

PART 1305—ORDERS FOR SCHEDULE I AND II CONTROLLED SUBSTANCES

Subpart A—General Requirements

Sec.

- 1305.01 Scope of part 1305.
- 1305.02 Definitions.
- 1305.03 Distributions requiring a Form 222 or digitally signed electronic order.
- 1305.04 Persons entitled to order Schedule I and II controlled substances.
- 1305.05 Power of attorney.
- 1305.06 Persons entitled to fill orders for Schedule I and II controlled substances.
- 1305.07 Special procedure for filling certain orders.

Subpart B—DEA Form 222

- 1305.11 Procedure for obtaining DEA Forms 222.
- 1305.12 Procedure for executing DEA Forms 222.
- 1305.13 Procedure for filling DEA Forms 222.
- 1305.14 Procedure for endorsing DEA Forms 222.
- 1305.15 Unaccepted and defective DEA Forms 222.
- 1305.16 Lost and stolen DEA Forms 222.
- 1305.17 Preservation of DEA Forms 222.
- 1305.18 Return of unused DEA Forms 222.
- 1305.19 Cancellation and voiding of DEA Forms 222.

Subpart C—Electronic Orders

- 1305.20 Transition provisions allowing continued use of existing stocks of triplicate DEA Forms 222.
- 1305.21 Requirements for electronic orders.
- 1305.22 Procedure for filling electronic orders.
- 1305.23 Endorsing electronic orders.
- 1305.24 Central processing of orders.
- 1305.25 Unaccepted and defective electronic orders.
- 1305.26 Lost electronic orders.
- 1305.27 Preservation of electronic orders.
- 1305.28 Canceling and voiding electronic orders.
- 1305.29 Reporting to DEA.

AUTHORITY: 21 U.S.C. 821, 828, 871(b), unless otherwise noted.

SOURCE: 70 FR 16911, Apr. 1, 2005, unless otherwise noted.

Subpart A—General Requirements

§ 1305.01 Scope of part 1305.

Procedures governing the issuance, use, and preservation of orders for Schedule I and II controlled substances

are set forth generally by section 308 of the Act (21 U.S.C. 828) and specifically by the sections of this part.

§ 1305.02 Definitions.

Any term contained in this part shall have the definition set forth in the Act or part 1300 of this chapter.

§ 1305.03 Distributions requiring a Form 222 or a digitally signed electronic order.

Either a DEA Form 222 or its electronic equivalent as set forth in subpart C of this part and Part 1311 of this chapter is required for each distribution of a Schedule I or II controlled substance except for the following:

(a) Distributions to persons exempted from registration under Part 1301 of this chapter.

(b) Exports from the United States that conform with the requirements of the Act.

(c) Deliveries to a registered analytical laboratory or its agent approved by DEA.

(d) Delivery from a central fill pharmacy, as defined in §1300.01 of this chapter, to a retail pharmacy.

(e) Deliveries to an authorized DEA registrant by an ultimate user, a long-term care facility on behalf of an ultimate user who resides or has resided at that facility, or a person authorized to dispose of the ultimate user decedent's property.

(f) Distributions to reverse distributors and distributors by collectors and law enforcement pursuant to §1317.55 of this chapter.

(g) Deliveries of controlled substances from ultimate users for the purpose of recalls pursuant to §1317.85 of this chapter.

[70 FR 16911, Apr. 1, 2005, as amended at 77 FR 4235, Jan. 27, 2012; 79 FR 53564, Sept. 9, 2014]

§ 1305.04 Persons entitled to order Schedule I and II controlled substances.

(a) Only persons who are registered with DEA under section 303 of the Act (21 U.S.C. 823) to handle Schedule I or II controlled substances, and persons who are registered with DEA under section 1008 of the Act (21 U.S.C. 958) to export these substances may obtain

Drug Enforcement Administration, Justice

§ 1305.05

and use DEA Form 222 (order forms) or issue electronic orders for these substances. Persons not registered to handle Schedule I or II controlled substances and persons registered only to import controlled substances are not entitled to obtain Form 222 or issue electronic orders for these substances.

(b) An order for Schedule I or II controlled substances may be executed only on behalf of the registrant named on the order and only if his or her registration for the substances being purchased has not expired or been revoked or suspended.

§ 1305.05 Power of attorney.

(a) A registrant may authorize one or more individuals, whether or not located at his or her registered location, to issue orders for Schedule I and II controlled substances on the registrant's behalf by executing a power of attorney for each such individual, if the power of attorney is retained in the files, with executed Forms 222 where applicable, for the same period as any order bearing the signature of the attorney. The power of attorney must be available for inspection together with other order records.

(b) A registrant may revoke any power of attorney at any time by executing a notice of revocation.

(c) The power of attorney and notice of revocation must be similar to the following format:

**Power of Attorney for DEA Forms 222
and Electronic Orders**

(Name of registrant)

(Address of registrant)

(DEA registration number)

I, _____ (name of person granting power), the undersigned, who am authorized to sign the current application for registration of the above-named registrant under the Controlled Substances Act or Controlled Substances Import and Export Act, have made, constituted, and appointed, and by these presents, do make, constitute, and appoint _____ (name of attorney-in-fact), my true and lawful attorney for me in my name, place, and stead, to execute applications for Forms 222 and

to sign orders for Schedule I and II controlled substances, whether these orders be on Form 222 or electronic, in accordance with 21 U.S.C. 828 and Part 1305 of Title 21 of the Code of Federal Regulations. I hereby ratify and confirm all that said attorney must lawfully do or cause to be done by virtue hereof.

(Signature of person granting power)

I, _____ (name of attorney-in-fact), hereby affirm that I am the person named herein as attorney-in-fact and that the signature affixed hereto is my signature.

(signature of attorney-in-fact)

Witnesses:

1. _____

2. _____

Signed and dated on the ____ day of _____, (year), at _____.

Notice of Revocation

The foregoing power of attorney is hereby revoked by the undersigned, who is authorized to sign the current application for registration of the above-named registrant under the Controlled Substances Act or the Controlled Substances Import and Export Act. Written notice of this revocation has been given to the attorney-in-fact _____ this same day.

(Signature of person revoking power)

Witnesses:

1. _____

2. _____

Signed and dated on the ____ day of _____, (year), at _____.

(d) A power of attorney must be executed by:

(1) The registrant, if an individual; a partner of the registrant, if a partnership; or an officer of the registrant, if a corporation, corporate division, association, trust or other entity;

(2) The person to whom the power of attorney is being granted; and

(3) Two witnesses.

(e) A power of attorney must be revoked by the person who signed the most recent application for DEA registration or reregistration, and two witnesses.