GOVERNMENT
Storage

Y 4 .W 36 : D 21/2 DOCUMENTS

SEP 14 1970

THE LIBRARY
KANSAS STATE UNIVERSITY

SUMMARY OF H.R. 17463

A BILL TO REGULATE CONTROLLED DANGEROUS SUBSTANCES AND TO AMEND THE NARCOTICS AND DRUGS LAWS

PREPARED FOR THE USE OF THE

COMMITTEE ON WAYS AND MEANS

OF THE

U.S. HOUSE OF REPRESENTATIVES

BY THE

STAFF OF THE JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

JULY 21, 1970

U.S. GOVERNMENT PRINTING OFFICE

47-744 WASHINGTON : 1970 JCS-6-70

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

KANSAS STATE UNIVERSITY
THE LIBRARY
SEP 14 1970
DOCUMENTS

SUMMARY OF LEGISLATION TO REGULATE CONTROLLED DANGEROUS SUBSTANCES AND TO AMEND NARCOTICS AND DRUGS LAWS

PART ONE—BACKGROUND

Actions taken by Administrations

In 1968, there was a reorganization of the agencies responsible for control of narcotics and other dangerous drugs (Reorganization Plan No. 1 of 1968). Under the reorganization plan, these drug enforcement agencies of the Department of Health, Education, and Welfare and the Treasury Department (except those involved with customs) were merged and transferred to the Department of Justice as the Bureau of Narcotics and Dangerous Drugs.

With the centralization of the drug enforcement activities in a single agency of the Department of Justice, the Administration also desired to collect the diverse drug control and enforcement laws in a single statute. These laws now are found in various titles of the United States Code and deal with law enforcement, research, educational and related control activities.

In July of 1969, the Administration sent to the Congress its recommendations with respect to drug control. The primary purpose of the recommendations was to reorganize the existing narcotics and dangerous drugs control laws and to place them in a single statute to be enforced—in accordance with the 1968 reorganization plan—by the Bureau of Narcotics and Dangerous Drugs.

Congressional action

In the Senate the Administration's recommendations were introduced on July 16, 1969, as S. 2637, the proposed Controlled Dangerous Substances Act of 1969, and referred to the Judiciary Committee. The Judiciary Subcommittee on Juvenile Delinquency held hearings on the bill and on S. 1895. The full committee reported a clean bill, S. 3246, which is essentially the same as the Administration proposal except for the revision of the existing penalty structure.

The Senate Judiciary Committee's report on S. 3246 (S. Rept. 91–613) states that the overall purpose of the bill is to improve the administration and regulation of the manufacture, importation and exportation of controlled dangerous substances so that the widespread diversion presently occurring can be halted. The bill classifies the drugs subject to control in specific schedules according to their chemical properties, psychological and physical effects, and potential for abuse.

The Senate passed the bill on January 28, 1970.

In the House the original Administration proposal was divided into two parts and introduced as two separate measures: H.R. 13742, the "Controlled Narcotic Drug Act of 1969" introduced on September 11,

1969, by Chairman Mills and Mr. Byrnes and referred to the Committee on Ways and Means; and H.R. 13743, the "Controlled Depressant and Stimulant Drug Act of 1969," introduced the same day by Chairman Staggers and Mr. Springer of the Committee on Interstate and Foreign Commerce and referred to that committee. The Subcommittee on Public Health and Welfare of the Interstate and Foreign Commerce Committee has held hearings on H.R. 13743 but has not, as yet, reported the bill.

On May 6, 1970, Chairman Mills and Mr. Byrnes introduced H.R. 17463, which is essentially the Senate-passed bill except for a few minor changes recommended by the Administration. This bill is supported by the Administration.

Part Two—Summary of H.R. 17463

Title I: Findings and declarations, definitions, and repealing amendments

The bill states that the repeal of the tax provisions relating to narcotic drugs and marihuana is in the public interest but that fees will be levied on those engaged in the manufacture, distribution, dispensation, importing and exporting of what are subsequently defined as "controlled dangerous drugs" to offset the costs of regulating and controlling these substances at the Federal level. This title also reaffirms the need for Federal regulation and control over the listed controlled dangerous substances.

The title also establishes the legal definitions of the major terms used throughout the bill:

1. The bill defines the types or classes of individuals whose activities or involvement with drugs are regulated under its provisions. These include "addict," "agent," "dispenser," "distributor," "manufacturer," "practitioner" and "ultimate user."

