

Calendar No. 908

110TH CONGRESS
2D SESSION

S. 1211

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

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2007

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

JULY 29 (legislative day, JULY 28), 2008

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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 Dan-
5 gerous Drugs Act of 2007”.

1 **SEC. 2. SENTENCING ENHANCEMENTS FOR MARKETING**
2 **CONTROLLED SUBSTANCES TO MINORS.**

3 Section 418 of the Controlled Substances Act (21
4 U.S.C. 859) is amended—

5 (1) in the section heading, by adding at the end
6 the following: “; MARKETING TO MINORS”;

7 (2) in subsection (a), by inserting after “twen-
8 ty-one years of age” the following: “; or who manu-
9 factures, creates, distributes, or possesses with in-
10 tent to distribute a controlled substance that is fla-
11 vored, colored, packaged, or otherwise altered in a
12 way that is designed to make that controlled sub-
13 stance more appealing to a person under twenty-one
14 years of age; or who attempts or conspires to do
15 so,”; and

16 (3) in subsection (b), by inserting after “twen-
17 ty-one years of age” the following: “; or who manu-
18 factures, creates, distributes, or possesses with in-
19 tent to distribute a controlled substance that is fla-
20 vored, colored, packaged, or otherwise altered in a
21 way that is designed to make that controlled sub-
22 stance more appealing to a person under twenty-one
23 years of age; or who attempts or conspires to do
24 so.”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Saving Kids from Dan-*
 3 *gerous Drugs Act of 2008”.*

4 **SEC. 2. OFFENSES INVOLVING CONTROLLED SUBSTANCES**
 5 **MARKETED TO MINORS.**

6 *Section 401 of the Controlled Substances Act (21*
 7 *U.S.C. 841) is amended by adding at the end the following:*

8 *“(h) OFFENSES INVOLVING CONTROLLED SUBSTANCES*
 9 *MARKETED TO MINORS.—*

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

17 *“(A) combined with a candy product;*

18 *“(B) marketed or packaged to appear simi-*
 19 *lar to a candy product; or*

20 *“(C) modified by flavoring or coloring the*
 21 *controlled substance with the intent to distribute,*
 22 *dispense, or sell the controlled substance to a per-*
 23 *son under 21 years of age.*

24 *“(2) PENALTIES.—*

25 *“(A) IN GENERAL.—Except as provided in*
 26 *section 418, 419, or 420, any person who violates*

1 paragraph (1) of this subsection shall be subject
2 to—

3 “(i) 2 times the maximum punishment
4 and at least 2 times any term of supervised
5 release authorized by subsection (b) of this
6 section for a first offense involving the same
7 controlled substance and schedule; and

8 “(ii) 3 times the maximum punish-
9 ment and at least 3 times any term of su-
10 pervised release authorized by subsection (b)
11 of this section for a second or subsequent of-
12 fense involving the same controlled sub-
13 stance and schedule.

14 “(B) *MINIMUM SENTENCES.*—Except to the
15 extent a greater minimum sentence is otherwise
16 provided under subsection (b), a term of impris-
17 onment under this subsection shall be not less
18 than one year. This subparagraph shall not
19 apply to any offense involving 5 grams or less of
20 marihuana.

21 “(3) *EXCEPTIONS.*—Paragraph (1) shall not
22 apply to any controlled substance that—

23 “(A) has been approved by the Secretary
24 under section 505 of the Federal Food, Drug,
25 and Cosmetic Act (21 U.S.C. 355), if the con-

1 *tents, marketing, and packaging of the controlled*
2 *substance have not been altered from the form*
3 *approved by the Secretary; or*

4 *“(B) has been altered at the direction of a*
5 *practitioner who is acting for a legitimate med-*
6 *ical purpose in the usual course of professional*
7 *practice.”.*

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