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

Mrs. FEINSTEIN (for herself and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Saving Kids From Dangerous Drugs Act of 2013”.

SEC. 2. OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the fol-
lowing:
“(i) Offenses Involving Controlled Substances Marketed to Minors.—

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

“(A) knowingly or intentionally manufacture or create a controlled substance listed in schedule I or II that is—

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

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

“(iii) modified by flavoring or coloring; and

“(B) know, or have reasonable cause to believe, that the combined, marketed, packaged, or modified controlled substance will be distributed, dispensed, or sold to a person under 18 years of age.

“(2) Penalties.—Except as provided in section 418, 419, or 420, any person who violates paragraph (1) of this subsection shall be subject to—

“(A) an additional term of imprisonment of not more than 10 years for a first offense in-
volving the same controlled substance and
schedule; and

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

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

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

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

SEC. 3. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title
28, United States Code, and in accordance with this sec-
tion, the United States Sentencing Commission shall re-
view its guidelines and policy statements to ensure that
the guidelines provide an appropriate additional penalty
increase to the sentence otherwise applicable in Part D
of the Guidelines Manual if the defendant was convicted of a violation of section 401(i) of the Controlled Substances Act, as added by section 2 of this Act.