H. R. 1450

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

IN THE HOUSE OF REPRESENTATIVES

March 11, 2009

Mr. Rogers of Michigan (for himself, Mr. Gene Green of Texas, Mr. Buyer, Mr. Upton, and Mr. Burgess) 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 2009".

Section 303(a) of the Federal Food, Drug, and Cos-

1 SEC. 2. PENALTIES REGARDING COUNTERFEIT DRUGS.

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metic Act (21 U.S.C. 333(a)) is amended by adding at
the end the following paragraph:
"(3) Notwithstanding paragraph (1) or (2), any per-
son who engages in any conduct described in section
301(i)(2) knowing that the conduct concerns the rendering
of a drug as a counterfeit drug, or who engages in conduct
described in section 301(i)(3) knowing that the conduct
will cause a drug to be a counterfeit drug or knowing that
a drug held, sold, or dispensed is a counterfeit drug, shall
be fined in accordance with title 18, United States Code,
or imprisoned not more than 20 years, or both, except that
if the use of the counterfeit drug by a consumer is the
proximate cause of the death of the consumer, the term
of imprisonment shall be any term of years or for life.".
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SEC. 3. OTHER CRIMINAL PENALTIES; CLARIFICATION RE-
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SEC. 3. OTHER CRIMINAL PENALTIES; CLARIFICATION REGARDING FINES. Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended— (1) in subsection (a)—
SEC. 3. OTHER CRIMINAL PENALTIES; CLARIFICATION REGARDING FINES. Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended— (1) in subsection (a)— (A) in paragraph (1), by striking "shall be
SEC. 3. OTHER CRIMINAL PENALTIES; CLARIFICATION REGARDING FINES. Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended— (1) in subsection (a)— (A) in paragraph (1), by striking "shall be imprisoned" and all that follows and inserting

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1	(B) in paragraph (2), by striking "shall be
2	imprisoned" and all that follows and inserting
3	the following: "shall be fined in accordance with
4	title 18, United States Code, or imprisoned not
5	more than three years, or both."; and
6	(2) in subsection (b)—
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

(B) in paragraph (6), by striking "shall be imprisoned" and all that follows and inserting the following: "shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both.".

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