

AMENDMENT
TO RULES COMMITTEE PRINT 117-74
OFFERED BY MR. THORNBERRY OF TEXAS

At the end of the committee print, add the following new section:

1 SEC. 12. CONTROLLED SUBSTANCE ANALOGUES.

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

4 (1) by striking “A controlled” and inserting
5 “(a) IN GENERAL.—A controlled”; and

6 (2) by adding at the end the following:

7 “(b) DETERMINATION.—In determining whether a
8 controlled substance analogue was intended for human
9 consumption under subsection (a), the following factors
10 may be considered, along with any other relevant factors:

11 “(1) The marketing, advertising, and labeling
12 of the substance.

13 “(2) The known efficacy or usefulness of the
14 substance for the marketed, advertised or labeled
15 purpose.

16 “(3) The difference between the price at which
17 the substance is sold and the price at which the sub-

1 stance it is purported to be or advertised as is nor-
2 mally sold.

3 “(4) The diversion of the substance from legiti-
4 mate channels and the clandestine importation, man-
5 ufacture, or distribution of the substance.

6 “(5) Whether the defendant knew or should
7 have known the substance was intended to be con-
8 sumed by injection, inhalation, ingestion, or any
9 other immediate means.

10 “(6) Any controlled substance analogue that is
11 manufactured, formulated, sold, distributed, or mar-
12 keted with the intent to avoid the provisions of exist-
13 ing drug laws.

14 “(c) LIMITATION.—For purposes of this section, evi-
15 dence that a substance was not marketed, advertised, or
16 labeled for human consumption, by itself, shall not be suf-
17 ficient to establish that the substance was not intended
18 for human consumption.”.

