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November 30, 2012

NDCC 28-32-08.1 – Regulatory Analysis

RE: NDAC Chapter 61-13 – Controlled Substances.

Neither the Governor, nor a member of the Legislative Assembly has filed a written request for a Regulatory Analysis for this rule.

This proposed rule may have an impact on the regulatory community as a whole in excess of \$50,000, if a particular entity was selling more than \$50,000 worth of the products which this rule intends to make Schedule I therefore making their sale and possession illegal. We do not know that any individual entities are selling in excess of \$50,000, but that is a possibility. These substances are dangerous substances and even though their sales might be generating income for these individuals at this time, they are a danger to the public and that activity must be curtailed.

There are no other alternative for controlling these substances, which have no approved medical use in the United States and are a danger to the public who smokes, inhales, injects or ingests them. The Controlled Substances Act has been the standard method for regulating these products over time and placing them into Schedule I makes the possession or sale of these products illegal in North Dakota. Most of the entities affected by this rule will be small entities and a comparable small entity regulatory analysis has also been prepared and is available on the Boards website.

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