

118TH CONGRESS
2D SESSION

H. R. 9790

To amend the Controlled Substances Act to provide for the regulation of critical parts of tableting machines and encapsulating machines, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2024

Ms. STANSBURY (for herself, Mr. NICKEL, Mr. NEGUSE, Ms. CRAIG, Mr. PAPPAS, Ms. KUSTER, Ms. SALINAS, Mr. HORSFORD, Mr. GRIJALVA, and Ms. PETTERSEN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act to provide for the regulation of critical parts of tableting machines and encapsulating machines, 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 “Stop The Opioid Pill
5 Presser and Fentanyl Act” or the “STOPP Act”.

1 **SEC. 2. DEFINITIONS.**

2 (a) IN GENERAL.—Section 102 of the Controlled
3 Substances Act (21 U.S.C. 802) is amended—

4 (1) in paragraph (38), by striking “or an en-
5 capsulating machine” and inserting “an encap-
6 sulating machine, a critical part of a tableting ma-
7 chine, or a critical part of an encapsulating ma-
8 chine”;

9 (2) in paragraph (39)(B)—

10 (A) by striking “distribution, importation,
11 or exportation of” and inserting “distribution,
12 receipt, sale, importation, or exportation of, or
13 an international transaction involving shipment
14 of”; and

15 (B) by striking “or encapsulating ma-
16 chine” and inserting “, encapsulating machine,
17 critical part of a tableting machine, or critical
18 part of an encapsulating machine”;

19 (3) in paragraph (42), by striking “a listed
20 chemical” and inserting “a listed chemical, a
21 tableting machine, an encapsulating machine, a crit-
22 ical part of a tableting machine, or a critical part of
23 an encapsulating machine”;

24 (4) in paragraph (43), by striking “a listed
25 chemical” and inserting “a listed chemical, a
26 tableting machine, an encapsulating machine, a crit-

1 ical part of a tableting machine, or a critical part of
2 an encapsulating machine”; and

3 (5) by adding at the end the following:

4 “(60) The term ‘critical part’, when used in ref-
5 erence to a tableting machine or encapsulating ma-
6 chine, means any of the following integral parts
7 when designed primarily for use in a tableting or en-
8 capsulating machine:

9 “(A) Press punch.

10 “(B) Die system.

11 “(C) Press turret.

12 “(D) Hopper.

13 “(E) Compression roller.

14 “(F) Discharge chute.

15 “(G) Vacuum system.

16 “(H) Capsule feeding unit.

17 “(I) Automatic feeding unit.

18 “(J) Any other item identified in a regula-
19 tion published by the Attorney General used in
20 the operating of tableting or encapsulating ma-
21 chines.”.

22 (b) TECHNICAL CORRECTIONS.—Section 102 of the
23 Controlled Substances Act (21 U.S.C. 802), as amended
24 by subsection (a) is further amended—

1 (1) by redesignating paragraph (58) (defining
2 the term “serious violent felony”) as paragraph
3 (59); and

4 (2) by redesignating the second paragraph (57)
5 (defining the term “serious drug felony”) as para-
6 graph (58).

7 **SEC. 3. REGULATED TRANSACTIONS OF CRITICAL PARTS.**

8 (a) RECORD OF REGULATED TRANSACTIONS.—Sec-
9 tion 310 of the Controlled Substances Act (21 U.S.C. 830)
10 is amended—

11 (1) in subsection (a)(1)—

12 (A) by striking “or an encapsulating ma-
13 chine” and inserting “an encapsulating ma-
14 chine, a critical part of a tableting machine, or
15 a critical part of an encapsulating machine”;
16 and

17 (B) by inserting “, in such form and man-
18 ner as the Attorney General shall prescribe by
19 regulation,” after “record of the transaction”;
20 and

21 (2) in paragraph (a)(2), by striking “or encap-
22 sulating machine” and inserting “, encapsulating
23 machine, critical part of a tableting machine, or crit-
24 ical part of an encapsulating machine”.

