

PART D - OFFENSES INVOLVING DRUGS

1. UNLAWFUL MANUFACTURING, IMPORTING, EXPORTING, TRAFFICKING, OR POSSESSION; CONTINUING CRIMINAL ENTERPRISE

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

- (a) Base Offense Level (Apply the greatest):
- (1) **43**, if the defendant is convicted under 21 U.S.C. § 841(b)(1)(A), (b)(1)(B), or (b)(1)(C), or 21 U.S.C. § 960(b)(1), (b)(2), or (b)(3), and the offense of conviction establishes that death or serious bodily injury resulted from the use of the substance and that the defendant committed the offense after one or more prior convictions for a similar offense; or
 - (2) **38**, if the defendant is convicted under 21 U.S.C. § 841(b)(1)(A), (b)(1)(B), or (b)(1)(C), or 21 U.S.C. § 960(b)(1), (b)(2), or (b)(3), and the offense of conviction establishes that death or serious bodily injury resulted from the use of the substance; or
 - (3) the offense level specified in the Drug Quantity Table set forth in subsection (c) below.
- (b) Specific Offense Characteristics
- (1) If a dangerous weapon (including a firearm) was possessed during commission of the offense, increase by **2** levels.
 - (2) If the defendant is convicted of violating 21 U.S.C. § 960(a) under circumstances in which (A) an aircraft other than a regularly scheduled commercial air carrier was used to import the controlled substance, or (B) the defendant acted as a pilot, copilot, captain, navigator, flight officer, or any other operation officer aboard any craft or vessel carrying a controlled substance, increase by **2** levels. If the resulting offense level is less than level **26**, increase to level **26**.

(c) DRUG QUANTITY TABLE

Controlled Substances and Quantity*

Base Offense Level

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| (1) | <ul style="list-style-type: none">● 300 KG or more of Heroin (or the equivalent amount of other Schedule I or II Opiates);● 1500 KG or more of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);● 15 KG or more of Cocaine Base;● 300 KG or more of PCP, or 30 KG or more of Pure PCP;● 300 KG or more of Methamphetamine, or 30 KG or more of Pure Methamphetamine;● 3 KG or more of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);● 120 KG or more of Fentanyl;● 30 KG or more of a Fentanyl Analogue;● 300,000 KG or more of Marihuana;● 60,000 KG or more of Hashish;● 6,000 KG or more of Hashish Oil. | Level 42 |
| (2) | <ul style="list-style-type: none">● At least 100 KG but less than 300 KG of Heroin (or the equivalent amount of other Schedule I or II Opiates);● At least 500 KG but less than 1500 KG of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);● At least 5 KG but less than 15 KG of Cocaine Base;● At least 100 KG but less than 300 KG of PCP, or at least 10 KG but less than 30 KG of Pure PCP;● At least 100 KG but less than 300 KG of Methamphetamine, or at least 10 KG but less than 30 KG of Pure Methamphetamine;● At least 1 KG but less than 3 KG of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);● At least 40 KG but less than 120 KG of Fentanyl;● At least 10 KG but less than 30 KG of a Fentanyl Analogue;● At least 100,000 KG but less than 300,000 KG of Marihuana;● At least 20,000 KG but less than 60,000 KG of Hashish;● At least 2,000 KG but less than 6,000 KG of Hashish Oil. | Level 40 |
| (3) | <ul style="list-style-type: none">● At least 30 KG but less than 100 KG of Heroin (or the equivalent amount of other Schedule I or II Opiates);● At least 150 KG but less than 500 KG of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);● At least 1.5 KG but less than 5 KG of Cocaine Base;● At least 30 KG but less than 100 KG of PCP, or at least 3 KG but less than 10 KG of Pure PCP;● At least 30 KG but less than 100 KG of Methamphetamine, or at least 3 KG but less than 10 KG of Pure Methamphetamine;● At least 300 G but less than 1 KG of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);● At least 12 KG but less than 40 KG of Fentanyl;● At least 3 KG but less than 10 KG of a Fentanyl Analogue;● At least 30,000 KG but less than 100,000 KG of Marihuana;● At least 6,000 KG but less than 20,000 KG of Hashish;● At least 600 KG but less than 2,000 KG of Hashish Oil. | Level 38 |

