II

115TH CONGRESS
1ST SESSION

S. 207

To amend the Controlled Substances Act relating to controlled substance analogues.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2017

Ms. KLOBUCHAR (for herself, Mr. GRAHAM, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. CORNYN, Mr. BLUMENTHAL, Mr. TILLIS, and Mr. WARNER) 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 relating to controlled substance analogues.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Synthetic Abuse and Labeling of Toxic Substances Act of 2017'' or the ''SALTS Act''.

SEC. 2. CONTROLLED SUBSTANCE ANALOGUES.

Section 203 of the Controlled Substances Act (21 U.S.C. 813) is amended—

(1) by striking ''A controlled'' and inserting ''(a) IN GENERAL.—A controlled''; and

(2) by adding at the end the following:

''(b) DETERMINATION.—In determining whether a controlled substance analogue was intended for human consumption under subsection (a), evidence related to the following factors may be considered, along with all other relevant evidence:

''(1) The marketing, advertising, and labeling of the substance.

''(2) The known efficacy or usefulness of the substance for the marketed, advertised, or labeled purpose.

''(3) The difference between the price at which the substance is sold and the price at which the substance it is purported to be or advertised as is normally sold.

''(4) The diversion of the substance from legitimate channels and the clandestine importation, manufacture, or distribution of the substance.

''(5) Whether the defendant knew or should have known the substance was intended to be consumed by injection, inhalation, ingestion, or any other immediate means.

''(c) LIMITATION.—For purposes of this section, the existence of evidence that a substance was not marketed, advertised, or labeled for human consumption shall not preclude the Government from establishing, based on all the evidence, that the substance was intended for human consumption.''.

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