1 (b) REPORTS TO ATTORNEY GENERAL AND RECORD-
2 KEEPING.—Section 310(b)(1) of the Controlled Sub-
3 stances Act (21 U.S.C. 830) is amended—

4 (1) in subparagraph (A)—

5 (A) by striking “payment or delivery” and
6 inserting “payment or delivery of a listed chem-
7 ical, tableting machine, encapsulating machine,
8 a critical part of a tableting machine, or a crit-
9 ical part of an encapsulating machine”; and

10 (B) by striking “any other circumstance
11 that the regulated person believes may indicate
12 that the listed chemical” and inserting “any
13 other circumstance that the regulated person
14 believes may indicate that the listed chemical,
15 tableting machine, encapsulating machine, crit-
16 ical part of a tableting machine, or critical part
17 of an encapsulating machine”;

18 (2) in subparagraph (C), by striking “listed
19 chemical” and inserting “listed chemical, tableting
20 machine, encapsulating machine, critical part of a
21 tableting machine, or critical part of an encap-
22 sulating machine”; and

23 (3) in subparagraph (D), by striking “or an en-
24 capsulating machine” and inserting “, an encap-

1 sulcating machine, critical part of a tableting ma-
2 chine, or critical part of an encapsulating machine”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply beginning on the date that is 120
5 days after the date of enactment of this Act, except that
6 the Attorney General may, by order published in the Fed-
7 eral Register, postpone such date of application for such
8 period as the Attorney General may determine to be nec-
9 essary for the efficient administration of the Controlled
10 Substances Act (21 U.S.C. 801 et seq.).

11 **SEC. 4. SERIALIZATION OF CERTAIN MACHINES AND**
12 **PARTS.**

13 The Controlled Substances Act (21 U.S.C. 801 et
14 seq.) is amended by inserting after section 310 (21 U.S.C.
15 830) the following:

16 **“SEC. 310A SERIALIZATION OF CERTAIN MACHINES AND**
17 **PARTS.**

18 “(a) SERIAL NUMBER.—Each manufacturer, dis-
19 tributor, importer, or exporter of a tableting machine, en-
20 capsulating machine, a critical part of a tableting ma-
21 chine, or a critical part of an encapsulating machine shall,
22 when and as required by regulation of the Attorney Gen-
23 eral, identify the tableting machine, encapsulating ma-
24 chine, critical part of a tableting machine, or critical part
25 of an encapsulating machine by a serial number which

1 shall be engraved, cast, or otherwise permanently affixed
2 to a non-removable part of the tableting machine, encap-
3 sulating machine, critical part of a tableting machine, or
4 critical part of an encapsulating machine in accordance
5 with such regulations.

6 “(b) REPORTING.—Any regulated person who manu-
7 factures, distributes, receives, sells, imports, or exports a
8 tableting machine, encapsulating machine, critical part of
9 a tableting machine, or critical part of an encapsulating
10 machine that is subject to the serialization requirement
11 set forth in subsection (a), shall report the transaction to
12 the Attorney General and maintain records of such trans-
13 action, in such form and manner as the Attorney General
14 shall prescribe by regulation.”

15 **SEC. 5. REGISTRATION OF CERTAIN MACHINES AND PARTS.**

16 The Controlled Substances Act (21 U.S.C. 801 et
17 seq.), as amended by section 3, is further amended by in-
18 serting after section 310A, the following:

19 **“SEC. 310B. REGISTRATION OF CERTAIN MACHINES AND**
20 **PARTS.**

21 “(a) REGISTRATION OF CERTAIN MACHINES AND
22 PARTS.—Each manufacturer, distributor, importer, or ex-
23 porter of a tableting machine, encapsulating machine, crit-
24 ical part of a tableting machine, or critical part of an en-
25 capsulating machine shall, when and as required by regu-

1 lation of the Attorney General, register the tableting ma-
2 chine, encapsulating machine, critical part of a tableting
3 machine, or critical part of an encapsulating machine with
4 the Attorney General in accordance with such regulation.

