



U. S. Department of Justice
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, Virginia 22152

www.dea.gov

APR 29 2015

Richard D. Collins
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Mineola, New York 11501

Dear Mr. Collins:

This is in response to your letter dated December 19, 2014, to the Drug Enforcement Administration (DEA). You requested guidance as to how persons are to dispose of their inventories of “prohormones” which were placed into Schedule III of the Controlled Substances Act (CSA) by the Designer Anabolic Steroid Control Act of 2014 (DASCA) (Pub. L. 113-260). The DEA appreciates the opportunity to address your concerns.

The DEA may not provide private individuals or their representatives with legal advice or opinions on an individualized basis. Under the Administrative Procedure Act (APA), federal agencies are required to make available to the public, through publication in the Federal Register, “substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency.” Title 5, United States Code, Section 552(a)(1)(D) (5 U.S.C. § 552(a)(1)(D)). Inherent in this APA requirement is a basic principle of fairness, under which an agency may not provide legal guidance to certain individuals to the exclusion of others. Further, attempting to provide a definitive legal opinion in response to a registrant’s description of activities or practices can be misconstrued if the registrant’s actual activities deviate from such description. The DEA’s response to your inquiry must be limited to reiterating the pertinent provisions of the law, regulations, or other publicly disseminated documents issued by the DEA.

The CSA and its implementing regulations established a closed system of distribution that requires individuals that handle controlled substances to be either registered with the DEA or specifically exempt from registration. 21 U.S.C. § 822(a) and Title 21, Code of Federal Regulations, § 1301.11(a) (21 C.F.R. § 1301.11(a)).

Persons in possession of Schedule III controlled substances (such as “prohormones”) as a result of the new Designer Anabolic Steroid Control Act of 2014 must either become registered with the DEA or contact local law enforcement or their local DEA office for guidance on proper disposal procedures.

For information regarding the DEA Office of Diversion Control, please visit www.DEAdiversion.usdoj.gov. If you have additional questions on this issue, please contact the Office of Diversion Control Liaison and Policy Section at (202) 307-7297.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ruth A. Carter', with a stylized flourish at the end.

Ruth A. Carter, Chief
Liaison and Policy Section
Office of Diversion Control