

111TH CONGRESS
1ST SESSION

H. R. 3702

To amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2009

Mr. BOOZMAN introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

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 “Stop Marketing Illegal
5 Drugs to Minors Act”.

6 **SEC. 2. SENTENCING ENHANCEMENTS FOR MARKETING**
7 **CONTROLLED SUBSTANCES TO MINORS.**

8 Section 418 of the Controlled Substances Act (21
9 U.S.C. 859) is amended—

1 (1) in the section heading, by adding at the end
2 the following: “; MARKETING TO MINORS”;

3 (2) in subsection (a), by inserting after “twen-
4 ty-one years of age” the following: “, or who manu-
5 factures, creates, distributes, or possesses with in-
6 tent to distribute a controlled substance that is fla-
7 vored, colored, packaged, or otherwise altered in a
8 way that is designed to make that controlled sub-
9 stance more appealing to a person under twenty-one
10 years of age, or who attempts or conspires to do
11 so,”;

12 (3) in subsection (b), by inserting after “twen-
13 ty-one years of age” the following: “, or who manu-
14 factures, creates, distributes, or possesses with in-
15 tent to distribute a controlled substance that is fla-
16 vored, colored, packaged, or otherwise altered in a
17 way that is designed to make that controlled sub-
18 stance more appealing to a person under twenty-one
19 years of age, or who attempts or conspires to do
20 so,”; and

21 (4) by adding at the end the following:

22 “(c) If the controlled substance that is involved in
23 an offense under this section is methamphetamine, its
24 salts, isomers, and salts of its isomers or a mixture or
25 substance containing a detectable amount of methamphet-

1 amine, its salts, isomers, or salts of its isomers, unless
2 a greater term of imprisonment is imposed under another
3 provision of this Act, the offender shall—

4 “(1) in the case of a first offense—

5 “(A) if the amount of the methamphet-
6 amine involved is 50 grams or more or of the
7 mixture involved is 500 grams or more, be fined
8 not more than \$8,000,000 if an individual and
9 not more than \$20,000,000 if a person other
10 than an individual, and imprisoned for any
11 term of years not less than 20, or for life;

12 “(B) if the amount of methamphetamine
13 involved is not less than 5 nor more than 50
14 grams or of the mixture is not less than 50
15 grams nor more than 500 grams, be fined not
16 more than \$4,000,000 if an individual and not
17 more than \$10,000,000 if a person other than
18 an individual, and imprisoned for any term of
19 years not less than 10, nor more than 80; and

20 “(C) fined not more than \$2,000,000 if an
21 individual and not more than \$10,000,000 if a
22 person other than an individual, and imprisoned
23 any term or years not less than 5 nor more
24 than 40, in any other case;

25 “(2) in the case of a second offense—

1 “(A) if the amount of the methamphet-
2 amine involved is 50 grams or more or of the
3 mixture involved is 500 grams or more, be fined
4 not more than \$16,000,000 if an individual and
5 not more than \$40,000,000 if a person other
6 than an individual, and imprisoned for any
7 term of years not less than 40, or for life;

8 “(B) if the amount of methamphetamine
9 involved is not less than 5 but is less than 50
10 grams or of the mixture is not less than 50
11 grams but is less than 500 grams, be fined not
12 more than \$8,000,000 if an individual and not
13 more than \$20,000,000 if a person other than
14 an individual, and imprisoned for any term of
15 years not less than 20, or for life; and

16 “(C) fined not more than \$4,000,000 if an
17 individual and not more than \$20,000,000 if a
18 person other than an individual, and imprisoned
19 any term or years not less than 10 nor more
20 than 60, in any other case; and

21 “(3) in the case of a third or subsequent of-
22 fense—

23 “(A) if the amount of the methamphet-
24 amine involved is 50 grams or more or of the
25 mixture involved is 500 grams or more, be fined

1 not more than \$32,000,000 if an individual and
2 not more than \$80,000,000 if a person other
3 than an individual, and imprisoned for life;

4 “(B) if the amount of methamphetamine
5 involved is not less than 5 but is less than 50
6 grams or of the mixture is not less than 50
7 grams but is less than 500 grams, be fined not
8 more than \$16,000,000 if an individual and not
9 more than \$40,000,000 if a person other than
10 an individual, and imprisoned for life; and

11 “(C) fined not more than \$8,000,000 if an
12 individual and not more than \$40,000,000 if a
13 person other than an individual, and imprisoned
14 for life, in any other case.”.

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