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**APPENDIX G**

**HIGHLIGHTS OF THE MODEL  
STATE CHEMICAL CONTROL ACT  
APRI/NDAA**



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## HIGHLIGHTS OF THE MODEL STATE CHEMICAL CONTROL ACT

### PREVENTING ILLEGAL DIVERSION

- Regulates transactions involving chemicals frequently used in the illicit production of controlled substances.
- Authorizes emergency regulation of chemicals on a temporary basis to avoid imminent hazards to public safety.

### CONTROLLING ACCESS TO CHEMICALS

- Requires annual registration of persons who manufacture, provide, sell, furnish, transfer, or deliver regulated chemicals.
- Terminates registration upon registrant's death, cessation of legal existence, discontinuation of business or professional practice or change in ownership.
- Precludes assignment or transfer of registration without written consent of appropriate state official.
- Requires a permit for each time a person seeks to possess a regulated chemical.
- Requires a permit applicant to submit detailed identification information, including notarized fingerprint cards (except in specified circumstances) and criminal history. Business applicants must provide information for each owner, manager, agent, or representative.

### PROTECTING LAWFUL USE AND FACILITATING IMPLEMENTATION

- Excludes from regulation agents, common carriers, law enforcement officers, medical practitioners and pharmacists who handle regulated chemicals in the lawful course of practice, business or employment.
- Allows, upon application by a drug manufacturer, the exemption of a specific drug product from regulation, e.g. Bronkaid, Tedral, Primatene.
- Exempts owners, partners, and corporate officers of publicly held corporations of 35 shareholders or more from permit application requirement to submit criminal history, fingerprint cards, and other identification information.
- Allows submission of retrospective monthly reports in lieu of a permit if the possessor is eligible to apply for a permit and either maintains a regular supply and

\* Produced by the American Prosecutors Research Institute, National District Attorneys Association, under grants from the Bureau of Justice Assistance and the National Institute of Justice. 1992.

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purchase relationship with a distributor or has a record of lawful use.

- Provides permit applicants right to appeal if official fails to act on an application within 21 days after receipt of a completed application.
- Provides a show cause hearing for denial, suspension, or revocation of a registration or permit, or suspension or revocation of a monthly report, with right to appeal.
- Allows distributors and possessors to submit copies of reports submitted under federal law for transactions involving threshold amounts.
- Allows appropriate state official to charge non-refundable application fees to cover processing and other administrative costs.

#### **TRACKING THE FLOW OF CHEMICALS**

- Requires regulated distributor to obtain identification of purchaser and any vehicle used in the transaction.
- Requires regulated distributor and possessor to prepare annual physical inventory and maintain readily accessible records for four years after the date of the transaction.
- Requires regulated distributor and possessor to report theft or loss of chemicals, breakage of containers, and suspicious transactions, e.g. method of payment or delivery not in the usual course of business; potential violations of Act or EPA laws.

#### **DETECTING UNAUTHORIZED ACTION AND PROTECTING THE ENVIRONMENT**

- Imposes civil fines on corporations in addition to criminal penalties.
- Establishes civil assessments for cleanup of hazardous illegal laboratory sites and enforcement of Act.
- Authorized forfeiture of chemicals and property pursuant to controlled substances acts.

#### **DETERMINING COMPLIANCE WITH THE ACT**

- Provides state official investigatory powers to subpoena witnesses, compel testimony, and require production of documents.
- Requires confidentiality of information obtained through administrative investigation.
- Authorizes administrative inspections of premises where chemicals and records are required to be or in fact kept.