

interstate or foreign commerce with intent to deprive the other of a right to the property or a benefit of the property or to appropriate the property to his own use or the use of another shall be fined under this title or imprisoned not more than five years, or both. The term "livestock" has the meaning set forth in section 2311 of this title.

(Added Pub. L. 98-473, title II, § 1111, Oct. 12, 1984, 98 Stat. 2149; amended Pub. L. 103-322, title XXXIII, §§ 330009(b), 330016(1)(L), Sept. 13, 1994, 108 Stat. 2143, 2147.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000" and inserted at end "The term 'livestock' has the meaning set forth in section 2311 of this title."

§ 668. Theft of major artwork

(a) **DEFINITIONS.**—In this section—

- (1) "museum" means an organized and permanent institution, the activities of which affect interstate or foreign commerce, that—
 - (A) is situated in the United States;
 - (B) is established for an essentially educational or aesthetic purpose;
 - (C) has a professional staff; and
 - (D) owns, utilizes, and cares for tangible objects that are exhibited to the public on a regular schedule.
- (2) "object of cultural heritage" means an object that is—
 - (A) over 100 years old and worth in excess of \$5,000; or
 - (B) worth at least \$100,000.

(b) **OFFENSES.**—A person who—

- (1) steals or obtains by fraud from the care, custody, or control of a museum any object of cultural heritage; or
- (2) knowing that an object of cultural heritage has been stolen or obtained by fraud, if in fact the object was stolen or obtained from the care, custody, or control of a museum (whether or not that fact is known to the person), receives, conceals, exhibits, or disposes of the object,

shall be fined under this title, imprisoned not more than 10 years, or both.

(Added Pub. L. 103-322, title XXXII, § 320902(a), Sept. 13, 1994, 108 Stat. 2123; amended Pub. L. 104-294, title VI, § 604(b)(18), Oct. 11, 1996, 110 Stat. 3507.)

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294 designated first and second pars. beginning with quotation mark as pars. (1) and (2), respectively, and made technical amendment to provisions appearing in original.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

§ 669. Theft or embezzlement in connection with health care

(a) Whoever knowingly and willfully embezzles, steals, or otherwise without authority converts to the use of any person other than the rightful owner, or intentionally misapplies any of the moneys, funds, securities, premiums, credits, property, or other assets of a health care benefit program, shall be fined under this title or imprisoned not more than 10 years, or both; but if the value of such property does not exceed the sum of \$100 the defendant shall be fined under this title or imprisoned not more than one year, or both.

(b) As used in this section, the term "health care benefit program" has the meaning given such term in section 24(b) of this title.

(Added Pub. L. 104-191, title II, § 243(a), Aug. 21, 1996, 110 Stat. 2017.)

§ 670. Theft of medical products

(a) **PROHIBITED CONDUCT.**—Whoever, in, or using any means or facility of, interstate or foreign commerce—

- (1) embezzles, steals, or by fraud or deception obtains, or knowingly and unlawfully takes, carries away, or conceals a pre-retail medical product;
- (2) knowingly and falsely makes, alters, forges, or counterfeits the labeling or documentation (including documentation relating to origination or shipping) of a pre-retail medical product;
- (3) knowingly possesses, transports, or traffics in a pre-retail medical product that was involved in a violation of paragraph (1) or (2);
- (4) with intent to defraud, buys, or otherwise obtains, a pre-retail medical product that has expired or been stolen;
- (5) with intent to defraud, sells, or distributes, a pre-retail medical product that is expired or stolen; or
- (6) attempts or conspires to violate any of paragraphs (1) through (5);

shall be punished as provided in subsection (c) and subject to the other sanctions provided in this section.

(b) **AGGRAVATED OFFENSES.**—An offense under this section is an aggravated offense if—

- (1) the defendant is employed by, or is an agent of, an organization in the supply chain for the pre-retail medical product; or
- (2) the violation—
 - (A) involves the use of violence, force, or a threat of violence or force;
 - (B) involves the use of a deadly weapon;
 - (C) results in serious bodily injury or death, including serious bodily injury or death resulting from the use of the medical product involved; or
 - (D) is subsequent to a prior conviction for an offense under this section.

(c) **CRIMINAL PENALTIES.**—Whoever violates subsection (a)—

- (1) if the offense is an aggravated offense under subsection (b)(2)(C), shall be fined under this title or imprisoned not more than 30 years, or both;
- (2) if the value of the medical products involved in the offense is \$5,000 or greater, shall

be fined under this title, imprisoned for not more than 15 years, or both, but if the offense is an aggravated offense other than one under subsection (b)(2)(C), the maximum term of imprisonment is 20 years; and

(3) in any other case, shall be fined under this title, imprisoned for not more than 3 years, or both, but if the offense is an aggravated offense other than one under subsection (b)(2)(C), the maximum term of imprisonment is 5 years.

(d) CIVIL PENALTIES.—Whoever violates subsection (a) is subject to a civil penalty in an amount not more than the greater of—

- (1) three times the economic loss attributable to the violation; or
- (2) \$1,000,000.