2. The bill defines the processes of drug transactions that are regulated under its provisions. These include "administer," "control," "dispense," "distribute," "manufacture" and "production."

3. The bill defines the classes, categories, or basic substances covered under its provisions. These include "controlled dangerous substance," "counterfeit substance," "depressant or stimulant drug," "drug," "marihuana," "narcotic drug," "opiate," "opium poppy," "poppy straw" and "immediate precursor."

4. The bill also defines such other terms as "Bureau of Narcotics and Dangerous Drugs," "Department," "State" and "United States."

As part of the program to codify all related laws in one statute, the bill repeals essentially all of the existing legislation regulating dealings in narcotics and dangerous drugs, including all or portions of the following: Harrison Narcotic Act of 1914, Opium Smoking Tax Act, Narcotic Drugs Import and Export Acts, Marihuana Tax Act of 1937, Contraband Seizure Act of 1939, Opium Poppy Control Act of 1942, Narcotic Control Act of 1956, Narcotics Manufacturing Act of 1960, Drug Abuse Control Amendments of 1965, and title 18, sections 1401–1407 and 3616. The bill also repeals all of the regulatory and administrative provisions relating to narcotic drugs and marihuana from the Internal Revenue Code.

Title II: Schedules of controlled substances and authority to control

The bill sets forth four schedules of "controlled dangerous substances." In so doing it establishes criteria to be considered in the classification of a controlled dangerous substance within one of the four schedules and lists in the statute the classes of substances and the specific drugs in the various schedules. The following are the criteria for the classification of a substance under each schedule:

Schedule I—(1) a high potential for abuse, (2) no accepted medical use in the United States, and (3) a lack of accepted safety for use in treatment under medical supervision. This schedule includes certain narcotic drugs and the hallucinogenic drugs.

Schedule II.—(1) a high potential for abuse, (2) currently accepted medical use in the United States, or currently accepted medical use with severe restrictions, and (3) abuse which may lead to severe psychic or physical dependence. This schedule includes medically usable opiates, opium derivatives, and coca leaf derivatives.

Schedule III.—(1) a potential for abuse less than the substances listed in schedules I and II, (2) currently accepted medical use in the United States, and (3) abuse which may lead to moderate or low physical dependence or high psychological dependence. This schedule includes depressant drugs and those stimulant drugs other than the hallucinogenics.

Schedule IV.—(1) a low potential for abuse relative to the substances listed in schedule III, (2) currently accepted medical use in the United States, and (3) limited physical dependence and/or psychological dependence liability relative to the substances listed in schedule III. This schedule includes certain exempt narcotic preparations.

This title also authorizes the Attorney General to add, delete, or reschedule any substance as a controlled dangerous substance but requires him first to seek the advice of the Secretary of Health, Education, and Welfare and of the Scientific Advisory Committee. (For formation of the Scientific Advisory Committee, see VI of this bill.) However, the Attorney General may only move a schedule I substance to schedule II unless specifically authorized by Congress to make a greater change. The provision also establishes criteria to be considered in making such decisions which include the drug's potential for abuse, scientific knowledge regarding the substance, the history and scope of abuse, risks to public health, psychic or physiological dependence liability, and treaty requirements.

Title III: Regulation of manufacture, distribution, and dispensing of controlled dangerous substances

This title provides for rules, regulations and other requirements for the registration of persons involved in the manufacture, distribution and dispensing of controlled drugs. It directs the Attorney General to register applicants based on criteria involving consideration of public interest, nature and efficiency of the establishment engaged in manufacture and other operations covered under the bill, adequacy of controls against diversion, compliance of the activities with other relevant laws, the record of the applicant, and other considerations

relevant to the public health and safety. In addition, special registration requirements are provided for applicants interested in conducting research with schedule I substances.

The title further provides for revocation or suspension of registration in cases of certain violations. It also authorizes the Attorney General to establish production quotas for schedule I and II drugs consistent with the medical, scientific and industrial needs of the United States. Finally, it provides for marking of containers of controlled dangerous substances, for records and reports and for order forms as required by the Attorney General to help regulate the manufacture, distribution, and dispensing of controlled dangerous substances.

The title further requires registrants to keep records and make biennial inventories of all stocks of dangerous substances on hand.

