

ADMINISTRATION

Publication of
informational ma-
terial, etc.

SEC. 602. (a) In carrying out the purposes of this Act, the Secretary of Health, Education, and Welfare is authorized to provide consultative services and technical assistance to public or nonprofit private agencies, organizations, and institutions; to provide short-term training and technical instruction; to conduct research and demonstrations; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act.

(b) In administering their respective functions under this Act, the Secretary of Health, Education, and Welfare is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit private agency or institution, in accordance with agreements between the Secretary concerned and the head thereof, and to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. The Secretary shall carry out titles IV and V of this Act during the fiscal year ending June 30, 1966, and each of the four succeeding fiscal years. There are hereby authorized to be appropriated \$1,500,000 for the fiscal year ending June 30, 1966, and \$3,000,000 for the fiscal year ending June 30, 1967, and for the fiscal year ending June 30, 1968, and each of the two succeeding fiscal years, such sums may be appropriated as the Congress may hereafter authorize by law.

Approved July 14, 1965.

Public Law 89-74

July 15, 1965
[H. R. 2]

AN ACT

To protect the public health and safety by amending the Federal Food, Drug, and Cosmetic Act to establish special controls for depressant and stimulant drugs and counterfeit drugs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Abuse Control Amendments of 1965".

Drug Abuse
Control Amend-
ments of 1965.

FINDINGS AND DECLARATION

SEC. 2. The Congress hereby finds and declares that there is a widespread illicit traffic in depressant and stimulant drugs moving in or otherwise affecting interstate commerce; that the use of such drugs, when not under the supervision of a licensed practitioner, often endan-

gers safety on the highways (without distinction of interstate and intrastate traffic thereon) and otherwise has become a threat to the public health and safety, making additional regulation of such drugs necessary regardless of the intrastate or interstate origin of such drugs; that in order to make regulation and protection of interstate commerce in such drugs effective, regulation of intrastate commerce is also necessary because, among other things, such drugs, when held for illicit sale, often do not bear labeling showing their place of origin and because in the form in which they are so held or in which they are consumed a determination of their place of origin is often extremely difficult or impossible; and that regulation of interstate commerce without the regulation of intrastate commerce in such drugs, as provided in this Act, would discriminate against and adversely affect interstate commerce in such drugs.

CONTROL OF DEPRESSANT AND STIMULANT DRUGS

SEC. 3. (a) Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end thereof the following:

52 Stat. 1040.

“(v) The term ‘depressant or stimulant drug’ means—

“Depressant or stimulant drug.”

“(1) any drug which contains any quantity of (A) barbituric acid or any of the salts of barbituric acid; or (B) any derivative of barbituric acid which has been designated by the Secretary under section 502(d) as habit forming;

21 USC 352.

“(2) any drug which contains any quantity of (A) amphetamine or any of its optical isomers; (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or (C) any substance which the Secretary, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system; or

“(3) any drug which contains any quantity of a substance which the Secretary, after investigation, has found to have, and by regulation designates as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect; except that the Secretary shall not designate under this paragraph, or under clause (C) of subparagraph (2), any substance that is now included, or is hereafter included, within the classifications stated in section 4731, and marihuana as defined in section 4761, of the Internal Revenue Code of 1954 (26 U.S.C. 4731, 4761).

The provisions of subsections (e), (f), and (g) of section 701 shall apply to and govern proceedings for the issuance, amendment, or repeal of regulations under subparagraph (2)(C) or (3) of this paragraph.”

68A Stat. 557,
565; 74 Stat. 57,
52 Stat. 1055;
70 Stat. 919.
21 USC 371.

(b) Chapter V of such Act (21 U.S.C., chap. 9, subch. V) is amended by adding at the end thereof the following new section:

21 USC 351-360.

“DEPRESSANT AND STIMULANT DRUGS

Manufacture,
etc., prohibition.

Exceptions.
76 Stat. 794.
21 USC 360.

“SEC. 511. (a) No person shall manufacture, compound, or process any depressant or stimulant drug, except that this prohibition shall not apply to the following persons whose activities in connection with any such drug are solely as specified in this subsection:

“(1) (A) Manufacturers, compounders, and processors registered under section 510 who are regularly engaged, and are otherwise qualified, in conformance with local laws, in preparing pharmaceutical chemicals or prescription drugs for distribution through branch outlets, through wholesale druggists, or by direct shipment, (i) to pharmacies or to hospitals, clinics, public health agencies, or physicians, for dispensing by registered pharmacists upon prescriptions, or for use by or under the supervision of practitioners licensed by law to administer such drugs in the course of their professional practice, or (ii) to laboratories or research or educational institutions for their use in research, teaching, or chemical analysis.