5 “(b) REPORTING.—Any regulated person who manu-
6 factures, distributes, receives, sells, imports, exports, or
7 destroys a tableting machine, encapsulating machine, crit-
8 ical part of a tableting machine, or critical part of an en-
9 capsulating machine that is required to be registered pur-
10 suant to subsection (a), shall report that act to the Attor-
11 ney General and maintain records of such act as required
12 in section 310, in such form and manner as the Attorney
13 General shall prescribe by regulation.

14 “(c) REGULATIONS.—The Attorney General is au-
15 thorized to promulgate rules and regulations relating to
16 tableting machines and encapsulating machines. The At-
17 torney General shall by regulation establish which
18 tableting machines, encapsulating machines, critical parts
19 of tableting machines, and critical parts of encapsulating
20 machines are subject to the registration and reporting re-
21 quirements of subsections (a) and (b) and the information
22 to be provided pursuant to subsections (a) and (b), which
23 shall include the location of the tableting machine, encap-
24 sulating machine, critical part of a tableting machine, or
25 critical part of an encapsulating machine.

1 “(d) NATIONAL PILL PRESS REGISTRY.—The Attor-
2 ney General shall maintain a central registry of all
3 tableting machines, encapsulating machines, critical parts
4 of a tableting machine, or critical parts of an encap-
5 sulating machine that are subject to the registration re-
6 quirement set forth in subsection (a), which shall be
7 known and referred to as the National Pill Press Registry.

8 “(e) DEFINITIONS.—For the purposes of this section:

9 “(1) MANUFACTURE.—The term ‘manufacture’
10 means the production or assembly of a tableting ma-
11 chine, encapsulating machine, critical part of a
12 tableting machine, or critical part of an encap-
13 sulating machine.

14 “(2) DISTRIBUTE.—The term ‘distribute’
15 means to deliver a tableting machine, encapsulating
16 machine, critical part of a tableting machine, or crit-
17 ical part of an encapsulating machine.

18 “(3) DELIVER.—The term ‘deliver’ means the
19 actual, constructive, or attempted transfer of a
20 tableting machine, encapsulating machine, critical
21 part of a tableting machine, or critical part of an en-
22 capsulating machine, whether or not there exists an
23 agency relationship.

24 “(4) DESTROY.—The term ‘destroy’ means to
25 cause such serious damage to a tableting machine,

1 encapsulating machine, critical part of a tableting
2 machine, or critical part of an encapsulating ma-
3 chine so that it can no longer be used for its in-
4 tended purpose.”.

5 **SEC. 6. REGISTRATION OF MANUFACTURERS, IMPORTERS,**
6 **EXPORTERS, AND DEALERS OF TABLETING**
7 **MACHINES, ENCAPSULATING MACHINES, AND**
8 **CRITICAL PARTS.**

9 The Controlled Substances Act (21 U.S.C. 801 et
10 seq.), as amended by section 3, is further amended by in-
11 serting after section 310B, the following:

12 **“SEC. 310C. REGISTRATION OF MANUFACTURERS, IMPORT-**
13 **ERS, EXPORTERS, AND DEALERS OF**
14 **TABLETING MACHINES, ENCAPSULATING MA-**
15 **CHINES, AND CRITICAL PARTS.**

16 “(a) REGISTRATION.—

17 “(1) IN GENERAL.—Every person who manu-
18 factures, imports, exports, or deals, or proposes to
19 engage in the manufacture, importation, exportation,
20 or dealing of any tableting machine, encapsulating
21 machine, critical part of a tableting machine, or crit-
22 ical part of an encapsulating machine, shall obtain,
23 on an annual basis, a registration issued by the At-
24 torney General.

1 “(2) WAIVER.—The Attorney General may, by
2 regulation, waive the requirement for registration of
3 certain manufacturers, importers, exporters, and dis-
4 tributors of any tableting machine, encapsulating
5 machine, critical part of a tableting machine, or crit-
6 ical part of an encapsulating machine if the Attor-
7 ney General finds that issuing such a waiver would
8 be consistent with public health and safety.

9 “(3) SEPARATE REGISTRATIONS REQUIRED.—A
10 separate registration shall be required for each prin-
11 cipal place of business where the applicant manufac-
12 tures, imports, exports, or deals a tableting machine,
13 encapsulating machine, critical part of a tableting
14 machine, or critical part of an encapsulating ma-
15 chine.

