

111TH CONGRESS  
1ST SESSION

# H. R. 3702

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

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## 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

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## 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 “twenty-  
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 “twenty-  
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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