“(B) Suppliers (otherwise qualified in conformance with local laws) of manufacturers, compounders, and processors referred to in subparagraph (A).

“(2) Wholesale druggists registered under section 510 who maintain establishments in conformance with local laws and are regularly engaged in supplying prescription drugs (A) to pharmacies, or to hospitals, clinics, public health agencies, or physicians, for dispensing by registered pharmacists upon prescriptions, or for use by or under the supervision of practitioners licensed by law to administer such drugs in the course of their professional practice, or (B) to laboratories or research or educational institutions for their use in research, teaching, or clinical analysis.

“(3) Pharmacies, hospitals, clinics, and public health agencies, which maintain establishments in conformance with any applicable local laws regulating the practice of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs upon prescriptions of practitioners licensed to administer such drugs for patients under the care of such practitioners in the course of their professional practice.

“(4) Practitioners licensed by law to prescribe or administer depressant or stimulant drugs, while acting in the course of their professional practice.

“(5) Persons who use depressant or stimulant drugs in research, teaching, or chemical analysis and not for sale.

“(6) Officers and employees of the United States, a State government, or a political subdivision of a State, while acting in the course of their official duties.

“(7) An employee or agent of any person described in paragraph (1) through paragraph (5), and a nurse or other medical technician under the supervision of a practitioner licensed by law to administer depressant or stimulant drugs, while such employee, nurse, or medical technician is acting in the course of his employment or occupation and not on his own account.

“(b) No person, other than—

Sale, etc.,
prohibition.

“(1) a person described in subsection (a), while such person is acting in the ordinary and authorized course of his business, profession, occupation, or employment, or

“(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any depressant or stimulant drug is in the usual course of his business or employment as such, shall sell, deliver, or otherwise dispose of any depressant or stimulant drug to any other person.

“(c) No person, other than a person described in subsection (a) or subsection (b) (2), shall possess any depressant or stimulant drug otherwise than (1) for the personal use of himself or of a member of his household, or (2) for administration to an animal owned by him or a member of his household. In any criminal prosecution for possession of a depressant or stimulant drug in violation of this subsection (which is made a prohibited act by section 301(q) (3)), the United States shall have the burden of proof that the possession involved does not come within the exceptions contained in clauses (1) and (2) of the preceding sentence.

Possession,
restriction.

Post, p. 232.

“(d) (1) Every person engaged in manufacturing, compounding, processing, selling, delivering, or otherwise disposing of any depressant or stimulant drug shall, upon the effective date of this section, prepare a complete and accurate record of all stocks of each such drug on hand and shall keep such record for three years. On and after the effective date of this section, every person manufacturing, compounding, or processing any depressant or stimulant drug shall prepare and keep, for not less than three years, a complete and accurate record of the kind and quantity of each such drug manufactured, compounded, or processed and the date of such manufacture, compounding, or processing; and every person selling, delivering, or otherwise disposing of any depressant or stimulant drug shall prepare or obtain, and keep for not less than three years, a complete and accurate record of the kind and quantity of each such drug received, sold, delivered, or otherwise disposed of, the name and address of the person, and the registration number, if any, assigned to such person by the Secretary pursuant to section 510(e), from whom it was received and to whom it was sold, delivered, or otherwise disposed of, and the date of such transaction. No separate records, nor set form or forms for any of the foregoing records, shall be required as long as records containing the required information are available.

Records.

76 Stat. 794.
21 USC 360.

“(2) (A) Every person required by paragraph (1) of this subsection to prepare or obtain, and keep, records, and any carrier maintaining records with respect to any shipment containing any depressant or stimulant drug, and every person in charge, or having custody, of such records, shall, upon request of an officer or employee designated by the Secretary permit such officer or employee at reasonable times to have access to and copy such records. For the purposes of verification of such records and of enforcement of this section, officers or employees

Inspection.

designated by the Secretary are authorized, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, to enter, at reasonable times, any factory, warehouse, establishment, or vehicle in which any depressant or stimulant drug is held, manufactured, compounded, processed, sold, delivered, or otherwise disposed of and to inspect, within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished material, containers and labeling therein, and all things therein (including records, files, papers, processes, controls, and facilities) bearing on violation of this section or section 301 (q) ; and to inventory any stock of any such drug therein and obtain samples of any such drug. If a sample is thus obtained, the officer or employee making the inspection shall, upon completion of the inspection and before leaving the premises, give to the owner, operator, or agent in charge a receipt describing the sample obtained.

