

112TH CONGRESS  
1ST SESSION

# H. R. 3468

To prevent trafficking in counterfeit drugs.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2011

Mr. MEEHAN (for himself and Ms. LINDA T. SÁNCHEZ of California) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prevent trafficking in counterfeit drugs.

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 “Counterfeit Drug Pen-  
5 alty Enhancement Act of 2011”.

6 **SEC. 2. COUNTERFEIT DRUG PREVENTION.**

7 Section 2320(a) of title 18, United States Code, is  
8 amended—

9 (1) by redesignating paragraph (2) as para-  
10 graph (3);

1           (2) by inserting after paragraph (1) the fol-  
2           lowing:

3           “(2) COUNTERFEIT DRUGS.—

4                   “(A) IN GENERAL.—Whoever commits an  
5           offense in violation of paragraph (1) with re-  
6           spect to a drug (as defined in section 201 of the  
7           Federal Food, Drug, and Cosmetic Act (21  
8           U.S.C. 321)) shall—

9                           “(i) if an individual, be fined not more  
10                           than \$4,000,000, imprisoned for life or for  
11                           any term of years, or both; and

12                           “(ii) if a person other than an indi-  
13                           vidual, be fined not more than  
14                           \$10,000,000.

15                   “(B) MULTIPLE OFFENSES.—In the case  
16           of an offense by a person under this paragraph  
17           that occurs after that person is convicted of an-  
18           other offense under this paragraph, the person  
19           convicted—

20                           “(i) if an individual, shall be fined not  
21                           more than \$8,000,000, imprisoned for life  
22                           or for any term of years, or both; and

23                           “(ii) if other than an individual, shall  
24                           be fined not more than \$20,000,000.”; and

1           (3) in paragraph (3)(B), as redesignated, by  
2           striking “paragraph (1)” and inserting “paragraph  
3           (1) or (2)”.

4 **SEC. 3. RULE OF CONSTRUCTION.**

5           Nothing in this Act, or the amendments made by this  
6 Act, shall be construed to apply to a drug (as defined in  
7 section 201 of the Federal Food, Drug, and Cosmetic Act  
8 (21 U.S.C. 321)) solely because the drug is manufactured  
9 in or imported from a foreign country.

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