118TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPT. 118–66
Part 1

BLOCK, REPORT, AND SUSPEND SUSPICIOUS SHIPMENTS ACT

MAY 17, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. RODGERS of Washington, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 501]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 501) to amend the Controlled Substances Act to require registrants to decline to fill certain suspicious orders, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Block, Report, and Suspend Suspicious Shipments Act".

SEC. 2. BLOCK, REPORT, AND SUSPEND SUSPICIOUS ORDERS.

(a) CLARIFICATION OF PROCESS FOR REGISTRANTS TO EXERCISE DUE DILIGENCE UPON DISCOVERING A SUSPICIOUS ORDER.—Section 312(a) of the Controlled Substances Act (21 U.S.C. 832(a)) is amended—

(1) in paragraph (2), by striking "and" at the end; and

(2) by striking paragraph (3) and inserting the following paragraphs:

"(3) determine whether an order or series of orders is suspicious, taking into consideration—

"(A) any unusual size, pattern, or frequency of the order or series of orders; and

"(B) any customer business model, dispensing patterns, prior orders, or other characteristics that may indicate the order or series of orders is suspicious, despite the particular order or series of orders not exhibiting an unusual size, pattern, or frequency; and

"(4) upon discovering suspicious circumstances regarding an order or series of orders, and in a manner consistent with the other requirements of this section—

"(A) decline to fill the order or series of orders, establish and maintain (for not less than a period to be determined by the Administrator of the Drug Enforcement Administration) a record of the order or series of orders, and notify the Administrator of the Drug Enforcement Administration for the purpose of including information on such order or series of orders in the centralized database established under subsection (b)(1); or

"(B) exercise due diligence as appropriate and—

"(i)(I) if the due diligence fails to dispel all of the indicators that give rise to the suspicion that, if the order or series of orders is filled, the drugs that are the subject of the order or series of orders are likely to be diverted, decline to fill the order or series of orders; or

"(II) if the due diligence does dispel all such indicators, fill the order or series of orders;

"(ii) establish and maintain (for not less than a period to be determined by the Administrator of the Drug Enforcement Administration) a record of the order or series of orders and the due diligence that was performed; and

"(iii) notify the Administrator of the Drug Enforcement Administration for the purpose of including information on such order or series of orders in the centralized database established under subsection (b)(1), including any indicators giving rise to the suspicion that, if the order or series of orders is filled, the drugs that are the subject of the order or series of orders are likely to be diverted.".

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, for purposes of section 312(a)(4) of the Controlled Substances Act, as inserted by subsection (a), the Attorney General of the United States shall promulgate a final regulation specifying—

(1) the indicators that give rise to a suspicion that, if an order or series of orders is filled, the drugs that are the subject of the order or series of orders are likely to be diverted;

(2) a definition of due diligence; and

(3) in the case of a registrant that dispels all of the indicators giving rise to a suspicious order or series of orders, the circumstances in which the registrant is not required to file the notification under such section 312(a)(4).

(c) PENALTY.—Section 402(a)(5) of the Controlled Substances Act (21 U.S.C. 842(a)(5)) is amended by inserting before the semicolon at the end the following: ", including any such violation of section 312(a)(4)".

(d) APPLICABILITY.—Section 312(a)(4) of the Controlled Substances Act, as inserted by subsection (a), shall apply beginning on the day that is 1 year after the date of enactment of this Act. Until such day, section 312(a)(3) of the Controlled Substances Act shall apply as such section 312(a)(3) was in effect on the day before the date of enactment of this Act.

(e) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) medications for opioid use disorder significantly reduce the risk of overdose death; and

(2) the requirements of this Act are not intended to impair access to controlled substances primarily used to treat opioid use disorder.

PURPOSE AND SUMMARY

H.R. 501 amends the Controlled Substances Act to require Drug Enforcement Administration (DEA) registrants to either decline to fill a suspicious order or to practice due diligence and either decline to fill a suspicious order or fill it, if all indicators have been dispelled. This requirement applies to all controlled substances.

