
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, 1148 and 1149 thereof, to eliminate all references to 'Trust Territory', 'federal law' and 'Director'; to insert additional substances that are essential for the implementation of the Behavioral Health and Wellness Program (BHWP) activities; and for other purposes.

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

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

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

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

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

11 (1) The Single Convention on Narcotic Drugs,
12 1961;

13 (2) The Convention on Psychotropic Substances of
14 1971; and

15 (3) The Convention against Illicit Traffic in
16 Narcotic Drugs and Psychotropic Substances of 1988.

17 Section 2. Section 1111 of title 11 of the Code of the

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

3 "Section 1111. Short title.

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

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

9 "Section 1112. Definitions.

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

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

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

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

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

1 thereof.

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

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

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

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

23 (7) "Dispense" means to deliver a controlled
24 substance to the ultimate user or human research subject
25 by or pursuant to the lawful order of a practitioner,

1 including prescribing, administering, packaging,
2 labeling, and compounding necessary to prepare the
3 substance for such delivery.

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

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

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

8 (11) "Drug" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

25 [~~(17)~~](16) "Narcotic drug" means any of the

1 following whether produced directly or indirectly by
2 extraction from substances of vegetable origin, or
3 independently by means of chemical synthesis, or by a
4 combination of extraction and chemical synthesis:

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

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

12 (c) opium poppy and poppy straw;

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

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

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

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

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

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

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

15 (22) "Practitioner" means:

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

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

1 research with respect to, or to administer a controlled
2 substance in the course of professional practice or
3 research in the [~~Trust Territory~~] FSM.

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

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

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

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

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

1 sections 1119, 1121, 1123, 1125, and 1127 of this
2 chapter, and any other recommendations which he deems
3 necessary. The [~~director~~] Secretary shall not recommend
4 any additions, deletions or revisions in such schedules
5 until after notice and an opportunity for a hearing is
6 afforded all interested parties, except such hearing
7 shall not be required if official notice has been
8 received that the substance has been added, deleted, or
9 rescheduled as a controlled substance under [~~Federal~~]
10 national law. In making a determination regarding a
11 substance, the [~~director~~] Secretary shall assess the
12 degree of danger or probable danger of the substance by
13 considering the following:

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

16 (i) its history and current pattern of
17 abuse;

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

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

23 (b) the biomedical hazard of the substance
24 including:

25 (i) its pharmacology: the effects and

1 modifiers of effects of the substance;

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

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

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

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

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

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

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

1 in which case the [~~director~~] Secretary shall publish and
2 give notice to the public of such recommendation.

3 (3) The Congress [~~of Micronesia~~] has the sole
4 authority to add, delete, or reschedule all substances
5 enumerated in the schedules in sections 1119, 1121,
6 1123, 1125, and 1127 of this chapter.

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

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

1 Section 5. Section 1118 of Title 11 of the Code of the
2 Federated States of Micronesia (Annotated), as amended, is hereby
3 amended to read as follows:

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

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

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

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

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

15 "Section 1119. Schedule I-Designated.

16 The controlled substances listed in this section are
17 included in schedule I:

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

24 (a) acetylmethadol,

25 (b) allylprodine,

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

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

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

- 22 (a) acetorphine,
- 23 (b) acetyldihydrocodeine,
- 24 (c) benzylmorphine,
- 25 (d) codeine methylbromide,

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

20 (3) any material, compound, mixture, or preparation
21 which contains any quantity of the following
22 hallucinogenic substances, their salts, isomers, and
23 salts of isomers, unless specifically excepted, whenever
24 the existence of such salts, isomers, and salts of

1 isomers is possible within the specific chemical
2 designation:

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

25 Section 7. Section 1120 of Title 11 of the Code of the

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

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

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

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

7 (2) the substance has currently accepted medical use
8 with severe restrictions; and

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

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

14 "Section 1121. Schedule II-Designated.