16 “(4) TERMINATION.—

17 “(A) IN GENERAL.—A registration to man-
18 ufacture, import, export, or deal a tableting ma-
19 chine, encapsulating machine, critical part of a
20 tableting machine, or critical part of an encap-
21 sulating machine terminates if and when such
22 registrant—

23 “(i) ceases legal existence;

24 “(ii) ceases to engage in the manufac-
25 ture, importation, exportation, or dealing

1 of such a machine or critical part thereof;
2 or

3 “(iii) surrenders such registration.

4 “(B) NOTIFICATION.—In the case of such
5 a registrant who ceases legal existence or ceases
6 to engage in the manufacture, importation, ex-
7 portation, or dealing, such registrant, or agent
8 or successor in interest of such registrant, shall
9 promptly notify the Attorney General in writing
10 of such fact.

11 “(5) RE-ASSIGNMENT.—A registration to manu-
12 facture, import, export, or deal a tableting machine,
13 encapsulating machine, critical part of a tableting
14 machine, or critical part of an encapsulating ma-
15 chine may only be assigned to another entity with
16 the written consent of, and upon such conditions as,
17 the Attorney General may specify.

18 “(b) REGISTRATION CONSIDERATIONS.—The Attor-
19 ney General shall register an applicant to manufacture,
20 import, export, or deal a tableting machine, encapsulating
21 machine, critical part of a tableting machine, or critical
22 part of an encapsulating machine, unless the Attorney
23 General determines that registration of the applicant is
24 inconsistent with the public interest.

1 “(c) CONSIDERATIONS.—In determining the public
2 interest for the purposes of subsection (b), the Attorney
3 General shall consider—

4 “(1) development and maintenance of effective
5 controls against diversion of tableting machines, en-
6 capsulating machines, and critical parts thereof into
7 other than legitimate channels;

8 “(2) compliance with applicable Federal, State,
9 and local law;

10 “(3) prior conviction record of the applicant;

11 “(4) past experience in the manufacture, im-
12 port, export, and dealing of tableting machines, en-
13 capsulating machines, or critical parts thereof; and

14 “(5) such other factors as may be relevant to
15 and consistent with the public health and safety.

16 “(d) AUTHORIZED ACTIVITIES.—No person may
17 manufacture, import, export, or deal any tableting ma-
18 chine, encapsulating machine, critical part of a tableting
19 machine, or critical part of an encapsulating machine un-
20 less such person has an active registration to do so issued
21 by the Attorney General, unless—

22 “(1) such person is an agent or employee of any
23 registrant acting in the usual course of his business
24 or employment; or

1 “(2) a common or contract carrier or ware-
2 houseman, or an employee thereof, whose possession
3 of the tableting machine, encapsulating machine, or
4 critical part thereof is in the lawful and usual course
5 of his business or employment.

6 “(e) INSPECTION.—The Attorney General is author-
7 ized to inspect the establishment of a registrant or appli-
8 cant for registration in accordance with the rules and reg-
9 ulations promulgated by the Attorney General.

10 “(f) DENIAL, REVOCATION, OR SUSPENSION OF REG-
11 ISTRATION.—

12 “(1) SUSPENSION OR REVOCATION.—A reg-
13 istration pursuant to subsection (b) of this section to
14 manufacture, import, export, or deal a tableting ma-
15 chine, encapsulating machine, critical part of a
16 tableting machine, or critical part of an encap-
17 sulating machine may be suspended or revoked by
18 the Attorney General upon a finding that the reg-
19 istrant—

20 “(A) has materially falsified any applica-
21 tion filed pursuant to or required by this sub-
22 chapter or subchapter II;

23 “(B) has been convicted in any court of an
24 offense involving a tableting machine, encap-
25 sulating machine, a critical part of a tableting

1 machine, or a critical part of an encapsulating
2 machine; or

3 “(C) has committed such acts as would
4 render his registration inconsistent with the
5 public interest.

