

Chapter 475

1977 REPLACEMENT PART

Controlled Substances; Experimental Drugs

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**UNIFORM CONTROLLED
SUBSTANCES ACT**

Note: Chapter 745, Oregon Laws 1977, takes effect July 1, 1978.

475.005 Definitions for ORS 475.005 to 475.285. As used in ORS 475.005 to 475.285 and 475.992 to 475.995, unless the context requires otherwise:

(1) "Abuse" means the repetitive excessive use of a drug short of dependence, without legal or medical supervision, which may have a detrimental effect on the individual or society.

(2) "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 his authorized agent; or

(b) The patient or research subject at the direction of the practitioner.

(3) "Administration" means the Drug Enforcement Administration of the United States Department of Justice, or its successor agency.

(4) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employe of the carrier or warehouseman.

(5) "Board" means the State Board of Pharmacy.

(6) "Committee" means the Committee on Controlled Substances created pursuant to ORS 161.705, 167.203 to 167.247, 181.010, 430.325, 430.405, 471.665, 475.005 to 475.285, 475.992 to 475.995, 483.710, 679.140, 680.100, 689.290, 689.410 and 689.620.

(7) "Controlled substance" means a drug or its immediate precursor classified in Schedules I through V and controlled under the provisions of ORS 475.035.

(8) "Counterfeit substance" means a controlled substance or its container or labeling, which, without authorization, bears the trade-mark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, delivered or dispensed the substance.

(9) "Deliver" or "delivery" means the actual, constructive or attempted transfer, other than by administering or dispensing, from one person to another of a controlled substance, whether or not there is an agency relationship.

(10) "Device" means instruments, apparatus or contrivances, including their components, parts or accessories, intended:

(a) For use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals; or

(b) To affect the structure of any function of the body of humans or animals.

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

(12) "Dispenser" means a practitioner who dispenses.

(13) "Distributor" means a person who delivers.

(14) "Drug" means:

(a) Substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

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

(d) Substances intended for use as a component of any article specified in paragraph (a), (b) or (c) of this subsection; however, the term does not include devices or their components, parts or accessories.

(15) "Impaired alertness" means an inability to concentrate and maintain attention.

(16) "Impaired coordination" means an inability to perform voluntary muscular actions in a smooth, nonawkward manner, usually manifest by staggering gait, slurred speech, tremor, dysequilibrium and slowed reflexes.

(17) "Impaired judgment" means an inability to assess the short and long-range consequences of one's actions.

(18) "Impaired perception" means an inability to clearly distinguish objects or sensations through one or more of the senses. The deficit may be complete, partial or result in distortion of the objects or sensations perceived.

(19) "Ingredient" means a substance which the committee has found to be and the board designates by rule as being the principal compound used or produced primarily for use in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture, and which is an immediate chemical intermediary used or likely to be used as a component of the controlled substance.

(20) "Interpersonal conflict" means a psychosocial impairment manifest by problems in marital, familial or employment relationships because of suspiciousness, irritability, loss of impulse control, mood changes, unpredictability, sexual incapacity or impairment of the ability to communicate effectively.

(21) "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:

(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 an authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

(22) "Marijuana" means all parts of the plant *Cannabis* family *Moraceae*, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or

cake, or the sterilized seed of the plant which is incapable of germination.

(23) "Permanent" or "permanence" means a condition, tissue change or dysfunction which is irreversible, even after discontinuation of the drug.

(24) "Person" includes a government subdivision or agency, business trust, estate, trust or any other legal entity.

(25) "Physical dependence" means a condition in which the body requires a continuing supply of a drug to avoid characteristic withdrawal signs or symptoms, to the extent that the person has lost his ability to control the use of the drug or uses the drug to the extent that his health or that of others is substantially impaired or endangered.

(26) "Physically aggressive behavior" means behavior that directly or indirectly threatens the physical safety of individuals including, but not limited to, homicide, assault, kidnapping, sexual offenses (not including public indecency, sexual misconduct, accosting for deviate purposes and crimes based on the lack of consent due to age), robbery, burglary with violence, escape in the first and second degree, resisting arrest, child abuse, menacing, recklessly endangering, criminal mistreatment, coercion and behavior that directly involves physical violence to personal or real property. Criminal behavior includes but is not limited to those acts defined in this subsection which are the direct or proximate result of the use or abuse of a controlled substance, but does not include criminal consequences related to violation of any law regulating controlled substances.

(27) "Practitioner" means physician, dentist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted by law to dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(28) "Prescription" means a written or oral direction, given by a licensed medical practitioner for the preparation and use of a drug. When the context requires, "prescription" also means the drug prepared under such written or oral direction. Any label affixed to a drug prepared under written or oral direction shall prominently display a warning that the removal thereof is prohibited by law.

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

(30) "Psychological dependence" means a condition characterized by an overwhelming mental desire for continued use of a drug, to the extent that the person has lost his ability to control the use of the drug or uses the drug to the extent that his health or safety or that of others is substantially impaired or endangered.

(31) "Psychosis" means a psychosocial impairment manifest by an inability to test reality, including, but not limited to, disturbances in the stream of consciousness, irrational thinking, confusion, hallucinations, delusions and deficits in memory and orientation.

(32) "Research" means an activity conducted by the person registered with the Drug Enforcement Administration pursuant to a protocol approved by the United States Food and Drug Administration.

(33) "Reversibility" means a condition, tissue change or dysfunction which is reversible upon discontinuation of the drug.

