

115TH CONGRESS
2D SESSION

S. 2493

To clarify the congressional intent behind the requirements relating to immediate suspension orders and corrective action plans under the Controlled Substances Act that were added by the Ensuring Patient Access and Effective Drug Enforcement Act of 2016.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2018

Mr. MANCHIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To clarify the congressional intent behind the requirements relating to immediate suspension orders and corrective action plans under the Controlled Substances Act that were added 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. SHORT TITLE.**

4 This Act may be cited as the “DEA Enforcement and
5 Authority Act of 2018”.

1 **SEC. 2. DENIAL, REVOCATION, OR SUSPENSION OF CON-**
 2 **TROLLED SUBSTANCES REGISTRATION.**

3 (a) STANDARD OF REVIEW FOR IMMEDIATE SUSPEN-
 4 SION ORDERS.—Section 304(d)(2) of the Controlled Sub-
 5 stances Act (21 U.S.C. 824(d)(2)) is amended by striking
 6 “a substantial likelihood of an immediate threat” and in-
 7 serting “probable cause”.

8 (b) OPPORTUNITY TO SUBMIT CORRECTIVE ACTION
 9 PLAN PRIOR TO REVOCATION OR SUSPENSION.—

10 (1) IN GENERAL.—Section 304(c) of the Con-
 11 trolled Substances Act (21 U.S.C. 824(c)) is amend-
 12 ed—

13 (A) by striking paragraphs (2) through
 14 (5);

15 (B) by striking “(c)(1) Before” and insert-
 16 ing “(c) Before”; and

17 (C) by adding at the end the following:

18 “The order to show cause shall contain a state-
 19 ment of the basis thereof and shall call upon
 20 the applicant or registrant to appear before the
 21 Attorney General at a time and place stated in
 22 the order, but in no event less than 30 days
 23 after the date of receipt of the order. Pro-
 24 ceedings to deny, revoke, or suspend shall be
 25 conducted pursuant to this section in accord-
 26 ance with subchapter II of chapter 5 of title 5,

1 United States Code. Such proceedings shall be
2 independent of, and not in lieu of, criminal
3 prosecutions or other proceedings under this
4 title or any other law of the United States.”.

5 (2) APPLICABILITY TO PENDING CORRECTIVE
6 ACTION PLANS.—The Attorney General shall not be
7 required to review any corrective action plan sub-
8 mitted by an applicant or registrant under section
9 304(c)(2) of the Controlled Substances Act (21
10 U.S.C. 824(c)(2)), as in effect on the day before the
11 date of enactment of this Act.

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