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# United States Senate

January 22, 2004

JUDICIARY COMMITTEE  
SUBCOMMITTEE ON  
CRIME, CORRECTIONS, AND VICTIM'S RIGHTS  
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RANKING MEMBER  
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CO-CHAIRMAN

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PR01372

President George W. Bush  
The White House  
Washington, DC 20500

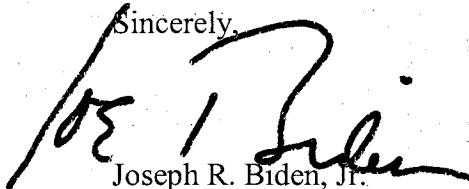
Dear Mr. President:

Thank you for taking a moment in your State of the Union speech this week to address the problem of steroid and performance-enhancing drug use in major league sports. Not only are these dangerous substances that distort the rules of fair play, but the athletes who use these drugs set a horrible example for the children and young adults who look up to them and put their health at risk by using these drugs.

As you may know, in October of 2003 Senator Hatch and I introduced S.1780, "The Anabolic Steroid Control Act," to regulate performance-enhancing drugs as controlled substances and educate youth about the dangers of steroid use. Specifically, the bill will add androstenedione, tetrahydrogestrinone, and other steroid precursors to the list of anabolic steroids that are classified as Schedule III controlled substances. The legislation has garnered widespread support from medical, sports and community groups (a full list of endorsements is attached, along with a copy of the bill). I hope that you will join with these organizations by endorsing my legislation and working with me to get it to your desk to sign into law.

Thank you again for bringing attention to this important issue. Senator Hatch and my effort would greatly benefit from your active support.

Sincerely,

  
Joseph R. Biden, Jr.

## **Anabolic Steroid Control Act of 2003 Endorsements**

- American Academy of Family Physicians
- American Academy of Pediatrics
- American College of Obstetricians and Gynecologists
- American College for Sports Medicine
- American Council on Exercise
- American Medical Association
- Association of Tennis Professionals
- Blue Cross Blue Shield Association
- Boys and Girls Clubs
- Community Anti-Drug Coalitions of America
- Consumer Healthcare Products Association
- Council for Responsible Nutrition
- The Endocrine Society
- The Hormone Foundation
- Little League
- Major League Baseball
- National Athletic Trainers Association
- National Basketball Association
- The National Center on Addiction and Substance Abuse at Columbia University
- National Collegiate Athletic Association
- National Federation of State High Schools Association
- National Football League
- National High School Athletic Coaches Association
- National Junior College Athletic Association
- National Nutritional Foods Association
- Pharmacists Planning Services, Inc.
- United States Anti-Doping Agency
- U.S. Olympic Committee
- U.S. Biathlon Association
- U.S. Soccer Federation
- USA Cycling
- USA Luge
- USA Swimming
- USA Track and Field
- Utah Natural Products Alliance
- Women's National Basketball Association

108TH CONGRESS  
1ST SESSION

# S. 1780

To amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2003

Mr. BIDEN (for himself, Mr. HATCH, Mr. GRASSLEY, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Anabolic Steroid Con-  
5 trol Act of 2003”.

1 **SEC. 2. AMENDMENTS TO THE CONTROLLED SUBSTANCES**2 **ACT.**

3 (a) DEFINITIONS.—Section 102 of the Controlled  
4 Substances Act (21 U.S.C. 802) is amended—

5 (1) in paragraph (41)—

6 (A) by realigning the margin so as to align  
7 with paragraph (40);

8 (B) by striking subparagraph (A) and in-  
9 serting the following:

10 “(A) The term ‘anabolic steroid’ means any drug or  
11 hormonal substance, chemically and pharmacologically re-  
12 lated to testosterone (other than estrogens, progestins,  
13 corticosteroids, and dehydroepiandrosterone), and in-  
14 cludes—

15 “(i) androstanediol—

16 “(I)  $3\beta,17\beta$ -dihydroxy- $5\alpha$ -androstane; and

17 “(II)  $3\alpha,17\beta$ -dihydroxy- $5\alpha$ -androstane;

18 “(ii) androstanedione ( $5\alpha$ -androstan-3,17-  
19 dione);

20 “(iii) androstenediol—

21 “(I) 1-androstenediol ( $3\beta,17\beta$ -dihydroxy-  
22  $5\alpha$ -androst-1-ene);

23 “(II) 1-androstenediol ( $3\alpha,17\beta$ -dihydroxy-  
24  $5\alpha$ -androst-1-ene);

25 “(III) 4-androstenediol ( $3\beta,17\beta$ -dihydroxy-  
26 androst-4-ene); and

1           “(IV) 5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-  
2           androst-5-ene);

3           “(iv) androstenedione—

4           “(I) 1-androstenedione ([5 $\alpha$ ]-androst-1-en-  
5           3,17-dione);

