

COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY 15225

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Mr. Elwood A. Garner
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Dear Elwood:

We are enclosing, for your information, a copy of the "Comprehensive Drug Abuse and Prevention and Control Act of 1970." The Act which consolidates, modifies and expands upon nineteen separate pieces of legislation, provides a comprehensive and complex scheme to deal with the problems of drug abuse. The principal provisions of the Act will become effective six months following its enactment date of October 27, 1970.

The Act establishes five schedules of controlled substances and lists those substances which are initially included in each of the five schedules (202). A procedure is provided whereby the Attorney General, upon making appropriate findings, may promulgate regulations adding a drug or other substance to one of the five schedules, removing a drug or other substance entirely from the schedules, or transforming a drug or other substance between schedules. Before initiating these procedures, the Attorney General is required to request from the Secretary of HEW "a scientific and medical evaluation, and his recommendations, as to whether such drug or other substance should be controlled or removed as a controlled substance." A recommendation by the Secretary that a drug or other substance should not be controlled is binding on the Attorney General, and he cannot subject such drug or other substance to control under the Act. Exceptions to these procedures are provided where 1) control is required under the treaty obligations of the United States, 2) the Attorney General decides to control an immediate precursor of a controlled substance, and 3) a final determination to control a drug is made pursuant to administrative procedure initiated prior to the enactment date of the Act.

Under the listings provided for in the Act, the amphetamines and barbiturates, with the exception of the liquid injectable methamphetamine, are subject to Schedule III classification.