

113TH CONGRESS
1ST SESSION

S. 1686

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 12, 2013

Mrs. FEINSTEIN (for herself and Mr. GRASSLEY) 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 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 2013”.

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 “(i) OFFENSES INVOLVING CONTROLLED SUB-
2 STANCES MARKETED TO MINORS.—

3 “(1) UNLAWFUL ACT.—Except as authorized
4 under this title, including paragraph (3), it shall be
5 unlawful for any person at least 18 years of age
6 to—

7 “(A) knowingly or intentionally manufac-
8 ture or create a controlled substance listed in
9 schedule I or II that is—

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

12 “(ii) marketed or packaged to appear
13 similar to a beverage or candy product; or

14 “(iii) modified by flavoring or color-
15 ing; and

16 “(B) know, or have reasonable cause to be-
17 lieve, that the combined, marketed, packaged,
18 or modified controlled substance will be distrib-
19 uted, dispensed, or sold to a person under 18
20 years of age.

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

24 “(A) an additional term of imprisonment
25 of not more than 10 years for a first offense in-

1 volving the same controlled substance and
2 schedule; and

3 “(B) an additional term of imprisonment
4 of not more than 20 years for a second or sub-
5 sequent offense involving the same controlled
6 substance and schedule.

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

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

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

19 **SEC. 3. SENTENCING GUIDELINES.**

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

1 of the Guidelines Manual if the defendant was convicted
2 of a violation of section 401(i) of the Controlled Sub-
3 stances Act, as added by section 2 of this Act.

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