6 “(2) ORDER.—

7 “(A) IN GENERAL.—Before suspending or
8 revoking a registration to manufacture, import,
9 export, or deal tableting machines, encap-
10 sulating machines, critical parts of tableting
11 machines, or critical parts of encapsulating ma-
12 chines, or pursuant to a denial of registration,
13 the Attorney General shall serve upon the appli-
14 cant or registrant an order to show cause why
15 registration should not be denied, revoked, or
16 suspended.

17 “(B) CONTENTS.—An order to show cause
18 shall contain a statement of the basis for the
19 denial, revocation, or suspension, including spe-
20 cific citations to any laws or regulations alleged
21 to be violated by the applicant or registrant, di-
22 rect the applicant or registrant to appear before
23 the Attorney General at a time and place stated
24 in the order, and notify the applicant or reg-

1 istrant of the opportunity to submit a corrective
2 action plan on or before the date of appearance.

3 “(C) CORRECTIVE ACTION PLAN RE-
4 VIEW.—Upon review of any corrective action
5 plan submitted by an applicant or registrant
6 pursuant to subparagraph (B), the Attorney
7 General shall determine whether denial, revoca-
8 tion, or suspension proceedings should be dis-
9 continued, or deferred for the purposes of modi-
10 fication, amendment, or clarification to such
11 plan.

12 “(D) APPLICABLE LAW.—Proceedings to
13 deny, revoke, or suspend shall be conducted in
14 accordance with subchapter II of chapter 5 of
15 title 5. Such proceedings shall be independent
16 of, and not in lieu of, criminal prosecutions or
17 other proceedings under this subchapter or any
18 other law of the United States.

19 “(E) RELATIONSHIP TO IMMEDIATE SUS-
20 PENSION ORDER.—The requirements of this
21 subsection shall not apply to the issuance of an
22 immediate suspension order under paragraph
23 (3).

24 “(3) SUSPENSION OF REGISTRATION IN CASES
25 OF IMMINENT DANGER.—

1 “(A) IN GENERAL.—The Attorney General
2 may, in the discretion of the Attorney General,
3 suspend any registration simultaneously with
4 the institution of proceedings under this sec-
5 tion, in cases where he finds that there is an
6 imminent danger to the public health or safety.
7 A suspension under this subsection shall con-
8 tinue in effect until the conclusion of such pro-
9 ceedings, including judicial review thereof, un-
10 less sooner withdrawn by the Attorney General
11 or dissolved by a court of competent jurisdic-
12 tion.

13 “(B) IMMINENT DANGER TO THE PUBLIC
14 SAFETY DEFINED.—In this subsection, the
15 phrase ‘imminent danger to the public health or
16 safety’ means that, due to the failure of the
17 registrant to maintain effective controls against
18 diversion or otherwise comply with the obliga-
19 tions of a registrant under this Act, there is a
20 substantial likelihood that a tableting machine,
21 encapsulating machine, critical part of a
22 tableting machine, or critical part of an encap-
23 sulating machine will be used in the illicit man-
24 ufacture of controlled substances and cause
25 death, serious bodily harm, or abuse of a con-

1 trolled substance in the absence of an imme-
2 diate suspension of the registration.

3 “(g) DISPOSITION OF TABLETING MACHINES, EN-
4 CAPSULATING MACHINES, AND CRITICAL PART.—

5 “(1) IN GENERAL.—Upon termination, suspen-
6 sion, or revocation of registration of a registrant, the
7 former registrant may, within 30 days or such addi-
8 tional period designated by the Attorney General for
9 good cause, liquidate any remaining tableting ma-
10 chines, encapsulating machines, critical parts of
11 tableting machines, or critical parts of encapsulating
12 machines by lawfully selling, transferring, or other-
13 wise disposing of the tableting machines, encap-
14 sulating machines, critical parts of a tableting ma-
15 chines, or critical parts of encapsulating machines to
16 a registered manufacturer, importer, exporter, or
17 dealer of tableting machines, encapsulating ma-
18 chines, critical parts of tableting machines, or crit-
19 ical parts of encapsulating machines.

