) of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 5884), § 10(d) of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 8139), and § 10(d) of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 12-284, see Historical and Statutory Notes following § 48-903.02.

§ 48-905.06. CHEMIST REPORTS.

In a proceeding for a violation of this chapter, the official report of chain of custody and of analysis of a controlled substance performed by a chemist charged with an official duty to perform such analysis, when attested to by that chemist and by the officer having legal custody of the report and accompanied by a certificate under seal that the officer has legal custody, shall be admissible in evidence as evidence of the facts stated therein and the results of that analysis. A copy of the certificate must be furnished upon demand by the defendant or his or her attorney in accordance with the rules of the Superior Court of the District of Columbia or, if no demand is made, no later than 5 days prior to trial. In the event that the defendant or his or her attorney subpoenas the chemist for examination, the subpoena shall be without fee or cost and the examination shall be as on cross-examination.

(Aug. 5, 1981, D.C. Law 4-29, § 506, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-556.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-905.07. MAYORAL SUBPOENAS.

(a) In any investigation relating to the Mayor's functions under this subchapter with respect to controlled substances, the Mayor may subpoena witnesses, compel the attendance and testimony of witnesses, and require the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Mayor finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in the District of Columbia. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the Superior Court of the District of Columbia.

(b) A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to that person.

Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

(c) In the case of contumacy by or refusal to obey a subpoena issued to any person, the Mayor may invoke the aid of any District of Columbia court within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which the subpoenaed person carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Mayor to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(Aug. 5, 1981, D.C. Law 4-29, § 507, 28 DCR 3081; May 10, 1989, D.C. Law 7-231, § 41, 36 DCR 492.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-557.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

Law 7-231 was introduced in Council and assigned Bill No. 7-586, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 29, 1988 and December 13, 1988, respectively. Signed by the Mayor on January 6, 1989, it was assigned Act No. 7-285 and transmitted to both Houses of Congress for its review.

SUBCHAPTER VI. MISCELLANEOUS.

§ 48-906.01. PENDING PROCEEDINGS.

(a) Prosecution for any violation of the laws repealed by D.C. Law 4-29, pursuant to § 604, which were initiated prior to August 5, 1981, is not affected or abated by this chapter. If the offense being prosecuted is similar to an offense set out in subchapter IV of this chapter, then the penalties under subchapter IV of this chapter apply if they are less than those under prior law.

(b) Civil seizures or forfeitures commenced prior to August 5, 1981, are not affected by this chapter.

(c) All administrative proceedings pending under prior laws which are superseded by this chapter shall be continued and brought to a final determination in accord with the laws and rules in effect prior to August 5, 1981.

(d) The Mayor shall initially permit persons to register who own or operate any establishment engaged in the manufacture, distribution, or dispensing of any controlled substance prior to August 5, 1981, and who are registered or licensed by the District of Columbia on August 5, 1981, pursuant to laws and rules in effect immediately prior thereto.

(e) This chapter applies to violations of law, seizures and forfeiture, administrative proceedings, and investigations which occur following its effective date.

(Aug. 5, 1981, D.C. Law 4-29, § 601, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-561.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-906.02. CONTINUATION OF ORDERS AND RULES.

Any orders and rules issued under any law affected by this chapter and in effect on August 5, 1981, and not in conflict with it, continue in effect until modified, superseded, or repealed.

(Aug. 5, 1981, D.C. Law 4-29, § 602, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-562.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

§ 48-906.03. SEVERABILITY.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

(Aug. 5, 1981, D.C. Law 4-29, § 603, 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-563.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

**SUBCHAPTER VII. DRUG INTERDICTION AND DEMAND
REDUCTION FUND.[REPEALED]**

§ 48-907.01. ESTABLISHMENT OF FUND.[REPEALED]

(Aug. 5, 1981, D.C. Law 4-29, § 701, as added June 13, 1990, D.C. Law 8- 138, § 2(f), 37 DCR 2638; Sept. 14, 2011, D.C. Law 19-21, § 9067(b), 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-571.

Legislative History of Laws

For legislative history of D.C. Law 8-50, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 8-138, see Historical and Statutory Notes following § 48-904.03a.

For history of Law 19-21, see notes under § 48-305.02.

Miscellaneous Notes

Mayor to implement public information program: See Historical and Statutory Notes following § 48-901.02.

