

the requirement for registration of certain manufacturers, distributors, or dispensers if he finds it consistent with the public health and safety.” By authority, the Attorney General oversees the DEA.

RESOLUTION:

The United States Animal Health Association requests that the Attorney General exercise the authority granted by the Controlled Substances Act of 1970, 21, United States Code Part 822 (d), to promulgate regulations which waive the requirement for veterinarians in ambulatory practices to have a separate United States Department of Justice, Drug Enforcement Administration registration in each state in which they are licensed or authorized to practice.

RESPONSE:

U.S. Department of Justice

DEA appreciates USAHA's interest in ensuring that veterinarians who deliver services in multiple states do so in compliance with federal law and regulation. A DEA registration is based, in part, on the specific controlled substance authority granted to each dispenser in that state. 21 U.S.C. § 823(f). DEA addressed this topic in more detail in the Final Rule titled, *Clarification of Registration for Individual Practitioners* that DEA published in the Federal Register on December 1, 2006.

As DEA stated in the June 2009 letter referenced in the USAHA resolution, the DEA is reviewing the overall issue of practitioners who practice in more than one state. This is a complex issue affecting many dispensers, including veterinarians. If it is appropriate for DEA to address this issue through the regulatory process, as authorized by 21 U.S.C. § 822(d), then any changes that DEA may propose regarding this issue will be published by DEA in the Federal Register and will be open to public comment. Under the Administrative Procedure Act (APA), federal agencies are required to make available to the public, through publication in the Federal Register, substantive rules of general applicability formulated or adopted by the agency. Adherence to this APA requirement ensures fairness to all members of the public by avoiding having the agency provide legal guidance to certain individuals to the exclusion of others. DEA is unable to provide you a timeframe on when this may occur.