

108TH CONGRESS
2D SESSION

H. R. 3866

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2004

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, 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 “Anabolic Steroid Con-
3 trol Act of 2004”.

4 **SEC. 2. INCREASED PENALTIES FOR ANABOLIC STEROID**
5 **OFFENSES NEAR SPORTS FACILITIES.**

6 (a) IN GENERAL.—Part D of the Controlled Sub-
7 stances Act is amended by adding at the end the following:

8 **ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES**

9 “SEC. 424. (a) Whoever violates section 401(a)(1) or
10 section 416 by manufacturing, distributing, or possessing
11 with intent to distribute, an anabolic steroid near or at
12 a sports facility is subject to twice the maximum term of
13 imprisonment, maximum fine, and maximum term of su-
14 pervised release otherwise provided by section 401 for that
15 offense.

16 “(b) As used in this section—

17 “(1) the term ‘sports facility’ means real prop-
18 erty where athletic sports or athletic training takes
19 place, if such property is privately owned for com-
20 mercial purposes or if such property is publicly
21 owned, but does not include any real property de-
22 scribed in section 419;

23 “(2) the term ‘near or at’ means in or on, or
24 within 1000 feet of; and

1 “(3) the term ‘possessing with intent to dis-
 2 tribute’ means possessing with the intent to dis-
 3 tribute near or at a sports facility.”.

4 (b) TABLE OF CONTENTS AMENDMENT.—The table
 5 of contents for Comprehensive Drug Abuse Prevention
 6 and Control Act of 1970 is amended by inserting after
 7 the item relating to section 423 the following new item:
 “Sec. 424. Anabolic steroid offenses near sports facilities.”.

8 **SEC. 3. SENTENCING COMMISSION GUIDELINES.**

9 The United States Sentencing Commission shall—

10 (1) review the Federal sentencing guidelines
 11 with respect to offenses involving anabolic steroids;

12 (2) consider amending the Federal sentencing
 13 guidelines to provide for increased penalties with re-
 14 spect to offenses involving anabolic steroids in a
 15 manner that reflects the seriousness of such offenses
 16 and the need to deter anabolic steroid use; and

17 (3) take such other action that the Commission
 18 considers necessary to carry out this section.

19 **SEC. 4. AMENDMENTS TO THE CONTROLLED SUBSTANCES** 20 **ACT.**

21 (a) DEFINITIONS.—Section 102 of the Controlled
 22 Substances Act (21 U.S.C. 802) is amended—

23 (1) in paragraph (41)—

24 (A) by realigning the margin so as to align
 25 with paragraph (40); and

1 (B) by striking subparagraph (A) and in-
2 serting the following:

3 “(A) The term ‘anabolic steroid’ means any drug or
4 hormonal substance, chemically and pharmacologically re-
5 lated to testosterone (other than estrogens, progestins,
6 corticosteroids, and dehydroepiandrosterone), and in-
7 cludes—

8 “(i) androstenediol—

9 “(I) $3\beta,17\beta$ -dihydroxy- 5α -androstane; and

10 “(II) $3\alpha,17\beta$ -dihydroxy- 5α -androstane;

11 “(ii) androstenedione (5α -androst-3,17-
12 dione);

13 “(iii) androstenediol—

14 “(I) 1-androstenediol ($3\beta,17\beta$ -dihydroxy-
15 5α -androst-1-ene);

16 “(II) 1-androstenediol ($3\alpha,17\beta$ -dihydroxy-
17 5α -androst-1-ene);

18 “(III) 4-androstenediol ($3\beta,17\beta$ -dihydroxy-
19 androst-4-ene); and

20 “(IV) 5-androstenediol ($3\beta,17\beta$ -dihydroxy-
21 androst-5-ene);

22 “(iv) androstenedione—

23 “(I) 1-androstenedione ($[5\alpha]$ -androst-1-en-
24 3,17-dione);