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- (4) ● At least 10 KG but less than 30 KG of Heroin (or the equivalent amount of other Schedule I or II Opiates); Level 36
- At least 50 KG but less than 150 KG of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);
 - At least 500 G but less than 1.5 KG of Cocaine Base;
 - At least 10 KG but less than 30 KG of PCP, or at least 1 KG but less than 3 KG of Pure PCP;
 - At least 10 KG but less than 30 KG of Methamphetamine, or at least 1 KG but less than 3 KG of Pure Methamphetamine;
 - At least 100 G but less than 300 G of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);
 - At least 4 KG but less than 12 KG of Fentanyl;
 - At least 1 KG but less than 3 KG of a Fentanyl Analogue;
 - At least 10,000 KG but less than 30,000 KG of Marihuana;
 - At least 2,000 KG but less than 6,000 KG of Hashish;
 - At least 200 KG but less than 600 KG of Hashish Oil.
- (5) ● At least 3 KG but less than 10 KG of Heroin (or the equivalent amount of other Schedule I or II Opiates); Level 34
- At least 15 KG but less than 50 KG of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);
 - At least 150 G but less than 500 G of Cocaine Base;
 - At least 3 KG but less than 10 KG of PCP, or at least 300 G but less than 1 KG of Pure PCP;
 - At least 3 KG but less than 10 KG of Methamphetamine, or at least 300 G but less than 1 KG of Pure Methamphetamine;
 - At least 30 G but less than 100 G of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);
 - At least 1.2 KG but less than 4 KG of Fentanyl;
 - At least 300 G but less than 1 KG of a Fentanyl Analogue;
 - At least 3,000 KG but less than 10,000 KG of Marihuana;
 - At least 600 KG but less than 2,000 KG of Hashish;
 - At least 60 KG but less than 200 KG of Hashish Oil.
- (6) ● At least 1 KG but less than 3 KG of Heroin (or the equivalent amount of other Schedule I or II Opiates); Level 32
- At least 5 KG but less than 15 KG of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);
 - At least 50 G but less than 150 G of Cocaine Base;
 - At least 1 KG but less than 3 KG of PCP, or at least 100 G but less than 300 G of Pure PCP;
 - At least 1 KG but less than 3 KG of Methamphetamine, or at least 100 G but less than 300 G of Pure Methamphetamine;
 - At least 10 G but less than 30 G of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);
 - At least 400 G but less than 1.2 KG of Fentanyl;
 - At least 100 G but less than 300 G of a Fentanyl Analogue;
 - At least 1,000 KG but less than 3,000 KG of Marihuana;
 - At least 200 KG but less than 600 KG of Hashish;
 - At least 20 KG but less than 60 KG of Hashish Oil.

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- (7) ● At least 700 G but less than 1 KG of Heroin (or the equivalent amount of other Schedule I or II Opiates); Level 30
- At least 3.5 KG but less than 5 KG of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);
 - At least 35 G but less than 50 G of Cocaine Base;
 - At least 700 G but less than 1 KG of PCP, or at least 70 G but less than 100 G of Pure PCP;
 - At least 700 G but less than 1 KG of Methamphetamine, or at least 70 G but less than 100 G of Pure Methamphetamine;
 - At least 7 G but less than 10 G of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);
 - At least 280 G but less than 400 G of Fentanyl;
 - At least 70 G but less than 100 G of a Fentanyl Analogue;
 - At least 700 KG but less than 1,000 KG of Marihuana;
 - At least 140 KG but less than 200 KG of Hashish;
 - At least 14 KG but less than 20 KG of Hashish Oil.
- (8) ● At least 400 G but less than 700 G of Heroin (or the equivalent amount of other Schedule I or II Opiates); Level 28
- At least 2 KG but less than 3.5 KG of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);
 - At least 20 G but less than 35 G of Cocaine Base;
 - At least 400 G but less than 700 G of PCP, or at least 40 G but less than 70 G of Pure PCP;
 - At least 400 G but less than 700 G of Methamphetamine, or at least 40 G but less than 70 G of Pure Methamphetamine;
 - At least 4 G but less than 7 G of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);
 - At least 160 G but less than 280 G of Fentanyl;
 - At least 40 G but less than 70 G of a Fentanyl Analogue;
 - At least 400 KG but less than 700 KG of Marihuana;
 - At least 80 KG but less than 140 KG of Hashish;
 - At least 8 KG but less than 14 KG of Hashish Oil.
- (9) ● At least 100 G but less than 400 G of Heroin (or the equivalent amount of other Schedule I or II Opiates); Level 26
- At least 500 G but less than 2 KG of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);
 - At least 5 G but less than 20 G of Cocaine Base;
 - At least 100 G but less than 400 G of PCP, or at least 10 G but less than 40 G of Pure PCP;
 - At least 100 G but less than 400 G of Methamphetamine, or at least 10 G but less than 40 G of Pure Methamphetamine;
 - At least 1 G but less than 4 G of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);
 - At least 40 G but less than 160 G of Fentanyl;
 - At least 10 G but less than 40 G of a Fentanyl Analogue;
 - At least 100 KG but less than 400 KG of Marihuana;
 - At least 20 KG but less than 80 KG of Hashish;
 - At least 2 KG but less than 8 KG of Hashish Oil.

