

**DISTRICT OF COLUMBIA OFFICIAL CODE
TITLE 48. FOOD AND DRUGS
SUBTITLE III. ILLEGAL DRUGS
CHAPTER 9. CONTROLLED SUBSTANCES
UNIT A. CONTROLLED SUBSTANCES ACT**

SUBCHAPTER I. DEFINITIONS

§ 48-901.01. [Reserved]

§ 48-901.02. Definitions

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§ 48-901.02. Definitions

As used in this chapter, the term:

(1) "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:

(A) A practitioner (or, in the practitioner's presence, by the practitioner's authorized agent); or

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

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

(3) "Cannabis" means all parts of the plant genus Cannabis, including both marijuana and hashish defined as follows:

(A) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus Cannabis, whether growing or not. The term "marijuana" does not include the resin extracted from any part of the plant, nor any compound, manufacture, salt, derivative, mixture, or preparation from the resin, including hashish and does not include the mature stalks of the plant, fiber produced from such stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative,

mixture or preparation of the mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(B) "Hashish" includes the resin extracted from any part of the plant genus Cannabis, and every compound, manufacture, salt, derivative, mixture, or preparation from such resin.

(4) "Controlled substance" means a drug, substance, or immediate precursor, as set forth in Schedules I through V of subchapter II of this chapter.

(5) "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 who in fact manufactured, distributed, or dispensed the substance.

(6) "D.E.A." means the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

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

(8) "Dispenser" means a practitioner who dispenses.

(9) "Distribute" means the actual, constructive, or attempted transfer from one person to another other than by administering or dispensing of a controlled substance, whether or not there is an agency relationship.

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

(11) "Drug" means:

(A) substances recognized as drugs in the official United States Pharmacopoeia, the official Homeopathic Pharmacopoeia of the United States, or the official National Formulary, or any supplement to any of them;

(B) active substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(C) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (D) substances intended for use as a component of any article specified in clause (A), (B), or (C) of this paragraph. The term "drug" does not include devices or their components, parts, or accessories.

(12) "Immediate precursor" means a substance which the Mayor has found to be, and by rule 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 manufacture.

(13) "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. The term "manufacture" 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:

(A) By a practitioner as an incident to administering or dispensing a controlled substance in the course of the practitioner's professional practice; or

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

(14) "Mayor" means the Mayor as provided for in § 1-204.21, or the Mayor's designated agent.

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

(A) Opium, its phenanthrene alkaloids, and their derivatives (except isoquiniline alkaloids of opium);

(B) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent to or identical with any of the substances referred to in subparagraph (A) of this paragraph;

(C) Opium poppy and poppy straw;

(D) Cocaine, its salts, optical and geometric isomers, and salts of isomers;

(E) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; and

(F) Any compound, mixture, or preparation that contains any of the substances referred to in this paragraph.

(16) "Opiate" means any drug or other substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability and includes its racemic and levorotatory forms. The term "opiate" does not include, unless specifically designated as controlled under § 48- 902.01, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).

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

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

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

(20) "Practitioner" means:

(A) A physician, dentist, advanced practice registered nurse, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in the District of Columbia; or

(B) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of its professional practice or research in the District of Columbia.

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

(22) "State" when applied to a part of the United States, includes any state, the District of Columbia, commonwealth, territory, insular possession thereof, and any area subject to the

legal authority of the United States government.

(23) "Ultimate user" means a person who lawfully possesses a controlled substance for that person's own use or for the use of a member of that person's household or for administering to an animal owned by him or her or by a member of that person's household.

(24) "Addict" means any individual who habitually uses any narcotic drug or abusive drug so as to endanger the public morals, health, safety, or welfare, or who is or has been so far addicted to the use of such narcotic drug or abusive drug as to have lost the power of self control with reference to his addiction.

(25) "Retail value" means the value in the market in which the substance was being distributed, manufactured or possessed, or the amount which the person possessing such controlled substance reasonably could have expected to receive upon the sale of the controlled substance at the time and place where the controlled substance was distributed, manufactured or possessed.

(26) "Abusive drug" means any of the following substances, 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:

(A) Phencyclidine or a phencyclidine immediate precursor;

(B) Methamphetamine, its salts, isomers, and salts of its isomers; and

(C) Phenmetrazine and its salts.

(27) "Isomer" means the optical isomer, except as used in § 48-902.04(3) and § 48-902.06(1)(D). As used in § 48-902.04(3), "isomer" means any optical, positional, or geometric isomer. As used in § 48-902.06(1)(D), "isomer" means any optical or geometric isomer.

(28) "Real property" means any right, title, or interest in any tract of land, or any appurtenance or improvement on a tract of land.

(29) "Playground" means any facility intended for recreation, open to the public, and with any portion of the facility that contains one or more separate apparatus intended for the recreation of children, including, but not limited to, sliding boards, swingsets, and teeterboards.

(30) "Video arcade" means any facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement, and which

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contains a minimum of 10 pinball or video machines.

(31) "Youth center" means any recreational facility or gymnasium, including any parking lot appurtenant thereto, intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities.