

112TH CONGRESS
1ST SESSION

H. R. 1065

To amend the Controlled Substances Act to provide for increased penalties for operators of pill mills, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2011

Mr. BUCHANAN (for himself, Mr. ROGERS of Kentucky, Mr. MARKEY, Mrs. BONO MACK, Mr. MICA, Mr. DEUTCH, Mr. DIAZ-BALART, Ms. BROWN of Florida, Mr. STUTZMAN, Mr. COOPER, Ms. RICHARDSON, Mr. LYNCH, Mr. MILLER of Florida, Mr. BERG, Mr. NUGENT, Mr. CRENSHAW, Mr. WILSON of South Carolina, Mr. GUTHRIE, Mr. LEWIS of California, Ms. WILSON of Florida, Ms. WASSERMAN SCHULTZ, Mr. RIVERA, Mr. MCNERNEY, Mr. TIPTON, Mr. ROONEY, Ms. ROS-LEHTINEN, Ms. EDWARDS, Ms. CASTOR of Florida, Mr. HASTINGS of Florida, and Mr. WEST) 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

A BILL

To amend the Controlled Substances Act to provide for increased penalties for operators of pill mills, 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 “Pill Mill Crackdown
3 Act of 2011”.

4 **SEC. 2. PENALTIES FOR OPERATION OF A PILL MILL.**

5 Section 401(b) of the Controlled Substances Act (21
6 U.S.C. 841(b)) is amended by adding at the end the fol-
7 lowing:

8 “(8) In the case of a violation of subsection (a)
9 involving distribution of a controlled substance in
10 schedule II or schedule III by the operator of a pill
11 mill, such operator shall be imprisoned as provided
12 in this subsection (except that the term of such im-
13 prisonment shall be double the term otherwise appli-
14 cable), fined as provided in this subsection (except
15 that such fine shall be in an amount triple the
16 amount otherwise applicable), or both.”.

17 **SEC. 3. DISTRIBUTION TO PERSONS UNDER AGE TWENTY-**
18 **ONE.**

19 Section 418 of the Controlled Substances Act (21
20 U.S.C. 859) is amended by adding at the end the fol-
21 lowing:

22 “(c) PILL MILL OPERATORS.—In the case of a per-
23 son who commits an offense punishable under section
24 401(b)(8), this section shall be applied by substituting
25 ‘thrice’ for ‘twice’ in each of subsections (a) and (b).”.

1 **SEC. 4. ALTERNATIVE FINE NOT APPLICABLE TO PILL MILL**
2 **OPERATORS.**

3 Section 415 of the Controlled Substances Act (21
4 U.S.C. 855) is amended by striking “In lieu of” and in-
5 serting the following: “Except in the case of an offense
6 punishable under section 401(b)(8) or 418(c), in lieu of”.

7 **SEC. 5. SENSE OF CONGRESS REGARDING CRIMINAL FOR-**
8 **FEITURE OF THE PROPERTY OF PILL MILL**
9 **OPERATORS.**

10 It is the sense of Congress that an offense punishable
11 under section 401(a)(8) of the Controlled Substances Act
12 (21 U.S.C. 841(a)(8)) is a violation for which certain
13 property is subject to forfeiture to the United States under
14 section 413 of such Act (21 U.S.C. 853).

15 **SEC. 6. USE OF CERTAIN FORFEITED PROPERTY FOR THE**
16 **OPERATIONS OF THE OFFICE OF NATIONAL**
17 **DRUG CONTROL POLICY.**

18 Section 413(h) of the Controlled Substances Act (21
19 U.S.C. 853(h)) is amended by adding at the end the fol-
20 lowing: “In the case of property ordered forfeited under
21 this section by reason of a conviction for an offense pun-
22 ishable under section 401(b)(8) or 418(c), the proceeds
23 from any disposition under this subsection of such prop-
24 erty shall be used, in addition to amounts previously made
25 available in appropriations Acts, for the programs under

1 section 3990, 1911, and 1921 of the Public Health Serv-
2 ice Act.”.

3 **SEC. 7. TRANSFER BETWEEN SCHEDULES OF CERTAIN SUB-**
4 **STANCES.**

5 (a) Schedule II in section 202 of the Controlled Sub-
6 stances Act (21 U.S.C. 812) is amended by adding at the
7 following:

8 “(d) Unless specifically excepted or unless listed in
9 another schedule, any material, compound, mixture, or
10 preparation containing limited quantities of any of the fol-
11 lowing narcotic drugs, or any salts thereof:

12 “(1) Not more than 300 milligrams of
13 dihydrocodeinone per 100 milliliters or not more
14 than 15 milligrams per dosage unit, with a fourfold
15 or greater quantity of an isoquinoline alkaloid of
16 opium.

17 “(2) Not more than 300 milligrams of
18 dihydrocodeinone per 100 milliliters or not more
19 than 15 milligrams per dosage unit, with one or
20 more active, nonnarcotic ingredients in recognized
21 therapeutic amounts.”.

22 (b) Schedule III in section 202 of the Controlled Sub-
23 stances Act (21 U.S.C. 812) is amended by striking the
24 following:

1 “(3) Not more than 300 milligrams of
2 dihydrocodeinone per 100 milliliters or not more
3 than 15 milligrams per dosage unit, with a fourfold
4 or greater quantity of an isoquinoline alkaloid of
5 opium.

6 “(4) Not more than 300 milligrams of
7 dihydrocodeinone per 100 milliliters or not more
8 than 15 milligrams per dosage unit, with one or
9 more active, nonnarcotic ingredients in recognized
10 therapeutic amounts.”.

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