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- (10) ● At least 80 G but less than 100 G of Heroin (or the equivalent amount of other Schedule I or II Opiates); Level 24
- At least 400 G but less than 500 G of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);
 - At least 4 G but less than 5 G of Cocaine Base;
 - At least 80 G but less than 100 G of PCP, or at least 8 G but less than 10 G of Pure PCP;
 - At least 80 G but less than 100 G of Methamphetamine, or at least 8 G but less than 10 G of Pure Methamphetamine;
 - At least 800 MG but less than 1 G of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);
 - At least 32 G but less than 40 G of Fentanyl;
 - At least 8 G but less than 10 G of a Fentanyl Analogue;
 - At least 80 KG but less than 100 KG of Marijuana;
 - At least 16 KG but less than 20 KG of Hashish;
 - At least 1.6 KG but less than 2 KG of Hashish Oil.
- (11) ● At least 60 G but less than 80 G of Heroin (or the equivalent amount of other Schedule I or II Opiates); Level 22
- At least 300 G but less than 400 G of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);
 - At least 3 G but less than 4 G of Cocaine Base;
 - At least 60 G but less than 80 G of PCP, or at least 6 G but less than 8 G of Pure PCP;
 - At least 60 G but less than 80 G of Methamphetamine, or at least 6 G but less than 8 G of Pure Methamphetamine;
 - At least 600 MG but less than 800 MG of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);
 - At least 24 G but less than 32 G of Fentanyl;
 - At least 6 G but less than 8 G of a Fentanyl Analogue;
 - At least 60 KG but less than 80 KG of Marijuana;
 - At least 12 KG but less than 16 KG of Hashish;
 - At least 1.2 KG but less than 1.6 KG of Hashish Oil.
- (12) ● At least 40 G but less than 60 G of Heroin (or the equivalent amount of other Schedule I or II Opiates); Level 20
- At least 200 G but less than 300 G of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);
 - At least 2 G but less than 3 G of Cocaine Base;
 - At least 40 G but less than 60 G of PCP, or at least 4 G but less than 6 G of Pure PCP;
 - At least 40 G but less than 60 G of Methamphetamine, or at least 4 G but less than 6 G of Pure Methamphetamine;
 - At least 400 MG but less than 600 MG of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);
 - At least 16 G but less than 24 G of Fentanyl;
 - At least 4 G but less than 6 G of a Fentanyl Analogue;
 - At least 40 KG but less than 60 KG of Marijuana;
 - At least 8 KG but less than 12 KG of Hashish;
 - At least 800 G but less than 1.2 KG of Hashish Oil;
 - 20 KG or more of Schedule I or II Depressants or Schedule III substances.