BACKGROUND AND NEED FOR LEGISLATION

In 2018, the Committee on Energy and Commerce investigated the practice of pill dumping in West Virginia and the role that drug distributors and others in the supply chain had in fueling the opioid crisis. In an eight-year span ending in 2014, there were over 81 million prescription opioid pills distributed in just one county in West Virginia. This equates to 94 pills per person, including both adults and children. The Committee released a report with its findings and provided several recommendations, which included the need for Congress to enact additional suspicious orders requirements to clarify registrant responsibilities as it relates to the suspicious orders requirements codified in Public Law 115–271, the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act.

COMMITTEE ACTION

On February 1, 2023, the Subcommittee on Health held a hearing on H.R. 501. The Subcommittee received testimony from:

- Mr. Kemp Chester, Senior Advisor, International Relations and Supply Reduction, Office of National Drug Control Policy (ONDCP)
- Dr. Neeraj Gandotra, Chief Medical Officer, Substance Abuse and Mental Health Services Administration (SAMHSA)
- Mr. Jon C. DeLena, Associate Administrator, Business Operations, Drug Enforcement Administration (DEA)
- Ms. Kandi Pickard, President and CEO, National Down Syndrome Society (NDSS)
- Mr. Frederick Isasi, J.D. MPH, Executive Director, Families USA
- Ms. Molly Cain, Parent Advocate
- Dr. Stephen Loyd, MD, Chief Medical Officer, Cedar Recovery
- Dr. Timothy Westlake, MD, Emergency Medicine Physician

On March 8, 2023, the Subcommittee on Health met in open markup session and forwarded H.R. 501, without amendment, to the full Committee by a record vote of 28 yeas and 0 nays. On March 24, 2023, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 501, as amended, favorably reported to the House by a record vote of 44 yeas and 0 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE # 15

BILL: H.R. 501, the Block, Report, and Suspend Suspicious Shipments Act

AMENDMENT: A motion by Mrs. Rodgers to order H.R. 501 favorably reported to the House, as amended (Final Passage).

DISPOSITION: **AGREED TO,** by a roll call vote of 44 yeas and 0 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Rodgers	X			Rep. Pallone	X		
Rep. Burgess	X			Rep. Eshoo	X		
Rep. Latta	X			Rep. DeGette	X		
Rep. Guthrie	X			Rep. Schakowsky	X		
Rep. Griffith	X			Rep. Matsui	X		
Rep. Bilirakis	X			Rep. Castor	X		
Rep. Johnson	X			Rep. Sarbanes			
Rep. Bucshon				Rep. Tonko	X		
Rep. Hudson	X			Rep. Clarke			
Rep. Walberg	X			Rep. Cárdenas	X		
Rep. Carter	X			Rep. Ruiz	X		
Rep. Duncan	X			Rep. Peters			
Rep. Palmer				Rep. Dingell	X		
Rep. Dunn	X			Rep. Veasey	X		
Rep. Curtis	X			Rep. Kuster	X		
Rep. Lesko	X			Rep. Kelly			
Rep. Pence	X			Rep. Barragán			
Rep. Crenshaw				Rep. Blunt Rochester	X		
Rep. Joyce	X			Rep. Soto	X		
Rep. Armstrong	X			Rep. Craig	X		
Rep. Weber	X			Rep. Schrier	X		
Rep. Allen	X			Rep. Trahan	X		
Rep. Balderson	X			Rep. Fletcher	X		
Rep. Fulcher	X						
Rep. Pfluger	X						
Rep. Harshbarger	X						
Rep. Miller-Meeks	X						
Rep. Cammack	X						
Rep. Obernolte	X						

03/24/2023

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held a hearing and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 501 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to require DEA registrants to report and stop suspicious orders of control substances. This will ensure that DEA registrants will better coordinate with DEA and properly track and block suspicious orders.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 501 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearing was used to develop or consider H.R. 501:

On February 1, 2023, the Subcommittee on Health held a hearing on H.R. 501. The Subcommittee received testimony from:

- Mr. Kemp Chester, Senior Advisor, International Relations and Supply Reduction, Office of National Drug Control Policy (ONDCP)
- Dr. Neeraj Gandotra, Chief Medical Officer, Substance Abuse and Mental Health Services Administration (SAMHSA)
- Mr. Jon C. DeLena, Associate Administrator, Business Operations, Drug Enforcement Administration (DEA)
- Ms. Kandi Pickard, President and CEO, National Down Syndrome Society (NDSS)
- Mr. Frederick Isasi, J.D. MPH, Executive Director, Families USA

- Ms. Molly Cain, Parent Advocate
- Dr. Stephen Loyd, MD, Chief Medical Officer, Cedar Recovery
- Dr. Timothy Westlake, MD, Emergency Medicine Physician

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 501 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 provides a short title of "Block, Report, and Suspend Suspicious Shipments Act."

