

LEGISLATIVE HISTORY

P.L. 91-512

Both bills contain authority to evaluate programs under this Act. Such evaluation should include examination of individual training grants and contracts to assure that desired results are being achieved.

Title II of bill (national materials policy)

Title II of the Senate amendment provided for the establishment of a presidentially appointed National Commission on Materials Policy to make recommendations on the supply, use, recovery, and disposal of materials and to report thereon by June 30, 1973. The House bill had no comparable provision. The House receded with an amendment which requires the Commission to determine which Federal agency would have continuing responsibility in the materials policy area.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
WILLIAM L. SPRINGER,
ANCHER NELSEN,

Managers on the Part of the House.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

P.L. 91-513, see page 1437

House Report (Interstate and Foreign Commerce Committee)
No. 91-1444, Sept. 10, 1970 [To accompany H.R. 18583]

Senate Report (Judiciary Committee) No. 91-613,
Dec. 16, 1969 [To accompany S. 3246]

Conference Report No. 91-1603, October 13, 1970
[To accompany H.R. 18583]

Cong. Record Vol. 116 (1970)

DATES OF CONSIDERATION AND PASSAGE

House September 24, October 14, 1970

Senate October 7, 14, 1970

The House bill was passed in lieu of the Senate bill. The House Report and the Conference Report are set out.

HOUSE REPORT NO. 91-1444

THE Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse, having considered the same,

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ILLEGAL POSSESSION FOR PERSONAL USE

The bill also provides that illegal possession of controlled drugs by an individual for his own use is a misdemeanor, with a sentence of up to 1 year imprisonment and a fine of not more than \$5,000 or both. The possession involved here is possession for one's own use; possession with intent to manufacture, distribute, or dispense controlled substances is subject to the penalties prescribed for the act of manufacture, distribution, or dispensing itself. The quantity of a drug found in the possession of a person, of course, bears upon the question of whether or not his possession is for his own use, or is for the purpose of illicit transactions involving others, for which much more severe penalties are provided.

In the case of a first prosecution for the offense of possession, the bill provides that if the defendant is found guilty or pleads guilty, the judge may, in lieu of entering a judgment of guilty place the accused person upon probation. The period of probation may not exceed 1 year and shall be subject to such conditions as the court may prescribe. After the defendant has completed his probation, the court shall discharge the defendant and dismiss the proceedings against him without entering a judgment of guilty. This procedure is only available to a defendant one time, and a nonpublic record is to be retained by the Department of Justice of this discharge or dismissal for the purpose of insuring that this lenient treatment is provided only once to a defendant.

The bill further provides that in the case of a person below the age of 21 years who is found guilty, or pleads guilty, to a charge of simple possession, the court may, after dismissal or discharge and upon application, issue an order expunging from all official records all recordation relating to the arrest, indictment, or information, trial, finding of guilty, and dismissal or discharge (except for the nonpublic record retained by the Department of Justice). This expunging of all records restores the defendant to the status he occupied before his arrest and he may not thereafter be held guilty of perjury or giving a false statement for failure to reveal or acknowledge his arrest, indictment, or trial in response to any inquiry made to him for any purpose.

MARIHUANA

The extent to which marihuana should be controlled is a subject upon which opinions diverge widely. There are some who not only advocate its legalization but would encourage its use; at the other extreme there are some States which have established the death penalty for distribution of marihuana to minors. During the hearings, Dr. Stanley F. Yolles, who was the Director of the National Institute of Mental Health, submitted a chart of fable and fact concerning marihuana. That chart is as follows:

MARIHUANA

FABLE

1. Marihuana is a narcotic.

FACT

1. Marihuana is not a narcotic except by statute. Narcotics are opium or its derivations (like some synthetic chemicals with opium-like activity).

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FABLE

2. Marihuana is addictive.
3. Marihuana causes violence and crime.
4. Marihuana leads to increase in sexual activity.
5. Marihuana is harmless.
6. Occasional use of marihuana is less harmful than occasional use of alcohol.
7. Marihuana use leads to heroin.
8. Marihuana enhances creativity.
9. More severe penalties will solve the marihuana problem.
10. It is safe to drive while under the influence of marihuana.

FACT

2. Marihuana does not cause physical addiction, since tolerance to its effects and symptoms on sudden withdrawals does not occur. It can produce habituation (psychological dependence).
3. Persons under the influence of marihuana tend to be passive. It is true that sometimes a crime may be committed by a person while under the influence of marihuana. However, any drug which loosens one's self-control is likely to do the same and relates primarily to the personality of the user.
4. Marihuana has no aphrodisiac property.
5. Instances, of acute panic, depression, and psychotic states are known, although they are infrequent. Certain kinds of individuals can also become over-involved in marihuana use and can lose their drive. We do not know the effects of long-term use.
6. We do not know. Research on the effects of various amounts of each drug for various periods is underway.
7. We know of nothing in the nature of marihuana that predisposes to heroin abuse. It is estimated that less than 5% of chronic users of marihuana go on to heroin use.
8. Marihuana might bring *fantasies* of enhanced creativity but they are illusory, as are "instant insights" reported by marihuana users.
9. Marihuana use has increased enormously in spite of the most severely punitive laws.
10. Driving under the influence of any intoxicant is hazardous.

In the bill as recommended by the administration and as reported by the committee, marihuana is listed under schedule I, as subject to the

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most stringent controls under the bill, except that criminal penalties applicable to marihuana offenses are those for offenses involving non-narcotic controlled substances.

The committee requested recommendations from the Department of Health, Education, and Welfare concerning the appropriate location of marihuana in the schedules of the bill, and by letter of August 14, 1970 (printed in this report under the heading "Agency Reports"), the Assistant Secretary for Health and Scientific Affairs recommended "that marihuana be retained within schedule I at least until the completion of certain studies now underway."

In addition, section 601 of the bill provides for establishment of a Presidential Commission on Marihuana and Drug Abuse. The recommendations of this Commission will be of aid in determining the appropriate disposition of this question in the future.

REHABILITATION

The reported bill would provide increased authority for Federal agencies dealing with problems of drug abuse. Title I would provide increased research, training, education, and rehabilitation authority for the Secretary of Health, Education, and Welfare. That title would also provide increased authority for rehabilitation efforts through community mental health centers and through special projects in areas having more serious drug abuse problems for rehabilitation efforts directed to narcotic addicts and drug dependent persons. A total of \$164 million in additional appropriations over a 3-year period is authorized in this title for these increased rehabilitation efforts and activities.

COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS AND SPECIAL PROVISIONS FOR NARCOTIC ADDICTS

In 1963 the Congress enacted the Community Mental Health Centers Act, authorizing Federal matching grants for the construction of community mental health centers, designed to provide for the treatment of the mentally ill in facilities close to their homes, where through intensive care they could be returned to their families and jobs at an earlier date than generally is the case where patients are cared for in State institutions. In 1965 this legislation was amended to authorize Federal grants to pay a portion of the costs of staffing of these facilities.

In 1968, this legislation was further amended to authorize specially earmarked funds for the construction and staffing of facilities affiliated with community mental health centers for the treatment of alcoholics or narcotic addicts.

The reported bill would further expand the authority contained in the 1968 amendments to provide funds for construction or staffing of facilities for the treatment and rehabilitation of drug dependent persons, in addition to narcotic addicts. There are approximately 350 community mental health centers in operation in the United States today, and the purpose of the amendments made by the reported bill is to provide increased activities at these centers to provide for persons within the centers' catchment areas suffering from drug problems.

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