

114TH CONGRESS  
2D SESSION

# S. 3225

To amend the Controlled Substances Act to require the Attorney General to make procurement quotas for opioid analgesics publicly available, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 14, 2016

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

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## A BILL

To amend the Controlled Substances Act to require the Attorney General to make procurement quotas for opioid analgesics publicly available, 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 “Opioid Quota Open-  
5 ness, Transparency, and Awareness Act of 2016” or the  
6 “Opioid QuOTA Act”.

1 **SEC. 2. PUBLIC REPORTING OF PROCUREMENT QUOTAS**  
2 **FOR OPIOID ANALGESICS.**

3 (a) IN GENERAL.—Section 306 of the Controlled  
4 Substances Act (21 U.S.C. 826) is amended by adding at  
5 the end the following:

6 “(i)(1) In this subsection, the term ‘opioid procure-  
7 ment quota’ means a quota established by the Attorney  
8 General for the quantity of opioid analgesics that a reg-  
9 istered manufacturer may procure for purposes of manu-  
10 facturing dosage forms or other substances.

11 “(2) The Attorney General shall make publicly avail-  
12 able, including through the Web site of the Drug Enforce-  
13 ment Administration—

14 “(A) the quantity of the opioid procurement  
15 quota for each registered manufacturer for each  
16 year;

17 “(B) the quantity of opioid analgesics procured  
18 by each registered manufacturer for each year; and

19 “(C) except as provided under paragraph (3)—

20 “(i) a copy of the form or other applica-  
21 tion, including any attachments or exhibits,  
22 submitted by each registered manufacturer re-  
23 questing an opioid procurement quota; and

24 “(ii) a copy of each year-end or annual re-  
25 port relating to the procurement or use of  
26 opioid analgesics submitted to the Attorney

1           General by a registered manufacturer to whom  
2           the Attorney General has issued an opioid pro-  
3           curement quota.

4           “(3) Upon a request by a registered manufacturer as-  
5           serting that a document or information described in clause  
6           (i) or (ii) of paragraph (2)(C) is exempt from disclosure  
7           under section 552(b)(4) of title 5, United States Code, and  
8           to the extent that the Attorney General determines that  
9           the document or information is exempt from disclosure  
10          under such section 552(b)(4), the document or informa-  
11          tion may be excluded from public disclosure under para-  
12          graph (2).”.

13          (b) GAO REPORT.—The Comptroller General of the  
14          United States shall submit to Congress a report that, for  
15          the 1-year period beginning on the date of enactment of  
16          this Act—

17                 (1) details—

18                         (A) the number of instances in which a  
19                         registered manufacturer made a request de-  
20                         scribed in section 306(i)(3) of the Controlled  
21                         Substances Act, as added by subsection (a),  
22                         with respect to a document or information; and

23                         (B) the number of instances in which the  
24                         Attorney General determined such a document  
25                         or information was exempt from disclosure

1           under section 552(b)(4) of title 5, United  
2           States Code; and

3           (2) evaluates the extent of the independent  
4           evaluation conducted by the Attorney General of re-  
5           quests described in section 306(i)(3) of the Con-  
6           trolled Substances Act.

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