



**U. S. Department of Justice
Drug Enforcement Administration**

www.dea.gov

Springfield, Virginia 22152

FEB 04 2016

The Honorable Katherine M. Clark
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Clark:

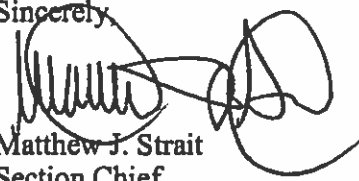
This responds to your letter to Acting Administrator Chuck Rosenberg dated November 9, 2015, requesting that the Drug Enforcement Administration (DEA) clarify its existing regulations as to the extent to which pharmacists may partially fill prescriptions for Schedule II controlled substances and, if necessary, amend these regulations to permit these partial fillings in a greater number of circumstances. We are sending identical responses to the other Members who joined in your letter.

As you know, 21 C.F.R. § 1306.13(a), states that "The partial filling of a prescription for a controlled substance listed in Schedule II is permissible if the pharmacist is unable to supply the full quantity called for in a written or emergency oral prescription and he makes a notation of the quantity supplied on the face of the written prescription, written record of the emergency oral prescription, or in the electronic prescription record. The remaining portion of the prescription may be filled within 72 hours of the first partial filling; however, if the remaining portion is not or cannot be filled within the 72 hour period, the pharmacist shall notify the prescribing individual practitioner. No further quantity may be supplied beyond 72 hours without a new prescription."

The DEA acknowledges and shares your concerns about reducing the availability of unused prescription drugs in the medicine cabinets of Americans and appreciates the importance of the issue you raised. The DEA also acknowledges that 21 C.F.R. § 1306.13(a) may need to be amended and will take your recommendations under advisement when examining this regulation.

I trust this information will assist you in your examination of this issue. If I may be of further assistance to you in this matter, please do not hesitate to contact me.

Sincerely,



Matthew J. Strait
Section Chief
Congressional Affairs Section