

**§ 101-48.202**

**41 CFR Ch. 101 (7-1-05 Edition)**

**§ 101-48.202 Donation of forfeited drug paraphernalia.**

(a) Forfeited drug paraphernalia for which there is no Federal utilization may be made available through State agencies, at the discretion of GSA, to State and local governments for law enforcement or educational purposes only. Donations will be made in accordance with part 101-44, except as otherwise provided in this subpart 101-48.2.

(b) All transfers of drug paraphernalia to the State agencies for donation to State and local governments shall be accomplished by use of SF 123, Transfer Order Surplus Personal Property (see §101-44.4901-123). The SF 123 shall be accompanied by a letter of justification, signed and dated by the authorized representative of the proposed donee, setting forth a detailed plan of utilization for the property and certifying that the donee will comply with all Federal State, and local laws, regulations, ordinances, and requirements governing use of the property. The SF 123, with the letter of justification, shall be submitted for approval to the General Services Administration, Property Management Division (FBP), Washington, DC 20406.

(c) A State agency shall not pick up or store drug paraphernalia in its distribution centers. This property shall be released from the holding agency directly to the designated donee.

[56 FR 40262, Aug. 14, 1991]

**Subpart 101-48.3—Disposal of Abandoned and Forfeited Personal Property**

**§ 101-48.300 Scope of subpart.**

This subpart 101-48.3 prescribes the policies and methods governing the disposal of abandoned or other unclaimed, voluntarily abandoned, or forfeited personal property which may come into the custody or control of any Federal agency in the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Virgin Islands. Property in this category located elsewhere shall be disposed of under the regulations of the agency having custody thereof.

**§ 101-48.301 General.**

Any property in the custody of a Federal agency which is not desired for retention by that agency nor utilized within any Federal agency in accordance with subpart 101-48.1 nor donated in accordance with subpart 101-48.2 shall be disposed of in accordance with the provisions of this subpart 101-48.3

**§ 101-48.302 Distilled spirits, wine, and malt beverages.**

(a) Distilled spirits, wine, and malt beverages (as defined in §101-48.001) which are not required to be reported under §101-48.101-5(c)(4) shall be destroyed as prescribed in §101-48.302(b); distilled spirits, wine, and malt beverages which are not required to be reported under §101-48.101-5(c)(5) and which have not been donated as prescribed in subpart 101-48.2 shall be destroyed in like manner.

(b) When reportable abandoned or forfeited distilled spirits, wine, and malt beverages are not retained by the holding agency, transferred to another agency, or donated to an eligible eleemosynary institution by GSA, the GSA National Capital Region will issue clearance to the agency which submitted the report as prescribed by §101-48.101-5 for destruction of the distilled spirits, wine, and malt beverages. A record of the destruction showing time, place, and nomenclature and quantities destroyed shall be filed with papers and documents relating to the abandonment or forfeiture.

[42 FR 55813, Oct. 19, 1977, as amended at 56 FR 40262, Aug. 14, 1991]

**§ 101-48.303 Firearms.**

Abandoned or forfeited firearms or voluntarily abandoned firearms shall not be sold as firearms. They may be disposed of by sale as scrap in the manner prescribed in §101-45.309-4.

**§ 101-48.304 Drug paraphernalia.**

(a) When forfeited drug paraphernalia is neither utilized within any Federal agency in accordance with subpart 101-48.1 nor donated in accordance with subpart 101-48.2, GSA will issue clearance to the reporting agency to destroy the items. The destruction shall be performed by an employee of the holding