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

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

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

25 (b) any salt, compound, isomers, derivative, or

1 preparation thereof which is chemically equivalent or
2 identical with any of the substances referred to in
3 paragraph (a) of this subsection, but not including the
4 isoquinoline alkaloids of opium;

5 (c) opium poppy and poppy straw;

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

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

18 (a) alphaprodine,

19 (b) anileridine,

20 (c) apomorphine,

21 (d) bezitramide,

22 (e) codeine (3-methylmorphine)

23 [~~(e)~~] (f) dihydrocodeine,

24 [~~(f)~~] (g) diphenoxylate,

25 [~~(g)~~] (h) fentanyl,

1 ~~(h)~~(i) isomethadone,
2 ~~(i)~~(j) levomethorphan,
3 ~~(j)~~(k) levorphanol,
4 ~~(k)~~(l) metazocine,
5 ~~(l)~~(m) methadone,
6 ~~(m)~~(n) methadone, intermediate, 4-cyano-2-
7 dimethylamino-4, 4-diphenyl butane,
8 ~~(n)~~(o) methaqualone,
9 ~~(o)~~(p) moramide, intermediate, 2-methyl-3-
10 morpholino-1, 1-diphenyl-propane- carboxylic acid,
11 ~~(p)~~(q) morphine,
12 (r) oxycodone,
13 (s) pethidine,
14 ~~(q)~~(t) pethidine, intermediate, A, 4-cyano-1-
15 methyl-4 phenylpiperidine,
16 ~~(r)~~(u) pethidine, intermediate, B, ethyl-4-
17 phenylpiperidine; 4-carboxylate,
18 ~~(s)~~(v) pethidine, intermediate, C, 1-methyl-4-
19 phenylpiperidine-4-carboxylic acid,
20 ~~(t)~~(w) phenazocine,
21 ~~(u)~~(x) piminodine,
22 ~~(v)~~(y) racemethorphan, and
23 ~~(w)~~(z) racemorphan;
24 (3) any material, compound, mixture, or preparation
25 which contains any quantity of the following substances

1 having a potential for abuse associated with a stimulant
2 effect on the central nervous system:

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

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

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

12 (i) phenmetrazine and its salts;

13 (ii) methylphenidate."

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

17 "Section 1122. Schedule III-Criteria for
18 classification.

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

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

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

25 (3) abuse of the substance may lead to moderate or

1 low physical dependence or high psychological
2 dependence.”

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

6 “Section 1123. Schedule III-Designated.

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

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

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

18 (b) benzphetamine,

19 (c) buprenorphine,

20 ~~(e)~~ (d) chlorhexadol,

21 ~~(d)~~ (e) chlorphentermine,

22 ~~(e)~~ (f) chlortermine,

23 ~~(f)~~ (g) clutethimide,

24 ~~(g)~~ (h) diethylpropion,

25 ~~(h)~~ (i) lysergic acid,

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- 1 ~~(i)~~(j) lysergic acid amide,
2 ~~(j)~~(k) mazindol,
3 ~~(k)~~(l) methyproylon,
4 ~~(l)~~(m) phencyclidine,
5 ~~(m)~~(n) phendimetrazine,
6 ~~(n)~~(o) phentermine,
7 ~~(o)~~(p) sulfondiethylmethane,
8 ~~(p)~~(q) sulfonethylmethane, and
9 ~~(q)~~(r) sulfonmethane;
10 (2) nalorphine;
11 (3) any material, compound, mixture, or preparation
12 containing limited quantities of any of the following
13 narcotic drugs, or any salts thereof:
14 (a) not more than 1.8 grams of codeine, or any
15 of its salts, per 100 milliliters or not more than 90
16 milligrams per dosage unit, with an equal or greater
17 quantity of an isoquinoline alkaloid of opium;
18 (b) not more than 1.8 grams of codeine, or any
19 of its salts, per 100 milliliters or not more than 90
20 milligrams per dosage unit, with one or more active,
21 non-narcotic ingredients in recognized therapeutic
22 amounts;
23 (c) not more than 300 milligrams of
24 dihydrocodeinone, or any of its salts, per 100
25 milliliters or not more than 15 milligrams per dosage

