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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Controlled Substances Act to enhance the penalties applicable with respect to certain violations involving the use of interactive computer service to distribute a controlled substance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PFLUGER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Controlled Substances Act to enhance the penalties applicable with respect to certain violations involving the use of interactive computer service to distribute a 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 “Drug-Free Social
5 Media and Digital Communities Act of 2024”.

1 **SEC. 2. PROHIBITION ON USE OF INTERACTIVE COMPUTER**
2 **SERVICE TO DISTRIBUTE A CONTROLLED**
3 **SUBSTANCE.**

4 (a) IN GENERAL.—The Controlled Substances Act is
5 amended by inserting after section 423 (21 U.S.C. 864)
6 the following:

7 **“SEC. 424. DISTRIBUTION THROUGH USE OF SOCIAL MEDIA.**

8 “(a) IN GENERAL.—

9 “(1) TERM OF IMPRISONMENT; FINE.—Any
10 person who violates section 401(a)(1) by distrib-
11 uting, dispensing, or possessing with intent to dis-
12 tribute or dispense a controlled substance through
13 the use of a interactive computer service shall be
14 subject to—

15 “(A) twice the maximum term of imprison-
16 ment authorized by section 401(b);

17 “(B) at least twice any term of supervised
18 release authorized by section 401(b) for a first
19 offense; and

20 “(C) a fine up to twice that authorized by
21 section 401(b) in addition to any term of im-
22 prisonment authorized by this subsection.

23 “(2) MINIMUM SENTENCE.—Except to the ex-
24 tent a greater minimum sentence is otherwise pro-
25 vided by section 401(b), a person sentenced under
26 this subsection shall be sentenced to a term of im-

1 prisonment of not less than 1 year, except that the
2 mandatory minimum sentencing requirement of this
3 paragraph shall not apply to offenses involving 5
4 grams or less of marihuana.

5 “(3) INTERACTIVE COMPUTER SERVICE DE-
6 FINED.—In this subsection, the term ‘interactive
7 computer service’ means any information service,
8 system, or access software provider that provides or
9 enables computer access by multiple users to a com-
10 puter server, including specifically a service or sys-
11 tem that provides access to the Internet and such
12 systems operated or services offered by libraries or
13 educational institutions.

14 “(b) SUBSEQUENT OFFENSES.—

15 “(1) TERM OF IMPRISONMENT.—Any person
16 who commits a violation described in subsection
17 (a)(1), after a prior conviction for a violation de-
18 scribed in subsection (a)(1) has become final, is pun-
19 ishable—

20 “(A) by the greater of—

21 “(i) a term of imprisonment of not
22 less than 3 years and not more than life
23 imprisonment; and

1 “(ii) 3 times the maximum term of
2 imprisonment authorized by section 401(b)
3 for a first offense;

4 “(B) by at least 3 times any term of su-
5 pervised release authorized by section 401(b)
6 for a first offense; and

7 “(C) by a fine up to 3 times that author-
8 ized by section 401(b) in addition to any term
9 of imprisonment authorized by this subsection.

10 “(2) MINIMUM SENTENCE.—Except to the ex-
11 tent a greater minimum sentence is otherwise pro-
12 vided by section 401(b), a person sentenced under
13 this subsection shall be sentenced to a term of im-
14 prisonment of not less than 3 years, except that pen-
15 alties for third and subsequent convictions shall be
16 governed by section 401(b)(1)(A).”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 for the Controlled Substances Act (21 U.S.C. 801 et seq.)
19 is amended by adding after the item relating to section
20 423 the following:

 “Sec. 424. Distribution through use of social media.”.