



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

www.dea.gov

DEA Registered Distributors
DEA Registered Manufacturers

Dear DEA Registered Distributors and Manufacturers:

Following the nationwide public health emergency declared by the Secretary of Health and Human Services on January 31, 2020, as a result of the Coronavirus Disease 2019 (COVID-19), the Drug Enforcement Administration (DEA) has learned that some Narcotic Treatment Programs (NTPs)¹ are concerned about signing an invoice for narcotics at the time of delivery, as is required by DEA regulation.

The pertinent DEA regulation (21 CFR 1301.74(h)) states:

The acceptance of delivery of narcotic substances by a narcotic treatment program shall be made only by a licensed practitioner employed at the facility or other authorized individuals designated in writing. At the time of delivery, the licensed practitioner or other authorized individual designated in writing (excluding persons currently or previously dependent on narcotic drugs), shall sign for the narcotics and place his specific title (if any) on any invoice. Copies of these signed invoices shall be kept by the distributor.

The DEA Administrator is permitted by 21 CFR 1307.03 to grant an exception to the application of any provision in 21 CFR Chapter II. This authority has been re-delegated to the Assistant Administrator of the Diversion Control Division. In light of the public health emergency, DEA recognizes that signing an invoice at the time of delivery may undermine current public health efforts to combat the spread of COVID-19. In order to allow NTP personnel the ability to comply with recommended basic protective measures and social distancing guidelines for the duration of this public health emergency, DEA is **granting** an exception to the provision of 21 CFR 1301.74(h) that normally requires the licensed practitioner or other authorized individual to sign an invoice at the time of delivery, provided all of the following conditions are met:

- The distributor has obtained the name and title, if any, of the NTP's licensed practitioner or other authorized individual accepting the delivery of the narcotics on behalf of the NTP and maintains a record of this information.
- The person making the delivery on behalf of the distributor witnesses and confirms that the

¹ The Controlled Substances Act (CSA) and DEA regulations use the terms "narcotic treatment" and "narcotic treatment program." 21 U.S.C. 823(g) and 21 CFR 1300.01. Regulations issued by the Department of Health and Human Services use the term "opioid treatment program" or "OTP" to refer to the same type of entity. 42 CFR 8.2.

foregoing individual has taken physical possession of the narcotic drugs.

- After the delivery of the narcotic drugs to the NTP has been made (rather than at the time of delivery), a licensed practitioner employed by the NTP or other authorized individual designated in writing signs the invoice confirming receipt of the narcotics and places his/her specific title (if any) on the invoice.
- Within seven (7) days after delivery of the narcotics to the NTP, the NTP returns the signed invoice to the distributor in one of the following ways: sending a hard copy by regular mail or courier; sending a copy by fax; scanning a copy and sending the image file by email, text, or other electronic means.
- The distributor maintains as part of its records the signed copy received from the NTP.
- If the distributor does not receive a signed copy within this timeframe, it shall notify its local DEA office.

This exception is granted from April 10, 2020 through the duration of this public health emergency as declared by the Secretary of HHS, unless rescinded earlier by DEA.

We hope this information is helpful. For information regarding DEA's Diversion Control Division please visit www.DEAdiversion.usdoj.gov. Please contact the Diversion Control Division, Policy Section at (571) 362-3260 if you seek additional assistance regarding this or any other matter.

Sincerely,

William T. McDermott
Assistant Administrator,
Diversion Control Division.

DEA083 – April 10, 2020