

113TH CONGRESS
2D SESSION

H. R. 4771

To amend the Controlled Substances Act to more effectively regulate anabolic steroids.

IN THE HOUSE OF REPRESENTATIVES

MAY 29, 2014

Mr. PITTS (for himself and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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

A BILL

To amend the Controlled Substances Act to more effectively regulate anabolic steroids.

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 “Designer Anabolic
5 Steroid Control Act of 2014”.

6 **SEC. 2. AMENDMENTS TO THE CONTROLLED SUBSTANCES**

7 **ACT.**

8 (a) DEFINITIONS.—Section 102(41) of the Controlled
9 Substances Act (21 U.S.C. 802(41)) is amended—

1 (1) in subparagraph (A)—

2 (A) in clause (xlix), by striking “and” at
3 the end;

4 (B) by redesignating clause (xlix) as clause
5 (lxxvii); and

6 (C) by inserting after clause (xlix) the fol-
7 lowing:

8 “(l) 5α -Androstan-3,6,17-trione;

9 “(li) Androst-4-ene-3,6,17-trione;

10 “(lii) Androsta-1,4,6-triene-3,17-
11 dione;

12 “(liii) 6-bromo-androstan-3,17-dione;

13 “(liv) 6-bromo-androsta-1,4-diene-
14 3,17-dione;

15 “(lv) 4-chloro- 17α -methyl-androsta-
16 1,4-diene-3,17 β -diol;

17 “(lvi) 4-chloro- 17α -methyl-androst-4-
18 ene-3 β ,17 β -diol;

19 “(lvii) 4-chloro- 17α -methyl-17 β -hy-
20 droxy-androst-4-en-3-one;

21 “(lviii) 4-chloro- 17α -methyl-17 β -hy-
22 droxy-androst-4-ene-3,11-dione;

23 “(lix) 4-chloro- 17α -methyl-androsta-
24 1,4-diene-3,17 β -diol;

- 1 “(lx) 2 α ,17 α -dimethyl-17 β -hydroxy-
2 5 α -androstan-3-one;
3 “(lxi) 2 α ,17 α -dimethyl-17 β -hydroxy-
4 5 β -androstan-3-one;
5 “(lxii) 2 α ,3 α -epithio-17 α -methyl-5 α -
6 androstan-17 β -ol;
7 “(lxiii) [3,2-c]-furazan-5 α -androstan-
8 17 β -ol;
9 “(lxiv) 3 β -hydroxy-estra-4,9,11-trien-
10 17-one;
11 “(lxv) 17 α -methyl-androst-2-ene-
12 3,17 β -diol;
13 “(lxvi) 17 α -methyl-androsta-1,4-diene-
14 3,17 β -diol;
15 “(lxvii) Estra-4,9,11-triene-3,17-dione;
16 “(lxviii) 18a-Homo-3-hydroxy-estra-
17 2,5(10)-dien-17-one;
18 “(lxix) 6 α -Methyl-androst-4-ene-3,17-
19 dione;
20 “(lxx) 17 α -Methyl-androstan-3-
21 hydroxyimine-17 β -ol;
22 “(lxxi) 17 α -Methyl-5 α -androstan-17 β -
23 ol;
24 “(lxxii) 17 β -Hydroxy-androstano[2,3-
25 d]isoxazole;

1 “(lxxiii) 17 β -Hydroxy-androstano[3,2-
2 c]isoxazole;

3 “(lxxiv) 4-Hydroxy-androst-4-ene-
4 3,17-dione[3,2-c]pyrazole-5 α -androstan-
5 17 β -ol;

6 “(lxxv) [3,2-c]pyrazole-androst-4-en-
7 17 β -ol;

