

113TH CONGRESS  
2D SESSION

# S. 2012

To amend the Controlled Substances Act to more effectively regulate anabolic steroids.

---

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2014

Mr. WHITEHOUSE (for himself and Mr. HATCH) 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 more effectively regulate anabolic steroids.

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 “Designer Anabolic  
5 Steroid Control Act of 2014”.

6 **SEC. 2. AMENDMENTS TO THE CONTROLLED SUBSTANCES**  
7 **ACT.**

8 (a) DEFINITIONS.—Section 102(41) of the Controlled  
9 Substances Act (21 U.S.C. 802(41)) is amended—

10 (1) in subparagraph (A)—

1 (A) in clause (xlix), by striking “and” at  
2 the end;

3 (B) by redesignating clause (xlx) as clause  
4 (lxxvii); and

5 (C) by inserting after clause (xlix) the fol-  
6 lowing:

7 “(l)  $5\alpha$ -Androstan-3,6,17-trione;

8 “(li) Androst-4-ene-3,6,17-trione;

9 “(lii) Androsta-1,4,6-triene-3,17-  
10 dione;

11 “(liii) 6-bromo-androstan-3,17-dione;

12 “(liv) 6-bromo-androsta-1,4-diene-  
13 3,17-dione;

14 “(lv) 4-chloro-17 $\alpha$ -methyl-androsta-  
15 1,4-diene-3,17 $\beta$ -diol;

16 “(lvi) 4-chloro-17 $\alpha$ -methyl-androst-4-  
17 ene-3 $\beta$ ,17 $\beta$ -diol;

18 “(lvii) 4-chloro-17 $\alpha$ -methyl-17 $\beta$ -hy-  
19 droxy-androst-4-en-3-one;

20 “(lviii) 4-chloro-17 $\alpha$ -methyl-17 $\beta$ -hy-  
21 droxy-androst-4-ene-3,11-dione;

22 “(lix) 4-chloro-17 $\alpha$ -methyl-androsta-  
23 1,4-diene-3,17 $\beta$ -diol;

24 “(lx) 2 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxy-  
25 5 $\alpha$ -androstan-3-one;

- 1 “(lxi)  $2\alpha,17\alpha$ -dimethyl- $17\beta$ -hydroxy-
- 2  $5\beta$ -androstan-3-one;
- 3 “(lxii)  $2\alpha,3\alpha$ -epithio- $17\alpha$ -methyl- $5\alpha$ -
- 4 androstan- $17\beta$ -ol;
- 5 “(lxiii) [3,2-c]-furazan- $5\alpha$ -androstan-
- 6  $17\beta$ -ol;
- 7 “(lxiv)  $3\beta$ -hydroxy-estra-4,9,11-trien-
- 8 17-one;
- 9 “(lxv)  $17\alpha$ -methyl-androst-2-ene-
- 10 3, $17\beta$ -diol;
- 11 “(lxvi)  $17\alpha$ -methyl-androsta-1,4-diene-
- 12 3, $17\beta$ -diol;
- 13 “(lxvii) Estra-4,9,11-triene-3,17-dione;
- 14 “(lxviii) 18a-Homo-3-hydroxy-estra-
- 15 2,5(10)-dien-17-one;
- 16 “(lxix)  $6\alpha$ -Methyl-androst-4-ene-3,17-
- 17 dione;
- 18 “(lxx)  $17\alpha$ -Methyl-androstan-3-
- 19 hydroxyimine- $17\beta$ -ol;
- 20 “(lxxi)  $17\alpha$ -Methyl- $5\alpha$ -androstan- $17\beta$ -
- 21 ol;
- 22 “(lxxii)  $17\beta$ -Hydroxy-androstano[2,3-
- 23 d]isoxazole;
- 24 “(lxxiii)  $17\beta$ -Hydroxy-androstano[3,2-
- 25 c]isoxazole;

1 “(lxxiv) 4-Hydroxy-androst-4-ene-  
 2 3,17-dione[3,2-c]pyrazole-5 $\alpha$ -androstan-  
 3 17 $\beta$ -ol;

4 “(lxxv) [3,2-c]pyrazole-androst-4-en-  
 5 17 $\beta$ -ol;

6 “(lxxvi) [3,2-c]pyrazole-5 $\alpha$ -androstan-  
 7 17 $\beta$ -ol; and”;

8 (2) by adding at the end the following:

9 “(C)(i) Subject to clause (ii) and the limi-  
 10 tations under section 201(i)(6), a drug or hor-  
 11 monal substance (other than estrogens,  
 12 progestins, corticosteroids, and dehydroepian-  
 13 drosterone) that is not listed in subparagraph  
 14 (A) and is derived from, or has a chemical  
 15 structure substantially similar to, 1 or more an-  
 16 abolic steroids listed in subparagraph (A) shall  
 17 be considered to be an anabolic steroid for pur-  
 18 poses of this Act if—

19 “(I) the drug or substance has been  
 20 created or manufactured with the intent of  
 21 producing a drug or other substance that  
 22 either—

23 “(aa) promotes muscle growth; or

1 “(bb) otherwise causes a pharma-  
2 cological effect similar to that of tes-  
3 tosterone; or

4 “(II) the drug or substance has been,  
5 or is intended to be, marketed or otherwise  
6 promoted in any manner suggesting that  
7 consuming it will promote muscle growth  
8 or any other pharmacological effect similar  
9 to that of testosterone.