(34) "Risk of overdose death" means the ease with which death can occur from overdose or sensitivity reaction associated with the drug.

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

(36) "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 administering to an animal owned by him or by a member of his household.

[1977 c.745 §1]

475.010 [Amended by 1953 c.342 §3; 1957 c.587 §6; 1965 c.545 §1; 1971 c.743 §378; 1973 c.697 §9; 1974 s.s c.67 §5; repealed by 1977 c.745 §54 (see note under 475.997)]

475.015 Schedules for controlled substances. (1) The committee, with the advice of the Committee on Drug Problems created pursuant to ORS 430.100, shall create five schedules for controlled substances which reflect the following:

- (a) Schedule I for substances with very high hazard potential;
- (b) Schedule II for substances with high hazard potential;
- (c) Schedule III for substances with intermediate hazard potential;

(d) Schedule IV for substances with low hazard potential; and

(e) Schedule V for substances with very low hazard potential.

(2) Until such time as the schedules are created and all drugs currently classified as controlled substances by section 202 of the United States Department of Justice Drug Enforcement Administration Act (21 USC 812) as set forth in part 1308 are reviewed and classified by the committee according to procedures designated in ORS 475.025 and 475.035, the schedule under federal law as of June 1, 1977, shall be the schedule under ORS 161.705, 167.203 to 167.247, 181.010, 430.325, 430.405, 471.665, 475.005 to 475.285, 475.992 to 475.995, 483.710, 679.140, 680.100, 689.410 and 689.620 for purposes of regulations and control.

[1977 c.745 §3]

475.020 [Repealed by 1957 c.587 §12]

475.025 Rating of controlled substances. (1) The committee may add, reclassify or delete any drug or its immediate precursor from the schedules designated in ORS 475.015. The decision of the committee shall be based on the total hazard potential of the substance. In determining total hazard potential, the committee, with the advice of the Committee on Drug Problems, shall consider and rate each substance on the following potential consequences of acute or chronic maximum abuse:

(a) Psychosocial impairment manifested by:

- (A) Psychosis;
- (B) Interpersonal conflicts;
- (C) Physically aggressive behavior; and

(D) The permanence of the symptoms listed in subparagraph (A), (B) or (C) of this paragraph.

(b) Psychomotor impairment (e.g., driving skills) manifested by:

- (A) Impaired judgment;
- (B) Impaired coordination;
- (C) Impaired alertness;
- (D) Impaired perception; and

(E) The permanence of the symptoms listed in subparagraph (A), (B), (C) or (D) of this paragraph.

(c) Health impairment manifested by:

(A) Reversible tissue change or dysfunction;

(B) Permanent tissue change or dysfunction; and

(C) Risk of overdose death.

(d) Dependence potential manifested by:

(A) Severity of physical dependence;

(B) Ease of development of physical dependence;

(C) Severity of psychological dependence; or

(D) Ease of development of psychological dependence.

(2) If any substance is designated, reclassified or deleted as a controlled substance under federal law and notice thereof is given to the board, the board shall immediately notify the committee of such notice, and the committee shall within 90 days classify the substances in the appropriate schedule by use of the method provided in subsection (1) of this section.

(3) At the request of the board or two members of the committee, the committee shall convene to consider the classification or reclassification of any substance by use of the method provided in subsection (1) of this section.

(4) Based upon the classifications made under subsection (1), (2) or (3) of this section, the committee shall notify the board that the substance has been designated, reclassified or deleted as a controlled substance.

[1977 c.745 §4]

475.030 [Repealed by 1957 c.587 §12]

475.035 Authority to control. (1) In arriving at a decision on classification, the committee shall review the scientific knowledge available regarding the substance, its pharmacological effects, patterns of use and misuse, and potential consequences of abuse, and consider the judgment of individuals with training and experience with the substance, including the Committee on Drug Problems.

(2) The board shall assist the committee in securing information needed to make a valid classification.

(3) Upon being notified by the committee of its decision on classification, the board shall issue a rule controlling the substance consistent with the schedules in ORS 475.015.

(4) If a substance is an ingredient of a controlled substance, the ingredient shall be considered to be in the same schedule as that controlled substance. Substances which are precursors of the ingredient shall not be

subject to control solely because they are precursors of the ingredient.

(5) The board shall administer ORS 475.005 to 475.285 and 475.992 to 475.995 in accordance with ORS 183.310 to 183.500.

(6) Authority to control under this section does not extend to tobacco or to alcoholic liquor, distilled spirits, wine or malt beverages as those terms are defined or used in ORS chapters 471 and 472.

[1977 c.745 §5]

475.040 [Repealed by 1957 c.587 §12]

475.045 Exclusions. The board shall exclude any nonnarcotic substance from a schedule if such substance may, under the Federal Food, Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter without a prescription.

[1977 c.745 §7a]

475.050 [Repealed by 1957 c.587 §12]

475.055 Publishing of schedules. The board shall publish the classification of controlled substances within 30 days of July 1, 1978, and thereafter within 30 days following the revision of the classification of a controlled substance.

[1977 c.745 §6]

475.060 [Repealed by 1957 c.587 §12]

475.070 [Amended by 1961 c.648 §12; repealed by 1971 c.743 §432]

475.075 Committee on controlled substances. (1) There is created a Committee on Controlled Substances in the Health Division of the Department of Human Resources, to consist of seven members appointed by the Assistant Director for Health, with the approval of the Governor, for four-year terms. Three of the members shall be pharmacologists; three shall be practitioners as defined under ORS 475.005; and one shall be a member of the general public knowledgeable about the use and abuse of controlled substances within this state. As nearly as practicable, appointments shall be made from the various geographic regions of this state. The public member shall serve as chairman of the committee.

