

## LEGISLATIVE HISTORY

### DRUGS—LSD—PENALTIES

*P.L. 90-639, see page 1593*

**House Report (Interstate and Foreign Commerce Committee)  
No. 1546, June 12, 1968 [To accompany H.R. 14096]**

**Senate Report (Labor and Public Works Committee) No. 1609,  
Oct. 2, 1968 [To accompany H.R. 14096]**

**Conference Report No. 1958, Oct. 9, 1968 [To accompany H.R. 14096]  
Cong. Record Vol. 114 (1968)**

### DATES OF CONSIDERATION AND PASSAGE

**House July 12, Oct. 11, 1968**

**Senate Oct. 4, 11, 1968**

**The Senate Report and the Conference Report are set out.**

### SENATE REPORT NO. 1609

**T**HE Committee on Labor and Public Welfare, to which was referred the bill (H.R. 14096) to amend the Federal Food, Drug, and Cosmetic Act to increase the penalties for unlawful acts involving lysergic acid diethylamide (LSD) and other depressant and stimulant drugs, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

### PRINCIPAL PURPOSE OF THE BILL

As reported by the committee, the bill would provide increased penalties for persons trafficking illegally in barbiturates, depressants, amphetamines, and LSD and other hallucinogens, and would make possession of barbiturates, depressants, amphetamines and hallucinogenic drugs illegal, unless the drugs in question were obtained pursuant to a valid prescription. Provision is made for special treatment of first offenders accused of illegal possession of the drugs in question.

Since the provisions of the bill with respect to penalties for possession are intended primarily as an aid to law enforcement agencies, and the other provisions provide increased penalties for acts already made illegal, it is not anticipated that any increased appropriations would be required to carry out the act.

### HISTORY OF LEGISLATION

In 1951, the Congress passed the Durham-Humphrey amendments to the Federal Food, Drug, and Cosmetic Act prohibiting the dispensing without a prescription by a licensed practitioner of drugs which require supervision by a practitioner of their use. At the time there was relatively little illicit traffic in barbiturates and amphetamines, and virtually no illicit use of hallucinogenic drugs subject to the Food and Drug Act.

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Subsequently, the abuse of amphetamines and of barbiturates increased, with widespread abuse of these drugs occurring among the young, who take amphetamines in order to pep themselves up, or barbiturates to slow themselves down. The illicit traffic in these drugs continued to expand to such an extent that the Commissioner of the Food and Drug Administration estimated that approximately one-half of the production nationwide in barbiturates and amphetamines was going into illegal channels. Beginning in the early 1960's, the unusual effects of LSD on the central nervous system began to attract the attention of many young people.

In 1965, this committee reported legislation enacted as Public Law 89-74, known as the Drug Abuse Control Amendments of 1965, which provided for increased recordkeeping and inventory controls over barbiturates, amphetamines, and hallucinogenic drugs subject to the Food and Drug Act, in an attempt to curtail the diversion of these drugs to illicit channels.

Widespread diversions are continuing, and although there appears to have been a decline recently in illegal use of LSD, the abuse of other hallucinogenic drugs appears to be increasing.

The bill reported herewith is intended to curb this illicit traffic, through providing increased penalties for trafficking in these drugs, and by providing, as a tool to aid in the enforcement of the prohibitions against trafficking, penalties for illicit possession of drugs subject to the act.

### **DRUGS SUBJECT TO CONTROLS OF THE BILL**

The Task Force on Narcotics and Drug Abuse of the President's Commission on Law Enforcement and Administration of Justice described the drugs subject to the Drug Abuse Control Amendments of 1965 as follows:

#### **DANGEROUS DRUGS**

The term "dangerous drugs" commonly refers to three classes of non-narcotic drugs that are habit forming or have a potential for abuse because of their stimulant, depressant, or hallucinogenic effect. Central nervous system stimulants and depressants are widely used in medical practice and are not considered dangerous when taken in ordinary therapeutic doses under medical direction. They are available on prescription. Drugs in the hallucinogenic class have yet been proven safe for medical purposes and are not legally available in drugstores. Their sole legitimate use at present is by qualified researchers in connection with investigations reported to and authorized by the Food and Drug Administration. There is an exception in the case of peyote, the use of which is authorized in connection with religious ceremonies of the Native American Church.

#### **THE STIMULANTS**

The most widely used and abused of the stimulants are the amphetamines, which are known generally as pep pills. They bear chemical names such as amphetamine sulfate or dextroamphetamine sulfate and particular nicknames such as "bennies" or "dexies"

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(after trade names of the two drugs). There are dozens of amphetamine preparations on the market. They are prescribed and apparently are medically effective for relief of fatigue, for control of overweight, and in the treatment of mental disorder.