10 “(ii) A substance shall not be considered to  
11 be a drug or hormonal substance for purposes  
12 of this subparagraph if it—

13 “(I) is—

14 “(aa) an herb or other botanical;

15 “(bb) a concentrate, metabolite,  
16 or extract of, or a constituent isolated  
17 directly from, an herb or other botan-  
18 ical; or

19 “(cc) a combination of 2 or more  
20 substances described in item (aa) or  
21 (bb); and

22 “(II) is a dietary ingredient for pur-  
23 poses of the Federal Food, Drug, and Cos-  
24 metic Act (21 U.S.C. 301 et seq.).

1           “(iii) In accordance with section 515(a),  
2           any person claiming the benefit of an exemption  
3           or exception under clause (ii) shall bear the  
4           burden of going forward with the evidence with  
5           respect to such exemption or exception.”.

6           (b) CLASSIFICATION AUTHORITY.—Section 201 of  
7 the Controlled Substances Act (21 U.S.C. 811) is amend-  
8 ed by adding at the end the following:

9           “(i) TEMPORARY AND PERMANENT SCHEDULING OF  
10 RECENTLY EMERGED ANABOLIC STEROIDS.—

11           “(1) The Attorney General may issue a tem-  
12 porary order adding a drug or other substance to  
13 the list of anabolic steroids if the Attorney General  
14 finds that—

15           “(A) the drug or other substance satisfies  
16 the criteria for being considered an anabolic  
17 steroid under section 102(41) but is not listed  
18 in that section or by regulation of the Attorney  
19 General as being an anabolic steroid; and

20           “(B) adding such drug or other substance  
21 to the list of anabolic steroids will assist in pre-  
22 venting the unlawful importation, manufacture,  
23 distribution, or dispensing of such drug or other  
24 substance.

1           “(2) An order issued under paragraph (1) shall  
2           not take effect until 30 days after the date of the  
3           publication by the Attorney General of a notice in  
4           the Federal Register of the intention to issue such  
5           order and the grounds upon which such order is to  
6           be issued. The order shall expire not later than 24  
7           months after the date it becomes effective, except  
8           that the Attorney General may, during the pendency  
9           of proceedings under paragraph (5), extend the tem-  
10          porary scheduling order for up to 6 months.

11           “(3) A temporary scheduling order issued under  
12          paragraph (1) shall be vacated upon the issuance of  
13          a permanent scheduling order under paragraph (5).

14           “(4) An order issued under paragraph (1) is  
15          not subject to judicial review.

16           “(5) The Attorney General may, by rule, issue  
17          a permanent order adding a drug or other substance  
18          to the list of anabolic steroids if such drug or other  
19          substance satisfies the criteria for being considered  
20          an anabolic steroid under section 102(41). Such  
21          rulemaking may be commenced simultaneously with  
22          the issuance of the temporary order issued under  
23          paragraph (1).

24           “(6) If a drug or other substance has not been  
25          temporarily or permanently added to the list of ana-

1       bolic steroids pursuant to this subsection, the drug  
 2       or other substance shall be considered an anabolic  
 3       steroid if in any criminal, civil, or administrative  
 4       proceeding arising under this Act it has been deter-  
 5       mined in such proceeding, based on evidence pre-  
 6       sented in the proceeding, that the substance satisfies  
 7       the criteria for being considered an anabolic steroid  
 8       under paragraph (41)(A), (41)(C)(i), or (41)(C)(ii)  
 9       of section 102.”.

10       (c) LABELING REQUIREMENTS.—

11               (1) IN GENERAL.—The Controlled Substances  
 12       Act is amended by inserting after section 305 (21  
 13       U.S.C. 825) the following:

14       **“SEC. 305A. OFFENSES INVOLVING FALSE LABELING OF AN-**  
 15       **ABOLIC STEROIDS.**

16       “(a) UNLAWFUL ACTS.—

17               “(1) It shall be unlawful—

18                       “(A) to import into the United States or to  
 19               export from the United States;

20                       “(B) to manufacture, distribute, dispense,  
 21               sell, or offer to sell; or

22                       “(C) to possess with intent to manufac-  
 23               ture, distribute, dispense, sell, or offer to sell;  
 24       any anabolic steroid, or any product containing an  
 25       anabolic steroid, unless it bears a label clearly identi-



1       fying any anabolic steroid contained in such steroid  
2       or product by the nomenclature used by the Inter-  
3       national Union of Pure and Applied Chemistry  
4       (IUPAC).