- 1 “(II) 4-androstenedione (androst-4-en-
2 3,17-dione); and
- 3 “(III) 5-androstenedione (androst-5-en-
4 3,17-dione);
- 5 “(v) bolasterone (7 α ,17 α -dimethyl-17 β -
6 hydroxyandrost-4-en-3-one);
- 7 “(vi) boldenone (17 β -hydroxyandrost-1,4,-diene-
8 3-one);
- 9 “(vii) calusterone (7 β ,17 α -dimethyl-17 β -
10 hydroxyandrost-4-en-3-one);
- 11 “(viii) clostebol (4-chloro-17 β -hydroxyandrost-4-
12 en-3-one);
- 13 “(ix) dehydrochlormethyltestosterone (4-chloro-
14 17 β -hydroxy-17 α -methylandrost-1,4-dien-3-one);
- 15 “(x) Δ 1-dihydrotestosterone (also known as 1-
16 testosterone) (17 β -hydroxy-5 α -androst-1-en-3-one);
- 17 “(xi) 4-dihydrotestosterone (17 β -hydroxy-
18 androstan-3-one);
- 19 “(xii) drostanolone (17 β -hydroxy-2 α -methyl-5 α -
20 androstan-3-one);
- 21 “(xiii) ethylestrenol (17 α -ethyl-17 β -hydroxyestr-
22 4-ene);
- 23 “(xiv) fluoxymesterone (9-fluoro-17 α -methyl-
24 11 β ,17 β -dihydroxyandrost-4-en-3-one);

- 1 “(xv) formebolone (2-formyl-17 α -methyl-
2 11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- 3 “(xvi) furazabol (17 α -methyl-17 β -
4 hydroxyandrostano[2,3-c]-furazan);
- 5 “(xvii) 13 α -ethyl-17 β -hydroxygon-4-en-3-one;
- 6 “(xviii) 4-hydroxytestosterone (4,17 β -dihydroxy-
7 androst-4-en-3-one);
- 8 “(xix) 4-hydroxy-19-nortestosterone (4,17 β -
9 dihydroxy-estr-4-en-3-one);
- 10 “(xx) mestanolone (17 α -methyl-17 β -hydroxy-
11 5 α -androstan-3-one);
- 12 “(xxi) mesterolone (1 α -methyl-17 β -hydroxy-
13 [5 α]-androstan-3-one);
- 14 “(xxii) methandienone (17 α -methyl-17 β -
15 hydroxyandrost-1,4-dien-3-one);
- 16 “(xxiii) methandriol (17 α -methyl-3 β ,17 β -
17 dihydroxyandrost-5-ene);
- 18 “(xxiv) methenolone (1-methyl-17 β -hydroxy-5 α -
19 androst-1-en-3-one);
- 20 “(xxv) methyltestosterone (17 α -methyl-17 β -
21 hydroxyandrost-4-en-3-one);
- 22 “(xxvi) mibolerone (7 α ,17 α -dimethyl-17 β -
23 hydroxyestr-4-en-3-one);

1 “(xxvii) 17 α -methyl- Δ 1-dihydrotestosterone (17
2 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (also
3 known as ‘17- α -methyl-1-testosterone’);

4 “(xxviii) nandrolone (17 β -hydroxyestr-4-en-3-
5 one);

6 “(xxix) norandrostenediol—

7 “(I) 19-nor-4-androstenediol (3 β , 17 β -
8 dihydroxyestr-4-ene);

9 “(II) 19-nor-4-androstenediol (3 α , 17 β -
10 dihydroxyestr-4-ene);

11 “(III) 19-nor-5-androstenediol (3 β , 17 β -
12 dihydroxyestr-5-ene); and

13 “(IV) 19-nor-5-androstenediol (3 α , 17 β -
14 dihydroxyestr-5-ene);

