§ 2102. Definitions.

As used in this chapter:

(a) "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:

(1) A practitioner (or, in his or her presence, by an authorized agent); or

(2) The patient or research subject at the direction and in the presence of the practitioner.

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

(c) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of this chapter.

(d) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed the substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, that other manufacturer, distributor, or dispenser.

(e) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a controlled substance whether or not there exists an agency relationship.

(f) "Director" means the Director of Public Health and Environmental Services.

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

(h) "Dispenser" is a practitioner who dispenses.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(j) "Distributor" means a person who distributes.

(k) "Drug" means

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

(2) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and

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

(4) Substances intended for use as a component of any article specified in subsections (k)(1), (k)(2), or (k)(3) of this section; but does not include devices or their components, parts, or accessories.

(l) "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 administration of that controlled 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 of its absence.

(m) "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 by an individual for his or her own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) By a practitioner as an incident to the administering or dispensing of a controlled substance in the course of his or her professional practice; or

(2) By a practitioner, or by an authorized agent under his or her supervision, for the purpose of, or as an incident to research, teaching, or chemical analysis and not for sale.

(n) "Marijuana" means all parts of the plant *Cannabis sativa l.*, whether growing or not; the seeds thereof; the resin extracted from any part of that plant; and every compound, manufacture, salt, derivative, mixture, or preparation of that plant, its seeds or resin, but does not include the mature stalks of the plant, fiber produced from those 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 from them), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(o) "Narcotic drug" means any of the following, 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:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subsection (o)(1) of this section, above, but not including the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw; or

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under 6 CMC § 2111, the dextrorotatory isomer of 3-methoxy-nmethylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the species *Papaver somniferum l.*, except its seeds.

(r) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(s) "Poppy straw" means all parts, except the seeds of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise authorized by the director to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in the Commonwealth; or

(2) A pharmacy, hospital or other institution licensed, registered or otherwise authorized by the director to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in the Commonwealth.

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

(v) "Immediate precursor" means a substance which the director has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit its manufacture.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for personal use or for the use of a member of his or her household or for administration to an animal owned by the person or by a member of that person's household.

(x) "Federal law" means a law enacted by the Congress of the United States.

Source: 63 TTC § 252.

Commission Comment: With respect to the references to the "Director of Public Health and Environmental Services," see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.