

112TH CONGRESS  
1ST SESSION

# S. 1760

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

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IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2011

Mr. MANCHIN (for himself and Mr. KIRK) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pill Mill Crackdown  
5 Act of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 Section 102 of the Controlled Substances Act (21  
8 U.S.C. 802) is amended by adding at the end the fol-  
9 lowing:

1           “(57) The term ‘pill mill’ includes a doctor’s of-  
2           fice, clinic, or health care facility that—

3                   “(A) routinely prescribes or dispenses con-  
4                   trolled substances outside the scope of the pre-  
5                   vailing standards of medical practice in the  
6                   community in relation to the prescribing or dis-  
7                   pensing of controlled prescription drugs; or

8                   “(B) routinely violates this Act in relation  
9                   to the prescribing or dispensing of controlled  
10                  prescription drugs.

11           “(58) The term ‘operator of a pill mill’ in-  
12           cludes—

13                   “(A) any practicing physician affiliated  
14                   with a pill mill; or

15                   “(B) any owner, director, officer, or part-  
16                   ner of a pill mill.”.

17 **SEC. 3. PENALTIES FOR OPERATION OF A PILL MILL.**

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

21                   “(8) In the case of a violation of subsection (a)  
22                   involving distribution of a controlled substance in  
23                   schedule II or schedule III by the operator of a pill  
24                   mill, such operator shall be imprisoned as provided  
25                   in this subsection (except that the term of such im-



1 property is subject to forfeiture to the United States under  
2 section 413 of such Act (21 U.S.C. 853).

3 **SEC. 7. USE OF CERTAIN FORFEITED PROPERTY FOR THE**  
4 **OPERATIONS OF THE OFFICE OF NATIONAL**  
5 **DRUG CONTROL POLICY.**

6 Section 413(h) of the Controlled Substances Act (21  
7 U.S.C. 853(h)) is amended by adding at the end the fol-  
8 lowing: “In the case of property ordered forfeited under  
9 this section by reason of a conviction for an offense pun-  
10 ishable under section 401(b)(8) or 418(c), the proceeds  
11 from any disposition under this subsection of such prop-  
12 erty shall be used, in addition to amounts previously made  
13 available in appropriations Acts, for the programs under  
14 section 3990, 1911, and 1921 of the Public Health Serv-  
15 ice Act.”.

16 **SEC. 8. TRANSFER BETWEEN SCHEDULES OF CERTAIN SUB-**  
17 **STANCES.**

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

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

1           “(1) 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           “(2) 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.”.

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

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

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

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