

107TH CONGRESS
2D SESSION

S. 2633

To prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2002

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

A BILL

To prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes.

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 “Reducing Americans’
5 Vulnerability to Ecstasy Act of 2002” or the “RAVE
6 Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Each year tens of thousands of young peo-
4 ple are initiated into the drug culture at “rave” par-
5 ties or events (all-night, alcohol-free dance parties
6 typically featuring loud, pounding dance music).

7 (2) Some raves are held in dance clubs with
8 only a handful of people in attendance. Other raves
9 are held at temporary venues such as warehouses,
10 open fields, or empty buildings, with tens of thou-
11 sands of people present.

12 (3) The trafficking and use of “club drugs”, in-
13 cluding 3, 4-Methylenedioxymethamphetamine (Ec-
14 stasy or MDMA), Ketamine hydrochloride
15 (Ketamine), Flunitrazepam (Rohypnol), and Gamma
16 hydroxybutyrate (GHB), is deeply embedded in the
17 rave culture.

18 (4) Many rave promoters go to great lengths to
19 try to portray their events as alcohol-free parties
20 that are safe places for young adults to go to dance
21 with friends, and some even go so far as to hire off-
22 duty, uniformed police officers to patrol outside of
23 the venue to give parents the impression that the
24 event is safe.

25 (5) Despite such efforts to convince parents
26 that raves are safe, promotional flyers with slang

1 terms for Ecstasy or pictures of Ecstasy pills send
2 the opposite message to teenagers, and in effect pro-
3 mote Ecstasy along with the rave. According to the
4 National Drug Intelligence Center, raves have be-
5 come little more than a way to exploit American
6 youth.

7 (6) Because rave promoters know that Ecstasy
8 causes the body temperature in a user to rise and
9 as a result causes the user to become very thirsty,
10 many rave promoters facilitate and profit from fla-
11 grant drug use at rave parties or events by selling
12 over-priced bottles of water and charging entrance
13 fees to “chill-rooms” where users can cool down.

14 (7) To enhance the effects of the drugs that pa-
15 trons have ingested, rave promoters sell—

16 (A) neon glow sticks;
17 (B) massage oils;
18 (C) menthol nasal inhalers; and
19 (D) pacifiers that are used to combat the
20 involuntary teeth clenching associated with Ec-
21 stasy.

22 (8) Ecstasy is the most popular of the club
23 drugs associated with raves. Thousands of teenagers
24 are treated for overdoses and Ecstasy-related health
25 problems in emergency rooms each year. The Drug

1 Abuse Warning Network reports that Ecstasy men-
2 tions in emergency visits grew 1,040 percent be-
3 tween 1994 and 1999.

4 (9) Ecstasy damages neurons in the brain
5 which contain serotonin, the chemical responsible for
6 mood, sleeping and eating habits, thinking processes,
7 aggressive behavior, sexual function, and sensitivity
8 to pain. According to the National Institute on Drug
9 Abuse, this can lead to long-term brain damage that
10 is still evident 6 to 7 years after Ecstasy use.

11 (10) An Ecstasy overdose is characterized by an
12 increased heart rate, hypertension, renal failure, vis-
13 ual hallucinations, and overheating of the body
14 (some Ecstasy deaths have occurred after the core
15 body temperature of the user goes as high as 110
16 degrees, causing all major organ systems to shut-
17 down and muscles to breakdown), and may cause
18 heart attacks, strokes, and seizures.

19 **SEC. 3. OFFENSES.**

20 (a) IN GENERAL.—Section 416(a) of the Controlled
21 Substances Act (21 U.S.C. 856(a)) is amended—

22 (1) in paragraph (1), by striking “open or
23 maintain any place” and inserting “open, lease, rent,
24 use, or maintain any place, whether permanently or
25 temporarily;”; and

1 (2) by striking paragraph (2) and inserting the
2 following:

3 “(2) manage or control any place, whether per-
4 manently or temporarily, either as an owner, lessee,
5 agent, employee, occupant, or mortgagee, and know-
6 ingly and intentionally rent, lease, profit from, or
7 make available for use, with or without compensa-
8 tion, the place for the purpose of unlawfully manu-
9 facturing, storing, distributing, or using a controlled
10 substance.”.

11 (b) TECHNICAL AMENDMENT.—The heading to sec-
12 tion 416 of the Controlled Substances Act (21 U.S.C. 856)
13 is amended to read as follows:

14 **“SEC. 416. MAINTAINING DRUG-INVOLVED PREMISES.”.**

15 (c) CONFORMING AMENDMENT.—The table of con-
16 tents to title II of the Comprehensive Drug Abuse and
17 Prevention Act of 1970 is amended by striking the item
18 relating to section 416 and inserting the following:

“Sec. 416. Maintaining drug-involved premises.”.

19 **SEC. 4. CIVIL PENALTY AND EQUITABLE RELIEF FOR MAIN-**
20 **TAINING DRUG-INVOLVED PREMISES.**

21 Section 416 of the Controlled Substances Act (21
22 U.S.C. 856) is amended by adding at the end the fol-
23 lowing:

1 “(d)(1) Any person who violates subsection (a) shall
2 be subject to a civil penalty of not more than the greater
3 of—

4 “(A) \$250,000; or

5 “(B) 2 times the gross receipts, either known or
6 estimated, that were derived from each violation that
7 is attributable to the person.

8 “(2) If a civil penalty is calculated under paragraph
9 (1)(B), and there is more than 1 defendant, the court may
10 apportion the penalty between multiple violators, but each
11 violator shall be jointly and severally liable for the civil
12 penalty under this subsection.

13 “(e) Any person who violates subsection (a) shall be
14 subject to declaratory and injunctive remedies as set forth
15 in section 403(f).”.

16 SEC. 5. DECLARATORY AND INJUNCTIVE REMEDIES.

17 Section 403(f)(1) of the Controlled Substances Act
18 (21 U.S.C. 843(f)(1)) is amended by striking “this section
19 or section 402” and inserting “this section, section 402,
20 or 416”.

21 SEC. 6. SENTENCING COMMISSION GUIDELINES.

22 The United States Sentencing Commission shall—

23 (1) review the Federal sentencing guidelines
24 with respect to offenses involving gamma hydroxy-
25 butyric acid (GHB);

1 (2) consider amending the Federal sentencing
2 guidelines to provide for increased penalties such
3 that those penalties reflect the seriousness of of-
4 fenses involving GHB and the need to deter them;
5 and

6 (3) take any other action the Commission con-
7 siders necessary to carry out this section.

8 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR A DE-**
9 **MAND REDUCTION COORDINATOR.**

10 There is authorized to be appropriated \$5,900,000 to
11 the Drug Enforcement Administration of the Department
12 of Justice for the hiring of a special agent in each State
13 to serve as a Demand Reduction Coordinator.

14 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS FOR DRUG**
15 **EDUCATION.**

16 There is authorized to be appropriated such sums as
17 necessary to the Drug Enforcement Administration of the
18 Department of Justice to educate youth, parents, and
19 other interested adults about the drugs associated with
20 raves.

