

110TH CONGRESS  
1ST SESSION

# H. R. 780

To amend the Federal Food, Drug, and Cosmetic Act with respect to counterfeit drugs, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2007

Mr. ROGERS of Michigan (for himself and Mr. GENE GREEN of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To amend the Federal Food, Drug, and Cosmetic Act with respect to counterfeit drugs, 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 “Counterfeit Drug Pre-

5       vention Act of 2007”.

**1 SEC. 2. PENALTIES REGARDING COUNTERFEIT DRUGS.**

2       Section 303(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended by adding at 3 the end the following paragraph:

5       “(3) Notwithstanding paragraph (1) or (2), any person 6 who engages in any conduct described in section 7 301(i)(2) knowing that the conduct concerns the rendering 8 of a drug as a counterfeit drug, or who engages in conduct 9 described in section 301(i)(3) knowing that the conduct 10 will cause a drug to be a counterfeit drug or knowing that 11 a drug held, sold, or dispensed is a counterfeit drug, shall 12 be fined in accordance with title 18, United States Code, 13 or imprisoned not more than 20 years, or both, except that 14 if the use of the counterfeit drug by a consumer is the 15 proximate cause of the death of the consumer, the term 16 of imprisonment shall be any term of years or for life.”.

**17 SEC. 3. OTHER CRIMINAL PENALTIES; CLARIFICATION REGARDING 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

7 (A) in paragraph (1), in the matter after  
8 and below subparagraph (D), by striking “shall  
9 be imprisoned” and all that follows an inserting  
10 the following: “shall be fined in accordance with  
11 title 18, United States Code, or imprisoned not  
12 more than 10 years, or both.”; and  
13 (B) in paragraph (6), by striking “shall be  
14 imprisoned” and all that follows and inserting  
15 the following: “shall be fined in accordance with  
16 title 18, United States Code, or imprisoned not  
17 more than 10 years, or both.”.