(2) The committee shall meet on the call of the chairman or the assistant director, but shall not meet less than four times in each calendar year.

(3) Members shall be paid per diem and actual expenses incurred in the performance of their official duties as provided by law.

(4) No member of the Committee on Controlled Substances, or his spouse or children, shall have a financial interest exceeding a fair market value in excess of \$1,000, in any business relating directly or indirectly to the manufacture or delivery of controlled substances, excluding any professional activities involving the compounding or dispensation of a controlled substance to an ultimate user.

(5) The committee may adopt rules for its own governance and such other rules, pursuant to ORS 183.310 to 183.500, as may be necessary to implement its responsibilities under ORS 161.705, 167.203 to 167.247, 181.010, 430.325, 430.405, 471.665, 475.005 to 475.285, 475.992 to 475.995, 483.710, 679.140, 680.100, 689.290, 689.410 and 689.620.

[1977 c.745 §2]

475.080 [Repealed by 1959 c.411 §22]

475.085 Committee as criminal justice agency. For the purposes of requesting and receiving the information necessary to perform its functions pursuant to ORS 161.705, 167.203 to 167.247, 181.010, 430.325, 430.405, 471.665, 475.005 to 475.285, 475.992 to 475.995, 483.710, 679.140, 680.100, 689.290, 689.410 and 689.620, the Committee on Controlled Substances is a criminal justice agency.

[1977 c.745 §55]

475.090 [Amended by 1953 c.543 §3; 1957 c.587 §7; repealed by 1971 c.743 §432]

475.095 Rules; fees. The board may promulgate rules and charge reasonable fees in addition to any other fees required by statute or rule, relating to the registration and control of the manufacture, delivery and dispensing of controlled substances within this state.

[1977 c.745 §7]

Note: Section 27, chapter 745, Oregon Laws 1977, provides.

Sec. 27. Any orders or rules promulgated under any law affected by sections 1 to 29 of this 1977 Act and in effect on the effective date of this 1977 Act [July 1, 1978] and not in conflict with it continue in effect until modified, superseded or repealed.

475.100 [Amended by 1953 c.396 §2; 1957 c.587 §8; 1963 c.229 §1; 1965 c.15 §1; 1965 c.545 §2; 1971 c.743 §379; repealed by 1977 c.745 §54 (see note under 475.997)]

475.110 [Amended by 1953 c.396 §2; 1965 c.545 §3; 1971 c.743 §379a; repealed by 1977 c.745 §54 (see note under 475.997)]

475.120 [Repealed by 1971 c.743 §432]

475.125 Registration requirements.

(1) Every person who manufactures, delivers or dispenses any controlled substance within this state or who proposes to engage in the manufacture, delivery or dispensing of any controlled substance within this state, must obtain annually a registration issued by the board in accordance with its rules.

(2) Persons registered by the board under ORS 475.005 to 475.285 and 475.992 to 475.995 to manufacture, deliver, dispense or conduct research with controlled substances may possess, manufacture, deliver, dispense or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of ORS 475.045, 475.095 and 475.125 to 475.185 and other applicable laws of this state.

(3) The following persons need not register and may lawfully possess controlled substances under ORS 475.005 to 475.285 and 475.992 to 475.995:

(a) An agent or employe of any registered manufacturer, distributor or dispenser of any controlled substance if he is acting in the usual course of his business or employment.

(b) A common or contract carrier or warehouseman, or an employe thereof, whose possession of any controlled substance is in the usual course of business or employment.

(c) 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, unless otherwise prohibited.

(d) A practitioner otherwise licensed under the laws of this state and authorized to dispense or administer a controlled substance by the licensing authority.

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

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

(6) The board may inspect the establishment of a registrant or applicant for registration in accordance with the rules of the board.

475.130 [Repealed by 1957 c.587 §12]

475.135 Grounds to grant or deny registration; scope of registration; effect of federal registration. (1) The board shall

register or renew the registration of an applicant to manufacture or dispense controlled substances included in schedules under procedures defined in ORS 475.015 to 475.035, unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

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

(b) Failure to comply with applicable state or local laws;

(c) Any convictions of the applicant under any federal or state laws relating to any controlled substance;

(d) Past experience in the manufacture, delivery or dispensing of controlled substances and the existence in the applicant's establishment of effective controls against diversion;

(e) Furnishing by the applicant of false or fraudulent material in any application filed under ORS 475.005 to 475.285 and 475.992 to 475.995;

(f) Suspension or revocation of the applicant's federal registration to manufacture, deliver or dispense controlled substances as authorized by federal law; or

(g) Any other factors relevant to and consistent with the public health and safety.

