A BILL FOR AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia (Annotated), as amended, by amending sections 1111, 1112, 1116, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1128, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1148 and 1149 thereof, to eliminate all references to ‘Trust Territory’, ‘federal law’ and ‘Director’; to insert additional substances that are essential for the implementation of the Behavioral Health and Wellness Program (BHWP) activities; and for other purposes.

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

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

1. It establishes a legal framework to regulate drugs/substances that pose a risk for abuse and dependence.
2. It aims to improve the manufacture, import, export, distribution, prescribing, dispensing and use of controlled substances/drugs for public safety.
3. It serves as the national implementing law/legislation for the three treaties/conventions that FSM is party to:
   1. The Single Convention on Narcotic Drugs, 1961;
   2. The Convention on Psychotropic Substances of 1971; and

Section 2. Section 1111 of title 11 of the Code of the
Federated States of Micronesia (Annotated), as amended, is hereby amended to read as follows:

"Section 1111. Short title.
This chapter may be cited as the "[Trust Territory] FSM Controlled Substances Act."

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

"Section 1112. Definitions.
[As used in this chapter] In this chapter, except where otherwise specified or unless the context otherwise requires, the following terms shall have the meanings stated below:

(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 his presence, by his authorized agent), or

(b) the patient or research subject at the direction 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 but does not include a common or contract carrier, public warehouseman, or employee.
(3) "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V of subchapter II of this chapter.

(4) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

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

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

(7) "Dispense" means to deliver a controlled substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner,
including prescribing, administering, packaging, labeling, and compounding necessary to prepare the substance for such delivery.

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

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

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

(11) "Drug" means:

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

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

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

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

(12) "Drug dependent person" means a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from
administration of that controlled substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its physical effects, or to avoid the discomfort of its absence.

(13) "Federal law" means a law enacted by the Congress of the United States.

(14) "Immediate precursor" means a substance which the Secretary has found to be and by regulation 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 such manufacture.

(15) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, 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, except that this term does not include the
preparation or compounding of a controlled substance by
an individual for his own use or the preparation,
compounding, packaging, or labeling of a controlled
substance:

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

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

[Marihuana] means all parts of the plant
cannabis sativa L., whether growing or not, the seeds
thereof, the resin extracted from any part of such
plant, and every compound, manufacture, salt,
derivative, mixture, or preparation of such plant, its
seeds or resin, but shall not include the mature stalks
of such plant, fiber produced from such stalks, oil, or
cake made from the seeds of such plant, any other
compound, manufacture, salt, derivative, mixture, or
preparation of such mature stalks (except the resin
extracted therefrom), fiber, oil, or cake, or the
sterilized seed of such plant which is incapable of
germination.

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

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

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

(c) opium poppy and poppy straw;

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

(17) “National law” means any law enacted by the
Congress of the Federated States of Micronesia or
regulations promulgated subsidiary to such laws.

(18) “Opiate” means any substance having an addiction-
forming or addiction-sustaining liability similar to
morphine or being capable of conversion into a drug
having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 1113 of this chapter, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

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

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

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

(22) "Practitioner" means:

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

(b) a pharmacy, hospital or other institution licensed, registered, or otherwise authorized by the [director] Secretary to distribute, dispense, conduct
research with respect to, or to administer a controlled
substance in the course of professional practice or
research in the [Trust Territory] FSM.

(23) “Production” includes the manufacture, planting,
cultivation, growing, or harvesting of a controlled
substance.

(24) “Ultimate user” means a person who lawfully
possesses a controlled substance for his own use or for
the use of a member of his household or for
administration to an animal owned by him or by a member
of his household.

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

“Section 1116. Reports and recommendations by
[director] Secretary to Congress; Amendment of schedule
by Congress.

(1) Annually, upon the convening of [each annual] the
first regular session of [the Congress of Micronesia],
the [director] Secretary shall report to [the] Congress
of Micronesia the effects of the implementation of this
chapter in relation to the problems of drug abuse in the
[Trust Territory] FSM, and shall recommend to [the]
Congress [of Micronesia] any additions, deletions or
revisions in the schedules of substances enumerated in
sections 1119, 1121, 1123, 1125, and 1127 of this chapter, and any other recommendations which he deems necessary. The [director] Secretary shall not recommend any additions, deletions or revisions in such schedules until after notice and an opportunity for a hearing is afforded all interested parties, except such hearing shall not be required if official notice has been received that the substance has been added, deleted, or rescheduled as a controlled substance under [Federal] national law. In making a determination regarding a substance, the [director] Secretary shall assess the degree of danger or probable danger of the substance by considering the following:

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

(i) its history and current pattern of abuse;

(ii) the scope, duration and significance of abuse; and

(iii) a judgement of the degree of actual or probable detriment which may result from the abuse of the substance.