1 unit, with a fourfold or greater quantity of an
2 isoquinoline alkaloid of opium;

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

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

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

18 (g) not more than 500 milligrams of opium per
19 100 milliliters or per 100 grams, or not more than 25
20 milligrams per dosage unit, with one or more active non-
21 narcotic ingredients in recognized therapeutic amounts;

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

1 (4) The [~~director~~] Secretary may except by rule any
2 compound, mixture, or preparation containing any
3 stimulant or depressant substance listed in subsections
4 (2) and (3) of this section from the application of all
5 or any part of this chapter if the compound, mixture, or
6 preparation contains one or more active medicinal
7 ingredients not having a stimulant or depressant effect
8 on the central nervous system, and if the admixtures are
9 included therein in combinations, quantity, proportion,
10 or concentration that vitiate the potential for abuse of
11 the substances which do have a stimulant or depressant
12 effect on the central nervous system."

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

16 "Section 1124. Schedule IV-Criteria for classification.

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

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

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

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

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

4 "Section 1125. Schedule IV-Designated.

5 The controlled substances listed in this section are
6 included in schedule IV:

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

- 11 (a) alprazolam,
12 (b) barbital,
13 [~~(b)~~](c) chloral betaine,
14 [~~(e)~~](d) chloral hydrate,
15 (e) chloraldiazepoxide,
16 (f) diazepam,
17 [~~(d)~~](g) diethylpropion,
18 [~~(e)~~](h) ethchlorvynol,
19 [~~(f)~~](i) ethinamate,
20 [~~(g)~~](j) fenfluramine,
21 (k) flurazepam,
22 [~~(h)~~](l) methohexital,
23 [~~(i)~~](m) meprobamate,
24 [~~(j)~~](n) methylphenobarbital,
25 (o) midazolam,

1 ~~(k)~~(p) paraldehyde,
2 ~~(l)~~(q) petrichloral, and
3 ~~(m)~~(r) phenobarbital;
4 (s) oxazepam,
5 (t) tramadol,
6 (u) triazolam,
7 (v) zolpidem;

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

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

23 "Section 1126. Schedule V-Criteria for classification.
24 The ~~[director]~~ Secretary in his recommendation shall
25 place a substance in schedule V if he finds that:

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

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

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

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

12 “Section 1128. Annual revision and republication of
13 schedules.

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

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

21 “Section 1131. Authority of [~~director~~] Secretary to
22 promulgate rules and regulations.

23 The [~~director~~] Secretary is authorized to promulgate
24 rules in accordance with chapter 2 of title 17 of this
25 code and charge reasonable fees relating to the

1 registration and control of the manufacture,
2 distribution, and dispensing of controlled substances
3 within the [~~Trust Territory~~] FSM.

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

7 "Section 1132. Registration-Required; Exceptions.

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

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

23 (3) The following persons need not register and may
24 lawfully possess controlled substances under the
25 provision of this chapter:

1 (a) a common or contract carrier or
2 warehouseman, or an employee thereof, whose possession
3 of any controlled substance is in the usual course of
4 his business or employment;

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

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

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

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

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

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

1 (1) The [~~director~~] Secretary shall register an
2 applicant to manufacture or distribute controlled
3 substances included in schedules I through V of
4 subchapter II of this chapter unless he determines that
5 the issuance of that registration is inconsistent with
6 the public interest. In determining the public interest,
7 the [~~director~~] Secretary shall consider the following
8 factors:

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

12 (b) compliance with applicable law;

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

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

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

23 (f) suspension or revocation of the applicant's
24 [~~Federal~~] registration to manufacture, distribute, or
25 dispense controlled substances as authorized by

