

115TH CONGRESS
2D SESSION

S. 3281

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.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2018

Mr. CASSIDY (for himself and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 “(57) 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 “(58) 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 (15), by striking “or” after
23 “section 310(e)(1)(B)(v);”;

24 (2) in paragraph (16), by striking the period
25 and inserting “; or”; and

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

2 “(17) 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 one-year period following the date of the enactment
9 of 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 (57) and (58).

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 (15), by adding “or” at
11 the end;

12 (B) in paragraph (16), by striking “; or”
13 and inserting a period; and

14 (C) by striking paragraph (17).

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