“(B) No inspection authorized by subparagraph (A) shall extend to (i) financial data, (ii) sales data other than shipment data, (iii) pricing data, (iv) personnel data, or (v) research data, which are exempted from inspection under the third sentence of section 704 (a) of this Act.

“(3) The provisions of paragraphs (1) and (2) of this subsection shall not apply to a licensed practitioner described in subsection (a) (4) with respect to any depressant or stimulant drug received, prepared, processed, administered, or dispensed by him in the course of his professional practice, unless such practitioner regularly engages in dispensing any such drug or drugs to his patients for which they are charged, either separately or together with charges for other professional services.

“(e) No prescription (issued before or after the effective date of this section) for any depressant or stimulant drug may be filled or refilled more than six months after the date on which such prescription was issued and no such prescription which is authorized to be refilled may be refilled more than five times, except that any prescription for such a drug after six months after the date of issue or after being refilled five times may be renewed by the practitioner issuing it either in writing, or orally (if promptly reduced to writing and filed by the pharmacist filling it).

“(f) (1) The Secretary may by regulation exempt any depressant or stimulant drug from the application of all or part of this section when he finds that regulation of its manufacture, compounding, processing, possession, and disposition, as provided in this section or in such part thereof, is not necessary for the protection of the public health.

“(2) The Secretary shall by regulation exempt any depressant or stimulant drug from the application of this section, if—

“(A) such drug may, under the provisions of this Act, be sold over the counter without a prescription; or

“(B) he finds that such drug includes one or more substances not having a depressant or stimulant effect on the central nervous system or a hallucinogenic effect and such substance or substances are present therein in such combination, quantity, proportion, or concentration as to prevent the substance or substances therein which do have such an effect from being ingested or absorbed in sufficient amounts or concentrations as, within the meaning of section 201 (v), to—

“(i) be habit forming because of their stimulant effect on the central nervous system, or

Post, p. 232.

76 Stat. 792.
21 USC 374.
Practitioners,
exception.

Prescriptions,
restrictions.

Certain drugs,
exemption.

Ante, p. 227.

“(ii) have a potential for abuse because of their depressant or stimulant effect on the central nervous system or their hallucinogenic effect.

“(g) (1) The Secretary may, from time to time, appoint a committee of experts to advise him with regard to any of the following matters involved in determining whether a regulation under subparagraph (2) (C) or (3) of section 201(v) should be proposed, issued, amended, or repealed: (A) whether or not the substance involved has a depressant or stimulant effect on the central nervous system or a hallucinogenic effect, (B) whether the substance involved has a potential for abuse because of its depressant or stimulant effect on the central nervous system, and (C) any other scientific question (as determined by the Secretary) which is pertinent to the determination of whether such substance should be designated by the Secretary pursuant to subparagraph (2) (C) or (3) of section 201(v). The Secretary may establish a time limit for submission of the committee's report. The appointment, compensation, staffing, and procedure of such committees shall be in accordance with subsections (b) (5) (D), and the admissibility of their reports, recommendations, and testimony at any hearing involving such matters shall be determined in accordance with subsection (d) (2), of section 706. The appointment of such a committee after publication of an order acting on a proposal pursuant to section 701(e) (1) shall not suspend the running of the time for filing objections to such order and requesting a hearing unless the Secretary so directs.

Advisory committee.

Ante, p. 227.

74 Stat. 399.
21 USC 376.

70 Stat. 919.
21 USC 371.

“(2) Where such a matter is referred to an expert advisory committee upon request of an interested person, the Secretary may, pursuant to regulations, require such person to pay fees to pay the costs, to the Department, arising by reason of such referral. Such fees, including advance deposits to cover such fees, shall be available, until expended, for paying (directly or by way of reimbursement of the applicable appropriations) the expenses of advisory committees under this subsection and other expenses arising by reason of referrals to such committees and for refunds in accordance with such regulations.

Referral fees.

“(h) As used in this section and in sections 301 and 304, the term ‘manufacture, compound, or process’ shall be deemed to refer to ‘manufacture, preparation, propagation, compounding, or processing’ as defined in section 510(a), and the term ‘manufacturers, compounders, and processors’ shall be deemed to refer to persons engaged in such defined activities.”

