

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**S. 2837**

To improve the systems for identifying the diversion of controlled substances.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. GRASSLEY

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Drug Diversion Act of 2018”.  
5

6 **SEC. 2. IMPROVEMENTS TO PREVENT DRUG DIVERSION.**

7 (a) DEFINITION.—

8 (1) IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended  
9 by adding at the end the following:  
10

11 “(57) The term ‘suspicious order’ includes—

1           “(A) an order of a controlled substance of  
2           unusual size;

3           “(B) an order of a controlled substance de-  
4           viating substantially from a normal pattern;

5           “(C) orders of controlled substances of un-  
6           usual frequency; and

7           “(D) an order or pattern of orders of a  
8           controlled substance that meet such other cri-  
9           teria as are established by the Attorney General  
10          by regulation.”.

11          (2) REGULATIONS.—Not later than 1 year after  
12          the date of enactment of this Act, the Attorney Gen-  
13          eral shall promulgate regulations under paragraph  
14          (57)(D) of section 102 of the Controlled Substances  
15          Act, as added by paragraph (1) of this subsection.

16          (b) SUSPICIOUS ORDERS.—Part C of the Controlled  
17          Substances Act (21 U.S.C. 821 et seq.) is amended by  
18          adding at the end the following:

19          **“SEC. 312. SUSPICIOUS ORDERS.**

20                 “(a) REPORTING.—Each registrant shall—

21                         “(1) design and operate a system to identify  
22                         suspicious orders for the registrant;

23                         “(2) ensure that the system designed and oper-  
24                         ated under paragraph (1) by the registrant complies  
25                         with applicable Federal and State privacy laws; and

1           “(3) upon discovering a suspicious order or se-  
2           ries of orders, notify the Administrator of the Drug  
3           Enforcement Administration and the Special Agent  
4           in Charge of the Division Office of the Drug En-  
5           forcement Administration for the area in which the  
6           registrant is located or conducts business.

7           “(b) SUSPICIOUS ORDER DATABASE.—

8           “(1) IN GENERAL.—Not later than 1 year after  
9           the date of enactment of this section, the Attorney  
10          General shall establish a centralized database for  
11          collecting reports of suspicious orders.

12          “(2) SATISFACTION OF REPORTING REQUIRE-  
13          MENTS.—If a registrant reports a suspicious order  
14          to the centralized database established under para-  
15          graph (1), the registrant shall be considered to have  
16          complied with the requirement under subsection  
17          (a)(3) to notify the Administrator of the Drug En-  
18          forcement Administration and the Special Agent in  
19          Charge of the Division Office of the Drug Enforce-  
20          ment Administration for the area in which the reg-  
21          istrant is located or conducts business.

22          “(c) SHARING INFORMATION WITH THE STATES.—

23          “(1) IN GENERAL.—The Attorney General shall  
24          prepare and make available information regarding  
25          suspicious orders in a State, including information

1 in the database established under subsection (b)(1),  
2 to the point of contact for purposes of administra-  
3 tive, civil, and criminal oversight relating to the di-  
4 version of controlled substances for the State, as  
5 designated by the Governor or chief executive officer  
6 of the State.

7 “(2) TIMING.—The Attorney General shall pro-  
8 vide information in accordance with paragraph (1)  
9 within a reasonable period of time after obtaining  
10 the information.

11 “(3) COORDINATION.—In establishing the proc-  
12 ess for the provision of information under this sub-  
13 section, the Attorney General shall coordinate with  
14 States to ensure that the Attorney General has ac-  
15 cess to information, as permitted under State law,  
16 possessed by the States relating to prescriptions for  
17 controlled substances that will assist in enforcing  
18 Federal law.”.

19 (c) REPORTS TO CONGRESS.—

20 (1) DEFINITION.—In this subsection, the term  
21 “suspicious order” has the meaning given that term  
22 in section 102 of the Controlled Substances Act, as  
23 amended by this Act.

24 (2) ONE TIME REPORT.—Not later than 1 year  
25 after the date of enactment of this Act, the Attorney

1       General shall submit to Congress a report on the re-  
2       porting of suspicious orders, which shall include—

3               (A) a description of the centralized data-  
4       base established under section 312 of the Con-  
5       trolled Substances Act, as added by this sec-  
6       tion, to collect reports of suspicious orders;

7               (B) a description of the system and reports  
8       established under section 312 of the Controlled  
9       Substances Act, as added by this section, to  
10      share information with States;

11              (C) information regarding how the Attor-  
12      ney General used reports of suspicious orders  
13      before the date of enactment of this Act and  
14      after the date of enactment of this Act, includ-  
15      ing how the Attorney General received the re-  
16      ports and what actions were taken in response  
17      to the reports; and

18              (D) descriptions of the data analyses con-  
19      ducted on reports of suspicious orders to iden-  
20      tify, analyze, and stop suspicious activity.

21              (3) **ADDITIONAL REPORTS.**—Not later than 1  
22      year after the date of enactment of this Act, and an-  
23      nually thereafter until the date that is 5 years after  
24      the date of enactment of this Act, the Attorney Gen-

1       eral shall submit to Congress a report providing, for  
2       the previous year—

3               (A) the number of reports of suspicious or-  
4       ders;

5               (B) a summary of actions taken in re-  
6       sponse to reports, in the aggregate, of sus-  
7       picious orders; and

8               (C) a description of the information shared  
9       with States based on reports of suspicious or-  
10      ders.