

115TH CONGRESS  
1ST SESSION

# S. 1960

To repeal the amendments made to the Controlled Substances Act by the Ensuring Patient Access and Effective Drug Enforcement Act of 2016.

---

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2017

Mrs. McCASKILL (for herself, Mr. MANCHIN, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To repeal the amendments made to the Controlled Substances Act by the Ensuring Patient Access and Effective Drug Enforcement Act of 2016.

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. REPEAL OF THE ENSURING PATIENT ACCESS**  
4 **AND EFFECTIVE DRUG ENFORCEMENT ACT**  
5 **OF 2016.**

6 (a) REGISTRATION PROCESS UNDER THE CON-  
7 TROLLED SUBSTANCES ACT.—Sections 1 and 2 of the En-  
8 suring Patient Access and Effective Drug Enforcement

1 Act of 2016 (Public Law 114–145; 130 Stat. 354) and  
 2 the amendments made by such sections are repealed.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) DEFINITIONS.—

5 (A) FACTORS AS MAY BE RELEVANT TO  
 6 AND CONSISTENT WITH THE PUBLIC HEALTH  
 7 AND SAFETY.—Section 303 of the Controlled  
 8 Substances Act (21 U.S.C. 823) is amended by  
 9 striking subsection (j).

10 (B) IMMINENT DANGER TO THE PUBLIC  
 11 HEALTH OR SAFETY.—Section 304(d) of the  
 12 Controlled Substances Act (21 U.S.C. 824(d))  
 13 is amended—

14 (i) by striking “(d)(1) The Attorney  
 15 General” and inserting “(d) The Attorney  
 16 General”; and

17 (ii) by striking paragraph (2).

18 (2) OPPORTUNITY TO SUBMIT CORRECTIVE AC-  
 19 TION PLAN PRIOR TO REVOCATION OR SUSPEN-  
 20 SION.—Section 304(c) of the Controlled Substances  
 21 Act (21 U.S.C. 824(c)) is amended—

22 (A) by striking paragraphs (2) through  
 23 (5);

24 (B) by striking “(c)(1) Before” and insert-  
 25 ing “(c) Before”; and

1           (C) by adding at the end the following:  
2           “The order to show cause shall contain a state-  
3           ment of the basis thereof and shall call upon  
4           the applicant or registrant to appear before the  
5           Attorney General at a time and place stated in  
6           the order, but in no event less than thirty days  
7           after the date of receipt of the order. Pro-  
8           ceedings to deny, revoke, or suspend shall be  
9           conducted pursuant to this section in accord-  
10          ance with subchapter II of chapter 5 of title 5,  
11          United States Code. Such proceedings shall be  
12          independent of, and not in lieu of, criminal  
13          prosecutions or other proceedings under this  
14          title or any other law of the United States.”.

○