

117TH CONGRESS
1ST SESSION

S. 1286

To amend the Controlled Substances Act to provide for the modification, transfer, and termination of a registration to manufacture, distribute, or dispense controlled substances or list I chemicals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 21, 2021

Mr. CORNYN (for himself and Mrs. FEINSTEIN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Controlled Substances Act to provide for the modification, transfer, and termination of a registration to manufacture, distribute, or dispense controlled substances or list I chemicals, 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 “Ensuring Compliance
5 Against Drug Diversion Act of 2021”.

1 **SEC. 2. MODIFICATION, TRANSFER, AND TERMINATION OF**
2 **REGISTRATION TO MANUFACTURE, DIS-**
3 **TRIBUTE, OR DISPENSE CONTROLLED SUB-**
4 **STANCES.**

5 Subsection (a) of section 302 of the Controlled Sub-
6 stances Act (21 U.S.C. 822) is amended by adding at the
7 end the following new paragraph:

8 “(3)(A) Except as provided in subparagraph (C), the
9 registration of any registrant under this title to manufac-
10 ture, distribute, or dispense controlled substances or list
11 I chemicals terminates if and when such registrant—

12 “(i) dies;

13 “(ii) ceases legal existence;

14 “(iii) discontinues business or professional prac-
15 tice; or

16 “(iv) surrenders such registration.

17 “(B) In the case of such a registrant who ceases legal
18 existence or discontinues business or professional practice,
19 such registrant shall promptly notify the Attorney General
20 in writing of such fact.

21 “(C) No registration under this title to manufacture,
22 distribute, or dispense controlled substances or list I
23 chemicals, and no authority conferred thereby, may be as-
24 signed or otherwise transferred except upon such condi-
25 tions as the Attorney General may specify and then only
26 pursuant to written consent. A registrant to whom a reg-

1 istration is assigned or transferred pursuant to the pre-
2 ceding sentence may not manufacture, distribute, or dis-
3 pense controlled substances or list I chemicals pursuant
4 to such registration until the Attorney General receives
5 such written consent.

6 “(D) In the case of a registrant under this title to
7 manufacture, distribute, or dispense controlled substances
8 or list I chemicals desiring to discontinue business or pro-
9 fessional practice altogether or with respect to controlled
10 substances and list I chemicals (without assigning or
11 transferring such business or professional practice to an-
12 other entity), such registrant shall return to the Attorney
13 General for cancellation—

14 “(i) the registrant’s certificate of registration;

15 “(ii) any unexecuted order forms in the reg-
16 istrant’s possession; and

17 “(iii) any other documentation that the Attor-
18 ney General may require.”.

19 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

20 The budgetary effects of this Act, for the purpose of
21 complying with the Statutory Pay-As-You-Go Act of 2010,
22 shall be determined by reference to the latest statement
23 titled “Budgetary Effects of PAYGO Legislation” for this
24 Act, submitted for printing in the Congressional Record
25 by the Chairman of the House Budget Committee, pro-

- 1 vided that such statement has been submitted prior to the
- 2 vote on passage.

