

PROPOSED AMENDMENT: ECSTASY

Synopsis of Proposed Amendment: *This proposed amendment addresses the directive in section 3663 of the Ecstasy Anti-Proliferation Act of 2000, Pub. L. 106–310, which instructs the Commission to provide, under emergency amendment authority, increased penalties for the manufacture, importation, exportation, or trafficking of Ecstasy. The directive specifically requires the Commission to increase the base offense level for 3,4-methylenedioxy methamphetamine (MDMA), 3,4-methylenedioxy amphetamine (MDA), 3,4-methylenedioxy-N-ethylamphetamine (MDEA), paramethoxymethamphetamine (PMA), and any other controlled substance that is marketed as Ecstasy and that has either a chemical structure similar to MDMA or an effect on the central nervous system substantially similar to or greater than MDMA.*

The proposed amendment addresses the directive by amending the Drug Equivalency Table in §2D1.1, Application Note 10, to increase the marihuana equivalencies for the specified controlled substances. The increased equivalencies make the penalties for these substances comparable to other drugs of abuse. The increases also satisfy the Sense of Congress that the penalties for these substances, particularly for high-level traffickers, are too low.

Proposed Amendment:

§2D1.1. Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy

Commentary

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Application Notes:

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10. DRUG EQUIVALENCY TABLES

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LSD, PCP, and Other Schedule I and II Hallucinogens (and their immediate precursors)*

1 gm of Bufotenine = 70 gm of marihuana

1 gm of D-Lysergic Acid Diethylamide/Lysergide/LSD = 100 kg of marihuana

1 gm of Diethyltryptamine/DET = 80 gm of marihuana

1 gm of Dimethyltryptamine/DMT = 100 gm of marihuana

1 gm of Mescaline = 10 gm of marihuana

1 gm of Mushrooms containing Psilocin and/or

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| Psilocybin (Dry) = | 1 gm of marihuana |
| 1 gm of Mushrooms containing Psilocin and/or | |
| Psilocybin (Wet) = | 0.1 gm of marihuana |
| 1 gm of Peyote (Dry) = | 0.5 gm of marihuana |
| 1 gm of Peyote (Wet) = | 0.05 gm of marihuana |
| 1 gm of Phencyclidine/PCP = | 1 kg of marihuana |
| 1 gm of Phencyclidine (actual) /PCP (actual) = | 10 kg of marihuana |
| 1 gm of Psilocin = | 500 gm of marihuana |
| 1 gm of Psilocybin = | 500 gm of marihuana |
| 1 gm of Pyrrolidine Analog of Phencyclidine/PHP = | 1 kg of marihuana |
| 1 gm of Thiophene Analog of Phencyclidine/TCP = | 1 kg of marihuana |
| 1 gm of 4-Bromo-2,5-Dimethoxyamphetamine/DOB = | 2.5 kg of marihuana |
| 1 gm of 2,5-Dimethoxy-4-methylamphetamine/DOM = | 1.67 kg of marihuana |
| 1 gm of 3,4-Methylenedioxyamphetamine/MDA = | 50 gm 1 kg of marihuana |
| 1 gm of 3,4-Methylenedioxymethamphetamine/MDMA = | 35 gm 1 kg of marihuana |
| 1 gm of 3,4-Methylenedioxy-N-ethylamphetamine/MDEA= | 30 gm 1 kg of marihuana |
| 1 gm of Paramethoxymethamphetamine/PMA = | 1 kg of marihuana |
| 1 gm of 1-Piperidinocyclohexanecarbonitrile/PCC = | 680 gm of marihuana |
| 1 gm of N-ethyl-1-phenylcyclohexylamine (PCE) = | 1 kg of marihuana |

**Provided, that the minimum offense level from the Drug Quantity Table for any of these controlled substances individually, or in combination with another controlled substance, is level 12.*