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NDCC 28-32-08.1 – Small Entity Regulatory Analysis

RE: NDAC Article 61-13 – Controlled Substances.

The alternative for scheduling Controlled Substances are:

- To allow the federal government through the Drug Enforcement Administration [DEA] to schedule these substances;
- To schedule them with state legislation

There is no alternative in making these substances illegal to resolve the issue of harm occurring in the general public from the use of dangerous chemicals which are unregulated and products which contain them, without disclosure of the ingredients on the label.

The emergency rule was promulgated because we saw immediate harm occurring in the public, therefore a less stringent schedule would only have allowed more sales of dangerous chemicals to people unaware of the contents of the products they are purchasing and for more sales and hoarding to occur before the substances became illegal to possess or sell.

Exemption standards for small entities were not considered, as the same standards would need to apply to everyone.

Exemption standards for any size entities are not practical, as once these drugs are illegal, they are illegal for everyone.

Howard C Anderson, Jr, R.Ph.
Executive Director