

109TH CONGRESS
1ST SESSION

H. R. 2600

To amend the Federal Food, Drug, and Cosmetic Act with respect to the sale or trade of prescription drugs that were knowingly caused to be adulterated or misbranded, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2005

Mr. SHAW 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 sale or trade of prescription drugs that were knowingly caused to be adulterated or misbranded, 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 “Prescription Drug

5 Tampering Prevention Act of 2005”.

1 **SEC. 2. SALE OR TRADE OF PRESCRIPTION DRUGS KNOW-**
2 **INGLY CAUSED TO BE ADULTERATED OR MIS-**
3 **BRANDED; KNOWING PURCHASE OR TRADE.**

4 Section 303(a) of the Federal Food, Drug, and Cosmetic
5 Act (21 U.S.C. 333(a)) is amended by adding at
6 the end the following paragraph:

7 “(3) Notwithstanding paragraph (1) or (2), in the
8 case of a person who violates section 301(a), 301(b), or
9 301(c) with respect to a drug that is subject to section
10 503(b)(1)(B), if the person knowingly caused the drug to
11 be adulterated or misbranded and sells or trades the drug,
12 or the person purchases or trades for the drug knowing
13 or having reason to know that the drug was knowingly
14 caused to be adulterated or misbranded, the person shall
15 be fined in accordance with title 18, United States Code,
16 or imprisoned for any term of years or for life, or both.”.

17 **SEC. 3. OTHER CRIMINAL PENALTIES; CLARIFICATION RE-**
18 **GARDING FINES.**

19 Section 303 of the Federal Food, Drug, and Cosmetic
20 Act (21 U.S.C. 333(a)) is amended—

21 (1) in subsection (a)—
22 (A) in paragraph (1), by striking “shall be
23 imprisoned” and all that follows and inserting
24 the following: “shall be fined in accordance with
25 title 18, United States Code, or imprisoned not
26 more than one year, or both.”; and

1 (B) in paragraph (2), by striking “shall be
2 imprisoned” and all that follows and inserting
3 the following: “shall be fined in accordance with
4 title 18, United States Code, or imprisoned not
5 more than three years, or both.”; and
6 (2) in subsection (b)(1), in the matter after and
7 below subparagraph (D), by striking “shall be im-
8 prisoned” and all that follows and inserting the fol-
9 lowing: “shall be fined in accordance with title 18,
10 United States Code, or imprisoned not more than 10
11 years, or both.”.

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