

## CHAPTER 1

### AUTHORITY AND DEFINITIONS

Section 1. Authority. These rules and regulations are adopted as authorized by the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 16-3-115; and the Wyoming Controlled Substances Act, W.S. 35-7-1001 through 35-7-1055.

Section 2. Definitions. As used herein, the following terms shall have the meanings specified:

(a) The term "Act" means the Wyoming Controlled Substances Act.

~~(b) The term "basic class" means, as to controlled substances listed in Schedules I and II:~~

~~(i) Each of the opiates, including its isomers, ethers, esters, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, salts and synthetic substances is possible within specific chemical designation listed in Section 14(b) of the Act;~~

~~(ii) Each of the opium derivatives, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers and synthetic substances is possible within specific chemical designation listed in Section 14(b) of the Act.~~

~~(iii) Each of the hallucinogenic substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers and synthetic substances is possible within the specific chemical designation listed in Section 14(d) of the Act.~~

~~(iv) Each of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:~~

~~(A) Opium, including raw opium, opium extracts, opium fluid extracts, powdered opium, granulated opium, deodorized opium and tincture of opium;~~

~~(B) Apomorphine;~~

~~(C) Codeine;~~

~~(D) Ethylmorphine;~~

~~(E) Hydrocodone;~~

~~(F) Hydromorphone;~~

~~(G) Metopon;~~

~~(H) Morphine;~~

~~(I) Oxycodone;~~

~~(J) Oxymorphone;~~

~~(K) Thebaine;~~

~~(L) Mixed alkaloids of opium;~~

~~(M) Cocaine; and~~

~~(N) Ecgonine;~~

~~(v) Each of the opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within specific chemical designation;~~

~~(vi) Methamphetamine, including its salts, isomers and salts of isomers;~~

~~(vii) Amphetamine, its salts, optical isomers and salts of its optical isomers;~~

~~(viii) Phenmetrazine and its salts; and~~

~~(ix) Methylphenidate.~~

(c) The term "Bureau" means the Drug Enforcement Administration, United States Department of Justice.

~~(d) The term "controlled premises" means—~~

~~(i) Places where records or documents required under the Act are kept or required to be kept, and~~

~~(ii) Places, including conveyances, where persons registered or exempted from registration under the Act may lawfully hold, manufacture, or distribute, dispense, administer, or otherwise dispose of controlled substances and are permitted to handle controlled substances.~~

~~(e) The term "Director" means the Director of the Bureau. The Director has been delegated authority under the Controlled Substances Act of 1970 (84 Stat. 1242, 21 U.S.C. 801) by the Attorney General (28 C.F.R. 0.100).~~

~~(f) The term "Drug Dependent Person" means a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both arising from the use of that substance on~~

~~a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.~~

~~(g) — The term "hearing" means any hearing held pursuant to these regulations for the granting, denial, revocation or suspension of a registration pursuant to Sections 24 and 25 (302 of the Federal Act) and 27 (304 of the Federal Act).~~

~~(h) — The term "hospital" means an institution for the care and treatment of the sick and injured, approved by the Department of Health and Social Services as proper to be entrusted with the custody of controlled substances and the preferential use of controlled substances and the preferential use of controlled substances under the direction of the practitioner.~~

~~(i) — The term "laboratory" means a laboratory approved by the Board or its authorized agent as proper to be entrusted with the custody of controlled substances and the use of controlled substances for scientific and medical purposes and for purposes of instruction, administered by a person registered by the Board to possess such substances.~~

(j) The term "person" includes any individual, corporation, government or governmental subdivision or agency business trust, partnership, association or other legal entity.

(k) The term "pharmacist" means any pharmacist licensed by the Board to dispense controlled substances, and shall include any other person (e.g., a pharmacist intern) authorized by the Board to dispense controlled substances under the immediate supervision of a pharmacist licensed by the Board.

(l) The term "prescription" means an order for medication which is dispensed to or for an ultimate user but does not include an order for medication which is dispensed for immediate administration to the ultimate user. (E.g., an order to dispense a drug to a bed patient for immediate administration in a hospital is not a prescription.)

~~(m) — The terms "register and "registration" refer only to registration required and permitted by Section 24 and 25 of the Act. (Section 303 of the Federal Act.)~~

(n) The term "registrant" means any person who is registered pursuant to either Sections 24 and 25 of the Act or Section 302 of the Federal Act.

~~(o) — Any term not defined in this section shall have the definition set forth in Section 2 of the Act. (Section 101 of the Federal Act.)~~

Section 3. Principal Reasons for Adoption of Rules. The adoption of rules requiring registration of persons engaged in the manufacture, distribution or dispensing of controlled substances is deemed to be in the public's interest in the regulation of such activities.

To implement such regulation the rules specifically provide for and establish:

- (a) Requirements pertaining to registration of persons manufacturing, distributing and dispensing controlled substances, and provide for exemption from registration designated classes.
- (b) Requirements relating to maintaining records of inventories and safeguarding inventories.
- (c) Requirements governing the issuing, filing and filling of prescriptions containing controlled substances.
- (d) Procedures for Administrative Inspection of inventories and records.
- ~~(e) — Rules of Practice and Procedure Governing Hearings held pursuant to the rules adopted.~~