Title IV: Importation and exportation

In general, this title of the bill makes provision for controlling and restricting the importation and exportation of the controlled dangerous substances covered under the bill. The importation of controlled dangerous substances is to be allowed only to the extent necessary for medical, scientific, and other legitimate purposes. The exportation of narcotic drugs listed in schedules I, II and III is to be limited to countries that are parties to international treaties on drug control and subject to the criteria of using the drugs in those countries for medical, scientific or other legitimate purposes and to the existence of controls and safeguards against diversion and misuse in those countries. In the case of the exportation of nonnarcotic drugs in schedules I and II, the Attorney General is to receive advance notification and evidence that such drugs will not be further exported by the importing country. The bill also provides for regulations for transshipment of controlled dangerous substances to other countries through the United States.

Title V: Offenses and penalties

This title designates the offenses and penalties for unlawful manufacture; distribution; dispensing; possession with intent to manufacture, distribute, or dispense; importation; exportation; and simple possession of controlled dangerous substances.

The bill eliminates mandatory minimum penalties for all violations, except for a newly created class of professional criminals involved mainly in major distribution, sale, and importation of controlled dangerous substances. The bill defines a professional criminal and provides mandatory sentences for such a person. All other classes of drug offenders, however, are penalized without minimum sentences and are eligible for probation and their sentences can be suspended. Second offenders, though, could receive up to twice the penalty provided for the first offense.

First offenders convicted of simple possession of any controlled dangerous substance for their own use may receive a conditional discharge of the proceedings against them, and upon fulfillment of any terms and conditions the court might impose, they will be discharged and dismissed. In the case of offenders twenty-one years of age or younger their record may be expunged.

In the case of those involved in the legitimate drug trade, penalties are provided for illegal importation, counterfeiting, failure to keep

records, and for related offenses. Further penalties are provided for registrants for illegal distribution of schedule I and II drugs, for falsification of records, for misrepresentation and counterfeiting.

A more detailed description of the penalties is set forth in part three, below. There is a comparison of penalty structures between H.R. 17463 and present law in the appendix.

Title VI: Administrative provisions

This title authorizes the Attorney General to establish and enforce any rules, regulations, and other procedures to help him carry out the provisions of the bill. He is authorized to conduct educational and research programs, to cooperate with local, State and other Federal agencies in carrying out his responsibilities, and is directed to appoint an advisory committee of experts to advise him on scheduling and rescheduling of drugs and other matters. The bill authorizes the Attorney General to hold hearings and issue subpoenas as part of his enforcement activities and further provides for judicial review of the Attorney General's decisions under the bill.

Title VII: Enforcement provisions

In general, the title vests broad enforcement powers in the Bureau of Narcotics and Dangerous Drugs for the effective enforcement of the provisions of the act. Among the more important of these provisions are:

(1) The provision for search warrants which allow entry without notice (the so-called no-knock provision) into premises for the purpose of seizing property that might otherwise be destroyed or to protect human life.

(2) The provision for administrative inspections and warrants and criteria for forfeiture of certain property which is substantially involved in drug violations.

(3) The provision for notification to be given in certain cases to individuals against whom criminal proceedings are to be instituted and for privilege and immunity against self-incrimination for witnesses compelled to testify in proceedings initiated under this bill.

(4) The provision for protecting Federal enforcement officers from liability for law-enforcement activities relating to controlled dangerous substances.

(5) The provision for the payment of informer's fees.

Title VIII: Advisory committees

The title authorizes the Attorney General and the Secretary of Health, Education, and Welfare to appoint a committee of experts to carry out a study covering all aspects of marihuana use. The study is to be completed within 2 years, at which time the committee will submit a report of its findings and recommendations to the President and the Congress.

Title IX: Miscellaneous

The title provides that the bill is not to affect proceedings pending under previous laws. It also establishes severability of the provisions of the bill authorizes appropriations that may be necessary to carry out the purposes of the bill and sets forth the effective date of the bill. (180 days after the date of enactment)

Part Three—More Important Changes Made by the Bill

Although the bill is basically a measure to reorganize the existing statutes dealing with the various controlled dangerous drugs, it also makes significant changes in present law. The more important of these changes are summarized below.

Attorney General's authority to control (sec. 201 of bill)

Under present law, the Attorney General may add a substance to the list of controlled narcotic drugs, or delete a substance, on the basis of the substance's chemical structure and content and addiction liability. He may not add a new basic class, however, unless he has determined that the class is comprised of narcotic drugs as defined by section 4731 of the Internal Revenue Code. Present law also allows the Attorney General to include by regulation other drugs under the definition of "depressant or stimulant drug" if, after investigation, he has found them to have a potential for abuse.

