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HOUSE OF REPRESENTATIVES }

REPORT
No. 130

DRUG ABUSE CONTROL AMENDMENTS OF 1965

MARCH 2, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HARRIS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany H.R. 2]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 2) to protect the public health and safety by amending the Federal Food, Drug, and Cosmetic Act to establish special controls for depressant and stimulant drugs, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are a substitute for the text of the bill which is printed in italic type in the bill, as reported, and an amendment to the title which conforms it to the substitute amendment.

PURPOSE OF THE BILL

The bill provides increased controls over the distribution of barbiturates, amphetamines, and other drugs having a similar effect on the central nervous system. The controls are accomplished through increased recordkeeping and inspection requirements, through providing for control over intrastate traffic in these drugs because of its effect on interstate traffic, and through making possession of these drugs (other than by the user) illegal outside of the legitimate channels of commerce. The bill also increases the authority of the Department of Health, Education, and Welfare over counterfeit drugs.

EXTENT OF PROBLEM

Testimony presented at the hearing indicates that over 9 billion barbiturate and amphetamine tablets are produced annually in the United States, of which it is estimated that over 50 percent, or 4½ billion tablets, are distributed through illicit channels.

Testimony indicates that in some communities the proportion of abusers of amphetamines and barbiturates in the total population is

(4) regulation of interstate commerce without the regulation of intrastate commerce in such drugs would discriminate against and adversely affect interstate commerce in such drugs.

SECTION 3. CONTROL OF DEPRESSANT AND STIMULANT DRUGS

Subsection (a) of this section would add a new subsection to section 201 of the Federal Food, Drug, and Cosmetic Act which defines terms for the purposes of that act. This new subsection (v) would define the term "depressant or stimulant drug." As defined, "depressant or stimulant drug" means (1) any drug which contains barbituric acid or its salts or any derivative of barbituric acid which derivative has been designated by the Secretary of Health, Education, and Welfare under section 502(d) of the Federal Food, Drug, and Cosmetic Act as habit forming; (2) any drug which contains amphetamine or any of its optical isomers, or any salts of these, or any substance which the Secretary, by regulation, designates as habit forming because of its stimulant effect on the central nervous system; or (3) any drug which contains any quantity of a substance which the Secretary by regulation designates as having a potential for abuse because of its depressant or stimulant effect on the central nervous system or because of its hallucinogenic effect. Peyote when used in connection with the ceremonies of a bona fide religious organization, and the so-called hard narcotics and marihuana, could not be designated by the Secretary as depressant or stimulant drugs. The hard narcotics and marihuana are regulated under other Federal and State statutes.

Proceedings for the issuance, amendment, or repeal of regulations referred to in clause (2) or (3) of the preceding paragraph would be governed by the provisions of subsections (e) through (g) of section 701 of the Federal Food, Drug, and Cosmetic Act, and by the proposed section 511(g) of that act which would be added to that act by subsection (b) of this section.

The committee considered the advisability of specifically designating meprobamate, glutethimide, ethinamate, ethchlorvynol, methyprylon, and chlordiazepoxide as "depressant or stimulant drugs." It was decided that this should not be done because the Secretary of Health, Education, and Welfare will, under the provisions of proposed section 201(v)(3) of the Federal Food, Drug, and Cosmetic Act, consider designating these drugs as "depressant or stimulant drugs" and that it would be inadvisable to single out these drugs while leaving out others having substantially similar abuse potentials. The committee expects the Secretary to take early action with respect to the consideration of the listing of these six drugs.

Subsection (b) of this section would add a new section 511 to the Federal Food, Drug, and Cosmetic Act. The following is a description of this proposed new section:

SECTION 511. DEPRESSANT AND STIMULANT DRUGS

Subsection (a).—This subsection prohibits the manufacture, compounding, or processing of any depressant or stimulant drug, except