

112TH CONGRESS  
1ST SESSION

# S. 513

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

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IN THE SENATE OF THE UNITED STATES

MARCH 8, 2011

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

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## 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 2011”.

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 or create,  
7       with intent to manufacture, create, distribute, or  
8       dispense, a controlled substance listed in schedule I  
9       or II that is—

10           “(A) combined with a beverage or candy  
11       product;

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

14           “(C) modified by flavoring or coloring the  
15       controlled substance with the intent to dis-  
16       tribute, dispense, or sell the controlled sub-  
17       stance to a person under 18 years of age.

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

21           “(A) an additional term of imprisonment  
22       of not to exceed 10 years for a first offense in-  
23       volving the same controlled substance and  
24       schedule; and

1           “(B) an additional term of imprisonment  
2           of not to exceed 20 years for a second or subse-  
3           quent offense involving the same controlled sub-  
4           stance and schedule.

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

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

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

17 **SEC. 3. SENTENCING GUIDELINES.**

18          Pursuant to its authority under section 994 of title  
19 28, United States Code, and in accordance with this sec-  
20 tion, the United States Sentencing Commission shall re-  
21 view its guidelines and policy statements to ensure that  
22 the guidelines provide an appropriate additional penalty  
23 increase to the sentence otherwise applicable in Part D  
24 of the Guidelines Manual if the defendant was convicted

1 of a violation of section 401(h) of the Controlled Sub-  
2 stances act, as added by section 2 of this Act.

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