The bill permits the Attorney General to add or delete a substance (and also, with certain limitations, to "reschedule" one) but to so do he must seek the advice of the Secretary of Health, Education, and Welfare and the Scientific Advisory Committee. The bill also sets forth specific elements for consideration by the Attorney General in making such a determination and provides that certain procedures of the Administrative Procedures Act are to apply to the process. Furthermore, by giving the Attorney General the power to add a substance to the proposed Schedule I, the bill would, in effect, permit him to prohibit the manufacture and importation of such substance, an authority which he does not possess under existing law.

Schedules of controlled substances (sec. 202 of bill)

This provision collects the various drugs and classifies them into four basic schedules (described above in part II, discussion of title II). It also provides a list of criteria for each schedule in determining the classification of drugs into that schedule. Under present law, there is no such classification system. The various classes of drugs are controlled by separate laws.

Charging of fees in lieu of imposing occupational taxes (sec. 301 of bill)

This provision authorizes the Attorney General to charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled dangerous substances. Under present law there is no such fee system, however, the Internal Revenue Code imposes occupational taxes (varying from $1 to $24 a year) on manufacturers, importers, wholesale and retail dealers, and physicians and other practitioners dealing in or handling narcotic drugs or marihuana.

Importation of controlled dangerous substances (sec. 401 of bill)

This provision makes it unlawful to import any of the controlled dangerous substances listed in the schedules without the consent of the Attorney General or compliance with other specified procedures. In general, similar controls are provided under present law for most of the controlled dangerous drugs. In the case of finished narcotic drugs, however, the bill allows the importation of narcotics for medical, scientific, or other legitimate needs of the United States during an

emergency when domestic supplies are inadequate or if competition among domestic manufactueres of the drug in inadequate. Present law prohibits the importation of these finished drugs.

Exportation of controlled dangerous substances (sec. 403 of bill)

In the case of nonnarcotic controlled dangerous substances listed in schedules I and II (the hallucinogenic substances) the bill prohibits the exportion of such substances unless:

(1) the destination country has an adequate system for the control of imports of such substances,

(2) the substance is consigned to a properly licensed receiver,

(3) evidence is furnished to the Attorney General that the substance is to be applied exclusively to and is needed for medical, scientific, or other legitimate uses within the destination country, and

(4) a permit to export the substance has been issued.

This is essentially a new provision which for the first time provides controls over the exporting of these nonnarcotic dangerous substances.

In the case of schedule III or IV substances, the bill contains a new provision providing that the substances which do not require an export permit may not be exported unless the recipient country permits the importation of such drugs and the exporter complies with certain specified procedures.

Offenses and penalties (secs. 501–509 of bill)

Title V of the bill sets forth 3 separate degrees of offenses and the penalties for each. In general, these provisions differ from existing Federal laws regulating narcotics and marihuana by eliminating mandatory minimum penalties for all violations, except for a newly created class of professional criminals involved mainly in major distribution, sale, and importation of controlled dangerous drugs (see the appendix for a comparison of penalty structures between H.R. 17463 and present law).

The first set of offenses and penalties (called "Prohibited Acts A" in the bill) prohibits, among others, the following acts:

(1) the manufacture, distribution, dispensing or possession with intent to manufacture, distribute, or dispense a controlled dangerous substance;

(2) the importation of schedule I and II controlled dangerous substances and of schedule III and IV narcotic substances;

(3) the exportation of schedule I and II controlled dangerous substances and schedule III narcotic substances; and

(4) the creation, distributions or possession with intent to distribute, of counterfeit controlled dangerous substances.

The penalties for violations of these prohibited acts are as follows:

(1) up to 12 years imprisonment and/or up to a $25,000 fine for violations with respect to schedule I or II narcotic substances and a special parole term of at least 3 years;

(2) imprisonment up to 5 years and/or a fine up to $15,000 for violations with respect to schedule I, II, or III controlled dangerous substances not covered above and a special parole term of at least 2 years;

(3) imprisonment up to 1 year and/or a fine up to $5,000 for violations with respect to schedule IV substances; and

(4) imprisonment up to 1 year and/or a fine up to $5,000 with respect to the distribution of a small amount of marihuana for no profit, but only if it is a first offense.