§ 48-907.02. FUNDING AND DISBURSEMENTS.[REPEALED]

(Aug. 5, 1981, D.C. Law 4-29, § 702, as added June 13, 1990, D.C. Law 8- 138, § 2(f), 37 DCR 2638; Sept. 26, 1992, D.C. Law 9-155, § 2(b), 39 DCR 5679; Sept. 26, 1995, D.C. Law 11-52, § 809(a), 42 DCR 3684; Sept. 20, 2012, D.C. Law 19-168, § 8004, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-572.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 804(a) of Multiyear Budget Spending Reduction and Support Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, law notification 42 DCR 1652).

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 8004 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) repeal of section, see § 8004 of Fiscal Year 2013 Budget Support Congressional

Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative History of Laws

For legislative history of D.C. Law 8-50, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 8-138, see Historical and Statutory Notes following § 48-904.03a.

For legislative history of D.C. Law 9-123, see Historical and Statutory Notes following § 48-907.03.

For legislative history of D.C. Law 9-155, see Historical and Statutory Notes following § 48-907.03.

Law 11-52, the "Omnibus Budget Support Act of 1995," was introduced in Council and assigned Bill No. 11-218, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 19, 1995, and June 6, 1995, respectively. Signed by the Mayor on July 13, 1995, it was assigned Act No. 11-94 and transmitted to both Houses of Congress for its review. D.C. Law 11-52 became effective on September 26, 1995.

Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012", was introduced in Council and assigned Bill No. 19-743, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to both Houses of Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Miscellaneous Notes

Mayor to implement public information program: See Historical and Statutory Notes following § 48-901.02.

Section 8010 of D.C. Law 19-168 provides:

"Sections 8002, 8003, 8004, 8005, 8006, and 8007 shall apply as of September 14, 2011."

§ 48-907.03. GRANT AWARD COMMITTEE.[REPEALED]

(Aug. 5, 1981, D.C. Law 4-29, § 703, as added June 11, 1992, D.C. Law 9- 123, § 2(c), 39 DCR 3202; Sept. 26, 1992, D.C. Law 9-155, § 2(c), 39 DCR 5679; Sept. 26, 1995, D.C. Law 11-52, § 809(b), 42 DCR 3684.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-573.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 804(b) of Multiyear Budget Spending Reduction and Support Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, law notification 42 DCR 1652).

Legislative History of Laws

For legislative history of D.C. Law 11-52, see Historical and Statutory Notes following § 48-907.02.

Miscellaneous Notes

D.C. Law 10-253, title VIII, § 804(b) (42 DCR 721), eff. March 23, 1995, provides for the temporary repeal of this section. Title XIII, § 1301(b) of D.C. Law 10-253 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first."

UNIT B. GENERAL.

SUBCHAPTER VIII. SEARCHES INVOLVING CONTROLLED SUBSTANCES.

§ 48-921.01. ARRESTS, SEARCHES AND SEIZURES WITHOUT WARRANT.

(a) Repealed.

(b) Arrests without a warrant, and searches of the person and seizures pursuant thereto, may be made for a violation of subsection (a) of this section hereof by police officers, as in the case of a felony, upon probable cause that the person arrested is violating such subsection at the time of his arrest.

(c) No evidence discovered in the course of any such arrest, search, or seizure authorized by subsection (b) of this section hereof shall be admissible in any criminal proceeding against the person arrested

unless at the time of such arrest he was violating the provisions of this section.

(June 20, 1938, 52 Stat. 787, ch. 532, § 2; July 24, 1956, 70 Stat. 618, ch. 676, title III, § 301(b); Aug. 5, 1981, D.C. Law 4-29, § 604(a)(3); Mar. 16, 1982, D.C. Law 4-77, § 3, 29 DCR 46.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-564.

1973 Ed., § 33-402.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

Law 4-77 was introduced in Council and assigned Bill No. 4-288, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 10, 1981, and November 24, 1981, respectively. Approved without the signature of the Mayor on December 15, 1981, it was assigned Act No. 4-125 and transmitted to both Houses of Congress for its review.

Editor's Notes

Former § 33-502 was redesignated to be § 33-564 [1981 Ed.] upon enactment of D.C. Law 4-29.

§ 48-921.02. SEARCH WARRANTS; ISSUANCE, EXECUTION AND RETURN; PROPERTY INVENTORY; FILING OF PROCEEDINGS; INTERFERENCE WITH SERVICE.

(a) A search warrant may be issued by any judge of the Superior Court of the District of Columbia or by a United States Magistrate for the District of Columbia when any controlled substances are manufactured, possessed, controlled, sold, prescribed, administered, dispensed, or compounded, in violation of the provisions of the District of Columbia Uniform Controlled Substances Act of 1981, and any such controlled substances and any other property designed for use in connection with such unlawful manufacturing, possession, controlling, selling, prescribing, administering, dispensing, or compounding may be seized thereunder, and shall be subject to such disposition as the Court may make thereof and such controlled substances may be taken on the warrant from any house or other place in which they are concealed.

