

Drug Enforcement Administration
Diversion Control Division
Guidance Document

Title: Reporting Controlled Substance Breakage, Spillage, and/or Damage to DEA

Summary: This guidance document addresses the question of whether controlled substances that are broken and/or spilled at a DEA registrant's registered location need to be reported to DEA.

Activity: Reporting Breakage, Spillage, and/or Damage of Controlled Substances

To Whom it Applies: DEA Registrants

Question: Do controlled substances that are broken, spilled, and/or damaged need to be reported to the Drug Enforcement Administration (DEA)?

Answer: While neither the Controlled Substances Act nor DEA's regulations specifically address reporting the breakage and/or spillage of a controlled substance, on August 12, 2005, DEA published in the Federal Register (FR) a Final Rule, *Reports by Registrants of Theft or Significant Loss of Controlled Substances*, [70 FR 47094](#). In that rule, DEA remarked that previous guidance on the topic, given in a July 8, 2003 Notice of Proposed Rulemaking and Guidance Document, *Reports by Registrants of Theft or Significant Loss of Controlled Substances*, [68 FR 40576](#), was adequate and sufficiently clear: the witnessed breakage or spillage of a controlled substance does not constitute a loss of controlled substances because the registrant can account for the controlled substances; these types of incidents do not require notification to DEA. [70 FR 47096](#); *see also* [68 FR 40578](#). DEA also stated that registrants "should continue to employ common sense, good faith approaches to their reporting and recordkeeping obligations in the case of breakage and spillage." [70 FR 47096](#). DEA registrants are also reminded of their recordkeeping obligations with respect to controlled substances that are disposed of by destruction. *See* [21 CFR 1304.22\(a\)\(2\)\(ix\)](#).

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or Department policies.

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