

110TH CONGRESS
1ST SESSION

H. R. 970

To amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2007

Mr. UPTON (for himself and Mr. LARSEN of Washington) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dextromethorphan
5 Distribution Act of 2007”.

6 **SEC. 2. RESTRICTIONS ON DISTRIBUTION OF BULK**
7 **DEXTROMETHORPHAN.**

8 The Federal Food, Drug, and Cosmetic Act (21
9 U.S.C. 321 et seq.) is amended—

1 (1) in section 501, by inserting at the end the
2 following:

3 “(j) If it is unfinished dextromethophan and is pos-
4 sessed, received, or distributed in violation of section
5 506D.”; and

6 (2) by inserting after section 506C the fol-
7 lowing:

8 **“SEC. 506D. RESTRICTIONS ON DISTRIBUTION OF BULK**
9 **DEXTROMETHORPHAN.**

10 “(a) RESTRICTIONS.—No person shall—

11 “(1) possess or receive unfinished dextrometh-
12 orphan, unless the person is registered under section
13 510; or

14 “(2) distribute unfinished dextromethorphan to
15 any person other than a person registered under sec-
16 tion 510.

17 “(b) EXCEPTION FOR COMMON CARRIERS.—This
18 section does not apply to a common carrier that possesses,
19 receives, or distributes unfinished dextromethorphan for
20 purposes of distributing such unfinished dextrometh-
21 orphan between persons registered under section 510.

22 “(c) DEFINITIONS.—In this section:

23 “(1) The term ‘common carrier’ means any per-
24 son that holds itself out to the general public as a
25 provider for hire of the transportation by water,

1 land, or air of merchandise, whether or not the per-
2 son actually operates the vessel, vehicle, or aircraft
3 by which the transportation is provided, between a
4 port or place and a port or place in the United
5 States.

6 “(2) The term ‘unfinished dextromethorphan’
7 means dextromethorphan that is not contained in a
8 drug that is in finished dosage form.”.

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