Section. 2. Block, report, and suspend suspicious orders

Section 2 amends section 312(a) of the Controlled Substances Act to require DEA registrants to either (1) decline to fill suspicious orders or (2) conduct due diligence and either fill the order or decline to fill the order depending on if the registrant was able to dispel all suspicious indicators.

This section also requires DEA to promulgate a final rule specifying the indicators that give rise to a suspicion that, if an order or series of orders is filled, the drugs that are the subject of the order or series of orders are likely to be diverted and instances in which registrants do not have to report suspicious orders to DEA. This section clarifies that the penalties described in 312(a)(3) apply.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics,

and existing law in which no change is proposed is shown in roman):

CONTROLLED SUBSTANCES ACT

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TITLE II—CONTROL AND ENFORCEMENT

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PART C—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES; PIPERIDINE REPORTING

* * * * * * *

SEC. 312. SUSPICIOUS ORDERS.

(a) REPORTING.—Each registrant shall—

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

(2) ensure that the system designed and operated under paragraph (1) by the registrant complies with applicable Federal and State privacy laws; [and]

[(3) upon discovering a suspicious order or series of orders, notify the Administrator of the Drug Enforcement Administration and the Special Agent in Charge of the Division Office of the Drug Enforcement Administration for the area in which the registrant is located or conducts business.]

(3) determine whether an order or series of orders is suspicious, taking into consideration—

(A) any unusual size, pattern, or frequency of the order or series of orders; and

(B) any customer business model, dispensing patterns, prior orders, or other characteristics that may indicate the order or series of orders is suspicious, despite the particular order or series of orders not exhibiting an unusual size, pattern, or frequency; and

(4) upon discovering suspicious circumstances regarding an order or series of orders, and in a manner consistent with the other requirements of this section—

(A) decline to fill the order or series of orders, establish and maintain (for not less than a period to be determined by the Administrator of the Drug Enforcement Administration) a record of the order or series of orders, and notify the Administrator of the Drug Enforcement Administration for the purpose of including information on such order or series of orders in the centralized database established under subsection (b)(1); or

(B) exercise due diligence as appropriate and—

(i)(I) if the due diligence fails to dispel all of the indicators that give rise to the suspicion that, if the order or series of orders is filled, the drugs that are the subject of the order or series of orders are likely to be diverted, decline to fill the order or series of orders; or

(II) if the due diligence does dispel all such indicators, fill the order or series of orders;

(ii) establish and maintain (for not less than a period to be determined by the Administrator of the Drug Enforcement Administration) a record of the order or series of orders and the due diligence that was performed; and

(iii) notify the Administrator of the Drug Enforcement Administration for the purpose of including information on such order or series of orders in the centralized database established under subsection (b)(1), including any indicators giving rise to the suspicion that, if the order or series of orders is filled, the drugs that are the subject of the order or series of orders are likely to be diverted.

(b) SUSPICIOUS ORDER DATABASE.—

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

(2) SATISFACTION OF REPORTING REQUIREMENTS.—If a registrant reports a suspicious order to the centralized database established under paragraph (1), the registrant shall be considered to have complied with the requirement under subsection (a)(3) to notify the Administrator of the Drug Enforcement Administration and the Special Agent in Charge of the Division Office of the Drug Enforcement Administration for the area in which the registrant is located or conducts business.

(c) SHARING INFORMATION WITH THE STATES.—

(1) IN GENERAL.—The Attorney General shall prepare and make available information regarding suspicious orders in a State, including information in the database established under subsection (b)(1), to the point of contact for purposes of administrative, civil, and criminal oversight relating to the diversion of controlled substances for the State, as designated by the Governor or chief executive officer of the State.

