

Sen. Leahy Amendment

SEC. 12207. CRIMINAL PENALTIES UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT RELATING TO MISBRANDED OR ADULTERATED FOOD

Section 303(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended--
(1) in paragraph (1), by striking "Any" and inserting "Except as provided in paragraph (2) or (3), any";

(2) in paragraph (2), by striking "Notwithstanding the provisions of paragraph (1) of this section, if" and inserting "If"; and

(3) by adding at the end the following:

"(3) Any person who violates subsection (a), (b), (c), or (k) of section 301 with respect to any food--

"(A) knowingly and intentionally to defraud or mislead; and

"(B) with conscious or reckless disregard of a risk of death or serious bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both."