20 “(2) EXCEPTION.—Except for the liquidation of
21 remaining inventory to a registrant within 30 days
22 (or approved period) in accordance with paragraph
23 (1), a former registrant may no longer deal tableting
24 machines, encapsulating machines, critical parts of

1 tableting machines, or critical parts of encapsulating
2 machines.

3 “(h) RECORDS AND REPORTS.—

4 “(1) Every registrant shall maintain, on a cur-
5 rent basis, a complete and accurate record of each
6 tableting machine, encapsulating machine, critical
7 part of a tableting machine, or critical part of an en-
8 capsulating machine possessed, manufactured, re-
9 ceived, imported, exported, sold, distributed, deliv-
10 ered, or destroyed, with such information, and in
11 such form and manner as the Attorney General may
12 by regulations require.

13 “(2) Every registrant shall, at such time or
14 times, with such information, and in such form and
15 manner as the Attorney General may by regulations
16 require, make periodic reports to the Attorney Gen-
17 eral.

18 “(3) Every record required under this section
19 shall be kept and be readily retrievable, for at least
20 10 years, for inspection and copying by officers or
21 employees of the United States authorized by the
22 Attorney General.

23 “(i) REGULATIONS AND FEES.—The Attorney Gen-
24 eral is authorized to promulgate rules and regulations and
25 charge reasonable fees relating to the registration and con-

1 trol of the manufacture, importation, exportation, and
2 dealing of tableting machines, encapsulating machines,
3 critical parts of tableting machines, and critical parts of
4 encapsulating machines. The Attorney General shall by
5 regulation establish which tableting machines, encap-
6 sulating machines, critical parts of tableting machines,
7 and critical parts of encapsulating machines are subject
8 to the registration, recordkeeping, and reporting require-
9 ments under this section, and the form, manner, and in-
10 formation to be maintained and furnished under such re-
11 quirements.

12 “(j) DEFINITIONS.—For the purposes of this section:

13 “(1) DEAL.—The term ‘deal’ means to engage
14 in the business of selling or distributing tableting
15 machines, encapsulating machines, critical parts of
16 tableting machines, or critical parts of encapsulating
17 machines at wholesale or retail.

18 “(2) DELIVERY, DISTRIBUTE, DESTROY, MANU-
19 FACTURE.—The terms ‘deliver’, ‘distribute’, ‘de-
20 stroy’, and ‘manufacture’ have the meanings given
21 such terms in section 310B.

22 “(3) ENGAGED IN THE BUSINESS.—The term
23 ‘engaged in the business’ means devoting time, at-
24 tention, and labor to dealing tableting machines, en-
25 capsulating machines, critical parts of tableting ma-

1 chines, or critical parts of an encapsulating machine
2 as a regular trade or business to predominantly earn
3 a profit through the repetitive purchase and resale.

4 “(k) EFFECTIVE DATE.—This section shall apply be-
5 ginning 120 days after the date of enactment of this sec-
6 tion, except that the Attorney General may by order pub-
7 lished in the Federal Register postpone the effective date
8 of this section for such period as the Attorney General
9 may determine to be necessary for the efficient adminis-
10 tration of this Act.”.

11 **SEC. 7. OFFENSES; PENALTIES.**

12 (a) SERIAL NUMBERS.—

13 (1) PROHIBITED ACTS B—PENALTIES.—Section
14 402(a) of the Controlled Substances Act (21 U.S.C.
15 842(a)) is amended—

16 (A) in paragraph (16), by striking “or” at
17 the end;

18 (B) in paragraph (17), by striking the pe-
19 riod at the end and inserting a semicolon; and

20 (C) by inserting after paragraph (17) the
21 following:

22 “(18) to violate subsection (a) of section 310A;

23 “(19) to refuse or negligently fail to make a re-
24 port under subsection (b) of section 310A;”.

