

Drug Enforcement Administration
Diversion Control Division
Guidance Document

Title: Practice of Medicine

Question: Can a physician transport controlled substances and administer at the patient’s home residence (the so-called “black bag exception”)?

Answer: Yes, with a limit. DEA will permit a physician who is registered with DEA to dispense controlled substances at a particular location in a state to travel to other unregistered locations in the *same state* to dispense controlled substances on an “as-needed and random basis,” so long as the physician does not maintain a principal place of professional practice at any of those unregistered locations. See *Jeffery J. Becker, D.D.S.*, 77 FR 72387, 72388 (Dec. 05, 2012); see also 21 U.S.C. 822(e)(1), 21 CFR 1301.12(b)(3). If a physician intends to dispense controlled substances from a particular location several times a week or month, he must first file a separate registration for the location. See *Moore Clinical Trials, L.L.C.*, 79 FR [40145-02](#), 40155 (July 11, [2014](#)) citing *United States v. Clinical Leasing Serv., Inc.*, 930 F.2d 394, 395 (5th Cir. [1991](#)). Registrants should keep themselves apprised of state and local laws otherwise consistent with DEA regulations regarding the dispensing of controlled substances in a patient’s home residence.

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