

115TH CONGRESS
2D SESSION

H. R. 6702

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 2018

Mr. BILIRAKIS (for himself and Mrs. BLACKBURN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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 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) of the Controlled Sub-
5 stances Act (21 U.S.C. 824(d)) is amended—

6 (1) in paragraph (1), by inserting after “com-
7 petent jurisdiction” the following: “based on a deter-
8 mination that the Attorney General failed to comply
9 with paragraph (2) under the standard of review set
10 forth in section 507”; and

11 (2) in paragraph (2), by striking “a substantial
12 likelihood of an immediate threat that death, serious
13 bodily harm, or abuse” and inserting “probable
14 cause to believe an imminent threat that death, seri-
15 ous bodily harm, abuse, or diversion”.

16 (b) OPPORTUNITY TO SUBMIT CORRECTIVE ACTION
17 PLAN PRIOR TO REVOCATION OR SUSPENSION.—

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

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

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

25 (C) by adding at the end the following:
26 “The order to show cause shall contain a state-

1 ment of the basis thereof and shall call upon
2 the applicant or registrant to appear before the
3 Attorney General at a time and place stated in
4 the order, but in no event less than 30 days
5 after the date of receipt of the order. Pro-
6 ceedings to deny, revoke, or suspend shall be
7 conducted pursuant to this section in accord-
8 ance with subchapter II of chapter 5 of title 5,
9 United States Code. Such proceedings shall be
10 independent of, and not in lieu of, criminal
11 prosecutions or other proceedings under this
12 title or any other law of the United States.”.

13 (2) APPLICABILITY TO PENDING CORRECTIVE
14 ACTION PLANS.—The Attorney General shall not be
15 required to review any corrective action plan sub-
16 mitted by an applicant or registrant under section
17 304(c)(2) of the Controlled Substances Act (21
18 U.S.C. 824(c)(2)), as in effect on the day before the
19 date of enactment of this Act.

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