

**58-38a-203 Duties of the committee.**

- (1) The committee serves as a consultative and advisory body to the Legislature regarding:
  - (a) the movement of a controlled substance from one schedule or list to another;
  - (b) the removal of a controlled substance from any schedule or list; and
  - (c) the designation of a substance as a controlled substance and the placement of the substance in a designated schedule or list.
- (2) On or before September 30 of each year, the committee shall submit to the Health and Human Services Interim Committee a written report:
  - (a) describing any substances recommended by the committee for scheduling, rescheduling, listing, or deletion from the schedules or list by the Legislature; and
  - (b) stating the reasons for the recommendation.
- (3) In advising the Legislature regarding the need to add, delete, relist, or reschedule a substance, the committee shall consider:
  - (a) the actual or probable abuse of the substance, including:
    - (i) the history and current pattern of abuse both in Utah and in other states;
    - (ii) the scope, duration, and significance of abuse;
    - (iii) the degree of actual or probable detriment to public health which may result from abuse of the substance; and
    - (iv) the probable physical and social impact of widespread abuse of the substance;
  - (b) the biomedical hazard of the substance, including:
    - (i) its pharmacology, including the effects and modifiers of the effects of the substance;
    - (ii) its toxicology, acute and chronic toxicity, interaction with other substances, whether controlled or not, and the degree to which it may cause psychological or physiological dependence; and
    - (iii) the risk to public health and the particular susceptibility of segments of the population;
  - (c) whether the substance is an immediate precursor, as defined in Section 58-37-2, of a substance that is currently a controlled substance;
  - (d) the current state of scientific knowledge regarding the substance, including whether there is any acceptable means to safely use the substance under medical supervision;
  - (e) the relationship between the use of the substance and criminal activity, including whether:
    - (i) persons engaged in illicit trafficking of the substance are also engaged in other criminal activity;
    - (ii) the nature and relative profitability of manufacturing or delivering the substance encourages illicit trafficking in the substance;
    - (iii) the commission of other crimes is one of the recognized effects of abuse of the substance; and
    - (iv) addiction to the substance relates to the commission of crimes to facilitate the continued use of the substance;
  - (f) whether the substance has been scheduled by other states; and
  - (g) whether the substance has any accepted medical use in treatment in the United States.
- (4) The committee's duties under this chapter do not include tobacco products as defined in Section 59-14-102 or alcoholic beverages as defined in Section 32B-1-102.

Amended by Chapter 12, 2011 General Session  
Amended by Chapter 340, 2011 General Session