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- (13) ● At least 20 G but less than 40 G of Heroin (or the equivalent amount of other Schedule I or II Opiates); Level 18
- At least 100 G but less than 200 G of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);
 - At least 1 G but less than 2 G of Cocaine Base;
 - At least 20 G but less than 40 G of PCP, or at least 2 G but less than 4 G of Pure PCP;
 - At least 20 G but less than 40 G of Methamphetamine, or at least 2 G but less than 4 G of Pure Methamphetamine;
 - At least 200 MG but less than 400 MG of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);
 - At least 8 G but less than 16 G of Fentanyl;
 - At least 2 G but less than 4 G of a Fentanyl Analogue;
 - At least 20 KG but less than 40 KG of Marihuana;
 - At least 5 KG but less than 8 KG of Hashish;
 - At least 500 G but less than 800 G of Hashish Oil;
 - At least 10 KG but less than 20 KG of Schedule I or II Depressants or Schedule III substances.
- (14) ● At least 10 G but less than 20 G of Heroin (or the equivalent amount of other Schedule I or II Opiates); Level 16
- At least 50 G but less than 100 G of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);
 - At least 500 MG but less than 1 G of Cocaine Base;
 - At least 10 G but less than 20 G of PCP, or at least 1 G but less than 2 G of Pure PCP;
 - At least 10 G but less than 20 G of Methamphetamine, or at least 1 G but less than 2 G of Pure Methamphetamine;
 - At least 100 MG but less than 200 MG of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);
 - At least 4 G but less than 8 G of Fentanyl;
 - At least 1 G but less than 2 G of a Fentanyl Analogue;
 - At least 10 KG but less than 20 KG of Marihuana;
 - At least 2 KG but less than 5 KG of Hashish;
 - At least 200 G but less than 500 G of Hashish Oil;
 - At least 5 KG but less than 10 KG of Schedule I or II Depressants or Schedule III substances.
- (15) ● At least 5 G but less than 10 G of Heroin (or the equivalent amount of other Schedule I or II Opiates); Level 14
- At least 25 G but less than 50 G of Cocaine (or the equivalent amount of other Schedule I or II Stimulants);
 - At least 250 MG but less than 500 MG of Cocaine Base;
 - At least 5 G but less than 10 G of PCP, or at least 500 MG but less than 1 G of Pure PCP;
 - At least 5 G but less than 10 G of Methamphetamine, or at least 500 MG but less than 1 G of Pure Methamphetamine;
 - At least 50 MG but less than 100 MG of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);
 - At least 2 G but less than 4 G of Fentanyl;
 - At least 500 MG but less than 1 G of a Fentanyl Analogue;
 - At least 5 KG but less than 10 KG of Marihuana;
 - At least 1 KG but less than 2 KG of Hashish;
 - At least 100 G but less than 200 G of Hashish Oil;
 - At least 2.5 KG but less than 5 KG of Schedule I or II Depressants or Schedule III substances.

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| (16) | <ul style="list-style-type: none"> ● Less than 5 G Heroin (or the equivalent amount of other Schedule I or II Opiates); ● Less than 25 G Cocaine (or the equivalent amount of other Schedule I or II Stimulants); ● Less than 250 MG of Cocaine Base; ● Less than 5 G of PCP, or less than 500 MG of Pure PCP; ● Less than 5 G of Methamphetamine, or less than 500 MG of Pure Methamphetamine; ● Less than 50 MG of LSD (or the equivalent amount of other Schedule I or II Hallucinogens); ● Less than 2 G of Fentanyl; ● Less than 500 MG of a Fentanyl Analogue; ● At least 2.5 KG but less than 5 KG of Marihuana; ● At least 500 G but less than 1 KG of Hashish; ● At least 50 G but less than 100 G of Hashish Oil; ● At least 1.25 KG but less than 2.5 KG of Schedule I or II Depressants or Schedule III substances; ● 20 KG or more of Schedule IV substances. | Level 12 |
| (17) | <ul style="list-style-type: none"> ● At least 1 KG but less than 2.5 KG of Marihuana; ● At least 200 G but less than 500 G of Hashish; ● At least 20 G but less than 50 G of Hashish Oil; ● At least 500 G but less than 1.25 KG of Schedule I or II Depressants or Schedule III substances; ● At least 8 KG but less than 20 KG of Schedule IV substances. | Level 10 |
| (18) | <ul style="list-style-type: none"> ● At least 250 G but less than 1 KG of Marihuana; ● At least 50 G but less than 200 G of Hashish; ● At least 5 G but less than 20 G of Hashish Oil; ● At least 125 G but less than 500 G of Schedule I or II Depressants or Schedule III substances; ● At least 2 KG but less than 8 KG of Schedule IV substances; ● 20 KG or more of Schedule V substances. | Level 8 |
| (19) | <ul style="list-style-type: none"> ● Less than 250 G of Marihuana; ● Less than 50 G of Hashish; ● Less than 5 G of Hashish Oil; ● Less than 125 G of Schedule I or II Depressants or Schedule III substances; ● Less than 2 KG of Schedule IV substances; ● Less than 20 KG of Schedule V substances. | Level 6 |

