§ 2133. Registration: Criteria for Granting.

(a) The director shall register an applicant to manufacture or distribute controlled substances included in Schedules I through V of article 2 of this chapter [6 CMC § 2111 et seq.] unless the director determines that the issuance of that registration is inconsistent with the public interest. In determining the public interest, the director shall consider the following factors:

(1) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable law;

(3) Prior conviction record of the applicant under federal, state and local laws relating to controlled substances;

(4) Past experience in the manufacture or distribution of controlled substances, and the existence in the establishment of effective controls against diversion;

(5) Furnishing by the applicant of false or fraudulent material in any application filed under this chapter;

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

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

(b) Registration granted under subsection (a) of this section shall not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

(c) Practitioners must be registered to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under Commonwealth law. The director need not require separate registration under this article for practitioners engaging in research with non-narcotic controlled substances in Schedules II through V where the registrant is already registered under this article in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within the Commonwealth furnishing evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration (excluding fees) shall be deemed compliance with this section.

Source: 63 TTC § 273.

Commission Comment: With respect to the references to the "director" of the Department 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.