52 Stat. 1042.
21 USC 331, 334.

REGISTRATION OF PRODUCERS AND WHOLESALERS OF DEPRESSANT AND STIMULANT DRUGS

SEC. 4. (a) Section 510(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by redesignating paragraph (2) thereof as paragraph (3) and by inserting immediately after paragraph (1) the following new paragraph:

76 Stat. 794.

“(2) the term ‘wholesaling, jobbing, or distributing of depressant or stimulant drugs’ means the selling or distribution of any depressant or stimulant drug to any person who is not the ultimate user or consumer or such drug;”

Definition.

(b) Subsection (b) of section 510 of such Act is amended (1) by inserting immediately after “drug or drugs” the following: “or in the wholesaling, jobbing, or distributing of any depressant or stimulant drug”, and (2) by adding at the end thereof the following: “If any such establishment is engaged in the manufacture, preparation, propa-

gation, compounding, or processing of any depressant or stimulant drug, such person shall, at the time of such registration, indicate such fact, in such manner as the Secretary may by regulation prescribe.”

76 Stat. 794.
21 USC 360.

(c) Subsection (c) of section 510 of such Act is amended (1) by inserting immediately after “drug or drugs” the following: “or in the wholesaling, jobbing, or distributing of any depressant or stimulant drug”, and (2) by adding at the end thereof the following: “If such establishment is engaged in the manufacture, preparation, propagation, compounding, or processing of any depressant or stimulant drug such person shall, at the time of such registration, indicate such fact, in such manner as the Secretary may by regulation prescribe.”

(d) Subsection (d) of section 510 of such Act is amended by inserting “(1)” immediately after “(d)” and by striking out the period at the end thereof and inserting in lieu thereof the following: “or the wholesaling, jobbing, or distributing of any depressant or stimulant drug. If any depressant or stimulant drug is manufactured, prepared, propagated, compounded, or processed in such additional establishment, such person shall, at the time of such registration, indicate such fact, in such manner as the Secretary may by regulation prescribe.”

“(2) Every person who is registered with the Secretary pursuant to the first sentence of subsection (b) or (c) or paragraph (1) of this subsection, but to whom the second sentence of subsection (b) or (c) or of paragraph (1) of this subsection did not apply at the time of such registration, shall, if any depressant or stimulant drug is thereafter manufactured, prepared, propagated, compounded, or processed in any establishment with respect to which he is so registered, immediately file a supplement to such registration with the Secretary indicating such fact, in such manner as the Secretary may by regulation prescribe.”

(e) The heading of such section 510 is amended by inserting “and Certain Wholesalers” immediately after “of Producers”.

PROHIBITED ACTS

52 Stat. 1042. SEC. 5. Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end thereof the following new paragraph:

Ante, p. 228.

“(q) (1) The manufacture, compounding, or processing of a drug in violation of section 511(a); (2) the sale, delivery, or other disposition of a drug in violation of section 511(b); (3) the possession of a drug in violation of section 511(c); (4) the failure to prepare or obtain, or the failure to keep, a complete and accurate record with respect to any drug as required by section 511(d); (5) the refusal to permit access to or copying of any record as required by section 511(d); (6) the refusal to permit entry or inspection as authorized by section 511(d); or (7) the filling or refilling of any prescription in violation of section 511(e).”

GROUNDS AND JURISDICTION FOR JUDICIAL SEIZURE AND CONDEMNATION

52 Stat. 1044.

SEC. 6. (a) Subsection (a) of section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) is amended by inserting “(1)” after “(a)” and redesignating clauses (1) and (2) of the proviso thereto as “(A)” and “(B)”, respectively; and by adding at the end of such subsection the following new paragraph:

“(2) The following shall be liable to be proceeded against at any time on libel of information and condemned in any district court of

the United States within the jurisdiction of which they are found: (A) Any depressant or stimulant drug with respect to which a prohibited act within the meaning of section 301 (p) or (q) by any person has occurred, (B) Any drug that is a counterfeit drug, (C) Any container of such depressant or stimulant drug or of a counterfeit drug, (D) Any equipment used in manufacturing, compounding, or processing a depressant or stimulant drug with respect to which drug a prohibited act within the meaning of section 301 (p) or (q), by the manufacturer, compounder, or processor thereof, has occurred, and (E) Any punch, die, plate, stone, labeling, container, or other thing used or designed for use in making a counterfeit drug or drugs."