The amphetamines cause wakefulness and have the capacity to elevate mood and to induce a state of well-being and elation.

Tolerance develops with the use of amphetamines. This permits gradual and progressive increases in dosage. Too large a dose or too sudden an increase in dose, however, may produce bizarre mental effects such as delusions or hallucinations. These effects are more likely if the drug is injected intravenously in diluted powder form than if it is taken orally in tablet form. Nervousness and insomnia are milder symptoms of abuse. Physical dependence does not develop.

## THE DEPRESSANTS

The most widely used and abused of the depressant drugs are the barbiturates. These are known generally as goofballs. They have chemical names, such as pentobarbital sodium and secobarbital sodium, and particular nicknames, such as "nimbies" and "seccy" (after trade names of the two drugs). There are more than 25 barbiturates marketed for clinical use. They are apparently useful because of their sedative, hypnotic, or anesthetic actions and are most commonly prescribed to produce sleep and to relieve tension and anxiety.

A person can develop tolerance to barbiturates, enabling him to ingest increasing quantities of the drug up to a limit that varies with the individual. Chronic administration of amounts in excess of the ordinary daily dose will lead to physical dependence, resulting, upon withdrawal of the drug, in a sickness marked at peak intensity by convulsions and a delirium, resembling alcoholic delirium tremens or a major psychotic episode. Excessive doses may also result in impairment of judgment, loss of emotional control, staggering, slurred speech, tremor, and occasionally coma and death. Barbiturates are a major suicidal agent. They are also reported, like the amphetamines, to be implicated in assaultive acts and automobile accidents.

## THE HALLUCINOGENS

Hallucinogenic, or psychedelic, drugs and the controversy that surrounds them have recently aroused the attention of the mass media and the public. This is certainly due in part to the increasing incidence of their use on college campuses. It may also be due to the emergence of new substances, such as LSD, many times more potent than such older hallucinogens as peyote and mescaline. All these drugs have the capacity to produce altered states of consciousness. Generally they are taken orally.

LSD, the most potent of the hallucinogens, is a synthetic drug made by a chemical process; lysergic acid is the main component

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in the chemical conversion. Minute amounts of the drug are capable of producing extreme effects. It is usually deposited on sugar cubes in liquid form, although recently it has been found frequently in pill form. Swallowing such a cube or pill is called taking a trip.

The only legal producer of LSD ceased manufacture in April 1966, and turned over its entire supply of the drug to the Federal Government. A few closely monitored experimental projects involving LSD are still in progress.

Peyote is the hallucinogenic substance obtained from the button-shaped growths of a cactus plant found growing wild in the arid regions of Mexico. Mescaline is a natural alkaloid, which occurs in the same plant. These drugs have appeared in capsule and liquid form and as a powder that can be dissolved in water.

Psilocybin is a substance extracted from a mushroom fungus. It appears in liquid and powder form.

Different degrees of tolerance to the hallucinogens are reported. Physical dependence apparently does not develop.

### **PENALTIES FOR POSSESSION**

In the 1965 Drug Abuse Control Amendments, possession of dangerous drugs for personal use was not made a prohibited act, although possession for purposes of sale or other disposition to another outside of legitimate channels of trade was made a prohibited act, subject to fine and imprisonment.

A number of physicians feel that possession for personal use should be controlled through educational programs, and not through making such possession a criminal offense. This feeling appears to be based generally upon the theory that the adverse effects, particularly on the young, of arrest and prosecution, with the possibility of consequent criminal records, outweigh the adverse effects of drug abuse.

This approach, of course, involves subjective judgments, balancing adverse physical and psychological effects of drug abuse against the psychological effects of fear of arrest, and possible arrest and prosecution. The view that possession should not be a prohibited act is not however a view unanimously held by the medical profession.

In general, law enforcement officers favor making possession of drugs illegally obtained a prohibited act. Not only does the presence of such a penalty in the law operate as a deterrent, penalties for possession serve greatly to aid in law enforcement. It is frequently difficult to obtain evidence sufficient to sustain a successful prosecution against a person trafficking in drugs; however, where the possession of such drugs is illegal, arrests and prosecution for possession can serve to take these traffickers out of circulation and thereby curtail illicit traffic in these drugs.

A further reason for making the possession of dangerous drugs obtained illicitly a prohibited act is to counter the feeling among some young people that abuse of dangerous drugs is not detrimental to them, since there is no penalty for personal abuse.