(2) Registration under subsection (1) of this section does not entitle a registrant to manufacture, deliver or dispense 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 I through V if they are authorized to dispense or conduct research under the law of this state. The board need not require separate registration under ORS 475.045, 475.095, 475.125 to 475.185 for practitioners engaging in research with controlled substances in Schedules I through V where the registrant is already registered under ORS 475.045, 475.095, 475.125 to 475.185 in another capacity. Persons with valid registration from the Drug Enforcement Administration for research on controlled substances may conduct research within this state in compliance with other state law upon furnishing the board evidence of that federal registration, and are exempt from state prosecution for

possession and distribution of controlled substances to the extent of the registration. Registration under ORS 161.705, 167.203 to 167.247, 181.010, 430.325, 430.405, 471.665, 475.005 to 475.285, 475.992 to 475.995, 483.710, 679.140, 680.100, 689.290, 689.410 and 689.620 does not exempt the registrant from compliance with any other relevant law of this state or the United States, unless such exemption is expressly provided under ORS 161.705, 167.203 to 167.247, 181.010, 430.325, 430.405, 471.665, 475.005 to 475.285, 475.992 to 475.995, 483.710, 679.140, 680.100, 689.290, 689.410 and 689.620.

(4) Notwithstanding this section, the manufacture, delivery or dispensing of any controlled substance excluded from any medical use by federal law is prohibited, except:

(a) For research authorized under subsection (3) of this section and ORS 475.225; or

(b) As otherwise provided by state or federal law.

(5) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration, excluding fees, entitles them to be registered under ORS 475.045, 475.095, 475.125 to 475.185.

[1977 c.745 §9]

475.140 [Repealed by 1957 c.587 §12]

475.145 Revocation and suspension of registration. (1) A registration under ORS 475.135 to manufacture, deliver or dispense a controlled substance may be suspended or revoked by the board upon a finding that the registrant:

(a) Has furnished false or fraudulent material information in any application filed under ORS 475.005 to 475.285 and 475.992 to 475.995;

(b) Has been convicted of a felony under any state or federal law relating to any controlled substance;

(c) Has had his federal registration suspended or revoked to manufacture, deliver or dispense controlled substances; or

(d) Has violated any rule of the board under ORS 475.035 or that continuance of registration would be inconsistent with the public interest under any factor stated in ORS 475.135.

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

(3) If the board suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, 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 controlled substances may be forfeited to the state.

(4) The board shall promptly notify the administration of all orders suspending or revoking registration and all forfeitures of controlled substances.

[1977 c.745 §10]

475.150 [Amended by 1959 c.411 §1; 1971 c.418 §14; repealed by 1977 c.754 §54 (see note under 475.997)]

475.155 Order to show cause. (1) Before denying, suspending or revoking a registration, or refusing a renewal of registration, the board shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked or suspended, or why the renewal should not be refused. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the board at a time and place not less than 30 days after the date of service of the order. These proceedings shall be conducted in accordance with ORS 183.310 to 183.500 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 board may suspend, without an order to show cause, any registration simultaneously with the institution of proceedings under ORS 475.145 or where renewal of registration is refused, if it 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 board or dissolved by a court of competent jurisdiction.

[1977 c.745 §11]

475.160 [Repealed by 1977 c.754 §54 (see note under 475.997)]

475.165 Records of registrants. Persons registered to manufacture, deliver or dispense controlled substances under ORS 475.005 to 475.285 and 475.992 to 475.995 shall keep records and maintain inventories in conformance with the recordkeeping and inventory requirements of federal law and with any additional rules the board issues.

[1977 c.745 §12]

475.175 When order forms required. 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 law respecting order forms shall be deemed compliance with this section.

[1977 c.745 §13]

475.185 When prescriptions required. (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 board, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of ORS 475.165. 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 Schedule III, IV or V, which is a prescription drug as determined by the board under ORS 689.620, 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 on which it was issued and no prescription authorized to be refilled may be refilled more than five times. Additional quantities of the controlled substances listed in Schedule III, IV or V may only be authorized by a practitioner through issuance of a new prescription.

(4) A controlled substance shall not be delivered or dispensed other than for a medical purpose.

(5) Except in good faith and in the course of his professional practice only, a practitioner may not dispense controlled substances.

(6) Any oral prescription authorized by statute or rule shall be reduced promptly to writing and filed by the pharmacy.

(7) Issuance, preparation, labeling, dispensing, recordkeeping and filing of prescriptions or medication orders shall be in conformance with the requirements of the federal law and rules of the board.

[1977 c.745 §14]

475.205 Judicial review. All final determinations, findings and conclusions of the board or committee under ORS 475.005 to 475.285 and 475.992 to 475.995 are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision in accordance with ORS 183.310 to 183.500. Findings of fact by the board or committee, if supported by substantial evidence, are conclusive.

[1977 c.745 §24]

475.215 Cooperative arrangements. The board shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, it may:

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

(2) Cooperate in training programs concerning controlled substance law enforcement at local and state levels.

[1977 c.745 §22]

475.225 Education and research. (1) The Mental Health Division of the Department of Human Resources, with the advice of the Committee on Controlled Substances, shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs it may:

(a) Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

(b) Assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

(c) Consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(d) Evaluate procedures, projects, techniques and controls conducted or proposed as part of educational programs on misuse or abuse of controlled substances;

(e) Disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them; and

(f) Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

(2) The division shall encourage research on the medical use, misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of ORS 475.005 to 475.285 and 475.992 to 475.995, it may:

(a) Establish methods to assess accurately the physiological, psychological and social effects of controlled substances and identify their medical uses, relative hazard potential, and potential for abuse;

(b) Make studies and undertake programs of research to:

(A) Develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of ORS 475.005 to 475.285 and 475.992 to 475.995;

(B) Determine patterns of use, misuse and abuse of controlled substances and the social effects thereof; and

(C) Improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances.

(c) Enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations or special projects which bear directly on misuse and abuse of controlled substances.