1 ~~[Federal]~~ national law; and

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

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

8 (3) Practitioners must be registered to dispense any
9 controlled substances or to conduct research with
10 controlled substances in schedules II through V if they
11 are authorized to dispense or conduct research under the
12 law of the ~~[Trust Territory]~~ FSM. The ~~[director]~~
13 Secretary need not require separate registration under
14 this subchapter for practitioners engaging in research
15 with non-narcotic controlled substances in schedules II
16 through V where the registrant is already registered
17 under this subchapter in another capacity.
18 Practitioners registered under ~~[Federal]~~ national law to
19 conduct research with schedule I substances may conduct
20 research with schedule I substances within the ~~[Trust~~
21 ~~Territory]~~ FSM upon furnishing evidence of that
22 ~~[Federal]~~ national registration.

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

1 with this section.”

2 Section 18. Section 1134 of Title 11 of the Code of the
3 Federated States of Micronesia (Annotated), as amended, is hereby
4 amended to read as follows:

5 “Section 1134. Registration-Revocation or suspension-
6 Grounds; Limitation of effect; Sealing of substances;
7 Notice to bureau.

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

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

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

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

25 (d) has violated any regulation promulgated by

1 the [~~director~~] Secretary relating to subchapter III of
2 this chapter;

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

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

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

1 (4) The bureau shall promptly be notified of all
2 orders suspending or revoking registration and all
3 forfeitures of controlled substances.”

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

7 “Section 1135. Registration-Revocation or suspension-
8 Notice and hearing.”

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

1 to refuse renewal of registration shall not abate the
2 existing registration which shall remain in effect
3 pending the outcome of the administrative hearing.

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

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

18 "Section 1136. Registration-Records.

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

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

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

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

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

14 "Section 1138. Prescriptions.

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

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

1 refilled.

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

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

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

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

20 "Section 1148. Conditional discharge for first offense
21 possession.

22 (1) Whenever any person who has not previously been
23 convicted of any offense under this chapter or under any
24 other law of the FSM or of any of its states or
25 municipalities [~~statute of the United States or of any~~

1 ~~state or territory~~] relating to narcotic drugs,
2 marihuana, or stimulant, depressant, or hallucinogenic
3 drugs, pleads guilty to or is found guilty of possession
4 of a controlled substance under subsection (1) of
5 section 1142 of this chapter the court, without entering
6 a judgment of guilt and with the consent of the accused,
7 may defer further proceedings and place him on probation
8 upon terms and conditions. Upon violation of a term or
9 condition, the court may enter an adjudication of guilt
10 and proceed as otherwise provided. Upon fulfillment of
11 the terms and conditions, the court shall discharge such
12 person and dismiss the proceedings against him.

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

21 (2) Upon the dismissal of such person and discharge
22 of the proceedings against him under subsection (1) of
23 this section, such person may apply to the court for an
24 order to expunge from all official records (other than
25 the nonpublic records to be retained by the court solely

1 for the purpose of use by the courts in determining
2 whether or not, in subsequent proceedings, such person
3 qualifies under this section) all recordation relating
4 to his arrest, indictment or information, trial, finding
5 of guilty, and dismissal and discharge pursuant to this
6 section. If the court determines after hearing that
7 such person was dismissed and the proceedings against
8 him discharged, it shall enter such order. The effect
9 of such order shall be to restore such person, in the
10 contemplation of the law, to the status he occupied
11 before such arrest or indictment or information. No
12 person as to whom such order has been entered shall be
13 held hereafter under any provisions of any law to be
14 guilty of perjury or otherwise giving a false statement
15 by reason of his failures to recite or acknowledge such
16 arrest, or indictment or information, or trial in
17 response to any inquiry made of him for any purpose.

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

21 "Section 1149. Conviction by another jurisdiction not
22 bar to prosecution.

23 If a violation of this chapter is a violation of a State
24 law or the law of another jurisdiction [~~Federal law or~~
25 ~~the law of another State~~], a conviction or acquittal