8 “(lxxvi) [3,2-c]pyrazole-5 α -androstan-
9 17 β -ol; and”; and

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

11 “(C)(i) Subject to clause (ii) and the limi-
12 tations under section 201(i)(6), a drug or hor-
13 monal substance (other than estrogens,
14 progestins, corticosteroids, and dehydroepian-
15 drosterone) that is not listed in subparagraph
16 (A) and is derived from, or has a chemical
17 structure substantially similar to, 1 or more an-
18 abolic steroids listed in subparagraph (A) shall
19 be considered to be an anabolic steroid for pur-
20 poses of this Act if—

21 “(I) the drug or substance has been
22 created or manufactured with the intent of
23 producing a drug or other substance that
24 either—

25 “(aa) promotes muscle growth; or

1 “(bb) otherwise causes a pharma-
2 cological effect similar to that of tes-
3 tosterone; or

4 “(II) the drug or substance has been,
5 or is intended to be, marketed or otherwise
6 promoted in any manner suggesting that
7 consuming it will promote muscle growth
8 or any other pharmacological effect similar
9 to that of testosterone.

10 “(ii) A substance shall not be considered to
11 be a drug or hormonal substance for purposes
12 of this subparagraph if it—

13 “(I) is—

14 “(aa) an herb or other botanical;

15 “(bb) a concentrate, metabolite,
16 or extract of, or a constituent isolated
17 directly from, an herb or other botan-
18 ical; or

19 “(cc) a combination of 2 or more
20 substances described in item (aa) or
21 (bb); and

22 “(II) is a dietary ingredient for pur-
23 poses of the Federal Food, Drug, and Cos-
24 metic Act (21 U.S.C. 301 et seq.).

1 “(iii) In accordance with section 515(a),
2 any person claiming the benefit of an exemption
3 or exception under clause (ii) shall bear the
4 burden of going forward with the evidence with
5 respect to such exemption or exception.”.

6 (b) CLASSIFICATION AUTHORITY.—Section 201 of
7 the Controlled Substances Act (21 U.S.C. 811) is amend-
8 ed by adding at the end the following:

9 “(i) TEMPORARY AND PERMANENT SCHEDULING OF
10 RECENTLY EMERGED ANABOLIC STEROIDS.—

11 “(1) The Attorney General may issue a tem-
12 porary order adding a drug or other substance to
13 the list of anabolic steroids if the Attorney General
14 finds that—

15 “(A) the drug or other substance satisfies
16 the criteria for being considered an anabolic
17 steroid under section 102(41) but is not listed
18 in that section or by regulation of the Attorney
19 General as being an anabolic steroid; and

20 “(B) adding such drug or other substance
21 to the list of anabolic steroids will assist in pre-
22 venting the unlawful importation, manufacture,
23 distribution, or dispensing of such drug or other
24 substance.

1 “(2) An order issued under paragraph (1) shall
2 not take effect until 30 days after the date of the
3 publication by the Attorney General of a notice in
4 the Federal Register of the intention to issue such
5 order and the grounds upon which such order is to
6 be issued. The order shall expire not later than 24
7 months after the date it becomes effective, except
8 that the Attorney General may, during the pendency
9 of proceedings under paragraph (5), extend the tem-
10 porary scheduling order for up to 6 months.

11 “(3) A temporary scheduling order issued under
12 paragraph (1) shall be vacated upon the issuance of
13 a permanent scheduling order under paragraph (5).

14 “(4) An order issued under paragraph (1) is
15 not subject to judicial review.

16 “(5) The Attorney General may, by rule, issue
17 a permanent order adding a drug or other substance
18 to the list of anabolic steroids if such drug or other
19 substance satisfies the criteria for being considered
20 an anabolic steroid under section 102(41). Such
21 rulemaking may be commenced simultaneously with
22 the issuance of the temporary order issued under
23 paragraph (1).”.