(3) The division may enter into contracts for educational and research activities without performance bonds and without regard to ORS 279.710 to 279.746.

[1977 c.745 §25]

475.235 Burden of proof; liabilities.

(1) It is not necessary for the state to negate any exemption or exception in ORS 475.005 to 475.285 and 475.992 to 475.995 in any complaint, information, indictment or other pleading or in any trial, hearing or other proceeding under ORS 475.005 to 475.285 and 475.992 to 475.995. The burden of proof of any exemption or exception is upon the person claiming it.

(2) In the absence of proof that a person is the duly authorized holder of an appropriate

registration or order form issued under ORS 475.005 to 475.285 and 475.992 to 475.995, he is presumed not to be the holder of the registration or form. The burden of proof is upon him to rebut the presumption.

[1977 c.745 §23]

475.245 Conditional discharge for possession as first offense. Whenever any person who has not previously been convicted of any offense under ORS 475.005 to 475.285 and 475.992 to 475.995 or under any statute of the United States or of any state relating to narcotic drugs, marijuana, stimulant, depressant or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under subsection (4) of ORS 475.992, 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 violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. There may be only one discharge and dismissal under this section with respect to any person.

[1977 c.745 §21]

475.255 Status of penalties. Any penalty imposed for violation of ORS 475.005 to 475.285 and 475.992 to 475.995 is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

[1977 c.745 §18]

475.265 When prosecution barred. If a violation of ORS 475.005 to 475.285 and 475.992 to 475.995 is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

[1977 c.745 §19]

475.275 Uniformity of interpretation. ORS 475.005 to 475.285 and 475.992 to 475.995 shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of ORS 475.005 to 475.285 and 475.992 to

475.995 among those states which enact similar laws.

[1977 c.745 §28]

475.285 Short title. ORS 475.005 to 475.285 and 475.992 to 475.995 may be cited as the Uniform Controlled Substances Act.

[1977 c.745 §29]

475.305 "Experimental drug" defined. "Experimental drug" means any drug identified by United States Food and Drug Administration as an investigational new drug.

[1977 c.636 §1]

475.315 Consent to prescribe or administer experimental drug required. (1) No person shall prescribe or knowingly administer an experimental drug to another person unless he obtains prior written consent as provided in ORS 475.325. Written consent shall be indicated on forms furnished by the State Board of Pharmacy.

(2) A copy of the signed consent form shall be sent to the State Board of Pharmacy. The board shall keep the copy on file and shall permit examination only by the patient, the physician supervising the administration of the experimental drug and persons acting on behalf of the patient or the physician.

[1977 c.636 §2]

475.325 Who may give consent. (1) An adult patient may give informed written consent if:

(a) No guardian has been appointed for him; and

(b) A physician licensed to practice in this state, other than the person proposing to prescribe the experimental drug, certifies that the patient is competent to give informed written consent to the administration of the experimental drug.

(2) If an adult patient is not able to give informed written consent under subsection (1) of this section, consent may be given jointly by the guardian and any of the following available relatives of the patient in the order listed:

(a) The spouse.

(b) A son or daughter who is not a minor.

(c) Either parent.

(d) A brother or sister who is not a minor.

(e) A grandson or granddaughter who is not a minor.

(3) If none of the persons specified in subsection (2) of this section can be located after exercise of due diligence, the guardian

may provide the written consent required by subsection (2) of this section.

(4) If the patient is a minor, consent may be provided by a parent or the guardian of the patient.

[1977 c.636 §3]

475.335 Information to be given to consenting person. (1) The patient or any other person providing written consent pursuant to ORS 475.325, before signing the consent form, shall be apprised of the names of manufacturers of the experimental drug and the physician who will supervise its administration and shall be advised of all known medical risks attendant to the use of the experimental drug.

(2) Failure to comply with the provisions of this section shall nullify any consent given pursuant to ORS 475.325.

[1977 c.636 §4]

475.345 Revocation of consent. Consent given under ORS 475.325 may be revoked at any time by written communication to the physician supervising the administration of the experimental drug.

[1977 c.636 §5]

475.355 Appraisal of patient's condition to be given; other information. (1) Upon request, the physician supervising the administration of the experimental drug shall provide the patient, if he is not a minor, or a parent or the guardian of the patient, if he is a minor, with an appraisal of the patient's condition and the effects of the experimental drug upon the patient. The physician supervising the administration of the experimental drug shall also provide such information, upon request, to the guardian of an adult patient and to any person having a relationship to the adult patient specified in subsection (2) of ORS 475.325.

(2) Upon request of a patient or a person who provides consent for a patient pursuant to ORS 475.325, any person designated by the patient or person who provides consent shall be notified of the use of the experimental drug and shall be provided with the information required under ORS 475.335 and subsection (1) of this section.

[1977 c.636 §6]

475.365 When certain requirements waived. The State Board of Pharmacy may issue a waiver of the disclosure of information requirements set forth in subsection (2) of ORS 475.315 or ORS 475.355 upon a showing by an applicant that compliance therewith

would violate specific provisions of the laws or regulations of the United States.

[1977 c.636 §7]

475.375 Persons required to comply with ORS 475.305 to 475.375. A person who prescribes or administers any new drug or device labeled by the Federal Drug Administration as being tested for safety solely for investigational use by persons qualified by scientific training and experience to investigate the safety and effectiveness of drugs on humans shall comply with the provisions of ORS 475.305 to 475.375 and 475.997 which relate to written consent and disclosure of information.

