

116TH CONGRESS
1ST SESSION

S. 1366

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

IN THE SENATE OF THE UNITED STATES

MAY 8, 2019

Mr. MARKEY (for himself, Mrs. SHAHEEN, Mr. BROWN, Mr. DURBIN, Ms. HASSAN, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 2019” 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 “(j)(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 website 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(j)(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(j)(3) of the Con-
6 trolled Substances Act.

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