

117TH CONGRESS
1ST SESSION

H. R. 768

To amend the Controlled Substances Act to clarify the process for registrants to exercise due diligence upon discovering a suspicious order, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2021

Mr. MCKINLEY (for himself and Mrs. DINGELL) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and the Budget, 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 clarify the process for registrants to exercise due diligence upon discovering a suspicious order, 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 of 2021”.

1 **SEC. 2. CLARIFICATION OF PROCESS FOR REGISTRANTS TO**
2 **EXERCISE DUE DILIGENCE UPON DISCOV-**
3 **ERING A SUSPICIOUS ORDER.**

4 (a) IN GENERAL.—Paragraph (3) of section 312(a)
5 of the Controlled Substances Act (21 U.S.C. 832(a)) is
6 amended to read as follows:

7 “(3) upon discovering a suspicious order or se-
8 ries of orders—

9 “(A) exercise due diligence;

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

15 “(C) decline to fill the order or series of
16 orders if the due diligence fails to resolve all of
17 the indicators that gave rise to the suspicion
18 that filling the order or series of orders would
19 cause a violation of this title by the registrant
20 or the prospective purchaser; and

21 “(D) notify the Administrator of the Drug
22 Enforcement Administration and the Special
23 Agent in Charge of the Division Office of the
24 Drug Enforcement Administration for the area
25 in which the registrant is located or conducts
26 business of—

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

3 “(ii) the indicators giving rise to the
4 suspicion that filling the order or series of
5 orders would cause a violation of this title
6 by the registrant or the prospective pur-
7 chaser.”.

8 (b) REGULATIONS.—Not later than 1 year after the
9 date of enactment of this Act, for purposes of section
10 312(a)(3) of the Controlled Substances Act, as amended
11 by subsection (a), the Attorney General of the United
12 States shall promulgate a final regulation specifying the
13 indicators that give rise to a suspicion that filling an order
14 or series of orders would cause a violation of the Con-
15 trolled Substances Act (21 U.S.C. 801 et seq.) by a reg-
16 istrant or a prospective purchaser.

17 (c) APPLICABILITY.—Section 312(a)(3) of the Con-
18 trolled Substances Act, as amended by subsection (a),
19 shall apply beginning on the day that is 1 year after the
20 date of enactment of this Act. Until such day, section
21 312(a)(3) of the Controlled Substances Act shall apply as
22 such section 312(a)(3) was in effect on the day before the
23 date of enactment of this Act.

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

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the House Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

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