76 Stat. 795.
21 USC 331;
Ante, p. 232.

(b) (1) The first sentence of subsection (b) of such section 304 is amended by inserting " , equipment, or other thing proceeded against" after "article".

(2) Subsection (d) of such section 304 is amended by inserting "(1)" after "(d)" and redesignating clauses (1) and (2) of the second sentence of such subsection as "(A)" and "(B)", respectively; and by adding at the end of such subsection the following new paragraphs:

52 Stat. 1044.
21 USC 334.

"(2) The provisions of paragraph (1) of this subsection shall, to the extent deemed appropriate by the court, apply to any equipment or other thing which is not otherwise within the scope of such paragraph and which is referred to in paragraph (2) of subsection (a).

Ante, p. 232.

"(3) Whenever in any proceeding under this section, involving paragraph (2) of subsection (a), the condemnation of any equipment or thing (other than a drug) is decreed, the court shall allow the claim of any claimant, to the extent of such claimant's interest, for remission or mitigation of such forfeiture if such claimant proves to the satisfaction of the court (i) that he has not committed or caused to be committed any prohibited act referred to in such paragraph (2) and has no interest in any drug referred to therein, (ii) that he has an interest in such equipment or other thing as owner or lienor or otherwise, acquired by him in good faith, and (iii) that he at no time had any knowledge or reason to believe that such equipment or other thing was being or would be used in, or to facilitate, the violation of laws of the United States relating to depressant or stimulant drugs or counterfeit drugs."

Claim for remission.

PENALTIES

SEC. 7. (a) Section 303(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended by inserting after the final word "fine" and before the period the following: " : *Provided, however,* That any person who, having attained his eighteenth birthday, violates section 301(q) (2) by selling, delivering, or otherwise disposing of any depressant or stimulant drug to a person who has not attained his twenty-first birthday shall, if there be no previous conviction of such person under this section which has become final, be subject to imprisonment for not more than two years, or a fine of not more than \$5,000, or both such imprisonment and fine, and for the second or any subsequent conviction for such a violation shall be subject to imprisonment for not more than six years, or a fine of not more than \$15,000, or both such imprisonment and fine".

52 Stat. 1043.

(b) Section 303(b) of such Act (21 U.S.C. 333(b)) is amended by inserting after the word "shall" the following: "(except in the case of an offense which is subject to the provisions of the proviso to subsection (a) relating to second or subsequent offenses)".

POWERS AND PROTECTION OF ENFORCEMENT PERSONNEL

SEC. 8. (a) Section 702 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372) is amended by adding at the end thereof the following new subsection:

"(e) Any officer or employee of the Department designated by the Secretary to conduct examinations, investigations, or inspections under this Act relating to depressant or stimulant drugs or to counterfeit drugs may, when so authorized by the Secretary—

"(1) carry firearms;

"(2) execute and serve search warrants and arrest warrants;

"(3) execute seizure by process issued pursuant to libel under section 304;

"(4) make arrests without warrant for offenses under this Act with respect to such drugs if the offense is committed in his presence or, in the case of a felony, if he has probable cause to believe that the person so arrested has committed, or is committing, such offense; and

"(5) make, prior to the institution of libel proceedings under section 304 (a) (2), seizures of drugs or containers or of equipment, punches, dies, plates, stones, labeling, or other things, if they are, or he has reasonable grounds to believe that they are, subject to seizure and condemnation under such section 304 (a) (2). In the event of seizure pursuant to this paragraph (5), libel proceedings under section 304 (a) (2) shall be instituted promptly and the property seized be placed under the jurisdiction of the court."

(b) Section 1114 of title 18 of the United States Code is amended by striking out "or any security officer of the Department of State or the Foreign Service" and by inserting in lieu thereof the following: "any security officer of the Department of State or the Foreign Service, or any officer or employee of the Department of Health, Education, and Welfare designated by the Secretary of Health, Education, and Welfare to conduct investigations or inspections under the Federal Food, Drug, and Cosmetic Act".

COUNTERFEITING OF DRUGS

SEC. 9. (a) The Congress finds and declares that there is a substantial traffic in counterfeit drugs simulating the brand or other identifying mark or device of the manufacturer of the genuine article; that such traffic poses a serious hazard to the health of innocent consumers of such drugs because of the lack of proper qualifications, facilities, and manufacturing controls on the part of the counterfeiter, whose operations are clandestine; that, while such drugs are deemed misbranded within the meaning of section 502(i) of the Federal Food, Drug, and Cosmetic Act, the controls for the suppression of the traffic in such drugs are inadequate because of the difficulty of determining the place of interstate origin of such drugs and, if that place is discovered, the fact that the implements for counterfeiting are not subject to seizure, and that these factors require enactment of additional controls with respect to such drugs without regard to their interstate or intrastate origins.