6           “(II) 4-androstenedione (androst-4-en-  
7           3,17-dione); and

8           “(III) 5-androstenedione (androst-5-en-  
9           3,17-dione);

10          “(v) bolasterone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -  
11          hydroxyandrost-4-en-3-one);

12          “(vi) boldenone (17 $\beta$ -hydroxyandrost-1,4,-diene-  
13          3-one);

14          “(vii) calusterone (7 $\beta$ ,17 $\alpha$ -dimethyl-17 $\beta$ -  
15          hydroxyandrost-4-en-3-one);

16          “(viii) clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-  
17          en-3-one);

18          “(ix) dehydrochlormethyltestosterone (4-chloro-  
19          17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-1,4-dien-3-one);

20          “(x) 4-dihydrotestosterone (17 $\beta$ -hydroxy-  
21          androstan-3-one);

22          “(xi) drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -  
23          androstan-3-one);

24          “(xii) ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-  
25          4-ene);

- 1           “(xiii) fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-  
2           11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one);
- 3           “(xiv) formebolone (2-formyl-17 $\alpha$ -methyl-  
4           11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one);
- 5           “(xv) furazabol (17 $\alpha$ -methyl-17 $\beta$ -  
6           hydroxyandrostano[2,3-c]-furazan);
- 7           “(xvi) 18 $\alpha$ -homo-17 $\beta$ -hydroxyestr-4-en-3-one  
8           (13 $\beta$ -ethyl-17 $\beta$ -hydroxygon-4-en-3-one);
- 9           “(xvii) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-  
10           androst-4-en-3-one);
- 11           “(xviii) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -  
12           dihydroxy-estr-4-en-3-one);
- 13           “(xix) mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-  
14           5 $\alpha$ -androstan-3-one);
- 15           “(xx) mesterolone (1 $\alpha$ -methyl-17 $\beta$ -hydroxy-  
16           [5 $\alpha$ ]-androstan-3-one);
- 17           “(xxi) methandienone (17 $\alpha$ -methyl-17 $\beta$ -  
18           hydroxyandrost-1,4-dien-3-one);
- 19           “(xxii) methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -  
20           dihydroxyandrost-5-ene);
- 21           “(xxiii) methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -  
22           androst-1-en-3-one);
- 23           “(xxiv) methyltestosterone (17 $\alpha$ -methyl-17 $\beta$ -  
24           hydroxyandrost-4-en-3-one);

- 1           “(xxv) mibolerone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -  
2 hydroxyestr-4-en-3-one);
- 3           “(xxvi) nandrolone (17 $\beta$ -hydroxyestr-4-en-3-  
4 one);
- 5           “(xxvii) norandrostenediol—
- 6               “(I) 19-nor-4-androstenediol (3 $\beta$ , 17 $\beta$ -  
7 dihydroxyestr-4-ene);
- 8               “(II) 19-nor-4-androstenediol (3 $\alpha$ , 17 $\beta$ -  
9 dihydroxyestr-4-ene);
- 10              “(III) 19-nor-5-androstenediol (3 $\beta$ , 17 $\beta$ -  
11 dihydroxyestr-5-ene); and
- 12              “(IV) 19-nor-5-androstenediol (3 $\alpha$ , 17 $\beta$ -  
13 dihydroxyestr-5-ene);
- 14           “(xxviii) norandrostenedione—
- 15               “(I) 19-nor-4-androstenedione (estr-4-en-  
16 3,17-dione); and
- 17               “(II) 19-nor-5-androstenedione (estr-5-en-  
18 3,17-dione);
- 19           “(xxix) norbolethone (18 $\alpha$ -homo-17 $\beta$ -  
20 hydroxypregna-4-en-3-one);
- 21           “(xxx) norelostebol (4-chloro-17 $\beta$ -hydroxyestr-4-  
22 en-3-one);
- 23           “(xxxi) norethandrolone (17 $\alpha$ -ethyl-17 $\beta$ -  
24 hydroxyestr-4-en-3-one);



1           “(xxxii) oxandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-  
2           2-oxa-[5 $\alpha$ ]-androstan-3-one);

3           “(xxxiii) oxymesterone (17 $\alpha$ -methyl-4,17 $\beta$ -  
4           dihydroxyandrost-4-en-3-one);

5           “(xxxiv) oxymetholone (17 $\alpha$ -methyl-2-  
6           hydroxymethylene-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-  
7           one);

8           “(xxxv) stanozolol (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-  
9           [5 $\alpha$ ]-androst-2-eno[3,2-c]-pyrazole);

10          “(xxxvi) stenbolone (17 $\beta$ -hydroxy-2-methyl-  
11          [5 $\alpha$ ]-androst-1-en-3-one);

12          “(xxxvii) testolactone (13-hydroxy-3-oxo-13,17-  
13          secoandrosta-1,4-dien-17-oic acid lactone);

