

108TH CONGRESS  
1ST SESSION

# S. 226

To prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2003

Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. LIEBERMAN, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Illicit Drug Anti-Pro-  
5 liferation Act of 2003”.

1 **SEC. 2. OFFENSES.**

2 (a) IN GENERAL.—Section 416(a) of the Controlled  
3 Substances Act (21 U.S.C. 856(a)) is amended—

4 (1) in paragraph (1), by striking “open or  
5 maintain any place” and inserting “open, lease, rent,  
6 use, or maintain any place, whether permanently or  
7 temporarily,”; and

8 (2) by striking paragraph (2) and inserting the  
9 following:

10 “(2) manage or control any place, whether per-  
11 manently or temporarily, either as an owner, lessee,  
12 agent, employee, occupant, or mortgagee, and know-  
13 ingly and intentionally rent, lease, profit from, or  
14 make available for use, with or without compensa-  
15 tion, the place for the purpose of unlawfully manu-  
16 facturing, storing, distributing, or using a controlled  
17 substance.”.

18 (b) TECHNICAL AMENDMENT.—The heading to sec-  
19 tion 416 of the Controlled Substances Act (21 U.S.C. 856)  
20 is amended to read as follows:

21 **“SEC. 416. MAINTAINING DRUG-INVOLVED PREMISES.”.**

22 (c) CONFORMING AMENDMENT.—The table of con-  
23 tents to title II of the Comprehensive Drug Abuse and  
24 Prevention Act of 1970 is amended by striking the item  
25 relating to section 416 and inserting the following:

“Sec. 416. Maintaining drug-involved premises.”.

1 **SEC. 3. CIVIL PENALTY AND EQUITABLE RELIEF FOR MAIN-**  
2 **TAINING DRUG-INVOLVED PREMISES.**

3 Section 416 of the Controlled Substances Act (21  
4 U.S.C. 856) is amended by adding at the end the fol-  
5 lowing:

6 “(d)(1) Any person who violates subsection (a) shall  
7 be subject to a civil penalty of not more than the greater  
8 of—

9 “(A) \$250,000; or

10 “(B) 2 times the gross receipts, either known or  
11 estimated, that were derived from each violation that  
12 is attributable to the person.

13 “(2) If a civil penalty is calculated under paragraph  
14 (1)(B), and there is more than 1 defendant, the court may  
15 apportion the penalty between multiple violators, but each  
16 violator shall be jointly and severally liable for the civil  
17 penalty under this subsection.

18 “(e) Any person who violates subsection (a) shall be  
19 subject to declaratory and injunctive remedies as set forth  
20 in section 403(f).”.

21 **SEC. 4. DECLARATORY AND INJUNCTIVE REMEDIES.**

22 Section 403(f)(1) of the Controlled Substances Act  
23 (21 U.S.C. 843(f)(1)) is amended by striking “this section  
24 or section 402” and inserting “this section, section 402,  
25 or 416”.

1 **SEC. 5. SENTENCING COMMISSION GUIDELINES.**

2 The United States Sentencing Commission shall—

3 (1) review the Federal sentencing guidelines  
4 with respect to offenses involving gamma hydroxy-  
5 butyric acid (GHB);

6 (2) consider amending the Federal sentencing  
7 guidelines to provide for increased penalties such  
8 that those penalties reflect the seriousness of of-  
9 fenses involving GHB and the need to deter them;  
10 and

11 (3) take any other action the Commission con-  
12 siders necessary to carry out this section.

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR A DE-**  
14 **MAND REDUCTION COORDINATOR.**

15 There is authorized to be appropriated \$5,900,000 to  
16 the Drug Enforcement Administration of the Department  
17 of Justice for the hiring of a special agent in each State  
18 to serve as a Demand Reduction Coordinator.

19 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR DRUG**  
20 **EDUCATION.**

21 There is authorized to be appropriated such sums as  
22 necessary to the Drug Enforcement Administration of the  
23 Department of Justice to educate youth, parents, and  
24 other interested adults about club drugs.

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