

110TH CONGRESS
1ST SESSION

H. R. 970

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2007

Received; read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Dextromethorphan
3 Distribution Act of 2007”.

4 **SEC. 2. RESTRICTIONS ON DISTRIBUTION OF BULK**
5 **DEXTROMETHORPHAN.**

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

8 (1) in section 501, by inserting at the end the
9 following:

10 “(j) If it is unfinished dextromethorphan and is pos-
11 sessed, received, or distributed in violation of section
12 506D.”; and

13 (2) by inserting after section 506C the fol-
14 lowing:

15 **“SEC. 506D. RESTRICTIONS ON DISTRIBUTION OF BULK**
16 **DEXTROMETHORPHAN.**

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

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

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

24 “(b) EXCEPTION FOR COMMON CARRIERS.—This
25 section does not apply to a common carrier that possesses,
26 receives, or distributes unfinished dextromethorphan for

1 purposes of distributing such unfinished dextrometh-
2 orphan between persons registered under section 510.

3 “(c) DEFINITIONS.—In this section:

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

12 “(2) The term ‘unfinished dextromethorphan’
13 means dextromethorphan that is not contained in a
14 drug that is in finished dosage form.”.

Passed the House of Representatives October 15,
2007.

Attest:

LORRAINE C. MILLER,

Clerk.