

**(i) Emergency situations**

Except in emergency situations as described in section 952(a)(2)(A) of this title, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 952(a) of this title authorizing the importation of such a substance, the Attorney General shall give manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

(Pub. L. 91-513, title III, §1008, Oct. 27, 1970, 84 Stat. 1289; Pub. L. 98-473, title II, §§524, 525, Oct. 12, 1984, 98 Stat. 2076; Pub. L. 99-570, title I, §1866(d), Oct. 27, 1986, 100 Stat. 3207-55; Pub. L. 103-200, §3(f), Dec. 17, 1993, 107 Stat. 2337; Pub. L. 108-447, div. B, title VI, §633(c), Dec. 8, 2004, 118 Stat. 2922.)

## REFERENCES IN TEXT

Schedules I, II, III, IV, and V, referred to in subsecs. (a), (c), and (i), are set out in section 812(c) of this title.

This subchapter, referred to in subsecs. (d)(4) and (g), was in the original "this title", meaning title III of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1285, as amended. Part A of title III comprises this subchapter. For classification of Part B, consisting of sections 1101 to 1105 of title III, see Tables.

## CODIFICATION

In subsecs. (a) and (d), "May 1, 1971" substituted for "the effective date of this section" and "the effective date of this part", respectively.

## AMENDMENTS

2004—Subsec. (f). Pub. L. 108-447, which directed amendment of subsec. (f) of section 1088 of the Controlled Substances Import and Export Act by inserting "and control" after "the registration" and substituting "listed chemicals" for "list I chemicals under this section", was executed to subsec. (f) of this section, which is section 1008 of the Controlled Substances Import and Export Act, to reflect the probable intent of Congress.

1993—Subsec. (c). Pub. L. 103-200, §3(f)(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (d)(3). Pub. L. 103-200, §3(f)(2)(A), inserted "or list I chemical or chemicals," after "substances,".

Subsec. (d)(6). Pub. L. 103-200, §3(f)(2)(B), inserted "or list I chemicals" after "controlled substances" wherever appearing.

Subsec. (e). Pub. L. 103-200, §3(f)(3), inserted reference to section 830 of this title.

Subsecs. (f) to (h). Pub. L. 103-200, §3(f)(4), inserted "or list I chemicals" after "controlled substances".

1986—Subsec. (e). Pub. L. 99-570 substituted "sections" for first reference to "section".

1984—Subsec. (b). Pub. L. 98-473, §524, substituted "Registration granted under this section shall not entitle a registrant to import or export controlled substances other than specified in the registration" for "Registration granted under subsection (a) of this section shall not entitle a registrant to import or export controlled substances in schedule I or II other than those specified in the registration".

Subsecs. (d) to (i). Pub. L. 98-473, §525, added subsec. (d), redesignated former subsec. (d) as (e) and struck out reference to section 824 of this title, and redesignated former subsecs. (e) to (h) as (f) to (i), respectively.

## EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-200 effective on date that is 120 days after Dec. 17, 1993, see section 11 of Pub. L. 103-200, set out as a note under section 802 of this title.

## EFFECTIVE DATE

Section effective on first day of seventh calendar month that begins after Oct. 26, 1970, see 1105(a) of Pub. L. 91-513, set out as a under section 951 of this title.

**§ 959. Possession, manufacture, or distribution of controlled substance****(a) Manufacture or distribution for purpose of unlawful importation**

It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or flunitrazepam or a listed chemical intending, knowing, or having reasonable cause to believe that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

**(b) Manufacture or distribution of listed chemical for purpose of manufacture or unlawful importation of controlled substance**

It shall be unlawful for any person to manufacture or distribute a listed chemical—

(1) intending or knowing that the listed chemical will be used to manufacture a controlled substance; and

(2) intending, knowing, or having reasonable cause to believe that the controlled substance will be unlawfully imported into the United States.

**(c) Possession, manufacture, or distribution by person on board aircraft**

It shall be unlawful for any United States citizen on board any aircraft, or any person on board an aircraft owned by a United States citizen or registered in the United States, to—

(1) manufacture or distribute a controlled substance or listed chemical; or

(2) possess a controlled substance or listed chemical with intent to distribute.