[1977 c.636 §8]

475.610 [1955 c.573 §2; 1957 c.587 §9; repealed by 1959 c.411 §2 (475.615 enacted in lieu of 475.610)]

475.615 [1959 c.411 §3 (enacted in lieu of 475.610); repealed by 1977 c.745 §54 (see note under 475.997)]

475.620 [1955 c.573 §3; 1957 c.587 §10; repealed by 1959 c.411 §4 (475.625 enacted in lieu of 475.620)]

475.625 [1959 c.411 §5 (enacted in lieu of 475.620); 1963 c.137 §2; 1969 c.310 §2; repealed by 1971 c.743 §432]

475.630 [1955 c.573 §4; repealed by 1959 c.411 §6 (475.655 enacted in lieu of 475.630)]

475.635 [1959 c.411 §11 (enacted in lieu of 475.650); 1969 c.310 §3; repealed by 1971 c.743 §432]

475.640 [1955 c.573 §5; repealed by 1959 c.411 §8 (475.665 enacted in lieu of 475.640)]

475.645 [1959 c.411 §21 (enacted in lieu of 475.700); 1969 c.391 §15; 1971 c.743 §380; 1973 c.697 §20; 1977 c.745 §41; repealed by 1977 c.871 §29]

475.650 [1955 c.573 §6; repealed by 1959 c.411 §10 (475.635 enacted in lieu of 475.650)]

475.655 [1959 c.411 §7 (enacted in lieu of 475.630); 1963 c.137 §3; 1971 c.743 §381; repealed by 1973 c.697 §21]

475.660 [1955 c.573 §7; repealed by 1959 c.411 §12 (475.675 enacted in lieu of 475.660)]

475.665 [1959 c.411 §9 (enacted in lieu of 475.640); 1971 c.743 §382; 1973 c.697 §17; 1977 c.745 §42; repealed by 1977 c.871 §29]

475.670 [1955 c.573 §8; repealed by 1959 c.411 §14 (475.705 enacted in lieu of 475.670)]

475.675 [1959 c.411 §13 (enacted in lieu of 475.660); 1969 c.638 §2; 1973 c.697 §18; repealed by 1977 c.871 §29]

475.680 [1955 c.573 §§9, 13; repealed by 1959 c.411 §16 (475.685 enacted in lieu of 475.680)]

475.685 [1959 c.411 §17 (enacted in lieu of 475.680); 1973 c.697 §15; repealed by 1977 c.871 §29]

475.690 [1955 c.573 §9; repealed by 1959 c.411 §18 (475.695 enacted in lieu of 475.690)]

475.695 [1959 c.411 §19 (enacted in lieu of 475.690); 1973 c.697 §16; 1977 c.745 §48; repealed by 1977 c.871 §29]

475.700 [1955 c.573 §10; repealed by 1959 c.411 §20 (475.645 enacted in lieu of 475.700)]

475.705 [1959 c.411 §15 (enacted in lieu of 475.670); 1969 c.638 §3; 1973 c.697 §19; 1977 c.745 §49; repealed by 1977 c.871 §29]

475.710 [1955 c.573 §11; repealed by 1959 c.411 §22]

475.715 [1969 c.442 §1; renumbered 430.560]

475.720 [1955 c.573 §12; repealed by 1959 c.411 §22]

475.725 [1969 c.442 §2; renumbered 430.565]

475.730 [1955 c.573 §13; repealed by 1959 c.411 §22]

475.732 [1973 c.697 §12; repealed by 1977 c.745 §54 and 1977 c.871 §29]

475.740 [1955 c.573 §1; repealed by 1959 c.411 §22]

475.742 [1973 c.697 §14; repealed by 1977 c.871 §29]

475.750 [1955 c.573 §3; repealed by 1959 c.411 §22]

PENALTIES

475.990 [1957 c.587 §11; 1969 c.310 §4; repealed by 1977 c.745 §45 (see note under 475.997)]

475.992 Prohibited acts generally; penalties. (1) Except as authorized by ORS 475.005 to 475.285 and 475.992 to 475.995, it is unlawful for any person to manufacture or deliver a controlled substance. Any person who violates this subsection with respect to:

(a) A controlled substance in Schedule I, is guilty of a Class A felony.

(b) A controlled substance in Schedule II, is guilty of a Class B felony.

(c) A controlled substance in Schedule III, is guilty of a Class C felony.

(d) A controlled substance in Schedule IV, is guilty of a Class B misdemeanor.

(e) A controlled substance in Schedule V, is guilty of a Class C misdemeanor.

(2) Notwithstanding the placement of marijuana in a schedule of controlled substances under ORS 161.705, 167.203 to 167.247, 181.010, 430.325, 430.405, 471.665, 475.005 to 475.285, 475.992 to 475.995, 483.710, 679.140, 680.100, 689.290, 689.410 and 689.620:

(a) Any person who delivers marijuana for consideration is guilty of a Class B felony.

(b) Any person who delivers, for no consideration, less than one avoirdupois ounce of the dried leaves, stems and flowers of the plant Cannabis family Moraceae is guilty of a Class A misdemeanor, except that

(c) Any person who delivers, for no consideration, less than five grams of the dried leaves, stems and flowers of the plant Cannabi-

family Moraceae is guilty of a violation, punishable by a fine of not more than \$100.

(3) Except as authorized in ORS 475.005 to 475.285 and 475.992 to 475.995, it is unlawful for any person to create or deliver a counterfeit substance. Any person who violates this subsection with respect to:

(a) A counterfeit substance in Schedule I, is guilty of a Class A felony.

