

1975 WL 29449 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 30, 1975

***1 RE: Information on the substances Valium and Vistaril**

Honorable Ernest Finney
South Carolina House of Representatives
State House
P. O. Box 11225
Columbia, South Carolina 29211

Dear Sir:

(1) You have asked for information on the substances Valium and Vistaril.

Valium is not a controlled substance although there has been an amendment proposed to make it one. The federal drug agencies are in the process of making Valium a controlled substance and have filed their regulations which should therefore become effective in about thirty days.

Neither is Vistaril a controlled substance. However, it can be dispensed only by prescription.

(2) You also asked for information on the labeling of prescription drugs, especially as regards the Section of the South Carolina Code which prohibits the transporting of 'drugs' in unmarked containers.

Article 3.4 of Chapter 10 of the Code of Laws of South Carolina (1962), as amended, § 32-1510.21 through § 32-1510.69, sets out the provisions dealing with controlled substances. Under Article 3.4, § 32-1510.50(3) makes it unlawful to 'omit, remove, alter, or obliterate' any 'symbol' required to be on the container. Thus an unmarked container would seem to fall in this category.

Article 3.7 of Chapter 10, § 32-1510.01 through § 32-1510.113, is the South Carolina Drug Act which goes into more detail as concerns prescriptions. Under that Act, § 32-1510.104 provides that a drug is mislabeled when in a package form unless it bears the name and place of business of the manufacturer and a statement of its quantity. When in the form of a prescription, the container must be labeled with the name and address of the dispenser, the serial number and date of filling of the prescription, the name of the prescriber, and if stated in the prescription the name of the patient, and directions for use and any cautionary statements, as set forth in § 32-1510.105. Furthermore, § 32-1510.108 prohibits any alteration or obliteration of the whole or part of the labeling of a drug.

I hope this has answered your question. If there is anything else, please let us know.

Sincerely,

Wally Smith
Law Clerk

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