The second degree of prohibited acts ("Prohibited Acts B") makes it unlawful to do such acts as the following:

(1) dispense or distribute controlled dangerous substances without a written or (in emergencies) oral prescription;

(2) manufacture, distribute, or dispense a controlled dangerous substance contrary to the terms of registration requirements;

(3) bring schedule I, II, or III controlled dangerous substances into the United States for purposes of transshipment or exportation contrary to the regulations promulgated by the Attorney General;

(4) omit marking containers of controlled dangerous substances as required by the act;

(5) fail to make, keep or furnish records, order forms, or other information required by this act; or

(6) in the case of registrants, manufacture controlled dangerous substances not authorized or in excess of quotas established by the Attorney General.

The penalties for the violations of the prohibited acts referred to above are a civil fine up to $25,000, or imprisonment up to 1 year and/or a fine up to $25,000 if such violation is committed knowingly or intentionally.

The third set of prohibited acts (called "Prohibited Acts C") make it unlawful to do such acts as the following:

(1) distribute controlled dangerous substances in schedule I or II contrary to registration or order form requirements;

(2) use fictitious, revoked or suspended registration numbers in connection with the manufacture or distribution of controlled dangerous substances;

(3) furnish false, fraudulent or incomplete material information in any application, report, record or other required document; or,

(4) make, distribute, or possess an instrument designed to print or reproduce the trademark or other identifying mark on any drug or container so as to render such drug a counterfeit controlled dangerous substance.

The penalties for the violations of the prohibited acts referred to above are imprisonment up to 3 years and/or a fine of up to $30,000.

The bill specifically defines a professional criminal as a person over 21 years of age who has played a substantial role in a continuing criminal enterprise involving violations of this bill in concert with at least five other persons and occupies a position of organizer, a supervisory position or other position of management. He may also be considered a professional criminal if he has played a substantial role in a continuing criminal enterprise and has or has had in his name or under his control substantial income or resources not demonstrated to have been derived from lawful activities or interests. The penalty for such a person engaging in these violations is a mandatory 5 years to life sentence, a mandatory fine of $50,000 and forfeiture of specified property. In the case of a second offense the penalty and fine may be doubled. There is no comparable provision in present law.

Search warrants (sec. 702 of bill)

Under this section an officer who is authorized to execute a search warrant relating to felony offenses involving controlled dangerous substances, may break into a building without notice of his authority and purpose (the so-called no-knock provision) if the judge or magistrate issuing the warrant is satisfied that there is probable cause to believe that if the officer knocked and announced his authority and purpose, either the property sought would be easily and quickly destroyed or disposed of or that such notice would endanger the life of safety of the officer executing the warrant. There are as yet no such statutes under present Federal law for the authorization of unannounced entries in the execution of search warrants.

Immunities and privileges (sec. 707 of bill)

This provision authorizes a United States attorney with the approval of the Attorney General to request the court to order an individual to give any testimony or provide any other information which he has refused to give or provide on the basis of his privilege against self-incrimination. However, in such a case the witness would not be prosecuted in any criminal case on the basis of the testimony or other information compelled under the order or any information obtained by such testimony or other information (except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order). There are no comparable immunity provisions under existing Federal narcotic, marihuana, and dangerous drug laws.

APPENDIX

COMPARISON OF PENALTY STRUCTURES BETWEEN H.R. 17463 (CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969) AND PRESENT LAW

Violation	Law applicable	Maximum fine	Sentence	Special parole term	Probation or suspended sentence permitted	Parole permitted
Unlawful distribution, possession with intent to distribute, manufacture, importation and exportation, etc.:						
(1st offense)	Present law:					
	Narcotics	$20,000	5 to 20 years	No	No	No.
	Marihuana	20,000	do	No	No	Yes.
	Dangerous drugs	10,000	Up to 5 years	No	Yes	Yes.
	H.R. 17463:					
	I and II narcotics	25,000	Up to 12 years	At least 3 years	Yes	Yes.
	I and II nonnarcotics and III substances	15,000	Up to 5 years	At least 2 years	Yes	Yes.
	IV substances	5,000	Up to 1 year	No	Yes	Yes.
2d offense	Present law:					
	Narcotics	20,000	10 to 40 years	No	No	No.
	Marihuana	20,000	do	No	No	Yes.
	Dangerous drugs	20,000	Up to 5 years	No	Yes	Yes.
	H.R. 17463:					
	I and II narcotics	50,000	Up to 24 years	At least 6 years	Yes	Yes.
	I and II nonnarcotics and III substances	30,000	Up to 10 years	At least 4 years	Yes	Yes.
	IV substances	10,000	Up to 2 years	No	Yes	Yes.