5           “(2) A product that is the subject of an ap-  
6       proved application as described in section 505(b), (i)  
7       or (j) of the Federal Food, Drug, and Cosmetic Act  
8       (21 U.S.C. 355(b), (i), or (j)) is exempt from the  
9       International Union of Pure and Applied Chemistry  
10      nomenclature requirement of this subsection if such  
11      product is labeled in the manner required by the  
12      Federal Food, Drug, and Cosmetic Act.

13      “(b) CRIMINAL PENALTIES.—Any person who vio-  
14      lates subsection (a) knowing, intending, or having reason-  
15      able cause to believe, that the substance or product is an  
16      anabolic steroid, or contains an anabolic steroid, shall be  
17      sentenced to a term of imprisonment of not more than  
18      10 years, a fine not to exceed the greater of that author-  
19      ized in accordance with the provisions of title 18, United  
20      States Code, or \$500,000 if the defendant is an individual  
21      or \$2,500,000 if the defendant is other than an individual,  
22      or both.

23      “(c) CIVIL PENALTIES.—

24           “(1) Any person who violates subsection (a)  
25      shall be subject to a civil penalty as follows:

1           “(A) In the case of an importer, exporter,  
2           manufacturer, or distributor (other than as pro-  
3           vided in subparagraph (B)), up to \$500,000 per  
4           violation. For purposes of this subparagraph, a  
5           violation is defined as each instance of importa-  
6           tion, exportation, manufacturing, or distribu-  
7           tion, and each anabolic steroid or product im-  
8           ported, exported, manufactured, or distributed.

9           “(B) In the case of a sale or offer to sell  
10          at retail, up to \$25,000 per violation. For pur-  
11          poses of this subparagraph, each sale and each  
12          product offered for sale shall be considered a  
13          separate violation. Continued offers to sell by a  
14          person 10 or more days after written notice (in-  
15          cluding through electronic message) to the per-  
16          son by the Attorney General or the Secretary  
17          shall be considered additional violations.

18          “(2) In this subsection, the term ‘product’  
19          means a discrete article, either in bulk or in finished  
20          form prepared for sale. A number of articles, if simi-  
21          larly packaged and bearing identical labels, shall be  
22          considered as one product, but each package size,  
23          form, or differently labeled article shall be consid-  
24          ered a separate product.

1 “(d) IDENTIFICATION AND PUBLICATION OF LIST OF  
2 PRODUCTS CONTAINING ANABOLIC STEROIDS.—

3 “(1) The Attorney General may, in his discre-  
4 tion, collect data and analyze products to determine  
5 whether they contain anabolic steroids and are prop-  
6 erly labeled in accordance with this section. The At-  
7 torney General may publish in the Federal Register  
8 or on the website of the Drug Enforcement Adminis-  
9 tration a list of products that he has determined,  
10 based on substantial evidence, contain an anabolic  
11 steroid and are not labeled in accordance with this  
12 section.

13 “(2) The absence of a product from the list re-  
14 ferred to in paragraph (1) shall not constitute evi-  
15 dence that the product does not contain an anabolic  
16 steroid.”.

17 (2) TABLE OF CONTENTS.—The table of con-  
18 tents for the Comprehensive Drug Abuse Prevention  
19 and Control Act of 1970 is amended by inserting  
20 after the item relating to section 305 the following:

“Sec. 305A. Offenses involving false labeling of anabolic steroids.”.

21 **SEC. 3. SENTENCING COMMISSION GUIDELINES.**

22 The United States Sentencing Commission shall—

23 (1) review and amend the Federal sentencing  
24 guidelines with respect to offenses involving anabolic  
25 steroids, including the offenses under section 305A

1 of the Controlled Substance Act, as added by section  
2 2;

3 (2) amend the Federal sentencing guidelines,  
4 including notes to the drug quantity tables, to pro-  
5 vide clearly that in a case involving an anabolic ster-  
6 oid not in a tablet, capsule, liquid, or other form  
7 where dosage can be readily ascertained (such as a  
8 powder, topical cream, gel, or aerosol), the sentence  
9 shall be determined based on the entire weight of the  
10 mixture or substance;

11 (3) amend the applicable guidelines by desig-  
12 nating quantities of mixture or substance that cor-  
13 respond to a unit so that offenses involving such  
14 forms of anabolic steroids are penalized at least as  
15 severely as offenses involving forms whose dosage  
16 can be readily ascertained; and

17 (4) take such other action as the Commission  
18 considers necessary to carry out this Act and this  
19 section.

20 **SEC. 4. CONGRESSIONAL OVERSIGHT.**

21 The Administrator of the Drug Enforcement Admin-  
22 istration shall report to Congress every 2 years—

23 (1) what anabolic steroids have been scheduled  
24 on a temporary basis under the provisions of this  
25 Act; and

- 1 (2) the findings and conclusions that led to
- 2 such scheduling.

○