14          “(xxxviii) 1-testosterone (17 $\beta$ -hydroxy-5 $\alpha$ -  
15          androst-1-en-3-one);

16          “(xxxix) testosterone (17 $\beta$ -hydroxyandrost-4-en-  
17          3-one);

18          “(xl) tetrahydrogestrinone (13 $\beta$ ,17 $\alpha$ -diethyl-  
19          17 $\beta$ -hydroxygon-4,9,11-trien-3-one);

20          “(xli) trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-  
21          3-one); and

22          “(xlii) any salt, ester, or ether of a drug or sub-  
23          stance described in this paragraph.”; and

24                               (C) by adding at the end the following:

1       “(C) Notwithstanding subparagraph (A), the Attor-  
2 ney General may not schedule Androstenedione as a con-  
3 trolled substance in accordance with this Act until the At-  
4 torney General receives a finding from the Commissioner  
5 of Food and Drugs relating to whether Androstenedione  
6 is lawfully marketed under the Federal Food, Drug, and  
7 Cosmetic Act (21 U.S.C. 321 et seq.)”; and

8           (2) in paragraph (44), by inserting “anabolic  
9 steroids,” after “marihuana,”

10       (b) AUTHORITY AND CRITERIA FOR CLASSIFICA-  
11 TION.—Section 201(g) of the Controlled Substances Act  
12 (21 U.S.C. 811(g)) is amended—

13           (1) in paragraph (1), by striking “substance  
14 from a schedule if such substance” and inserting  
15 “drug which contains a controlled substance from  
16 the application of titles II and III of the Comprehen-  
17 sive Drug Abuse Prevention and Control Act (21  
18 U.S.C. 802 et seq.) if such drug”; and

19           (2) in paragraph (3), by adding at the end the  
20 following:

21           “(C) Upon the recommendation of the Sec-  
22 retary of Health and Human Services, a compound,  
23 mixture, or preparation which contains any anabolic  
24 steroid, which is intended for administration to a  
25 human being or an animal, and which, because of its

1 concentration, preparation, formulation or delivery  
2 system, does not present any significant potential for  
3 abuse.”.

4 (c) ANABOLIC STEROIDS CONTROL ACT.—Section  
5 1903 of the Anabolic Steroids Control Act of 1990 (Public  
6 Law 101–647) is amended—

7 (1) by striking subsection (a); and

8 (2) by redesignating subsections (b) and (c) as  
9 subsections (a) and (b), respectively.

10 **SEC. 3. SENTENCING COMMISSION GUIDELINES.**

11 The United States Sentencing Commission shall—

12 (1) review the Federal sentencing guidelines  
13 with respect to offenses involving anabolic steroids;

14 (2) consider amending the Federal sentencing  
15 guidelines to provide for increased penalties with re-  
16 spect to offenses involving anabolic steroids in a  
17 manner that reflects the seriousness of such offenses  
18 and the need to deter anabolic steroid use; and

19 (3) take such other action that the Commission  
20 considers necessary to carry out this section.

21 **SEC. 4. PREVENTION AND EDUCATION PROGRAMS.**

22 (a) IN GENERAL.—The Secretary of Health and  
23 Human Services (referred to in this Act as the “Sec-  
24 retary”) shall award grants to public and nonprofit private  
25 entities to enable such entities to carry out science-based

1 education programs in elementary and secondary schools  
2 to highlight the harmful effects of anabolic steroids.

3 (b) ELIGIBILITY.—

4 (1) APPLICATION.—To be eligible for grants  
5 under subsection (a), an entity shall prepare and  
6 submit to the Secretary an application at such time,  
7 in such manner, and containing such information as  
8 the Secretary may require.

9 (2) PREFERENCE.—In awarding grants under  
10 subsection (a), the Secretary shall give preference to  
11 applicants that intend to use grant funds to carry  
12 out programs based on—

13 (A) the Athletes Training and Learning to  
14 Avoid Steroids program;

15 (B) the Athletes Targeting Healthy Exer-  
16 cise and Nutrition Alternatives program; and

17 (C) other programs determined to be effec-  
18 tive by the National Institute on Drug Abuse.

19 (c) USE OF FUNDS.—Amounts received under a  
20 grant under subsection (a) shall be used primarily for edu-  
21 cation programs that will directly communicate with  
22 teachers, principals, coaches, as well as elementary and  
23 secondary school children concerning the harmful effects  
24 of anabolic steroids.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section,  
3 \$15,000,000 for each of fiscal years 2004 through 2009.

4 **SEC. 5. NATIONAL SURVEY ON DRUG USE AND HEALTH.**

5 (a) IN GENERAL.—The Secretary of Health and  
6 Human Services shall ensure that the National Survey on  
7 Drug Use and Health includes questions concerning the  
8 use of anabolic steroids.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated to carry out this section,  
11 \$1,000,000 for each of fiscal years 2004 through 2009.

○