

SEC. 3. (a) The Secretary of the Treasury is authorized and directed to admit free of duty one mass spectrometer, and all equipment, parts, accessories, and appurtenances for such spectrometer which accompany it, imported for the use of Utah State University.

Spectrometer for  
use of Utah State  
University.  
Duty-free entry.

(b) Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, the entry or withdrawal of the articles described in subsection (a) shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated in accordance with the provisions of subsection (a).

46 Stat. 734  
19 USC 1514.

Approved October 24, 1968.

Public Law 90-639

AN ACT

To amend the Federal Food, Drug, and Cosmetic Act to increase the penalties for unlawful acts involving lysergic acid diethylamide (LSD) and other depressant and stimulant drugs, and for other purposes.

October 24, 1968  
[H. R. 14096]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 201(v) (3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by striking out "any drug" and inserting in lieu thereof "lysergic acid diethylamide and any other drug".

LSD and other  
depressant and  
stimulant drugs.  
79 Stat. 227.

SEC. 2. (a) Section 511(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360a(c)) is amended to read as follows:

Possession,  
restriction.

"(c) No person, other than a person described in subsection (a) or (b) (2) of this section, shall—

"(1) possess any depressant or stimulant drug for sale, delivery, or other disposal to another, or

"(2) otherwise possess any such drug unless such drug was obtained directly, or pursuant to a valid prescription, from a practitioner (licensed by law to prescribe or administer such drug) while acting in the course of his professional practice."

(b) Clause (3) of paragraph (q) of section 301 of such Act (21 U.S.C. 331(q) (3)) is amended to read as follows: "(3) (A) the possession of a drug in violation of section 511(c) (1), or (B) the possession of a drug in violation of section 511(c) (2);".

SEC. 3. Section 303 of such Act (21 U.S.C. 333) is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections:

Penalties.  
52 Stat. 1043;  
79 Stat. 233.

"SEC. 303. (a) Any person who violates a provision of section 301 (other than a provision referred to in subsection (b) of this section) shall be imprisoned for not more than one year or fined not more than \$1,000, or both; except that if any person commits such a violation after a conviction of him under this subsection has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than \$10,000, or both.

"(b) (1) Any person who violates clause (1), (2), or (3) (A) of section 301 (q), or violates, with respect to a depressant or stimulant drug, any of the provisions of paragraph (3) of section 301 (i), shall, except as otherwise provided in paragraph (2) of this subsection, be imprisoned for not more than five years or fined not more than \$10,000, or both.

“(2) Any person eighteen or older who violates clause (2) of section 301(q) by selling, delivering, or otherwise disposing of any depressant or stimulant drug to a person who is under twenty-one, shall be imprisoned for not more than ten years or fined not more than \$15,000, or both, except that if any person commits such a violation after a conviction of him under this paragraph has become final, he shall be imprisoned for not more than fifteen years or fined not more than \$20,000, or both.

“(3) (A) Except as otherwise provided in this subparagraph or in subparagraph (B), any person who violates clause (3) (B) of section 301(q) shall be imprisoned for not more than one year or fined not more than \$1,000, or both. If any person commits such a violation after two prior convictions of him for violation of such clause have become final, he shall be imprisoned for not more than three years or fined not more than \$10,000, or both.

“(B) In the case of any person who is convicted for the first time of violating a provision of section 301(q) and whose conviction was for violating clause (3) (B) of such section, the court may suspend the imposition or execution of sentence and place such person on probation subject to such conditions as the court may impose and for such period, not to exceed one year, as the court may prescribe. The court may, in its discretion, unconditionally discharge such person from probation prior to the expiration of the maximum period prescribed for such person's probation. Such discharge shall automatically set aside the conviction, and the court shall issue to such person a certificate to that effect. If during the period of his probation such person does not violate any of the conditions of his probation, his conviction shall at the expiration of such period be automatically set aside, and the court shall issue to such person a certificate to that effect.”

SEC. 4. (a) Section 201(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(a)(2)) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: “; except that such term includes the Canal Zone for the purposes of sections 201, 301(i), 301(p), 301(q), 302, 303, 304 (other than paragraph (1) of subsection (a)), 307, 510, 511, 702, 703, 704, and 705 as they apply to depressant or stimulant drugs, containers thereof and equipment used in manufacturing, compounding or processing any such drug.”

(b) Section 304(a) of such Act (21 U.S.C. 334(a)) is amended by inserting “or United States court of a Territory” after “district court of the United States” wherever these words occur.

SEC. 5. It is the sense of the Congress that, because of the inadequate knowledge on the part of the people of the United States of the substantial adverse effects of misuse of depressant and stimulant drugs, and of other drugs liable to abuse, on the individual, his family, and the community, the highest priority should be given to Federal programs to disseminate information which may be used to educate the public, particularly young persons, regarding the dangers of drug abuse.

SEC. 6. The amendments made by this Act shall apply only with respect to violations of the Federal Food, Drug, and Cosmetic Act committed after the date of the enactment of this Act.

SEC. 7. The last sentence of Public Law 90-489 is amended to read as follows: “The name of the National Institute of Neurological Diseases and Blindness is hereby changed to the ‘National Institute of Neurological Diseases and Stroke’.”

Approved October 24, 1968.

Canal Zone,  
applicability.  
76 Stat. 796.

52 Stat. 1044,  
79 Stat. 232.

Public infor-  
mation programs,  
priority.

National Insti-  
tute of Neuro-  
logical Diseases  
and Blindness.  
Name change.  
Ante, p. 772.