

## Union Calendar No. 234

110TH CONGRESS  
1ST SESSION

# H. R. 970

[Report No. 110-377]

To amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2007

Mr. UPTON (for himself and Mr. LARSEN of Washington) introduced the following bill; which was referred to the Committee on Energy and Commerce

OCTOBER 15, 2007

Additional sponsors: Mr. ENGEL, Mr. GORDON of Tennessee, Ms. ESHOO, Mr. TERRY, Mr. EHLERS, Mrs. BONO, Mr. WALBERG, Mr. HALL of Texas, Mr. MATHESON, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. GENE GREEN of Texas, Mr. AL GREEN of Texas, Mr. LATHAM, Mr. ETHERIDGE, Mr. PICKERING, Mr. PETERSON of Minnesota, Mr. WYNN, Mr. BUTTERFIELD, Mr. ANDREWS, and Mr. WALDEN of Oregon

OCTOBER 15, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Dextromethorphan  
5 Distribution Act of 2007”.

6 **SEC. 2. RESTRICTIONS ON DISTRIBUTION OF BULK**  
7 **DEXTROMETHORPHAN.**

8       The Federal Food, Drug, and Cosmetic Act (21  
9 U.S.C. 321 et seq.) is amended—

10           (1) in section 501, by inserting at the end the  
11 following:

12           “(j) If it is unfinished ~~dextromethorphan~~  
13 *dextromethorphan* and is possessed, received, or distrib-  
14 uted in violation of section 506D.”; and

15           (2) by inserting after section 506C the fol-  
16 lowing:

17 **“SEC. 506D. RESTRICTIONS ON DISTRIBUTION OF BULK**  
18 **DEXTROMETHORPHAN.**

19           “(a) RESTRICTIONS.—No person shall—

20           “(1) possess or receive unfinished dextrometh-  
21 orphan, unless the person is registered under section  
22 510; or

23           “(2) distribute unfinished dextromethorphan to  
24 any person other than a person registered under sec-  
25 tion 510.

1       “(b) EXCEPTION FOR COMMON CARRIERS.—This  
2 section does not apply to a common carrier that possesses,  
3 receives, or distributes unfinished dextromethorphan for  
4 purposes of distributing such unfinished dextrometh-  
5 orphan between persons registered under section 510.

6       “(c) DEFINITIONS.—In this section:

7           “(1) The term ‘common carrier’ means any per-  
8 son that holds itself out to the general public as a  
9 provider for hire of the transportation by water,  
10 land, or air of merchandise, whether or not the per-  
11 son actually operates the vessel, vehicle, or aircraft  
12 by which the transportation is provided, between a  
13 port or place and a port or place in the United  
14 States.

15           “(2) The term ‘unfinished dextromethorphan’  
16 means dextromethorphan that is not contained in a  
17 drug that is in finished dosage form.”.

Union Calendar No. 234

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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