(b) Paragraph (g) of section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended (1) by inserting "(1)" immediately after "(g)", (2) by redesignating clauses (1), (2), (3), and (4) thereof as clauses (A), (B), (C), and (D), respectively, (3) by striking out "clause (1), (2), or (3)" and inserting in lieu

52 Stat. 1056;
76 Stat. 796.

21 USC 334.

Ante, p. 232.

65 Stat. 721;
78 Stat. 610.

52 Stat. 1040.
21 USC 301.

21 USC 352.

thereof "clause (A), (B), or (C)", and (4) by adding at the end thereof the following:

"(2) The term 'counterfeit drug' means a drug which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed such drug and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other drug manufacturer, processor, packer, or distributor."

"Counterfeit drug."

(c) Paragraph (i) of section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(c)) is amended by inserting "(1)" immediately after "(i)" and by adding at the end thereof the following new subparagraphs:

52 Stat. 1042.

"(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit drug.

"(3) The doing of any act which causes a drug to be a counterfeit drug, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit drug."

(d) Section 303 of such Act (21 U.S.C. 333(c)) is amended by inserting immediately before the period at the end thereof the following: "; or (5) for having violated section 301(i) (2) if such person acted in good faith and had no reason to believe that use of the punch, die, plate, stone, or other thing involved would result in a drug being a counterfeit drug, or for having violated section 301(i) (3) if the person doing the act or causing it to be done acted in good faith and had no reason to believe that the drug was a counterfeit drug".

APPLICATION OF STATE LAW

SEC. 10. (a) Nothing in this Act shall be construed as authorizing the manufacture, compounding, processing, possession, sale, delivery, or other disposal of any drug in any State in contravention of the laws of such State.

(b) No provision of this Act nor any amendment made by it shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision or amendment operates to the exclusion of any State law on the same subject matter, unless there is a direct and positive conflict between such provision or amendment and such State law so that the two cannot be reconciled or consistently stand together.

(c) No amendment made by this Act shall be construed to prevent the enforcement in the courts of any State of any statute of such State prescribing any criminal penalty for any act made criminal by any such amendment.

EFFECTIVE DATE

SEC. 11. The foregoing provisions of this Act shall take effect on the first day of the seventh calendar month following the month in which this Act is enacted; except that (1) the Secretary shall permit persons, owning or operating any establishment engaged in manufacturing, preparing, propagating, compounding, processing, whole-

saling, jobbing, or distributing any depressant or stimulant drug, as referred to in the amendments made by section 4 of this Act to section 510 of the Federal Food, Drug, and Cosmetic Act, to register their names, places of business, and establishments, and other information prescribed by such amendments, with the Secretary prior to such effective date, and (2) sections 201(v) and 511(g) of the Federal Food, Drug, and Cosmetic Act, as added by this Act, and the provisions of sections 8 and 10 shall take effect upon the date of enactment of this Act.

Approved July 15, 1965.

Public Law 89-75

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1966, and for other purposes.

FEDERAL PAYMENT TO DISTRICT OF COLUMBIA

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are appropriated for the District of Columbia for the fiscal year ending June 30, 1966, out of (1) the general fund of the District of Columbia (unless otherwise herein specifically provided), hereinafter known as the general fund, such fund being composed of the revenues of the District of Columbia other than those applied by law to special funds, and \$43,000,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1965), (2) the highway fund (when designated as payable therefrom), established by law (D.C. Code, title 47, ch. 19), including the motor vehicle parking account (when designated as payable therefrom), established by law (Public Law 87-408), (3) the water fund (when designated as payable therefrom), established by law (D.C. Code, title 43, ch. 15), and \$1,973,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1965), (4) the sanitary sewage works fund (when designated as payable therefrom), established by law (Public Law 364, 83d Congress), and \$1,149,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1965), and (5) the metropolitan area sanitary sewage works fund (when

July 16, 1965

[H. R. 6453]

District of
Columbia Appro-
priation Act, 1966.

D.C. Code 47-
1901 to 47-1919.

76 Stat. 18.
D.C. Code 40-
808 and note.
D.C. Code 43-
1501 to 43-1541.

68 Stat. 104.
D.C. Code 43-
1601 to 43-1618.