15 “(xxx) norandrostenedione—

16 “(I) 19-nor-4-androstenedione (estr-4-en-
17 3,17-dione); and

18 “(II) 19-nor-5-androstenedione (estr-5-en-
19 3,17-dione);

20 “(xxxi) norbolethone (13 β ,17 α -diethyl-17 β -
21 hydroxygon-4-en-3-one);

22 “(xxxii) norclostebol (4-chloro-17 β -hydroxyestr-
23 4-en-3-one);

24 “(xxxiii) norethandrolone (17 α -ethyl-17 β -
25 hydroxyestr-4-en-3-one);

1 “(xxxiv) oxandrolone (17 α -methyl-17 β -hydroxy-
2 2-oxa-[5 α]-androstan-3-one);

3 “(xxxv) oxymesterone (17 α -methyl-4,17 β -
4 dihydroxyandrost-4-en-3-one);

5 “(xxxvi) oxymetholone (17 α -methyl-2-
6 hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-
7 one);

8 “(xxxvii) stanozolol (17 α -methyl-17 β -hydroxy-
9 [5 α]-androst-2-eno[3,2-c]-pyrazole);

10 “(xxxviii) stenbolone (17 β -hydroxy-2-methyl-
11 [5 α]-androst-1-en-3-one);

12 “(xxxix) testolactone (13-hydroxy-3-oxo-13,17-
13 secoandrosta-1,4-dien-17-oic acid lactone);

14 “(xl) testosterone (17 β -hydroxyandrost-4-en-3-
15 one);

16 “(xli) tetrahydrogestrinone (13 β ,17 α -diethyl-
17 17 β -hydroxygon-4,9,11-trien-3-one);

18 “(xlii) trenbolone (17 β -hydroxyestr-4,9,11-trien-
19 3-one); and

20 “(xlili) any salt, ester, or ether of a drug or
21 substance described in this paragraph;”; and

22 (2) in paragraph (44), by inserting “anabolic
23 steroids,” after “marihuana,”.

1 (b) AUTHORITY AND CRITERIA FOR CLASSIFICA-
2 TION.—Section 201(g) of the Controlled Substances Act
3 (21 U.S.C. 811(g)) is amended—

4 (1) in paragraph (1), by striking “substance
5 from a schedule if such substance” and inserting
6 “drug which contains a controlled substance from
7 the application of titles II and III of the Comprehen-
8 sive Drug Abuse Prevention and Control Act (21
9 U.S.C. 802 et seq.) if such drug”; and

10 (2) in paragraph (3), by adding at the end the
11 following:

12 “(C) Upon the recommendation of the Sec-
13 retary of Health and Human Services, a compound,
14 mixture, or preparation which contains any anabolic
15 steroid, which is intended for administration to a
16 human being or an animal, and which, because of its
17 concentration, preparation, formulation or delivery
18 system, does not present any significant potential for
19 abuse.”.

20 (c) ANABOLIC STEROIDS CONTROL ACT.—Section
21 1903 of the Anabolic Steroids Control Act of 1990 (Public
22 Law 101–647; 21 U.S.C. 802 note) is amended—

23 (1) by striking subsection (a); and

24 (2) by redesignating subsections (b) and (c) as
25 subsections (a) and (b), respectively.

1 **SEC. 5. REPORTING REQUIREMENT.**

2 Not later than 2 years after the date of the enact-
3 ment of this Act, the Secretary of Health and Human
4 Services, in consultation with the Attorney General, shall
5 prepare and submit a report to the Judiciary Committee
6 of the House and Senate, and to the Committee on Energy
7 and Commerce of the House, evaluating the health risks
8 associated with dietary supplements not scheduled under
9 the amendments made by this Act which contain sub-
10 stances similar to those added to the list of controlled sub-
11 stances under those amendments. The report shall include
12 recommendations on whether such substances should be
13 regulated as anabolic steroids.

Passed the House of Representatives June 3, 2004.

Attest:

JEFF TRANDAHL,

Clerk.