1 (2) PROHIBITED ACTS C—PENALTIES.—Section
2 403 of the Controlled Substances Act (21 U.S.C.
3 843) is amended—

4 (A) in subsection (a), in each of para-
5 graphs (6) and (7), by inserting “critical part
6 of a tableting machine, critical part of an en-
7 capsulating machine,” after “encapsulating ma-
8 chine,”; and

9 (B) by adding at the end the following:

10 “(g) It shall be unlawful to—

11 “(1) intentionally remove, alter, or obliterate
12 any serial number affixed to any tableting machine,
13 encapsulating machine, critical part of a tableting
14 machine, or critical part of an encapsulating ma-
15 chine that is required to have a serial number pursu-
16 ant to subsection (a) of section 310A, if the person
17 removing, altering, or obliterating such serial num-
18 ber knows or has reasonable cause to believe the se-
19 rial number is so required;

20 “(2) transport, ship, receive, or possess any
21 tableting machine, encapsulating machine, critical
22 part of a tableting machine, or critical part of an en-
23 capsulating machine that is required to have a serial
24 number pursuant to subsection (a) of section 310A,
25 if the person transporting, shipping, receiving, or

1 possessing such a machine or critical part thereof
2 knows that the serial number has been removed, ob-
3 literated, or altered, and has reasonable cause to be-
4 lieve the serial number is required pursuant to sub-
5 section (a) of section 310A; or

6 “(3) possess a tableting machine or an encap-
7 sulating machine that is required to have a serial
8 number pursuant to subsection (a) of section 310A,
9 if the person in possession of such machine knows
10 that the machine does not have a serial number, and
11 has reasonable cause to believe the serial number is
12 required pursuant to subsection (a) of section 310A.

13 “(h) In a prosecution for an offense under subsection
14 (g)(3), it is an affirmative defense, as to which the defend-
15 ant has the burden of proof by a preponderance of the
16 evidence, that the person possessed the tableting machine
17 or encapsulating machine on the day before the effective
18 date of this subsection and, not later than 180 days after
19 that date, or for such additional period designated by the
20 Attorney General for good cause, the person—

21 “(1) sold or otherwise transferred the tableting
22 machine or encapsulating machine to a manufac-
23 turer, importer, exporter, or dealer of tableting ma-
24 chines or encapsulating machines that is registered
25 under section 310C(a);

1 “(2) had a serial number engraved, cast, or oth-
2 erwise affixed to a non-removable part of the
3 tableting machine or encapsulating machine by a
4 manufacturer, importer, exporter, or dealer of
5 tableting machines or encapsulating machines that is
6 registered under section 310C(a); or

7 “(3) destroyed the tableting machine or encap-
8 sulating machine.

9 “(i) For purposes of this subsection, the term ‘de-
10 stroy’ has the meaning given such term in section 310B.

11 “(j) Subsection (g) does not apply to a manufacturer,
12 importer, exporter, or dealer of tableting machines or en-
13 capsulating machines that is registered under section
14 310C(a)(1) or exempt from registration pursuant to sec-
15 tion 310C(a)(2). Subsection (g) shall become effective 2
16 years after the date of enactment, except that the Attor-
17 ney General may by order published in the Federal Reg-
18 ister postpone the effective date of subsection (g) for such
19 period as he may determine to be necessary for the effi-
20 cient administration of this Act.”.

21 (b) REGISTRATION OF CERTAIN MACHINES AND
22 PARTS.—Section 402(a) of the Controlled Substances Act
23 (21 U.S.C. 842(a)), as amended by subsection (a), is fur-
24 ther amended by inserting after paragraph (19) the fol-
25 lowing:

1 “(20) to violate subsection (a) or (b) of section
2 310B; or”.

3 (c) REGISTRATION OF MANUFACTURERS, IMPORT-
4 ERS, EXPORTERS, AND DEALERS.—Section 402(a) of the
5 Controlled Substances Act (21 U.S.C. 842(a)), as amend-
6 ed by subsections (a) and (b), is further amended by in-
7 serting after paragraph (20) the following:

8 “(21) to manufacture, import, export, or deal a
9 tableting machine, encapsulating machine, critical
10 part of a tableting machine, or critical part of an en-
11 capsulating machine without a registration required
12 by section 310C, except as specified in subsection
13 (g)(1) of such section.”.

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