

Control Act, but, in your opinion, based on your 27 years' experience within this general area, how do you feel about making amendments to that act which would provide penalties for possession and which would increase penalties for the illegal manufacture, distribution, or sale from misdemeanor to a felony?

Mr. GIORDANO. Well, as you say, that is not in my area; but speaking as an enforcement officer on this, I think actually Food and Drug feels they should have stronger penalties for sale. I think the only question is about possession. We feel that as enforcement officers, and knowing that when you want to control something, what you have to do is to provide penalties for possession.

Mr. DOLE. There has been some talk, and I think I have read a few newspaper clippings, about the development of synthetic marihuana. I am wondering who will have jurisdiction over this. Will it be the Bureau of Narcotics?

Mr. GIORDANO. Well, we have, as I say, jurisdiction now over cannabis and any of its derivatives and, of course, the natural tetrahydrocannabinols we have jurisdiction over. This new synthetic is not covered under the Marihuana Tax Act; however, we in the Treasury Department will be submitting legislation to cover it under the Marihuana Tax Act.

We had this problem develop in relation to narcotic drugs. The original Harrison Act did not provide for the synthetic drugs. It just provided for the natural derivatives and Demerol came along which was a synthetic, and initially it wasn't supposed to be harmful. Doctors pointed out it was nonaddicting but it turned out to be very addicting. So, Congress passed the "opiate" procedure part of the Harrison Act so any narcotic drugs that are made synthetically or any drugs made synthetically that had narcotic properties are covered immediately, and this we hope to provide under the Marihuana Tax Act for any synthetics that come out.

Mr. DOLE. I think yesterday it was at least indicated that perhaps the FDA would have jurisdiction over synthetic marihuana; so you would have at least a conflict where under the natural derivative there would be a penalty and under the FDA on synthetic marihuana there would be no penalty for possession.

Mr. GIORDANO. They would have jurisdiction over it as a new drug to that degree.

Mr. DOLE. You don't see any problem as far as enforcement or penalties because it's a synthetic marihuana?

Mr. GIORDANO. No, we wouldn't have any problem there. Actually this substance is very, very difficult to make, and the problem of it getting into illicit traffic at this time is quite remote; but we will have legislation to introduce to Congress to cover that.

Mr. DOLE. Do you feel that the fact that penalties are provided for possession or use of marihuana have been an aid to your Bureau in prosecuting illegal distributors or sellers by encouraging the users or possessor to disclose their source of supply? Does the penalty have any benefit in that area?

Mr. GIORDANO. Well, I don't think that would necessarily be just confined to the possession penalty. I think penalties, adequate penalties at times will induce somebody to disclose their source of supply in the hopes that the court would in some way mitigate the sentence.