

111TH CONGRESS
1ST SESSION

S. 256

To enhance the ability to combat methamphetamine.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2009

Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. REID, Mr. DURBIN, Mr. McCONNELL, Mr. BINGAMAN, Mr. ENSIGN, Mr. SCHUMER, Mr. INHOFE, Mrs. McCASKILL, Mr. KERRY, Mr. BAYH, Mr. ALEXANDER, Mr. GRASSLEY, Mr. NELSON of Florida, Mr. JOHNSON, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To enhance the ability to combat methamphetamine.

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 “Combat Methamphet-
5 amine Enhancement Act of 2009”.

1 **SEC. 2. REQUIREMENT OF SELF-CERTIFICATION BY ALL**
2 **REGULATED PERSONS SELLING SCHEDULED**
3 **LISTED CHEMICALS.**

4 Section 310(e)(2) of the Controlled Substances Act
5 (21 U.S.C. 830(e)(2)) is amended by inserting at the end
6 the following:

7 “(C) Each regulated person who makes a
8 sale at retail of a scheduled listed chemical
9 product and is required under subsection (b)(3)
10 to submit a report of the sales transaction to
11 the Attorney General may not sell any sched-
12 uled listed chemical product at retail unless
13 such regulated person has submitted to the At-
14 torney General a self-certification including a
15 statement that the seller understands each of
16 the requirements that apply under this para-
17 graph and under subsection (d) and agrees to
18 comply with the requirements. The Attorney
19 General shall by regulation establish criteria for
20 certifications of mail-order distributors that are
21 consistent with the criteria established for the
22 certifications of regulated sellers under para-
23 graph (1)(B).”.

1 **SEC. 3. PUBLICATION OF SELF-CERTIFIED REGULATED**
 2 **SELLERS AND REGULATED PERSONS LISTS.**

3 Section 310(e)(1)(B) of the Controlled Substances
 4 Act (21 U.S.C. 830(e)(1)(B)) is amended by inserting at
 5 the end the following:

6 “(v) PUBLICATION OF LIST OF SELF-
 7 CERTIFIED PERSONS.—The Attorney Gen-
 8 eral shall develop and make available a list
 9 of all persons who are currently self-cer-
 10 tified in accordance with this section. This
 11 list shall be made publicly available on the
 12 website of the Drug Enforcement Adminis-
 13 tration in an electronically downloadable
 14 format.”.

15 **SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED**
 16 **CHEMICALS SELL ONLY TO SELF-CERTIFIED**
 17 **REGULATED SELLERS AND REGULATED PER-**
 18 **SONS.**

19 Section 402(a) of the Controlled Substances Act (21
 20 U.S.C. 842(a)) is amended—

21 (1) in paragraph (13), by striking “or” after
 22 the semicolon;

23 (2) in paragraph (14), by striking the period
 24 and inserting “; or”;

25 (3) by inserting after paragraph (14) the fol-
 26 lowing:

1 “(15) to distribute a scheduled listed chemical
 2 product to a regulated seller, or to a regulated per-
 3 son referred to in section 310(b)(3)(B), unless such
 4 regulated seller or regulated person is, at the time
 5 of such distribution, currently registered with the
 6 Drug Enforcement Administration, or on the list of
 7 persons referred to under section 310(e)(1)(B)(v).”;
 8 and

9 (4) inserting at the end the following: “For
 10 purposes of paragraph (15), if the distributor is
 11 temporarily unable to access the list of persons re-
 12 ferred to under section 310(e)(1)(B)(v), the dis-
 13 tributor may rely on a written, faxed, or electronic
 14 copy of a certificate of self-certification submitted by
 15 the regulated seller or regulated person, provided the
 16 distributor confirms within 7 business days of the
 17 distribution that such regulated seller or regulated
 18 person is on the list referred to under section
 19 310(e)(1)(B)(v).”.

20 **SEC. 5. NEGLIGENT FAILURE TO SELF-CERTIFY AS RE-**
 21 **QUIRED.**

22 Section 402(a) of the Controlled Substances Act (21
 23 U.S.C. 842(a)(10)) is amended by inserting before the
 24 semicolon the following: “or negligently to fail to self-cer-
 25 tify as required under section 310 (21 U.S.C. 830)”.

1 **SEC. 6. EFFECTIVE DATE AND REGULATIONS.**

2 (a) **EFFECTIVE DATE.**—This Act and the amend-
3 ments made by this Act shall take effect 180 days after
4 the date of enactment of this Act.

5 (b) **REGULATIONS.**—In promulgating the regulations
6 authorized by section 2, the Attorney General may issue
7 regulations on an interim basis as necessary to ensure the
8 implementation of this Act by the effective date.

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