(b) the biomedical hazard of the substance including:

(i) its pharmacology: the effects and
modifiers of effects of the substance;

(ii) its toxicology: the acute and chronic toxicity, interaction with other substances whether controlled or not, and liability to psychic or physiological dependence;

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

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

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

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

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

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

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

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

(5) If a substance is added, deleted or rescheduled as a controlled substance under national law and notice of the designation is given to the Secretary, the Secretary shall recommend that a corresponding change in FSM law be made by the Congress, unless the Secretary objects to the change. In that case, the Secretary shall publish the reasons for objection and afford all interested parties an opportunity to be heard. Following the hearing, the Secretary shall announce his decision and shall notify the Congress in writing of the change in national law or regulations and of the Secretary’s recommendations.”
Section 5. Section 1118 of Title 11 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby amended to read as follows:

"Section 1118. Schedule I-Criteria for classification. The Secretary in his recommendation shall place a substance in schedule I if he finds that the substance:

(1) has a high potential for abuse; and

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

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

"Section 1119. Schedule I-Designated. The controlled substances listed in this section are included in schedule I:

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

(a) acetylmethadol,

(b) allylprodine,
(c) alphacetylmethadol,
(d) alphameprodine,
(e) alphamethadol,
(f) bensethidine,
(g) betacetylmethadol,
(h) betameprodine,
(i) betamethadol,
(j) betaprodine,
(k) clonitazene,
(l) dextromoramide,
(m) dextrorphan,
(n) diampropide,
(o) diethylambutene,
(p) dimenoxadol,
(q) dimepheptanol,
(r) dimethylethambutene,
(s) dioxaphetylbutyrate,
(t) dipipanone,
(u) ethylmethylambutene,
(v) etonitazene,
(w) etoxeridine,
(x) furethidine,
(y) hydroxypethidine,
(z) ketobemidone,
(aa) lavomoramide,
(bb) levophenacylmorphan,
(cc) morpheridine,
(dd) noracymethadol,
(ee) norlevorphanol,
(ff) normethadone,
(gg) norpipanone,
(hh) phenadoxone,
(ii) phenampronide,
(jj) phenomorphan,
(kk) phenoperidine,
(ll) piritramide,
(mm) proheptazine,
(nn) properidine,
(oo) propiram,
(pp) racemoramide, and
(qq) trimeperidine

(2) any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such 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) desorphine, 
(h) dihydromorphine, 
(i) drotebanol, 
(j) etorphine (except hydrochloride salt), 
(k) heroin, 
(l) hydromorphinol, 
(m) methyldesorphine, 
(n) methylidihydromorphine, 
(o) morphine methylbromide, 
(p) morphine methylsulfonate, 
(q) morphine-N-Oxide, 
(r) myrophine, 
(s) nicocodeine, 
(t) nicomorphine, 
(u) normorphine, 
(v) phoclodine, and 
(w) thebacon; 

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

(a) 2, 5 dimethoxyamphetamine (2, 5-DMA),
(b) 3, 4-methylenedioxymphetamine,
(c) 5-methoxy-3, 4-methylenedioxymphetamine,
(d) 4-bromo-2, 5 dimethoxyamphetamine (4-bromo-
2, 5-DMA),
(e) 3, 4, 5-trimethoxyamphetamine,
(f) bufotenine,
(g) 4-methoxyamphetamine (PMA),
(h) diethyltryptamine,
(i) dimethyltryptamine,
(j) 4-methyl-2, 5-dimethoxylamphetamine,
(k) Gamma-hydroxybutyric acid (GHB)
(l) ibogaine,
(m) lysergic acid diethylamide,
(n) marihuana,
(o) mescaline,
(p) peyote,
(q) N-ethyl-3-piperidyl benzilate,
(r) N-methyl-3-piperidyl benzilate,
s) psilocyn,
t) psilocybin, and
(u) tetrahydrocannabinol

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

"Section 1120. Schedule II-Criteria for classification.

The Secretary in his recommendation shall place a substance in schedule II if he finds that:

(1) the substance has a high potential for abuse;
(2) the substance has currently accepted medical use with severe restrictions; and
(3) abuse of the substance may lead to severe psychic or physical dependence."

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

"Section 1121. Schedule II-Designated.

