

Diversion Control Division  
Guidance Document

**Title:** Professional State License Exception for DEA-Registered Servicemembers and Their Spouses Who Relocate to a Different State Because of Military Orders.

**Summary:** Congress enacted the Servicemembers Civil Relief Act (SCRA) in 2003 in response to the increased deployment of Reserve and National Guard military and as a modernization and restatement of the protections and rights previously available to servicemembers under the *Soldier's and Sailors' Civil Relief Act of 1940 (SSCRA)*. On January 5, 2023, President Joseph Biden signed the [Veterans Auto and Education Improvement Act of 2022](#) into law. This law amends the SCRA by adding a new section called "Portability of Professional Licenses of Servicemembers and their Spouses." See [50 U.S.C. § 4025a](#); Pub. L. 117-333. This guidance document explains that, in compliance with this new law, if a servicemember and/or their spouse is registered with DEA, and the servicemember and/or their spouse relocates to another state because of military orders, the servicemember and/or their spouse may transfer their DEA registration to the new state without first obtaining state licensure in the new state provided that they have a state license in some other state and that state license or certification is considered valid in the new jurisdiction under the SCRA.

**Activity:** Complying with DEA Requirements for State Licensure as a Prerequisite of Obtaining a DEA Registration.

**To Whom it Applies:** Servicemembers and their spouses who are registered with DEA as practitioners or mid-level practitioners

**Question:** Are DEA-registered servicemembers and DEA-registered spouses of servicemembers required to obtain a state license in the state to which the servicemember and/or their spouse relocates because of military orders in order to obtain a DEA registration in that new state of practice?<sup>1</sup>

**Answer:** No, DEA-registered servicemembers and DEA-registered spouses of servicemembers may transfer their DEA registration to another state without first obtaining a state license in that new state provided that (1) they have a state license in some other state and (2) that state license or certification is considered valid in the new jurisdiction under the SCRA.

In general, as a condition of registration with DEA, a practitioner or mid-level practitioner must possess "authority to dispense controlled substances under the laws of the state in which [the] practitioner engages in professional practice." See, e.g., *Thomas M. Fausset, O.D., Decision and Order*, [89 FR 66141](#) (August 14, 2024). Moreover, a separate DEA registration is "required at each principal place of business or professional practice" where the practitioner dispenses controlled substances. [21 U.S.C. 822\(e\)\(1\)](#).

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<sup>1</sup> The term "State" means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States. [21 U.S.C. 802\(26\)](#).

For servicemembers and their spouses who relocate to another state because of military orders, the SCRA provides a limited exception to the requirement that the practitioner obtain a state license in the new state of practice before transferring their DEA registration to that state. Similarly, if the servicemember or spouse wishes to obtain an additional DEA registration for a principal place of professional practice in the new state, the SCRA exception also could apply.

States have primary responsibility for assessing the validity of a license under the SCRA. The SCRA at [50 U.S.C. § 4025a](#) specifies that a state license or certificate “shall be considered valid at a similar scope of practice and in the discipline applied for in the [new] jurisdiction” for the duration of military orders if the servicemember or their spouse satisfies the following criteria:

1. Have moved to a location outside the jurisdiction of the licensing authority that issued the covered license or certificate because of orders for military service;
2. Provide a copy of the military orders to the licensing authority in the new jurisdiction;
3. Have actively used the license or certificate during the two years immediately preceding the move;
4. Remain in good standing with:
  - a. the licensing authority that issued the covered license or certificate; and
  - b. every other licensing authority that issued a license or certificate valid for a similar scope of practice and in the discipline applied for in the new jurisdiction; and
5. Submit to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements. *See* [50 U.S.C. § 4025a](#).

Servicemembers and their spouses can find more information regarding the portability of professional licenses under the SCRA at [servicemembers.gov](http://servicemembers.gov).

It is recommended that servicemembers and/or their spouses who are relocating to a new state due to military orders contact the [DEA Registration Specialist](#) in their new state with any questions about their DEA registration in their new state.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or Department of Justice policies.

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