

Calendar No. 453107TH CONGRESS
2^D 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, Mr. GRASSLEY, Mr. HATCH, Mr. LEAHY, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 27, 2002

Reported by Mr. LEAHY, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reducing Americans’
3 Vulnerability to Ecstasy Act of 2002” or the “RAVE
4 Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

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

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

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

22 (4) Many rave promoters go to great lengths to
23 try to portray their events as alcohol-free parties
24 that are safe places for young adults to go to dance
25 with friends, and some even go so far as to hire off-
26 duty, uniformed police officers to patrol outside of

1 the venue to give parents the impression that the
2 event is safe.

3 (5) Despite such efforts to convince parents
4 that raves are safe, promotional flyers with slang
5 terms for Ecstasy or pictures of Ecstasy pills send
6 the opposite message to teenagers, and in effect pro-
7 mote Ecstasy along with the rave. According to the
8 National Drug Intelligence Center, raves have be-
9 come little more than a way to exploit American
10 youth.

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

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

20 (A) neon glow sticks;

21 (B) massage oils;

22 (C) menthol nasal inhalers; and

23 (D) pacifiers that are used to combat the
24 involuntary teeth clenching associated with Ec-
25 stasy.

1 (8) Ecstasy is the most popular of the club
2 drugs associated with raves. Thousands of teenagers
3 are treated for overdoses and Ecstasy-related health
4 problems in emergency rooms each year. The Drug
5 Abuse Warning Network reports that Ecstasy men-
6 tions in emergency visits grew 1,040 percent be-
7 tween 1994 and 1999.

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

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

23 **SEC. 3. OFFENSES.**

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

1 (1) in paragraph (1), by striking “open or
2 maintain any place” and inserting “open, lease, rent,
3 use, or maintain any place, whether permanently or
4 temporarily,”; and

5 (2) by striking paragraph (2) and inserting the
6 following:

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

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

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

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

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

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

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

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

9 “(A) \$250,000; or

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

13 “(2) If a civil penalty is calculated under paragraph
14 (1)(B), and there is more than 1 defendant, the court may
15 apportion the penalty between multiple violators, but each
16 violator shall be jointly and severally liable for the civil
17 penalty under this subsection.

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

21 **SEC. 5. DECLARATORY AND INJUNCTIVE REMEDIES.**

22 Section 403(f)(1) of the Controlled Substances Act
23 (21 U.S.C. 843(f)(1)) is amended by striking “this section
24 or section 402” and inserting “this section, section 402,
25 or 416”.

1 **SEC. 6. SENTENCING COMMISSION GUIDELINES.**

2 The United States Sentencing Commission shall—

3 (1) review the Federal sentencing guidelines
4 with respect to offenses involving gamma hydroxy-
5 butyric acid (GHB);

6 (2) consider amending the Federal sentencing
7 guidelines to provide for increased penalties such
8 that those penalties reflect the seriousness of of-
9 fenses involving GHB and the need to deter them;
10 and

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

13 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR A DE-**
14 **MAND REDUCTION COORDINATOR.**

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

19 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS FOR DRUG**
20 **EDUCATION.**

21 There is authorized to be appropriated such sums as
22 necessary to the Drug Enforcement Administration of the
23 Department of Justice to educate youth, parents, and
24 other interested adults about the drugs associated with
25 raves.

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