(b) A search warrant cannot be issued but upon probable cause supported by affidavit particularly describing the property and the place to be searched.

(c) The judge or Magistrate must, before issuing the warrant, examine on oath the complainant and any witnesses he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them.

(d) The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

(e) If the judge or Magistrate is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he shall issue a search warrant, signed by him, to the Chief of Police of the District of Columbia or any member of the Metropolitan Police Department, the Chief or any member of the District of Columbia Housing Authority Police Department, or the Chief or any member of the United States Park Police, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding the Chief of Police or member of the Metropolitan Police Department, the Chief or member of the District of Columbia Housing Authority Police Department, or the Chief or member of the United States Park Police forthwith to search the place named for the property specified and to bring it before the judge or Magistrate.

(f) A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

(g) The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

(h) The judge or Magistrate shall insert a direction in the warrant that it may be served at any time in the day or night.

(i) A search warrant must be executed and returned to the judge or Magistrate who issued it within 10 days after its date; after the expiration of this time the warrant, unless executed, is void.

(j) When the officer or the designated civilian employee of the Metropolitan Police Department, the District of Columbia Housing Authority Police Department, or the United States Park Police takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it

in detail) to the person from whom it was taken by him, or in whose possession it was found; or in the absence of any person, he must leave it in the place where he found the property.

(k) The officer or the designated civilian employee of the Metropolitan Police Department, the District of Columbia Housing Authority Police Department, or the United States Park Police must forthwith return the warrant to the judge or Magistrate and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory and taken before the judge or Magistrate at the time, to the following in effect: "I, _____, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant."

(l) The judge or Magistrate must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant.

(m) The judge or Magistrate must annex the affidavits, search warrant, return, inventory, and evidence, and at once file the same, together with a copy of the record of his proceedings, with the Clerk of the Superior Court of the District of Columbia.

(n) Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than \$1,000 or imprisoned not more than 2 years.

(June 20, 1938, 52 Stat. 792, ch. 532, § 14; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 24, 1956, 70 Stat. 620, ch. 676, title III, § 301(k); July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Aug. 5, 1981, D.C. Law 4-29, § 604(b)(4), 28 DCR 3081; Nov. 17, 1981, D.C. Law 4-52, § 3(d), 28 DCR 4348; Aug. 2, 1983, D.C. Law 5-24, § 14, 30 DCR 3341; May 10, 1989, D.C. Law 7-231, § 42(b), 36 DCR 492; June 13, 1990, D.C. Law 8-138, § 4, 37 DCR 2638; Mar. 7, 1991, D.C. Law 8-227, § 3, 38 DCR 224; June 12, 1999, D.C. Law 12-284, § 11, 46 DCR 1328; Apr. 12, 2005, D.C. Law 15-337, § 3, 52 DCR 2278.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-565.

1973 Ed., § 33-414.

Effect of Amendments

D.C. Law 15-337 rewrote subsec. (e); and, in subsecs. (j) and (k), substituted "Metropolitan Police Department, the District of Columbia Housing Authority Police Department, or the United States Park Police" for "Metropolitan Police Department".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 11 of Metropolitan Police Department Civilianization Temporary Amendment Act of 1998 (D.C. Law 12-282, May 28, 1999, law notification 46 DCR 5148).

For temporary (225 day) amendment of section, see § 2 of District of Columbia Housing Authority Police Department Temporary Amendment Act of 2004 (D.C. Law 15-249, March 17, 2005, law notification 52 DCR 4125).

Emergency Act Amendments

For temporary amendment of section, see § 11 of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 5884), § 11 of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 8139), and § 11 of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

For temporary (90 day) amendment of section, see § 2 of District of Columbia Housing Authority Police Department Emergency Amendment Act of 2004 (D.C. Act 15-555, October 26, 2004, 51 DCR 10367).

For temporary (90 day) amendment of section, see § 2 of District of Columbia Housing Authority Police Department Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-35, February 17, 2005, 52 DCR 3024).

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 4-52, see Historical and Statutory Notes following § 48-904.01.

Law 5-24 was introduced in Council and assigned Bill No. 5-169, which was referred to the Committee of the

Whole. The Bill was adopted on first and second readings on May 10, 1983, and May 24, 1983, respectively. Signed by the Mayor on June 9, 1983, it was assigned Act No. 5-41 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 7-231, see Historical and Statutory Notes following § 48-905.07.

