

111TH CONGRESS
1ST SESSION

S. 258

To amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2009

Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, and Mr. BAYH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

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 “Saving Kids From
5 Dangerous Drugs Act of 2009”.

6 **SEC. 2. OFFENSES INVOLVING CONTROLLED SUBSTANCES**
7 **MARKETED TO MINORS.**

8 Section 401 of the Controlled Substances Act (21
9 U.S.C. 841) is amended by adding at the end the fol-
10 lowing:

1 “(h) OFFENSES INVOLVING CONTROLLED SUB-
2 STANCES MARKETED TO MINORS.—

3 “(1) UNLAWFUL ACTS.—Except as authorized
4 under this title, including paragraph (3), it shall be
5 unlawful for any person at least 18 years of age to
6 knowingly or intentionally manufacture, create, dis-
7 tribute, dispense, or possess with intent to manufac-
8 ture, create, distribute, or dispense, a controlled sub-
9 stance listed in schedule I or II that is—

10 “(A) combined with a candy product;

11 “(B) marketed or packaged to appear simi-
12 lar to a candy product; or

13 “(C) modified by flavoring or coloring the
14 controlled substance with the intent to dis-
15 tribute, dispense, or sell the controlled sub-
16 stance to a person under 21 years of age.

17 “(2) PENALTIES.—Except as provided in sec-
18 tion 418, 419, or 420, any person who violates para-
19 graph (1) of this subsection shall be subject to—

20 “(A) 2 times the maximum punishment
21 and at least 2 times any term of supervised re-
22 lease authorized by subsection (b) of this sec-
23 tion for a first offense involving the same con-
24 trolled substance and schedule; and

1 “(B) 3 times the maximum punishment
2 and at least 3 times any term of supervised re-
3 lease authorized by subsection (b) of this sec-
4 tion for a second or subsequent offense involv-
5 ing the same controlled substance and schedule.

6 “(3) EXCEPTIONS.—Paragraph (1) shall not
7 apply to any controlled substance that—

8 “(A) has been approved by the Secretary
9 under section 505 of the Federal Food, Drug,
10 and Cosmetic Act (21 U.S.C. 355), if the con-
11 tents, marketing, and packaging of the con-
12 trolled substance have not been altered from the
13 form approved by the Secretary; or

14 “(B) has been altered at the direction of a
15 practitioner who is acting for a legitimate med-
16 ical purpose in the usual course of professional
17 practice.”.

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