(b) A counterfeit substance in Schedule II, is guilty of a Class B felony.

(c) A counterfeit substance in Schedule III, is guilty of a Class C felony.

(d) A counterfeit substance in Schedule IV, is guilty of a Class B misdemeanor.

(e) A counterfeit substance in Schedule V, is guilty of a Class C misdemeanor.

(4) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by ORS 475.005 to 475.285 and 475.992 to 475.995. Any person who violates this subsection with respect to:

(a) A controlled substance in Schedule I, is guilty of a Class B felony.

(b) A controlled substance in Schedule II, is guilty of a Class C felony.

(c) A controlled substance in Schedule III, is guilty of a Class A misdemeanor.

(d) A controlled substance in Schedule IV, is guilty of a Class C misdemeanor.

(e) A controlled substance in Schedule V, is guilty of a violation.

(f) Notwithstanding the placement of marijuana in a schedule of controlled substances under ORS 161.705, 167.203 to 167.247, 181.010, 430.325, 430.405, 471.665, 475.005 to 475.285, 475.992 to 475.995, 483.710, 679.140, 680.100, 689.290, 689.410 and 689.620, any person who knowingly or intentionally is in unlawful possession of less than one avoirdupois ounce of the dried leaves, stems and flowers of the plant Cannabis family Moraceae is guilty of a violation, punishable by a fine of not more than \$100.

[1977 c.745 §15]

475.993 Prohibited acts for registrants; penalties. (1) It is unlawful for any person:

(a) Who is subject to ORS 475.045,

475.095 and 475.125 to 475.185 to deliver or dispense a controlled substance in violation of ORS 475.185;

(b) Who is a registrant, to manufacture a controlled substance not authorized by this registration, or to deliver or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;

(c) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under ORS 475.005 to 475.285 and 475.992 to 475.995;

(d) To refuse an entry into any premises for any inspection authorized by ORS 475.005 to 475.285 and 475.992 to 475.995; or

(e) To keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft or other structure or place, while knowingly permitting persons to use controlled substances in such places in violation of ORS 475.005 to 475.285 and 475.992 to 475.995, or which is used for keeping or selling them in violation of ORS 475.005 to 475.285 and 475.992 to 475.995.

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

(a) A controlled substance in Schedule I, is guilty of a Class C felony.

(b) A controlled substance in Schedule II, is guilty of a Class A misdemeanor.

(c) A controlled substance in Schedule III, is guilty of a Class B misdemeanor.

(d) A controlled substance in Schedule IV or V, is guilty of a Class C misdemeanor.
[1977 c.745 §16]

475.994 Prohibited acts involving records and fraud; penalties. (1) It is unlawful for any person knowingly or intentionally:

(a) To deliver as a registrant a controlled substance classified in Schedule I or II, except pursuant to an order form as required by ORS 475.175;

(b) To use in the course of manufacture or delivery of a controlled substance a registration number which is fictitious, revoked, suspended or issued to another person;

(c) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;

(d) To furnish false or fraudulent material information in, or omit any material informa-

tion from, any application, report, record or other document required to be kept or filed under ORS 475.005 to 475.285 and 475.992 to 475.995; or

(e) To make, deliver or possess any punch, die, plate, stone or other thing designed to print, imprint or reproduce the trademark, trade name or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

(2) Any person who violates this section is guilty of a Class A misdemeanor.
[1977 c.745 §17]

475.995 Penalties for distribution to minors. Except as authorized by ORS 475.005 to 475.285 and 475.992 to 475.995, it is unlawful for any person to deliver a controlled substance to a person under 18 years of age. Any person who violates this section with respect to:

(1) A controlled substance in Schedule I or II, is guilty of a Class A felony.

(2) A controlled substance in Schedule III, is guilty of a Class B felony.

(3) A controlled substance in Schedule IV, is guilty of a Class A misdemeanor.

(4) A controlled substance in Schedule V, is guilty of a Class B misdemeanor.

(5) Notwithstanding the placement of marijuana in a schedule of controlled substances under ORS 161.705, 167.203 to 167.247, 181.010, 430.325, 430.405, 471.665, 475.005 to 475.285, 475.992 to 475.995, 483.710, 679.140, 680.100, 689.290, 689.410 and 689.620, and notwithstanding subsection (2) of ORS 475.992, delivery of marijuana to a minor is a Class A felony if:

(a) The defendant is 18 years of age or over; and

(b) The conviction is for delivery of marijuana to a person under 18 years of age who is at least three years younger than the defendant.

[1977 c.745 §20]

Note: Section 26, chapter 745, Oregon Laws 1977, provides

Sec. 26. (1) Prosecution for any violation of law occurring prior to the effective date of this 1977 Act [July 1, 1978] is not affected or abated by this 1977 Act. If the offense being prosecuted is similar to one set out in sections 15 to 21 of this 1977 Act, then the penalties under those sections apply if they are less than those under prior law.

(2) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of this 1977 Act are not affected by this 1977 Act.

(3) All administrative proceedings pending under prior laws which are superseded by this 1977 Act shall be continued and brought to a final determination in accord with the laws and rules in effect prior to the effective date of this 1977 Act. Any substance controlled under prior law which is not listed within Schedules I through V, is automatically controlled without further proceedings and shall be classified as in the federal schedules unless explicitly deleted or reclassified by the committee pursuant to sections 4 and 5 of this 1977 Act.

