

Congress of the United States
Washington, DC 20515

June 8, 2012

The Honorable Fred Upton
Chairman
Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Tom Harkin
Chairman
Committee on Health, Education, Labor & Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Henry A. Waxman
Ranking Member
Committee on Energy and Commerce
2322A Rayburn House Office Building
Washington, DC 20515

The Honorable Michael B. Enzi
Ranking Member
Committee on Health, Education, Labor & Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Upton, Chairman Harkin, Ranking Member Waxman and Ranking Member Enzi,

As Members who have strongly supported legislative efforts to combat the scourge of synthetic drugs, we were pleased to see the Portman Amendment (S.Amdt. 2146) was adopted and included in S. 3187, Food and Drug Administration Safety and Innovation Act, which passed the Senate with strong bipartisan support on 24 May 2012. As the House and Senate move toward a conference committee to reconcile the differences in the respective Food and Drug Administration (FDA) User Fee packages, this represents a good starting point to help reign in these dangerous substances.

The Portman Amendment provides important tools to law enforcement in the fight against synthetic drugs. It adds several synthetic cannabinoids and cathinones, the active ingredients in synthetic marijuana and so-called "bath salts," to Schedule I of the Controlled Substances Act. It also doubles the amount of time that the Drug Enforcement Administration (DEA) and the Food and Drug Administration (FDA) have to make their case against a drug in order to schedule it through the executive process.

While we support the Senate's action on this rising threat to public health and safety, the synthetic drug language in S. 3187 falls short of legislation passed overwhelmingly in the House of Representatives this past December. H.R. 1254, the Synthetic Drug Control Act of 2011, schedules 14 additional compounds that are left out in the Senate's language. These substances are currently being sold in the United States and many have already been banned by several state governments. They are just as harmful and should be treated the same as those compounds included in the Portman Amendment.

Bath salts once again received national media attention last week, with the horrifying story of a Miami man, allegedly high on the drugs, who stripped naked, assaulted another individual, and chewed his face off before being shot dead by the police. This case presents an extreme but true

example of the inhuman and psychotic behavior that synthetic drugs can invoke. It is past time that we act on this.

As the House and Senate versions of FDA reform legislation go to conference committee, this Congress has a great opportunity to strike a major blow against synthetic and designer drugs. We strongly encourage the conference committee to work towards enhancing the synthetic drug provisions in the final conference report. Ideally, we urge them to adopt the text of H.R. 1254, which passed the House by a wide, bipartisan majority and has been formally endorsed by the U.S. Department of Justice.

Sincerely,

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Tom Mascini

Sandy Adams

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