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## **Title 21 – Food and Drugs**

### **Chapter II – Drug Enforcement Administration, Department of Justice**

#### **Part 1303 – Quotas**

##### **General Information**

**Authority:** 21 U.S.C. 821, 826, 871(b).

##### **§ 1303.05 Estimation of Diversion.**

- (a) In establishing any quota under the sections in this part for a covered controlled substance, the Administrator shall estimate the amount of diversion of the covered controlled substance that occurs in the United States.
- (b) In estimating diversion under the sections in this part, the Administrator:
  - (1) Shall consider information the Administrator, in consultation with the Secretary of Health and Human Services, determines reliable on rates of overdose deaths and abuse and overall public health impact related to the covered controlled substance in the United States; and
  - (2) May take into consideration whatever other sources of information the Administrator determines reliable.
- (c) After estimating the amount of diversion of a covered controlled substance, the Administrator shall make appropriate quota reductions, as determined by the Administrator, from the quota the Administrator would have otherwise established had such diversion not been considered.
- (d) For purposes of this Part, the term “covered controlled substances” refers to fentanyl, oxycodone, hydrocodone, oxymorphone, and hydromorphone.

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