

116TH CONGRESS  
1ST SESSION

# S. 989

To amend the Controlled Substances Act to require a person that possesses or intends to possess a tableting machine or encapsulating machine to obtain registration from the Attorney General, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 2, 2019

Mr. CASSIDY (for himself and Ms. HASSAN) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Controlled Substances Act to require a person that possesses or intends to possess a tableting machine or encapsulating machine to obtain registration from the Attorney General, 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 “Substance Tableting  
5 and Encapsulating Enforcement and Registration Act” or  
6 the “STEER Act”.

1 **SEC. 2. REGISTRATION FOR TABLETING AND ENCAP-**  
2 **SULATING MACHINES.**

3 (a) **PERSONS REQUIRED TO REGISTER.**—Section  
4 302 of the Controlled Substances Act (21 U.S.C. 822) is  
5 amended—

6 (1) in subsection (a), by adding at the end the  
7 following:

8 “(3)(A) Each person who possesses a tableting ma-  
9 chine or encapsulating machine shall obtain from the At-  
10 torney General a registration for each such machine in ac-  
11 cordance with regulations promulgated by the Attorney  
12 General.

13 “(B) Such person shall update the information sub-  
14 mitted to the Attorney General for such registration as  
15 necessary to ensure the accuracy of such information.”;  
16 and

17 (2) in subsection (c), by striking “or list I  
18 chemical” each place it appears and inserting “, list  
19 I chemical, tableting machine, or encapsulating ma-  
20 chine”.

21 (b) **REGISTRATION PROCESS.**—Section 303 of the  
22 Controlled Substances Act (21 U.S.C. 823) is amended  
23 by adding at the end the following:

24 “(1) **REGISTRATION OF TABLETING AND ENCAP-**  
25 **SULATING MACHINES.**—The Attorney General shall reg-  
26 ister each tableting machine or encapsulating machine for

1 which an application is submitted under section  
2 302(a)(3)(A) unless the Attorney General determines that  
3 such registration is inconsistent with the public interest.”.

4 (c) DEFINITIONS.—Section 102 of the Controlled  
5 Substances Act (21 U.S.C. 802) is amended by adding at  
6 the end the following:

7 “(58) The term ‘encapsulating machine’ means  
8 equipment—

9 “(A) that is designed to fill with a controlled  
10 substance, or a controlled substance analogue, a  
11 shell or capsule for human or animal consumption  
12 and that—

13 “(i) allows the operator of such equipment  
14 to fill more than one shell or capsule without  
15 human intervention between the filling of each  
16 such shell or capsule; or

17 “(ii) may be attached to a container that  
18 modifies such equipment such that the operator  
19 may fill more than one shell or capsule without  
20 human intervention between the filling of each  
21 shell or capsule; or

22 “(B) that has been used to fill with a controlled  
23 substance, or a controlled substance analogue, a  
24 shell or capsule for human or animal consumption.

1       “(59) The term ‘tableting machine’ means equip-  
2 ment—

3               “(A) that is designed to compact or mold a con-  
4 trolled substance, or a controlled substance ana-  
5 logue, to produce a coherent, solid tablet for human  
6 or animal consumption and that—

7                       “(i) allows the operator to produce more  
8 than one such tablet without human interven-  
9 tion between the production of each such tablet;  
10 or

11                       “(ii) may be attached to a container that  
12 modifies such equipment such that the operator  
13 may produce more than one such tablet without  
14 human intervention between the production of  
15 each such tablet; or

16               “(B) that has been used to compact or mold a  
17 controlled substance, or a controlled substance ana-  
18 logue, to produce a coherent, solid tablet for human  
19 or animal consumption.”.

20       (d) PENALTY.—Section 402(a) of the Controlled Sub-  
21 stances Act (21 U.S.C. 842(a)) is amended—

22               (1) in paragraph (16), by striking “or” after at  
23 the end;

24               (2) in paragraph (17), by striking the period at  
25 the end and inserting “; or”; and

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

2 “(18) to possess a tableting machine or encap-  
3 sulating machine, in or affecting interstate com-  
4 merce, without the registration required by this  
5 title.”.

6 (e) APPLICATION.—This section and the amendments  
7 made by this section shall apply beginning at the end of  
8 the 1-year period following the date of the enactment of  
9 this Act.

10 **SEC. 3. INFORMATION CAMPAIGN.**

11 The Attorney General shall conduct a campaign to  
12 inform persons required to register under the amendments  
13 made by section 2 of such requirement.

14 **SEC. 4. REPORT.**

15 Not later than 2 years after the date of the enact-  
16 ment of this Act, the Attorney General shall submit to  
17 the Congress a report containing—

18 (1) a description and evaluation of the efforts  
19 of the Drug Enforcement Administration under the  
20 amendments made by section 2 to reduce the use of  
21 unregistered tableting machines and encapsulating  
22 machines in the illegal manufacture of controlled  
23 substances;

1           (2) with respect to tableting machines and en-  
2           capsulating machines, or disassembled parts of such  
3           machines—

4                   (A) the number seized by the Drug En-  
5                   forcement Administration after the date of the  
6                   enactment of this Act; and

7                   (B) the number imported and exported  
8                   after the date of the enactment of this Act; and

9           (3) recommendations with respect to changes to  
10          Federal law to support the Drug Enforcement Ad-  
11          ministration in such efforts.

12 **SEC. 5. SUNSET.**

13          (a) **IN GENERAL.**—This Act and the amendments  
14          made by this Act shall cease to be effective beginning on  
15          the date that is 5 years after the date of the enactment  
16          of this Act.

17          (b) **REPEAL OF AMENDMENTS.**—Effective on the  
18          date described in subsection (a):

19                   (1) Section 102 of the Controlled Substances  
20                   Act (21 U.S.C. 802) is amended by striking para-  
21                   graphs (58) and (59).

22                   (2) Section 302 of the Controlled Substances  
23                   Act (21 U.S.C. 822) is amended—

24                           (A) in subsection (a), by striking para-  
25                           graph (3); and

1           (B) in subsection (c), by striking “, list I  
2           chemical, tableting machine, or encapsulating  
3           machine” each place it appears and inserting  
4           “or list I chemical”.

5           (3) Section 303 of the Controlled Substances  
6           Act (21 U.S.C. 823) is amended by striking sub-  
7           section (l).

8           (4) Section 402(a) of the Controlled Substances  
9           Act (21 U.S.C. 842(a)) is amended—

10           (A) in paragraph (16), by adding “or” at  
11           the end;

12           (B) in paragraph (17), by striking “; or”  
13           and inserting a period; and

14           (C) by striking paragraph (18).

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