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

(1) any of the following substances except those narcotic drugs listed in other schedules, 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;
(b) any salt, compound, isomers, derivative, or
preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (a) of this subsection, but not including the isoquinoline alkaloids of opium;

(c) opium poppy and poppy straw;
(d) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not include cocaine or ecgonine;

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

(a) alphaprodine,
(b) anileridine,
(c) apomorphine,
(d) bezitramide,
(e) codeine (3-methylmorphine)
(f) dihydrocodeine,
(g) diphenoxylate,
(h) fentanyl,
(i) isomethadone,

(j) levomethorphan,

(k) levorphanol,

(l) metazocine,

(m) methadone,

(n) methadone, intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane,

(o) methaqualone,

(p) moramide, intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid,

(q) morphine,

(r) oxycodone,

(s) pethidine,

(t) pethidine, intermediate, A, 4-cyano-1-methyl-4 phenylpiperidine,

(u) pethidine, intermediate, B, ethyl-4-phenylpiperidine; 4-carboxylate,

(v) pethidine, intermediate, C, 1-methyl-4-phenylpiperidine-4-carboxylic acid,

(w) phenazocine,

(x) piminodine,

(y) racemethorphan, and

(z) racemorphan;

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

(a) amphetamine, its salts, optical isomers, and salts of its optical isomers;

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

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

   (i) phenmetrazine and its salts;

   (ii) methylphenidate.”

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

“Section 1122. Schedule III—Criteria for classification.

The [director] Secretary in his recommendation shall place a substance in schedule III if he 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; and

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

Section 10. Section 1123 of Title 11 of the Code of the
Federated States of Micronesia (Annotated), as amended, is hereby
amended to read as follows:

"Section 1123. Schedule III-Designated.

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

(1) 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 substance which contains any quantity of

a derivative of barbituric acid, or any salt of a
derivative of barbituric acid, except those substances
which are specifically listed in other schedules,

(b) benzphetamine,

(c) buprenorphine,

(d) chlorhexadol,

(e) chlorphentermine,

(f) clortermine,

(g) clutethimide,

(h) diethylpropion,

(i) lysergic acid,
(j) lysergic acid amide,

(k) mazindol,

(l) methyproylon,

(m) phencyclidine,

(n) phendimetrazine,

(o) phentermine,

(p) sulfondiethylmethane,

(q) sulfonethylmethane, and

(r) sulfonmethane;

(2) nalorphine;

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

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

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

(d) not more than 300 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

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

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

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

(h) not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
(4) The [director] Secretary may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (2) and (3) of this section from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which do have a stimulant or depressant effect on the central nervous system."

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

"Section 1124. Schedule IV-Criteria for classification. The [director] Secretary in his recommendation shall place a substance in schedule IV if he finds that:

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

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

(3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances listed in schedule III."
Section 12. Section 1125 of Title 11 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby amended to read as follows:

"Section 1125. Schedule IV-Designated. The controlled substances listed in this section are included in schedule IV:

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

(a) alprazolam,
(b) barbital,
(c) chloral betaine,
(d) chloral hydrate,
(e) chloral diazepoxide,
(f) diazepam,
(g) diethylpropion,
(h) ethchlorvynol,
(i) ethinamate,
(j) fenfluramine,
(k) flurazepam,
(l) methohexital,
(m) meprobamate,
(n) methylphenobarbital,
(o) midazolam,
[\{(k)\}] (p) paraldehyde,
[\{(l)\}] (q) petrichloral, and
[\{(m)\}] (r) phenobarbital;
(\{s\}) oxazepam,
(\{t\}) tramadol,
(\{u\}) triazolam,
(\{v\}) zolpidem;

(2) The [director] Secretary may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (1) of this section from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a 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.

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

"Section 1126. Schedule V-Criteria for classification. The [director] Secretary in his recommendation shall place a substance in schedule V if he finds that:
(1) the substance has a 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; and
(3) the substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in schedule IV."

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

"Section 1128. Annual revision and republication of schedules. The Secretary shall revise and republish the schedules annually and make them available to any registrant, law enforcement agency, or any member of the public desiring such list."

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

"Section 1131. Authority of Secretary to promulgate rules and regulations. The Secretary is authorized to promulgate rules in accordance with chapter 2 of title 17 of this code and charge reasonable fees relating to the
registration and control of the manufacture,
distribution, and dispensing of controlled substances
within the [Trust Territory] FSM.

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

"Section 1132. Registration-Required; Exceptions.

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

(2) Persons registered by the [director] Secretary
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.

(3) The following persons need not register and may
lawfully possess controlled substances under the
provision of this chapter:
(a) a common or contract carrier or
warehouseman, or an employee thereof, whose possession
of any controlled substance is in the usual course of
his business or employment;

(b) 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.

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

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

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

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

"Section 1133. Registration-Criteria for granting;
Effect; Compliance with [federal] national law."
The Secretary shall register an applicant to manufacture or distribute controlled substances included in schedules I through V of subchapter II of this chapter unless he determines that the issuance of that registration is inconsistent with the public interest. In determining the public interest, the Secretary shall consider the following factors:

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

(b) compliance with applicable law;

(c) prior conviction record of applicant under Federal national, State and local laws relating to controlled substances;

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

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

(f) suspension or revocation of the applicant's registration to manufacture, distribute, or dispense controlled substances as authorized by
(g) any other factors relevant to and consistent with the public health and safety.

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

(3) Practitioners must be registered to dispense any controlled substances or to conduct research with controlled substances in schedules II through V if they are authorized to dispense or conduct research under the law of the Trust Territory FSM. The Secretary need not require separate registration under this subchapter for practitioners engaging in research with non-narcotic controlled substances in schedules II through V where the registrant is already registered under this subchapter in another capacity.

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

(4) Compliance by manufacturers and distributors with the provisions of the [Federal national] law respecting registration (excluding fees) shall be deemed compliance
Section 18. Section 1134 of Title 11 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby amended to read as follows:

"Section 1134. Registration—Revocation or suspension—Grounds; Limitation of effect; Sealing of substances; Notice to bureau.

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

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

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

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

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

(e) will abuse or unlawfully transfer such
substances or that the registrant will fail to safeguard
adequately his supply of such substances against
diversion into other than legitimate channels of
distribution.

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

(3) In the event the [director] Secretary suspends or
revokes a registration granted under section 1133 of
this chapter, controlled substances owned or possessed
by the registrant pursuant to such registration at the
time of suspension or the effective date of the
revocation order, as the case may be, may in the
discretion of the [director] Secretary be placed under
seal. No disposition may be made of substances under
seal until the time for taking an appeal has elapsed or
until all appeals have been concluded unless a court,
upon application therefor, orders the sale of perishable
substances and the deposit of the proceeds of the sale
with the court. Upon a revocation order becoming final,
all such controlled substances shall be forfeited.
(4) The bureau shall promptly be notified of all orders suspending or revoking registration and all forfeitures of controlled substances."

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

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

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

(2) The [director] Secretary may suspend, without a notice to show cause, any registration simultaneously with the institution of proceedings under section 1134 of this chapter, or where renewal of registration is refused, if he finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the director Secretary or dissolved by the FSM Supreme Court [a court of competent jurisdiction].

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

“Section 1136. Registration-Records.
Persons registered to manufacture, distribute, or dispense controlled substances under this chapter shall keep records and maintain inventories in conformance with the record-keeping and inventory requirements of [Federal] national law and in accordance with any rules or regulations adopted by the [director] Secretary pursuant to the provisions of this chapter.”
Section 21. Section 1137 of Title 11 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby amended to read as follows:

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

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

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

"Section 1138. Prescriptions.

(1) 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.

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

(3) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedules III or IV which is a prescription drug, shall not be dispensed without a written or oral prescription of a practitioner. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

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

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

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

"Section 1148. Conditional discharge for first offense possession.

(1) Whenever any person who has not previously been convicted of any offense under this chapter or under any other law of the FSM or of any of its states or municipalities [statute of the United States or of any
state or territory] relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under subsection (1) of section 1142 of this chapter the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge such person and dismiss the proceedings against him.

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

(2) Upon the dismissal of such person and discharge of the proceedings against him under subsection (1) of this section, such person may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained by the court solely
for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this section) all recordation relating to his arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. If the court determines after hearing that such person was dismissed and the proceedings against him discharged, it shall enter such order. The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held hereafter under any provisions of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest, or indictment or information, or trial in response to any inquiry made of him for any purpose.

Section 2149. Conviction by another jurisdiction not bar to prosecution.

If a violation of this chapter is a violation of a State law or the law of another jurisdiction [Federal law or the law of another State], a conviction or acquittal
under State law or the law of another jurisdiction
[Federal law or the law of another State] for the same
act is not a bar to prosecution in the [Trust Territory]
FSM under this chapter.”

Section 25. This act shall become law upon approval by the
President of the Federated States of Micronesia or upon its
becoming law without such approval.

Date: 10/6/21        Introduced by: /s/ Florencio S. Harper
                    Florencio S. Harper
(by request)