24 (c) LABELING REQUIREMENTS.—

1 (1) IN GENERAL.—The Controlled Substances
2 Act is amended by inserting after section 305 (21
3 U.S.C. 825) the following:

4 **“SEC. 305A. OFFENSES INVOLVING FALSE LABELING OF AN-**
5 **ABOLIC STEROIDS.**

6 “(a) UNLAWFUL ACTS.—

7 “(1) It shall be unlawful—

8 “(A) to import into the United States or to
9 export from the United States;

10 “(B) to manufacture, distribute, dispense,
11 sell, or offer to sell; or

12 “(C) to possess with intent to manufac-
13 ture, distribute, dispense, sell, or offer to sell;
14 any anabolic steroid, or any product containing an
15 anabolic steroid, unless it bears a label clearly identi-
16 fying any anabolic steroid contained in such steroid
17 or product by the nomenclature used by the Inter-
18 national Union of Pure and Applied Chemistry
19 (IUPAC).

20 “(2) A product that is the subject of an ap-
21 proved application as described in section 505(b), (i)
22 or (j) of the Federal Food, Drug, and Cosmetic Act
23 (21 U.S.C. 355(b), (i), or (j)) is exempt from the
24 International Union of Pure and Applied Chemistry
25 nomenclature requirement of this subsection if such

1 product is labeled in the manner required by the
2 Federal Food, Drug, and Cosmetic Act.

3 “(b) CRIMINAL PENALTIES.—Any person who vio-
4 lates subsection (a) knowing, intending, or having reason-
5 able cause to believe, that the substance or product is an
6 anabolic steroid, or contains an anabolic steroid, shall be
7 sentenced to a term of imprisonment of not more than
8 10 years, a fine not to exceed the greater of that author-
9 ized in accordance with the provisions of title 18, United
10 States Code, or \$500,000 if the defendant is an individual
11 or \$2,500,000 if the defendant is other than an individual,
12 or both.

13 “(c) CIVIL PENALTIES.—

14 “(1) Any person who violates subsection (a)
15 shall be subject to a civil penalty as follows:

16 “(A) In the case of an importer, exporter,
17 manufacturer, or distributor (other than as pro-
18 vided in subparagraph (B)), up to \$500,000 per
19 violation. For purposes of this subparagraph, a
20 violation is defined as each instance of importa-
21 tion, exportation, manufacturing, or distribu-
22 tion, and each anabolic steroid or product im-
23 ported, exported, manufactured, or distributed.

24 “(B) In the case of a sale or offer to sell
25 at retail, up to \$25,000 per violation. For pur-

1 poses of this subparagraph, each sale and each
2 product offered for sale shall be considered a
3 separate violation. Continued offers to sell by a
4 person 10 or more days after written notice (in-
5 cluding through electronic message) to the per-
6 son by the Attorney General or the Secretary
7 shall be considered additional violations.

8 “(2) In this subsection, the term ‘product’
9 means a discrete article, either in bulk or in finished
10 form prepared for sale. A number of articles, if simi-
11 larly packaged and bearing identical labels, shall be
12 considered as one product, but each package size,
13 form, or differently labeled article shall be consid-
14 ered a separate product.

15 “(d) IDENTIFICATION AND PUBLICATION OF LIST OF
16 PRODUCTS CONTAINING ANABOLIC STEROIDS.—

17 “(1) The Attorney General may, in his discre-
18 tion, collect data and analyze products to determine
19 whether they contain anabolic steroids and are prop-
20 erly labeled in accordance with this section. The At-
21 torney General may publish in the Federal Register
22 or on the website of the Drug Enforcement Adminis-
23 tration a list of products that he has determined,
24 based on substantial evidence, contain an anabolic

1 steroid and are not labeled in accordance with this
2 section.

3 “(2) The absence of a product from the list re-
4 ferred to in paragraph (1) shall not constitute evi-
5 dence that the product does not contain an anabolic
6 steroid.”.

7 (2) TABLE OF CONTENTS.—The table of con-
8 tents for the Comprehensive Drug Abuse Prevention
9 and Control Act of 1970 is amended by inserting
10 after the item relating to section 305 the following:

“Sec. 305A. Offenses involving false labeling of anabolic steroids.”.

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