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105TH CONGRESS
2D SESSION

H. R. 4006

To clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide or euthanasia of any individual.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 1998

Mr. HYDE (for himself and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide or euthanasia of any individual.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lethal Drug Abuse Prevention Act of 1998''.

SEC. 2. LETHAL DRUG ABUSE PREVENTION.

(a) DENIAL OF REGISTRATION.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

''(i) DENIAL OF REGISTRATION.—The Attorney General shall determine that registration of an applicant under this section is inconsistent with the public interest if—

''(1) during the 5-year period immediately preceding the date on which the application is submitted under this section, the registration of the applicant under this section was revoked under section 304(a)(4); or

''(2) the Attorney General determines, based on clear and convincing evidence, that the applicant is applying for the registration with the intention of using the registration to take any action that would constitute a violation of section 304(a)(4).''.

(b) SUSPENSION OR REVOCATION OF REGISTRATION.—

(1) IN GENERAL.—Section 304(a) of the Controlled Substances Act (21 U.S.C. 824(a)) is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following:

''(4) has intentionally dispensed or distributed a controlled substance with a purpose of causing, or assisting in causing, the suicide or euthanasia of any individual, except that this paragraph does not apply to the dispensing or distribution of a controlled substance for the purpose of alleviating pain or discomfort (even if the use of the controlled substance may increase the risk of death), so long as the controlled substance is not also dispensed or distributed for the purpose of causing, or assisting in causing, the death of an individual for any reason;''.

(2) CONFORMING AMENDMENT.—Section 304(a)(5) of the Controlled Substances Act (21 U.S.C. 824(a)(5)) (as redesignated by paragraph (1) of this subsection) is amended by inserting ''other'' after ''such''.

(c) PAIN RELIEF.—Section 304(c) of the Controlled Substances Act (21 U.S.C. 824(c)) is amended—

(1) by striking ''(c) Before'' and inserting the following:

''(c) PROCEDURES.—

''(1) ORDER TO SHOW CAUSE.—After any hearing under paragraph (2), and before''; and

(2) by adding at the end the following:

''(2) MEDICAL REVIEW BOARD ON PAIN RELIEF.—

''(A) IN GENERAL.—The Attorney General shall by regulation establish a board to be known as the Medical Review Board on Pain Relief (referred to in this subsection as the 'Board').

''(B) MEMBERSHIP.—The Attorney General shall appoint the members of the Board—

''(i) from among individuals who, by reason of specialized education or substantial relevant experience in pain management, are clinical experts with knowledge regarding standards, practices, and guidelines concerning pain relief; and

''(ii) after consultation with the American Medical Association, the American Academy of Hospice and Palliative Medicine, the National Hospice Organization, the American Geriatrics Society, and such other entities with relevant expertise concerning pain relief, as the Attorney General determines to be appropriate.

''(C) DUTIES OF BOARD.—

''(i) HEARING.—If an applicant or registrant claims that any action (or, in the case of a proposed denial under section 303(i)(2), any potential action) that is a basis of a proposed denial under section 303(i), or a proposed revocation or suspension under subsection (a)(4) of this section, is an appropriate means to relieve pain that does not constitute a violation of subsection (a)(4) of this section, the applicant or registrant may seek a hearing before the Board on that issue.

''(ii) FINDINGS.—Based on a hearing under clause (i), the Board shall make findings regarding whether the action at issue is an appropriate means to relieve pain that does not constitute a violation of subsection (a)(4). The findings of the Board under this clause shall be admissible in any hearing pursuant to an order to show cause under paragraph (1).''.

SEC. 3. CONSTRUCTION.

(a) IN GENERAL.—Nothing in this Act or the amendments made by this Act shall be construed to imply that the dispensing or distribution of a controlled substance be-

fore the date of enactment of this Act for the purpose of causing, or assisting in causing, the suicide or euthanasia of any individual is not a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) INCORPORATED DEFINITIONS.—In this section, the terms ''controlled substance'', ''dispense'', and ''distribute'' have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

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