

112TH CONGRESS
1ST SESSION

H. R. 3724

To amend the Controlled Substances Act to authorize physicians, pursuant to an agreement with the Attorney General, to transport controlled substances from a practice setting to another practice setting or to a disaster area.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2011

Mr. SESSIONS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act to authorize physicians, pursuant to an agreement with the Attorney General, to transport controlled substances from a practice setting to another practice setting or to a disaster area.

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 “Medical Controlled
5 Substances Transportation Act of 2011”.

1 **SEC. 2. TRANSPORT BY PHYSICIANS OF CONTROLLED SUB-**
2 **STANCES TO ANOTHER PRACTICE SETTING**
3 **OR TO A DISASTER AREA.**

4 Section 303(f) of the Controlled Substances Act (21
5 U.S.C. 823(f)) is amended—

6 (1) by redesignating paragraphs (1) through
7 (5) as subparagraphs (A) through (E);

8 (2) by striking “(f) The Attorney General” and
9 inserting “(f)(1) The Attorney General”; and

10 (3) by adding at the end the following:

11 “(2) If a physician registered under paragraph (1)
12 enters into an agreement with the Attorney General de-
13 scribed in paragraph (3), the Attorney General shall au-
14 thorize the physician to transport one or more controlled
15 substances—

16 “(A) from a practice setting to another practice
17 setting in order to administer the substances (under
18 applicable State law) to one or more patients; or

19 “(B) from a practice setting to a disaster area
20 in order to administer the substances (under appli-
21 cable State law) for purposes of treating injuries or
22 conditions resulting from a major disaster.

23 “(3) An agreement referred to in paragraph (2) shall
24 require the physician—

25 “(A) to notify the Attorney General in advance
26 of any such transport;

1 “(B) to identify in any such notification—

2 “(i) the controlled substances to be trans-
3 ported;

4 “(ii) the practice setting from which the
5 controlled substances will be transported;

6 “(iii) the practice setting or disaster area,
7 as applicable, to which the controlled substances
8 will be transported;

9 “(iv) the intended dates of transport;

10 “(v) the anticipated travel time; and

11 “(vi) the intended mode of transport;

12 “(C) to limit the time of transport of any con-
13 trolled substance pursuant to this paragraph (be-
14 tween practice settings or between a practice setting
15 and a disaster area) to not more than 72 consecutive
16 hours; and

17 “(D) to maintain records in the physician’s pri-
18 mary practice setting on the dispensing of any con-
19 trolled substance transported pursuant to this para-
20 graph, including identification of—

21 “(i) the location where the controlled sub-
22 stance was dispensed; and

23 “(ii) the quantity of the controlled sub-
24 stance dispensed.

25 “(4) For purposes of paragraphs (2) and (3):

1 “(A) The term ‘disaster area’ means the area
2 for which the President has declared a major dis-
3 aster, during the period of the declaration.

4 “(B) The term ‘major disaster’ has the mean-
5 ing given the term under section 102 of the Robert
6 T. Stafford Disaster Relief and Emergency Assist-
7 ance Act.”.

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