



U.S. DEPARTMENT OF JUSTICE ★ DRUG ENFORCEMENT ADMINISTRATION DIVERSION CONTROL DIVISION

 Search

- HOME
- REGISTRATION
- REPORTING
- RESOURCES
- ABOUT US



RESOURCES > Title 21 Code of Federal Regulations > Part 1306 > 1306.04

Title 21 Code of Federal Regulations

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PART 1306 – PRESCRIPTIONS

GENERAL INFORMATION

§1306.04 Purpose of issue of prescription.

(a) A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act (**21 U.S.C. 829**) and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.

(b) A prescription may not be issued in order for an individual practitioner to obtain controlled substances for supplying the individual practitioner for the purpose of general dispensing to patients.

(c) A prescription may not be issued for "detoxification treatment" or "maintenance treatment," unless the prescription is for a Schedule III, IV, or V narcotic drug approved by the Food and Drug Administration specifically for use in maintenance or detoxification treatment and the practitioner is in compliance with requirements in **§1301.28** of this chapter.

(d) A prescription may be issued by a qualifying practitioner, as defined in section 303(g)(2)(G)(iii) of the Act (**21 U.S.C. 823**(g)(2)(G)(iii)), in accordance with **§1306.05** for a Schedule III, IV, or V controlled substance for the purpose of maintenance or detoxification treatment for the purposes of administration in accordance with section 309A of the Act (**21 U.S.C. 829a**) and **§1306.07**(f). Such prescription issued by a qualifying practitioner shall not be used to supply any practitioner with a stock of controlled substances for the purpose of general dispensing to patients.

[36 FR 7799, Apr. 24, 1971. Redesignated at 38 FR 26609, Sept. 24, 1973, and amended at 39 FR 37986, Oct. 25, 1974; 70 FR 36343, June 23, 2005; 85 FR 69167, Nov. 2, 2020]

- Cases Against Doctors
- Chemical Control Program
- CMEA (Combat Meth Epidemic Act)
- Controlled Substance Schedules
- COVID-19 Information
- DATA Waived Physicians
- DEA TOX Toxicology Testing Program
- Drug Disposal Information
- Drug and Chemical Information
- E-commerce Initiatives
- Federal Agencies & Related Links
- Federal Register Notices
- National Prescription Drug Take Back Day
- NFLIS
- Publications & Manuals
- Questions & Answers
- Significant Guidance Documents
- Synthetic Drugs
- Title 21 Code of Federal Regulations
- Title 21 USC Codified CSA

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- HOME
- CONTACT US
- A-Z SUBJECT INDEX
- PRIVACY NOTICE
- WEBSITE ASSISTANCE

REGISTRATION

- Applications
- Tools
- Resources
- CMEA Required Training & Self-Certification
- Quota Applications
- Notice of Registration

ABOUT US

- Program Description
- Customer Service Plan
- DEA Forms & Applications

REPORTING

- ARCOS
- BCM Online
- Chemical Import/Export Declarations
- CSOS (Controlled Substances Ordering System)
- Theft/Loss Reporting
- Import/Export
- Medical Missions
- Registrant Record of Controlled Substances Destroyed
- Quotas
- Reports Required by 21 CFR
- Submit a Tip to DEA
- Year-End Reports

RESOURCES

- Cases Against Doctors
- Chemical Control Program
- CMEA (Combat Meth Epidemic Act)
- Controlled Substance Schedules
- COVID-19 Information
- DATA Waived Physicians
- DEA TOX Toxicology Testing Program
- Drug Disposal Information
- Drug and Chemical Information
- E-commerce Initiatives
- Federal Agencies & Related Links
- Federal Register Notices

- National Prescription Drug Take Back Day
- NFLIS
- Publications & Manuals
- Questions & Answers
- Significant Guidance Documents
- Synthetic Drugs
- Title 21 Code of Federal Regulations
- Title 21 USC Codified CSA



[Mailing Addresses](#)
[Meetings & Events](#)
[What's New](#)



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