

1                                   **LICENSE FOR CONTROLLED SUBSTANCES**

2   **AMENDMENTS**

3   2010 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Michael T. Morley**

6   Senate Sponsor: Mark B. Madsen

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8   **LONG TITLE**

9   **General Description:**

10                   This bill modifies the Controlled Substance Precursor Act to provide one controlled  
11 substance precursor license for persons engaged in regulated transactions.

12 **Highlighted Provisions:**

13                   This bill:

14                   ▶ provides for the Division of Occupational and Professional Licensing to issue a  
15 controlled substance precursor license, which combines the current controlled  
16 substance precursor purchaser and the controlled substance precursor distributor  
17 licenses.

18 **Monies Appropriated in this Bill:**

19                   None

20 **Other Special Clauses:**

21                   None

22 **Utah Code Sections Affected:**

23 AMENDS:

24                   **58-37c-7**, as repealed and reenacted by Laws of Utah 1992, Chapter 155

25                   **58-37c-8**, as last amended by Laws of Utah 2008, Chapter 382

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27 *Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section **58-37c-7** is amended to read:

29 **58-37c-7. Controlled Substance Precursor License.**

30 (1) The division shall issue to persons qualified under the provisions of this chapter  
31 and rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a  
32 controlled substance precursor license [~~in the classifications:~~].

33 [~~(a) controlled substance precursor distributor; or~~]

34 [~~(b) controlled substance precursor purchaser.~~]

35 (2) It is unlawful for a person to engage in the distribution, sale, or transfer, or in the  
36 purchase or obtaining of a controlled substance precursor in a regulated transaction without  
37 being licensed or excepted from licensure under this chapter.

38 Section 2. Section **58-37c-8** is amended to read:

39 **58-37c-8. License -- Exceptions from licensure or regulation.**

40 (1) Any person engaged in a regulated transaction [~~must be appropriately licensed~~  
41 ~~under this chapter as a regulated distributor and regulated purchaser~~] under this chapter shall  
42 hold a controlled substance precursor license issued under Section 58-37c-7, unless excepted  
43 from licensure under this chapter.

44 (2) The division shall:

45 (a) establish the form of application for a license, the requirements for licensure, and  
46 fees for initial licensure and renewal; and

47 (b) identify required information to be contained in the application as a condition of  
48 licensure.

49 (3) A practitioner who holds a Utah Controlled Substance License and a Controlled  
50 Substance Registration issued by the Drug Enforcement Administration of the U.S.  
51 Government is excepted from licensure under this chapter.

52 (4) Any purchase, sale, transfer, furnishing, or receipt of any drug intended for lawful  
53 use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other  
54 animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or  
55 phenylpropanolamine, if the drug is lawfully purchased, sold, transferred, or furnished as an  
56 over-the-counter medication without prescription pursuant to the federal Food, Drug and  
57 Cosmetic Act, 21 USC, Sec. 301 et seq., or regulations adopted under that act, are excepted  
58 from licensure, reporting, and recordkeeping under this chapter, except that products

59 containing ephedrine, pseudoephedrine, or phenylpropanolamine are subject to Section  
60 58-37c-20.5.

61 (5) Any purchase, sale, transfer, receipt, or manufacture of any dietary supplement,  
62 vitamins, minerals, herbs, or other similar substances, including concentrates or extracts, which  
63 are not otherwise prohibited by law, and which may contain naturally occurring amounts of  
64 chemicals or substances listed in this chapter, or in rules adopted pursuant to Title 63G,  
65 Chapter 3, Utah Administrative Rulemaking Act, are exempt from licensure under this chapter.

66 (6) A purchaser of two ounces or less of crystal iodine in a single transaction is not  
67 required to be licensed as a regulated purchaser if the transaction complies with Section  
68 58-37c-18.

69 (7) Any purchase, sale, transfer, receipt, or manufacture of any product that contains  
70 any precursor chemical listed in Subsection 58-37c-3(2)(ff) or (gg) and that is not intended for  
71 human consumption is exempt from licensure or regulation and is not subject to criminal  
72 penalties under this chapter.

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**Legislative Review Note**  
as of 1-6-10 4:36 PM

**Office of Legislative Research and General Counsel**

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**H.B. 89 - License for Controlled Substances Amendments**

**Fiscal Note**

2010 General Session  
State of Utah

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**State Impact**

Presuming that a new fee equal to the weighted average of the two existing fees will be set in the annual appropriations act for FY 2011, there should be no new revenue or expenditures with the enactment of this legislation.

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**Individual, Business and/or Local Impact**

Some individuals may see a slight increase associated with the new license requirements established in this bill. Others may see a slight decrease.

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