(e) DEFINITIONS.—In this section—

(1) the term “pre-retail medical product” means a medical product that has not yet been made available for retail purchase by a consumer;

(2) the term “medical product” means a drug, biological product, device, medical food, or infant formula;

(3) the terms “device”, “drug”, “infant formula”, and “labeling” have, respectively, the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act;

(4) the term “biological product” has the meaning given the term in section 351 of the Public Health Service Act;

(5) the term “medical food” has the meaning given the term in section 5(b) of the Orphan Drug Act; and

(6) the term “supply chain” includes manufacturer, wholesaler, repacker, own-labeled distributor, private-label distributor, jobber, broker, drug trader, transportation company, hospital, pharmacy, or security company.

(Added Pub. L. 112-186, §2(a), Oct. 5, 2012, 126 Stat. 1427.)

Editorial Notes

REFERENCES IN TEXT

Section 201 of the Federal Food, Drug, and Cosmetic Act, referred to in subsec. (e)(3), is classified to section 321 of Title 21, Food and Drugs.

Section 351 of the Public Health Service Act, referred to in subsec. (e)(4), is classified to section 262 of Title 42, The Public Health and Welfare.

Section 5(b) of the Orphan Drug Act, referred to in subsec. (e)(5), is classified to section 360ee(b) of Title 21.

Statutory Notes and Related Subsidiaries

PRIORITY GIVEN TO CERTAIN INVESTIGATIONS AND PROSECUTIONS

Pub. L. 112-186, §4(e), Oct. 5, 2012, 126 Stat. 1429, provided that: “The Attorney General shall give increased priority to efforts to investigate and prosecute offenses under section 670 of title 18, United States Code, that involve pre-retail medical products.”

CHAPTER 33—EMBLEMS, INSIGNIA, AND NAMES

Sec.

700.	Desecration of the flag of the United States; penalties.
701.	Official badges, identification cards, other insignia.

Sec.	
702.	Uniform of armed forces and Public Health Service.
703.	Uniform of friendly nation.
704.	Military medals or decorations.
705.	Badge or medal of veterans' organizations.
706.	Red Cross.
706a.	Geneva distinctive emblems.
[707, 708.]	Repealed.]
709.	False advertising or misuse of names to indicate Federal agency.
710.	Cremation urns for military use.
[711, 711a.]	Repealed.]
712.	Misuse of names, words, emblems, or insignia.
713.	Use of likenesses of the great seal of the United States, the seals of the President and Vice President, the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress.
[714, 715.]	Repealed.]
716.	Public employee insignia and uniform.

Editorial Notes

AMENDMENTS

2020—Pub. L. 116-260, div. O, title X, §1003(d), Dec. 27, 2020, 134 Stat. 2156, struck out items 707 “4-H Club emblem fraudulently used”, 708 “Swiss Confederation coat of arms”, 711 “‘Smokey Bear’ character or name”, 711a “‘Woody Owl’ character, name, or slogan”, and 715 “‘The Golden Eagle Insignia’”.

2007—Pub. L. 109-481, §2(b), Jan. 12, 2007, 120 Stat. 3674, added item 706a.

2006—Pub. L. 109-162, title XI, §1191(b), Jan. 5, 2006, 119 Stat. 3129, substituted “Public employee insignia and uniform” for “Police badges” in item 716.

2000—Pub. L. 106-547, §3(b), Dec. 19, 2000, 114 Stat. 2740, added item 716.

1997—Pub. L. 105-55, title III, §308(e), Oct. 7, 1997, 111 Stat. 1198, substituted “Use of likenesses of the great seal of the United States, the seals of the President and Vice President, the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress” for “Use of likenesses of the great seal of the United States, the seals of the President and Vice President, and the seal of the United States Senate” in item 713.

1991—Pub. L. 102-229, title II, §210(e), Dec. 12, 1991, 105 Stat. 1717, substituted “Use of likenesses of the great seal of the United States, the seals of the President and Vice President, and the seal of the United States Senate” for “Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President.” in item 713.

1990—Pub. L. 101-647, title XXXV, §3518, Nov. 29, 1990, 104 Stat. 4923, inserted a comma after “INSIGNIA” in chapter heading.

1982—Pub. L. 97-258, §2(d)(1)(A), Sept. 13, 1982, 96 Stat. 1058, struck out item 714 relating to “Johnny Horizon” character or name.

1974—Pub. L. 93-318, §8, June 22, 1974, 88 Stat. 245, added item 711a.

1973—Pub. L. 93-147, §1(b), Nov. 3, 1973, 87 Stat. 555, substituted “Misuse of names, words, emblems, or insignia” for “Misuse of names by collecting agencies to indicate Federal agency” in item 712.

1972—Pub. L. 92-347, §3(c), July 11, 1972, 86 Stat. 462, added item 715.

1971—Pub. L. 91-651, §2, Jan. 5, 1971, 84 Stat. 1941, inserted “, and of the seals of the President and Vice President” after “United States” in item 713.

1970—Pub. L. 91-419, §4, Sept. 25, 1970, 84 Stat. 871, added item 714.

1968—Pub. L. 90-381, §2, July 5, 1968, 82 Stat. 291, added item 700.

1966—Pub. L. 89-807, §1(b), Nov. 11, 1966, 80 Stat. 1525, added item 713.

1959—Pub. L. 86-291, §3, Sept. 21, 1959, 73 Stat. 570, added item 712.