

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 256

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## AN ACT

To enhance the ability to combat methamphetamine.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Combat Methamphet-  
3 amine Enhancement Act of 2009”.

4 **SEC. 2. REQUIREMENT OF SELF-CERTIFICATION BY ALL**  
5 **REGULATED PERSONS SELLING SCHEDULED**  
6 **LISTED CHEMICALS.**

7 Section 310(e)(2) of the Controlled Substances Act  
8 (21 U.S.C. 830(e)(2)) is amended by inserting at the end  
9 the following:

10 “(C) Each regulated person who makes a  
11 sale at retail of a scheduled listed chemical  
12 product and is required under subsection (b)(3)  
13 to submit a report of the sales transaction to  
14 the Attorney General may not sell any sched-  
15 uled listed chemical product at retail unless  
16 such regulated person has submitted to the At-  
17 torney General a self-certification including a  
18 statement that the seller understands each of  
19 the requirements that apply under this para-  
20 graph and under subsection (d) and agrees to  
21 comply with the requirements. The Attorney  
22 General shall by regulation establish criteria for  
23 certifications of mail-order distributors that are  
24 consistent with the criteria established for the  
25 certifications of regulated sellers under para-  
26 graph (1)(B).”.

1 **SEC. 3. PUBLICATION OF SELF-CERTIFIED REGULATED**  
2 **SELLERS AND REGULATED PERSONS LISTS.**

3 Section 310(e)(1)(B) of the Controlled Substances  
4 Act (21 U.S.C. 830(e)(1)(B)) is amended by inserting at  
5 the end the following:

6 “(v) PUBLICATION OF LIST OF SELF-  
7 CERTIFIED PERSONS.—The Attorney Gen-  
8 eral shall develop and make available a list  
9 of all persons who are currently self-cer-  
10 tified in accordance with this section. This  
11 list shall be made publicly available on the  
12 website of the Drug Enforcement Adminis-  
13 tration in an electronically downloadable  
14 format.”.

15 **SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED**  
16 **CHEMICALS SELL ONLY TO SELF-CERTIFIED**  
17 **REGULATED SELLERS AND REGULATED PER-**  
18 **SONS.**

19 Section 402(a) of the Controlled Substances Act (21  
20 U.S.C. 842(a)) is amended—

21 (1) in paragraph (13), by striking “or” after  
22 the semicolon;

23 (2) in paragraph (14), by striking the period  
24 and inserting “; or”;

25 (3) by inserting after paragraph (14) the fol-  
26 lowing:

1           “(15) to distribute a scheduled listed chemical  
2           product to a regulated seller, or to a regulated per-  
3           son referred to in section 310(b)(3)(B), unless such  
4           regulated seller or regulated person is, at the time  
5           of such distribution, currently registered with the  
6           Drug Enforcement Administration, or on the list of  
7           persons referred to under section 310(e)(1)(B)(v).”;  
8           and

9           (4) inserting at the end the following: “For  
10          purposes of paragraph (15), if the distributor is  
11          temporarily unable to access the list of persons re-  
12          ferred to under section 310(e)(1)(B)(v), the dis-  
13          tributor may rely on a written, faxed, or electronic  
14          copy of a certificate of self-certification submitted by  
15          the regulated seller or regulated person, provided the  
16          distributor confirms within 7 business days of the  
17          distribution that such regulated seller or regulated  
18          person is on the list referred to under section  
19          310(e)(1)(B)(v).”.

20 **SEC. 5. NEGLIGENT FAILURE TO SELF-CERTIFY AS RE-**  
21 **QUIRED.**

22          Section 402(a) of the Controlled Substances Act (21  
23          U.S.C. 842(a)(10)) is amended by inserting before the  
24          semicolon the following: “or negligently to fail to self-cer-  
25          tify as required under section 310 (21 U.S.C. 830)”.

1 **SEC. 6. EFFECTIVE DATE AND REGULATIONS.**

2 (a) **EFFECTIVE DATE.**—This Act and the amend-  
3 ments made by this Act shall take effect 180 days after  
4 the date of enactment of this Act.

5 (b) **REGULATIONS.**—In promulgating the regulations  
6 authorized by section 2, the Attorney General may issue  
7 regulations on an interim basis as necessary to ensure the  
8 implementation of this Act by the effective date.

Passed the Senate June 8, 2009.

Attest:

*Secretary.*

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