

VOLUME 48, ISSUE 23
ISSUE DATE: **DECEMBER 5, 2016**
RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
OFFICE OF THE DIRECTOR

N.J.A.C. 13:45A-35.2

Notice of Administrative Corrections

Prescription Monitoring Program

Definition of the Term "Controlled Dangerous Substance"

Take notice that the **Division of Consumer Affairs** (Division), Office of the Director has found an error in the text of N.J.A.C. 13:45A-35.2.

On November 7, 2016, as published in the New Jersey Register at 48 N.J.R. 2374(a), the Division adopted N.J.A.C. 13:45A-35. In the notice of proposal published in the New Jersey Register on November 16, 2015, at 47 N.J.R. 2736(a), N.J.A.C. 13:45A-35.2 set forth the definition of "controlled dangerous substance." In accordance with N.J.S.A. 45:1-44, "controlled dangerous substance means any substance that is listed in Schedules II, III, and IV of the schedules provided under the "New Jersey Controlled Dangerous Substances Act," P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.). Controlled dangerous substance also means any substance that is listed in Schedule V under the "New Jersey Controlled Dangerous Substances Act" when the Director has determined that reporting Schedule V substances is required by Federal law, regulation, or funding eligibility, consistent with N.J.A.C. 13:45H."

However, the rule text improperly references Schedule V twice. Through this notice of administrative correction, the Division is administratively correcting this oversight by revising the definition of "controlled dangerous substance" to specify Schedule IV. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 35. PRESCRIPTION MONITORING PROGRAM

13:45A-35.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

...

"Controlled dangerous substance" means any substance that is listed in Schedules II, III, and [V] **IV** of the schedules provided under the "New Jersey Controlled Dangerous Substances Act," P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.). Controlled dangerous substance also means any substance that is listed in Schedule V under the "New Jersey

Controlled Dangerous Substances Act" when the Director has determined that reporting Schedule V substances is required by Federal law, regulation, or funding eligibility, consistent with N.J.A.C. 13:45H.

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