For legislative history of D.C. Law 8-138, see Historical and Statutory Notes following § 48-904.03a.

Law 8-227 was introduced in Council and assigned Bill No. 8-480, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 4, 1990, and December 18, 1990, respectively. Signed by the Mayor on December 27, 1990, it was assigned Act No. 8-310 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 12-284, see Historical and Statutory Notes following § 48-903.02.

Law 15-337, the "District of Columbia Housing Authority Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-1076 which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 19, 2005, it was assigned Act No. 15-752 and transmitted to both Houses of Congress for its review. D.C. Law 15- 337 became effective on April 12, 2005.

References in Text

"The District of Columbia Uniform Controlled Substances Act of 1981," referred to near the middle of subsection (a), is D.C. Law 4-29.

Editor's Notes

Former § 33-514 was redesignated to be § 33-565, 1981 Ed.] upon enactment of D.C. Law 4-29.

Miscellaneous Notes

Office of Major and Superintendent of Metropolitan Police abolished: The Office of the Major and Superintendent of Metropolitan Police was abolished and all functions of that office transferred to and vested in the Chief of Police. The Assistant Superintendent, Executive Officer of the Metropolitan Police Department was designated "Deputy Chief of Police, Executive Officer"; the Assistant Superintendent of the Metropolitan Police in command of the Detective Bureau was designated "Deputy Chief of Police, Chief of Detectives"; and each other Assistant Superintendent of the Metropolitan Police was designated "Deputy Chief of Police" by Reorganization Order No. 7, dated September 16, 1952. Reorganization Order No. 7 was replaced by Organization Order No. 153, dated November 10, 1966.

Mayor to implement public information program: See Historical and Statutory Notes following § 48-901.02.

SUBCHAPTER IX. PHYSICIANS AND CONTROLLED SUBSTANCES.

§ 48-931.01. PHYSICIAN PRIVILEGE.

Information communicated to a physician in an effort unlawfully to procure controlled substances, or unlawfully to procure the administration of any such controlled substances, shall not be deemed a privileged communication.

(June 20, 1938, 52 Stat. 795, ch. 532, § 20; Aug. 5, 1981, D.C. Law 4-29, § 604(b)(4), 28 DCR 3081.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-566.

1973 Ed., § 33-420.

Legislative History of Laws

For legislative history of D.C. Law 4-29, see Historical and Statutory Notes following § 48-901.02.

Editor's Notes

Subsection (b) of former § 33-521 was redesignated to be § 33-566 [1981 Ed.] upon the enactment of D.C. Law 4-29.

§ 48-931.02. SUPERVISION BY LICENSED PRACTITIONER.

A licensed practitioner, in good faith and in the course of professional practice only, may cause controlled

substances to be administered by a nurse, certified emergency medical technician/paramedic, certified emergency medical technician/intermediate paramedic, or intern under the licensed practitioner's direction and supervision.

(Nov. 17, 1981, D.C. Law 4-52, § 3(c)(2), 28 DCR 4348; Oct. 17, 2002, D.C. Law 14-194, § 502, 49 DCR 5306.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-567.

Effect of Amendments

Effective October 17, 2003, D.C. Law 14-194 substituted "nurse, certified emergency medical technician/paramedic, certified emergency medical technician/intermediate paramedic, or intern" for "nurse or intern".

Temporary Repeal of Section

For temporary (225 day) repeal of section, see § 2 of (D.C. Law 14-259, March 27, 2003, law notification 52 DCR 4125).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Uniform Controlled Substances Emergency Amendment Act of 2002 (D.C. Act 14-527, November 26, 2002, 49 DCR 11180).

For temporary (90 day) amendment of section, see § 2 of Uniform Controlled Substances Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15- 15, February 24, 2003, 50 DCR 1942).

Legislative History of Laws

For legislative history of D.C. Law 4-52, see Historical and Statutory Notes following § 48-904.01.

Law 14-194, the "Omnibus Anti-Terrorism Act of 2002" [Uniform Controlled Substances Amendment Act of 2002], was introduced in Council and assigned Bill No. 14-373, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 9, 2002, and May 7, 2002, respectively. Signed by the Mayor on June 3, 2002, it was assigned Act No. 14- 380 and transmitted to both Houses of Congress for its review. D.C. Law 14-194 became effective on October 17, 2002.

Miscellaneous Notes

Sections 502 and 503 of D.C. Law 14-194 amended this section applicable to Oct. 17, 2003.