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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Controlled Substances Act to require registrants to decline to fill certain suspicious orders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. HARSHBARGER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Controlled Substances Act to require registrants to decline to fill certain suspicious orders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Block, Report, And
5 Suspend Suspicious Shipments Act”.

1 **SEC. 2. BLOCK, REPORT, AND SUSPEND SUSPICIOUS OR-**
2 **DERS.**

3 (a) CLARIFICATION OF PROCESS FOR REGISTRANTS
4 TO EXERCISE DUE DILIGENCE UPON DISCOVERING A
5 SUSPICIOUS ORDER.—Paragraph (3) of section 312(a) of
6 the Controlled Substances Act (21 U.S.C. 832(a)) is
7 amended to read as follows:

8 “(3) upon discovering a suspicious order or se-
9 ries of orders, and in a manner consistent with the
10 other requirements of this section—

11 “(A) exercise due diligence as appropriate;

12 “(B) establish and maintain (for not less
13 than a period to be determined by the Adminis-
14 trator of the Drug Enforcement Administra-
15 tion) a record of the due diligence that was per-
16 formed;

17 “(C) decline to fill the order or series of
18 orders if the due diligence fails to dispel all of
19 the indicators that give rise to the suspicion
20 that, if the order or series of orders is filled, the
21 drugs that are the subject of the order or series
22 of orders are likely to be diverted; and

23 “(D) notify the Administrator of the Drug
24 Enforcement Administration and the Special
25 Agent in Charge of the Division Office of the
26 Drug Enforcement Administration for the area

1 in which the registrant is located or conducts
2 business of—

3 “(i) each suspicious order or series of
4 orders discovered by the registrant; and

5 “(ii) the indicators giving rise to the
6 suspicion that, if the order or series of or-
7 ders is filled, the drugs that are the sub-
8 ject of the order or series of orders are
9 likely to be diverted.”.

10 (b) RESOLUTION OF SUSPICIOUS INDICATORS.—Sec-
11 tion 312 of the Controlled Substances Act (21 U.S.C. 832)
12 is amended—

13 (1) by redesignating subsection (b) and (c) as
14 subsections (c) and (d), respectively; and

15 (2) by inserting after subsection (a) the fol-
16 lowing:

17 “(b) RESOLUTION OF SUSPICIOUS INDICATORS.—If
18 a registrant resolves all of the indicators giving rise to sus-
19 picion about an order or series of orders under subsection
20 (a)(3)—

21 “(1) notwithstanding subsection (a)(3)(C), the
22 registrant may choose to fill the order or series of
23 orders; and

1 “(2) notwithstanding subsection (a)(3)(D), the
2 registrant may choose not to make the notification
3 otherwise required by such subsection.”.

4 (c) REGULATIONS.—Not later than 1 year after the
5 date of enactment of this Act, for purposes of subsections
6 (a)(3) and (b) of section 312 of the Controlled Substances
7 Act, as amended or inserted by subsection (a), the Attor-
8 ney General of the United States shall promulgate a final
9 regulation specifying the indicators that give rise to a sus-
10 picion that, if an order or series of orders is filled, the
11 drugs that are the subject of the order or series of orders
12 are likely to be diverted.

13 (d) PENALTY.—Section 402(a)(5) of the Controlled
14 Substances Act (21 U.S.C. 842(a)(5)) is amended by in-
15 serting before the semicolon at the end the following: “or
16 otherwise violates section 312(a)(3)”.

17 (e) APPLICABILITY.—Subsections (a)(3) and (b) of
18 section 312 of the Controlled Substances Act, as amended
19 or inserted by subsection (a), shall apply beginning on the
20 day that is 1 year after the date of enactment of this Act.
21 Until such day, section 312(a)(3) of the Controlled Sub-
22 stances Act shall apply as such section 312(a)(3) was in
23 effect on the day before the date of enactment of this Act.