(2) TIMING.—The Attorney General shall provide information in accordance with paragraph (1) within a reasonable period of time after obtaining the information.

(3) COORDINATION.—In establishing the process for the provision of information under this subsection, the Attorney General shall coordinate with States to ensure that the Attorney General has access to information, as permitted under State law, possessed by the States relating to prescriptions for controlled substances that will assist in enforcing Federal law.

PART D—OFFENSES AND PENALTIES

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PROHIBITED ACTS B—PENALTIES

SEC. 402. (a) It shall be unlawful for any person—

(1) who is subject to the requirements of part C to distribute or dispense a controlled substance in violation of section 309;

(2) who is a registrant to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person or to manufacture a controlled substance not authorized by his registration;

(3) who is a registrant to distribute a controlled substance in violation of section 305 of this title;

(4) to remove, alter, or obliterate a symbol or label required by section 305 of this title;

(5) to refuse or negligently fail to make, keep, or furnish any record, report, notification, declaration, order or order form, statement, invoice, or information required under this title or title III*, including any such violation of section 312(a)(4)*;

(6) to refuse any entry into any premises or inspection authorized by this title or title III;

(7) to remove, break, injure, or deface a seal placed upon controlled substances pursuant to section 304(f) or 511 or to remove or dispose of substances so placed under seal;

(8) to use, to his own advantage, or to reveal, other than to duly authorized officers or employees of the United States, or to the courts when relevant in any judicial proceeding under this title or title III, any information acquired in the course of an inspection authorized by this title concerning any method or process which as a trade secret is entitled to protection, or to use to his own advantage or reveal (other than as authorized by section 310) any information that is confidential under such section;

(9) who is a regulated person to engage in a regulated transaction without obtaining the identification required by 310(a)(3);

(10) negligently to fail to keep a record or make a report under section 310 or negligently to fail to self-certify as required under section 310;

(11) to distribute a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, in violation of this title or title III, with reckless disregard for the illegal uses to which such a laboratory supply will be put;

(12) who is a regulated seller, or a distributor required to submit reports under subsection (b)(3) of section 310—

(A) to sell at retail a scheduled listed chemical product in violation of paragraph (1) of subsection (d) of such section, knowing at the time of the transaction involved (independent of consulting the logbook under subsection (e)(1)(A)(iii) of such section) that the transaction is a violation; or

(B) to knowingly or recklessly sell at retail such a product in violation of paragraph (2) of such subsection (d);

(13) who is a regulated seller to knowingly or recklessly sell at retail a scheduled listed chemical product in violation of subsection (e) of such section;

(14) who is a regulated seller or an employee or agent of such seller to disclose, in violation of regulations under subparagraph (C) of section 310(e)(1), information in logbooks under subparagraph (A)(iii) of such section, or to refuse to provide such a logbook to Federal, State, or local law enforcement authorities;

(15) to distribute a scheduled listed chemical product to a regulated seller, or to a regulated person referred to in section 310(b)(3)(B), unless such regulated seller or regulated person

is, at the time of such distribution, currently registered with the Drug Enforcement Administration, or on the list of persons referred to under section 310(e)(1)(B)(v);

(16) to violate subsection (e) of section 825 of this title; or

(17) in the case of a registered manufacturer or distributor of opioids, to fail to review the most recent information, directly related to the customers of the manufacturer or distributor, made available by the Attorney General in accordance with section 307(f).

As used in paragraph (11), the term "laboratory supply" means a listed chemical or any chemical, substance, or item on a special surveillance list published by the Attorney General, which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals. For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer. For purposes of paragraph (15), if the distributor is temporarily unable to access the list of persons referred to under section 310(e)(1)(B)(v), the distributor may rely on a written, faxed, or electronic copy of a certificate of self-certification submitted by the regulated seller or regulated person, provided the distributor confirms within 7 business days of the distribution that such regulated seller or regulated person is on the list referred to under section 310(e)(1)(B)(v).

