

is one of our most dangerous drugs today, and certainly most popular, is a misdemeanor. And for possession, there is no law except if there is possession with intent to sell. And the onus is on the Government to prove it was an attempt to sell. H.R. 15355 does change this or proposes changes in this to make it a felony to sell these types of drugs and a misdemeanor for possession.

Chairman BLATNIK. Who would be the person or the proper authority in this case to determine whether or not this is a dangerous drug and therefore whether or not there should be penalties imposed for its manufacture, distribution, possession or use?

Dr. LEE. With the reorganization, the ultimate determination would be made by the Attorney General. The scientific resources of the Department of Health, Education, and Welfare—including the scientists, the chemists, and others in the Food and Drug Administration, the Bureau of Medicine in the Food and Drug Administration, as well as the other personnel in the Public Health Service—would be called on in making this determination.

Mr. HOLIFIELD. Could I ask a question here?

Chairman BLATNIK. Yes, Mr. Holifield.

Mr. HOLIFIELD. Do they draw on the resources of the Health, Education, and Welfare as a matter of right?

Dr. LEE. We would have an interagency agreement with the Department of Justice which would spell out these relationships and we would maintain the same plans and procedures. Mr. Finlator can describe the procedure for you.

We would maintain that same relationship that now exists.

You might comment on the procedures, Mr. Finlator.

Mr. HOLIFIELD. Explain what happens now in HEW on this? May I ask it this way: As I understand it, you have any number of experts in HEW, laboratory scientists and specialists in this field and they analyze these drugs and then they set up standards, I suppose, of analysis that are definitive, so when you do have a drug you can identify it as being dangerous legally.

Now, all of this apparatus will still be in HEW, will remain in HEW?

Mr. FINLATOR. No. The scientific factfinding will be in HEW, along with the advisory committee to the Attorney General. Now the advisory committee itself is a committee, as I mentioned, of eight nationally known scientists themselves, and these are pretty smart cookies, and once evidence is brought to them, they then advise that something ought to be put under control.

Let me give an example: It is a very difficult question to answer, because it has so many complications. The amphetamines are under control by law and it says so. But we run into new drugs, in which we will have in the next 10 years, over 100 of these psychotropic drugs with which we must deal. One which recently came to our attention was STP, and we didn't know what it was, except we were running into it on the street at night.

So we bought some of it and took it to the laboratory and found STP is made up of derivatives of amphetamines and derivatives of mescaline neither of which were under control by the law, which means they had to be put under control by a procedure.

We would like—we wanted to know what is the pharmacology, since we knew the chemical make up of STP, what was the pharmacology