(4) The board shall initially permit persons to register who own or operate any establishment engaged in the manufacture, delivery or dispensing of any controlled substance prior to the effective date of this 1977 Act and who are registered or licensed by the state.

(5) This 1977 Act applies to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur after the effective date of this 1977 Act.

475.997 Penalty for violation of ORS 475.305 to 475.375. Any intentional violation of any provision of ORS 475.305 to 475.375 is a Class A misdemeanor.
[1977 c.636 §9]

Note: 475.010, 475.100, 475.110, 475.150, 475.160, 475.615 and 475.990 are repealed effective July 1, 1978. For the convenience of the user the text of those sections is set forth as follows:

475.010 As used in this chapter, unless the context requires otherwise:

(1) "Dangerous drug" means:

(a) Amobarbital, secobarbital, pentobarbital, phenobarbital, acid diethylbarbituric, amphetamine, dextroamphetamine, mephentermine, methamphetamine, phenmetrazine, methylphenidate hydrochloride, glutethimide, methyprylon, meprobamate, chlordiazepoxide HCL, diazepam, oxazepam, chloral hydrate, paraldehyde, ethchlorvynol and ethinamate, any salts, derivatives or compounds of the foregoing substances, any preparations or compound containing any of the foregoing substances or their salts, derivatives or compounds or any registered trade-marked or copyrighted preparation or compound registered in the United States Patent Office containing any of the foregoing substances; and

(b) All products containing the substances lysergic acid diethylamide, psilocybin, dimethyltryptamine, methyltryptamine, peyote and mescaline; and

(c) Hashish, hashish oil or liquid tetrahydrocannabinols, whether synthetic or naturally derived, extracted from hashish; and

(d) Any other drug designated by the Committee on Drug Problems as a dangerous drug and included in published regulations of the State Board of Pharmacy under ORS 689 620.

(2) "Licensed medical practitioner," "pharmacist," "pharmacy" and "prescription" have the meaning provided for those terms in ORS 689.010.

(3) "Narcotic drugs" and "veterinarian" have the meaning provided for those terms in ORS 474.010.

(4) "Hashish" and "hashish oil" have the meaning given those terms by ORS 474.010.

475.100 (1) Except as provided in ORS 475.110, no person shall sell, give away, barter, distribute, buy, receive or possess a dangerous drug except:

(a) Upon a written prescription of a practitioner licensed by law to administer such drug; or

(b) Upon an oral prescription of a practitioner licensed to administer such drug which is reduced promptly to writing and filed by the pharmacist; or

(c) By refilling the written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist; or

(d) Without prescription if such drug is combined with one or more additional ingredients that prevent ingestion of an amount of such drug sufficient to cause a stimulating or hypnotic effect upon the central nervous system and if for this reason the combination may be sold without prescription under federal law

(2) Every prescription or order required by subsection (1) of this section shall be at all times open to inspection by duly authorized officers of the law and shall be preserved for at least three years from the date of filing thereof.

475.110 ORS 475.100 does not apply:

(1) To sales by drug wholesalers and manufacturers to pharmacies, or to licensed medical practitioners and veterinarians, or to sales by drug wholesalers and manufacturers to each other made within the scope of the lawful conduct of their business

(2) To sales by pharmacists to each other or to licensed medical practitioners and veterinarians when the sale or other transaction is made within the scope of the lawful practice of their profession.

475.150 (1) All special funds provided by law for enforcement of the liquor laws of this state are available for the enforcement of the laws of this state regulating or prohibiting the sale and use of narcotic or dangerous drugs.

(2) All officers, agents and inspectors authorized by law to enforce the liquor laws of this state, shall likewise enforce the laws of this state regulating or prohibiting the sale or use of narcotic or dangerous drugs.

(3) All duly authorized peace officers, agents and inspectors, while investigating violations of the laws of this state regulating or prohibiting the sale and use of narcotic or dangerous drugs in the performance of their official duties, and persons working under their immediate direction, supervision or instruction, are immune from prosecution under those laws.

475.160 Any provision by law for setting apart for law enforcement funds, fines collected for violation of the liquor laws of this state, unless otherwise provided therein, applies in like manner and in like proportions to fines collected for violation of the laws of this state regulating or prohibiting the sale of narcotic drugs. The

maximum amounts of such funds shall be as fixed in the laws providing for funds to enforce liquor laws.

475.615 As used in ORS 475.615 to 475 705, unless the context requires otherwise:

(1) "Dispense" includes sell, exchange, leave with, give away, deliver or in any manner relinquish possession to another.

(2) "Physician" means a person licensed by the State Board of Medical Examiners.

475.990 (1) Violation of ORS 475.090 is punishable, upon conviction, by a fine of not more than \$1,000 or by

imprisonment in the state penitentiary for not more than five years, or both.

(2) Violation of subsection (1) or (2) of ORS 475.100 is punishable, upon conviction, by a fine not exceeding \$5,000 or by imprisonment in the county jail not exceeding one year, or both, or by imprisonment in the penitentiary not exceeding 10 years, or by a fine of not more than \$5,000, or both.

(3) Violation of subsection (3) of ORS 475.100 is punishable, upon conviction, by a fine of not more than \$500 or by imprisonment in the county jail not to exceed one year, or both.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173 160 and other changes specifically authorized by law.
Done at Salem, Oregon,
October 1, 1977.

Thomas G. Clifford
Legislative Counsel