

108TH CONGRESS
2D SESSION

H. R. 3866

To amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2004

Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. SWEENEY, Mr. OSBORNE, and Mr. BERMAN) 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Anabolic Steroid Con-
5 trol Act of 2004”.

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

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

5 ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES

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

13 “(b) As used in this section—

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

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

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

25 (b) TABLE OF CONTENTS AMENDMENT.—The table
26 of contents for Comprehensive Drug Abuse Prevention

1 and Control Act of 1970 is amended by inserting after
2 the item relating to section 423 the following new item:

“424. Increased Penalties for Anabolic Steroid Offenses Near Sports Facilities.”.

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

4 The United States Sentencing Commission shall—

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

7 (2) consider amending the Federal sentencing
8 guidelines to provide for increased penalties with re-
9 spect to offenses involving anabolic steroids in a
10 manner that reflects the seriousness of such offenses
11 and the need to deter anabolic steroid use; and

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

14 **SEC. 4. AMENDMENTS TO THE CONTROLLED SUBSTANCES**
15 **ACT.**

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

18 (1) in paragraph (41)—

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

21 (B) by striking subparagraph (A) and in-
22 serting the following:

23 “(A) The term ‘anabolic steroid’ means any drug or
24 hormonal substance, chemically and pharmacologically re-

1 lated to testosterone (other than estrogens, progestins,
2 corticosteroids, and dehydroepiandrosterone), and in-
3 cludes—

4 “(i) androstenediol—

5 “(I) $3\beta,17\beta$ -dihydroxy- 5α -androstan-3,17-

6 “(II) $3\alpha,17\beta$ -dihydroxy- 5α -androstan-3,17-

7 “(ii) androstenedione (5α -androstan-3,17-
8 dione);

9 “(iii) androstenediol—

10 “(I) 1-androstenediol ($3\beta,17\beta$ -dihydroxy-
11 5α -androst-1-ene);

12 “(II) 1-androstenediol ($3\alpha,17\beta$ -dihydroxy-
13 5α -androst-1-ene);

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

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

18 “(iv) androstenedione—

19 “(I) 1-androstenedione ($[5\alpha]$ -androst-1-en-
20 3,17-dione);

21 “(II) 4-androstenedione (androst-4-en-
22 3,17-dione); and

23 “(III) 5-androstenedione (androst-5-en-
24 3,17-dione);

- 1 “(v) bolasterone (7 α ,17 α -dimethyl-17 β -
2 hydroxyandrost-4-en-3-one);
- 3 “(vi) boldenone (17 β -hydroxyandrost-1,4,-diene-
4 3-one);
- 5 “(vii) calusterone (7 β ,17 α -dimethyl-17 β -
6 hydroxyandrost-4-en-3-one);
- 7 “(viii) clostebol (4-chloro-17 β -hydroxyandrost-4-
8 en-3-one);
- 9 “(ix) dehydrochlormethyltestosterone (4-chloro-
10 17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one);
- 11 “(x) 4-dihydrotestosterone (17 β -hydroxy-
12 androstan-3-one);
- 13 “(xi) drostanolone (17 β -hydroxy-2 α -methyl-5 α -
14 androstan-3-one);
- 15 “(xii) ethylestrenol (17 α -ethyl-17 β -hydroxyestr-
16 4-ene);
- 17 “(xiii) fluoxymesterone (9-fluoro-17 α -methyl-
18 11 β ,17 β -dihydroxyandrost-4-en-3-one);
- 19 “(xiv) formebolone (2-formyl-17 α -methyl-
20 11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- 21 “(xv) furazabol (17 α -methyl-17 β -
22 hydroxyandrostano[2,3-c]-furazan);
- 23 “(xvi) 18 α -homo-17 β -hydroxyestr-4-en-3-one
24 (13 β -ethyl-17 β -hydroxygon-4-en-3-one);

- 1 “(xvii) 4-hydroxytestosterone (4,17 β -dihydroxy-
2 androst-4-en-3-one);
- 3 “(xviii) 4-hydroxy-19-nortestosterone (4,17 β -
4 dihydroxy-estr-4-en-3-one);
- 5 “(xix) mestanolone (17 α -methyl-17 β -hydroxy-
6 5 α -androstan-3-one);
- 7 “(xx) mesterolone (1 α -methyl-17 β -hydroxy-
8 [5 α]-androstan-3-one);
- 9 “(xxi) methandienone (17 α -methyl-17 β -
10 hydroxyandrost-1,4-dien-3-one);
- 11 “(xxii) methandriol (17 α -methyl-3 β ,17 β -
12 dihydroxyandrost-5-ene);
- 13 “(xxiii) methenolone (1-methyl-17 β -hydroxy-5 α -
14 androst-1-en-3-one);
- 15 “(xxiv) methyltestosterone (17 α -methyl-17 β -
16 hydroxyandrost-4-en-3-one);
- 17 “(xxv) mibolerone (7 α ,17 α -dimethyl-17 β -
18 hydroxyestr-4-en-3-one);
- 19 “(xxvi) nandrolone (17 β -hydroxyestr-4-en-3-
20 one);
- 21 “(xxvii) norandrostenediol—
- 22 “(I) 19-nor-4-androstenediol (3 β , 17 β -
23 dihydroxyestr-4-ene);
- 24 “(II) 19-nor-4-androstenediol (3 α , 17 β -
25 dihydroxyestr-4-ene);

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

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

5 “(xxviii) norandrostenedione—

6 “(I) 19-nor-4-androstenedione (estr-4-en-
7 $3,17$ -dione); and

8 “(II) 19-nor-5-androstenedione (estr-5-en-
9 $3,17$ -dione;

10 “(xxix) norbolethone (18α -homo- 17β -
11 hydroxypregna-4-en-3-one);

12 “(xxx) norelostebol (4-chloro- 17β -hydroxyestr-4-
13 en-3-one);

14 “(xxxi) norethandrolone (17α -ethyl- 17β -
15 hydroxyestr-4-en-3-one);

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

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

20 “(xxxiv) oxymetholone (17α -methyl-2-
21 hydroxymethylene- 17β -hydroxy-[5α]-androstan-3-
22 one);

23 “(xxxv) stanazolol (17α -methyl- 17β -hydroxy-
24 [5α]-androst-2-eno[$3,2-c$]-pyrazole);

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

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

5 “(xxxviii) 1-testosterone (17 β -hydroxy-5 α -
6 androst-1-en-3-one);

7 “(xxxix) testosterone (17 β -hydroxyandrost-4-en-
8 3-one);

9 “(xl) tetrahydrogestrinone (13 β ,17 α -diethyl-
10 17 β -hydroxygon-4,9,11-trien-3-one);

11 “(xli) trenbolone (17 β -hydroxyestr-4,9,11-trien-
12 3-one); and

13 “(xlii) any salt, ester, or ether of a drug or sub-
14 stance described in this paragraph.”; and

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

17 (b) AUTHORITY AND CRITERIA FOR CLASSIFICA-
18 TION.—Section 201(g) of the Controlled Substances Act
19 (21 U.S.C. 811(g)) is amended—

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

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

3 “(C) Upon the recommendation of the Sec-
4 retary of Health and Human Services, a compound,
5 mixture, or preparation which contains any anabolic
6 steroid, which is intended for administration to a
7 human being or an animal, and which, because of its
8 concentration, preparation, formulation or delivery
9 system, does not present any significant potential for
10 abuse.”.

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