(b) It shall be unlawful for any person who is a registrant to manufacture a controlled substance in schedule I or II, or ephedrine, pseudoephedrine, or phenylpropanolamine or any of the salts, optical isomers, or salts of optical isomers of such chemical, which is—

(1) not expressly authorized by his registration and by a quota assigned to him pursuant to section 306; or

(2) in excess of a quota assigned to him pursuant to section 306.

(c)(1)(A) Except as provided in subparagraph (B), (C), or (D) of this paragraph and paragraph (2), any person who violates this section shall, with respect to any such violation, be subject to a civil penalty of not more than $25,000. The district courts of the United States (or, where there is no such court in the case of any territory or possession of the United States, then the court in such territory or possession having the jurisdiction of a district court of the United States in cases arising under the Constitution and laws of the United States) shall have jurisdiction in accordance with section 1355 of title 28 of the United States Code to enforce this paragraph.

(B)(i) Except as provided in clause (ii), in the case of a violation of paragraph (5), (10), or (17) of subsection (a), the civil penalty shall not exceed $10,000.

(ii) In the case of a violation described in clause (i) committed by a registered manufacturer or distributor of opioids and related to the reporting of suspicious orders for opioids, failing to maintain ef-

fective controls against diversion of opioids, or failing to review the most recent information made available by the Attorney General in accordance with section 307(f), the penalty shall not exceed $100,000.

(C) In the case of a violation of paragraph (16) of subsection (a) of this section by an importer, exporter, manufacturer, or distributor (other than as provided in subparagraph (D)), up to $500,000 per violation. For purposes of this subparagraph, a violation is defined as each instance of importation, exportation, manufacturing, distribution, or possession with intent to manufacture or distribute, in violation of paragraph (16) of subsection (a).

(D) In the case of a distribution, dispensing, or possession with intent to distribute or dispense in violation of paragraph (16) of subsection (a) of this section at the retail level, up to $1000 per violation. For purposes of this paragraph, the term "at the retail level" refers to products sold, or held for sale, directly to the consumer for personal use. Each package, container or other separate unit containing an anabolic steroid that is distributed, dispensed, or possessed with intent to distribute or dispense at the retail level in violation of such paragraph (16) of subsection (a) shall be considered a separate violation.

(2)(A) If a violation of this section is prosecuted by an information or indictment which alleges that the violation was committed knowingly and the trier of fact specifically finds that the violation was so committed, such person shall, except as otherwise provided in subparagraph (B) or (D) of this paragraph, be sentenced to imprisonment of not more than one year or a fine under title 18, United States Code, or both.

(B) If a violation referred to in subparagraph (A) was committed after one or more prior convictions of the offender for an offense punishable under this paragraph (2), or for a crime under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 2 years, a fine under title 18, United States Code, or both.

(C) In addition to the penalties set forth elsewhere in this title or title III, any business that violates paragraph (11) of subsection (a) shall, with respect to the first such violation, be subject to a civil penalty of not more than $250,000, but shall not be subject to criminal penalties under this section, and shall, for any succeeding violation, be subject to a civil fine of not more than $250,000 or double the last previously imposed penalty, whichever is greater.

(D) In the case of a violation described in subparagraph (A) that was a violation of paragraph (5), (10), or (17) of subsection (a) committed by a registered manufacturer or distributor of opioids that relates to the reporting of suspicious orders for opioids, failing to maintain effective controls against diversion of opioids, or failing to review the most recent information made available by the Attorney General in accordance with section 307(f), the criminal fine under title 18, United States Code, shall not exceed $500,000.

(3) Except under the conditions specified in paragraph (2) of this subsection, a violation of this section does not constitute a crime, and a judgment for the United States and imposition of a civil pen-

alty pursuant to paragraph (1) shall not give rise to any disability or legal disadvantage based on conviction for a criminal offense.

(4)(A) If a regulated seller, or a distributor required to submit reports under section 310(b)(3), violates paragraph (12) of subsection (a) of this section, or if a regulated seller violates paragraph (13) of such subsection, the Attorney General may by order prohibit such seller or distributor (as the case may be) from selling any scheduled listed chemical product. Any sale of such a product in violation of such an order is subject to the same penalties as apply under paragraph (2).

(B) An order under subparagraph (A) may be imposed only through the same procedures as apply under section 304(c) for an order to show cause.

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