**(d) Acts committed outside territorial jurisdiction of United States**

This section is intended to reach acts of manufacture or distribution committed outside the territorial jurisdiction of the United States.

(Pub. L. 91-513, title III, §1009, Oct. 27, 1970, 84 Stat. 1289; Pub. L. 99-570, title III, §3161(a), Oct. 27, 1986, 100 Stat. 3207-94; Pub. L. 104-237, title I, §102(a), (b), Oct. 3, 1996, 110 Stat. 3100; Pub. L. 104-305, §2(b)(2)(A), Oct. 13, 1996, 110 Stat. 3807; Pub. L. 114-154, §2, May 16, 2016, 130 Stat. 387; Pub. L. 115-91, div. A, title X, §1012(b), Dec. 12, 2017, 131 Stat. 1546.)

## REFERENCES IN TEXT

Schedules I and II, referred to in subsec. (a), are set out in section 812(c) of this title.

## AMENDMENTS

2017—Subsec. (d). Pub. L. 115-91 struck out " ; venue" after "United States" in heading and "Any person who violates this section shall be tried in the United States district court at the point of entry where such person enters the United States, or in the United States District Court for the District of Columbia." after "United States." in text.

2016—Subsec. (a). Pub. L. 114-154, §2(2), substituted "It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or flunitrazepam or a listed chemical intending, knowing,

or having reasonable cause to believe that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.” for “It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or flunitrazepam or listed chemical—

“(1) intending that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States; or

“(2) knowing that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.”

Subsecs. (b) to (d). Pub. L. 114-154 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1996—Subsec. (a). Pub. L. 104-305 inserted “or flunitrazepam” after “schedule I or II” in introductory provisions.

Pub. L. 104-237, §102(a), inserted “or listed chemical” after “schedule I or II” in introductory provisions and “or chemical” after “substance” in pars. (1) and (2).

Subsec. (b). Pub. L. 104-237, §102(b), inserted “or listed chemical” after “controlled substance” in pars. (1) and (2).

1986—Pub. L. 99-570 designated first sentence as subsec. (a) and inserted “or into waters within a distance of 12 miles of the coast of the United States” in pars. (1) and (2), added subsec. (b), and designated last two sentences as subsec. (c).

EFFECTIVE DATE

Section effective on first day of seventh calendar month that begins after Oct. 26, 1970, see 1105(a) of Pub. L. 91-513, set out as a under section 951 of this title.

§ 960. Prohibited acts A

(a) Unlawful acts

Any person who—

(1) contrary to section 825, 952, 953, or 957 of this title, knowingly or intentionally imports or exports a controlled substance,

(2) contrary to section 955 of this title, knowingly or intentionally brings or possesses on board a vessel, aircraft, or vehicle a controlled substance, or

(3) contrary to section 959 of this title, manufactures, possesses with intent to distribute, or distributes a controlled substance,

shall be punished as provided in subsection (b).

(b) Penalties

(1) In the case of a violation of subsection (a) of this section involving—

(A) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin;

(B) 5 kilograms or more of a mixture or substance containing a detectable amount of—

(i) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(ii) cocaine, its salts, optical and geometric isomers, and salts or isomers;

(iii) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

(iv) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in clauses (i) through (iii);

(C) 280 grams or more of a mixture or substance described in subparagraph (B) which contains cocaine base;

(D) 100 grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(E) 10 grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(F) 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;

(G) 1000 kilograms or more of a mixture or substance containing a detectable amount of marijuana; or

(H) 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.<sup>1</sup>

the person committing such violation shall be sentenced to a term of imprisonment of not less than 10 years and not more than life and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than 20 years and not more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$10,000,000 if the defendant is an individual or \$50,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$20,000,000 if the defendant is an individual or \$75,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 5 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 10 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this paragraph. No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed therein.

(2) In the case of a violation of subsection (a) of this section involving—

(A) 100 grams or more of a mixture or substance containing a detectable amount of heroin;

(B) 500 grams or more of a mixture or substance containing a detectable amount of—

(i) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ec-

<sup>1</sup> So in original. The period probably should be a semicolon.