Note: Under existing Federal law possession with intent to distribute is not a separate offense.

Source: Department of Justice.

Violation	Law applicable	Maximum fine	Sentence	Probation or suspended sentence permitted	Parole permitted
Simple possession:					
1st offense	Present law:				
	Narcotics	$20,000	2 to 10 years	Yes	Yes.
	Marihuana	20,000	do	Yes	Yes.
	Dangerous drugs	1,000	Up to 1 year	Yes	Yes.
	H.R. 17463:				
	I and II narcotics	5,000	do	Yes	Yes.
	I and II nonnarcotics and III substances	5,000	do	Yes	Yes.
	IV substances	5,000	do	Yes	Yes.
2d offense	Present law:				
	Narcotics	20,000	5 to 20 years	No	No.
	Marihuana	20,000	do	No	Yes.
	Dangerous drugs	1,000	Up to 1 year	Yes	Yes.
	H.R. 17463:				
	I and II narcotics	10,000	Up to 2 years	Yes	Yes.
	I and II nonnarcotics and III substances.	10,000	do	Yes	Yes.
	IV substances	10,000	do	Yes	Yes.
Distribution of small amounts of marihuana for no profit	Present law: No applicable provisions				
1st offense	H.R. 17463	5,000	1 year	Yes	Yes.
2d offense	H.R. 17463	15,000	Up to 10 years	Yes	Yes.
Continuing criminal enterprise	Present law: No applicable provisions				
1st offense	H.R. 17463	50,000	5 years to life	No	No.
2d offense	H.R. 17463	100,000	10 years to life	No	No.

Violation	Comments
Conditional discharge for possession as first offense	H.R. 17463 provides that a court may, upon finding any person guilty of possessing a controlled dangerous substance without intent to distribute, and who has not previously been convicted under any Federal or State law relating to narcotic drugs, marihuana, stimulant, depressant, or hallucinogenic drugs, defer further proceedings and place the person on probation upon such reasonable terms and conditions as it may require. Upon violation of the terms of probation, the court may enter an adjudication of guilt and proceed as provided by the respective acts. Upon fulfillment of the terms of probation, the court shall discharge the person and dismiss the proceedings. Such discharge shall not be deemed a conviction for the purposes of the disabilities imposed by law upon persons convicted of crimes. However, such discharge and dismissal under these sections is available only once with respect to any person. There are no provisions for first offender treatment under the present Federal law for offenses involving possession of narcotics or marihuana. There is a provision allowing for first offender treatment under the Drug Abuse Control amendments of 1965, but it is applicable only to cases involving possession of dangerous drugs.
Endeavor and conspiracy	H.R. 17463 provides that any person who endeavors or conspires to commit any offense under the act may be punished by imprisonment and/or fine, which may not exceed the maximum punishment proscribed for committing the offense. Present Federal law provides that any person who conspires to commit an offense under any of the acts may be punished by imprisonment and/or fine not exceeding the maximum punishment proscribed for committing the offense. Attempt to commit an offense under any of the existing acts is not punishable as an offense.
Distribution of persons under the age of 18	H.R. 17463 provides that any person over 18 who knowingly and intentionally violates subsection 501(a)(1) by distributing a substance classified in schedules I or II which is a narcotic to a person under 18 years of age who is at least 3 years his junior is punishable by a term of imprisonment twice that authorized by subsection 501 (c)(1) by a fine of $25 000 or both. Distribution of any other controlled dangerous substance classified in schedules I, II, III, or IV by a person over 18 to a person under 18 who is at least 3 years his junior is punishable by a term of imprisonment up to twice that authorized under subsection 501(c)(2) or (3) by the fine authorized under subsection 501(c)(2) or (3) or both. For any of these offenses imposition or execution of sentences cannot be suspended and probation cannot be granted. Under existing Federal law distribution of narcotics or marihuana by a person over 18 to a person under 18 years of age is punishable by imprisonment for not less than 10 years nor more than 40 years and in addition may be fined not more than $20,000. Imposition or execution of such sentence cannot be suspended and probation cannot be granted. In addition, if the offense involves a narcotic drug, the parole provisions under Federal law shall not apply. Under the Drug Abuse Control amendments of 1965, a person over 18 who distributed dangerous drugs to a person under 21 years of age is punishable by imprisonment for not more than 10 years, a fine not exceeding $15,000, or both. A second offense is punishable by imprisonment for not more than 15 years, a fine not exceeding $20,000, or both.

A1L600 789659