

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.”.

○