* Unless otherwise specified, the weight of a controlled substance set forth in the table refers to the entire weight of any mixture or substance containing a detectable amount of the controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense level. In the case of a mixture or substance containing PCP or methamphetamine, use the offense level determined by the entire weight of the mixture or substance or the offense level determined by the weight of the pure PCP or methamphetamine, whichever is greater.

In the case of an offense involving marihuana plants, if the offense involved (A) 50 or more marihuana plants, treat each plant as equivalent to 1 KG of marihuana; (B) fewer than 50 marihuana plants, treat each plant as equivalent to 100 G of marihuana. Provided, however, that if the actual weight of the marihuana is greater, use the actual weight of the marihuana.

Commentary

Statutory Provisions: 21 U.S.C. §§ 841, 960.

Application Notes:

1. *"Mixture or substance" as used in this guideline has the same meaning as in 21 U.S.C. § 841.*
2. *The statute and guideline also apply to "counterfeit" substances, which are defined in 21 U.S.C. § 802 to mean controlled substances that are falsely labeled so as to appear to have been legitimately manufactured or distributed.*
3. *Definitions of "firearm" and "dangerous weapon" are found in the Commentary to §1B1.1 (Application Instructions). The enhancement for weapon possession reflects the increased danger of violence when drug traffickers possess weapons. The adjustment should be applied if the weapon was present, unless it is clearly improbable that the weapon was connected with the offense. For example, the enhancement would not be applied if the defendant, arrested at his residence, had an unloaded hunting rifle in the closet. The enhancement also applies to offenses that reference §2D1.1, *i.e.*, §§2D1.2, 2D1.4, 2D1.5. The adjustment is to be applied even if several counts are involved and the weapon was present in any of them.*
4. *Distribution of "a small amount of marihuana for no remuneration", 21 U.S.C. §§ 841(b)(4), is treated as simple possession, to which §2D2.1 applies.*
5. *Any reference to a particular controlled substance in these guidelines includes all salts, isomers, and all salts of isomers. Any reference to cocaine includes ecgonine and coca leaves, except extracts of coca leaves from which cocaine and ecgonine have been removed.*
6. *Where there are multiple transactions or multiple drug types, the quantities of drugs are to be added. Tables for making the necessary conversions are provided below.*
7. *Where a mandatory (statutory) minimum sentence applies, this mandatory minimum sentence may be "waived" and a lower sentence imposed (including a sentence below the applicable guideline range), as provided in 28 U.S.C. § 994(n), by reason of a defendant's "substantial assistance in the investigation or prosecution of another person who has committed an offense." See §5K1.1 (Substantial Assistance to Authorities).*
8. *A defendant who used special skills in the commission of the offense may be subject to an enhancement under §3B1.3 (Abuse of Position of Trust or Use of Special Skill). Certain professionals often occupy essential positions in drug trafficking schemes. These professionals include doctors, pilots, boat captains, financiers, bankers, attorneys, chemists, accountants, and others whose special skill, trade, profession, or position may be used to significantly facilitate the commission of a drug offense.*
9. *Trafficking in controlled substances, compounds, or mixtures of unusually high purity may warrant an upward departure, except in the case of PCP or methamphetamine for which the guideline itself provides for the consideration of purity (see the footnote to the Drug Quantity Table). The purity of the controlled substance, particularly in the case of heroin, may be relevant in the sentencing process because it is probative of the defendant's role or position in the chain of distribution. Since controlled substances are often diluted and combined with other substances as they pass down the chain of distribution, the fact that a defendant is in possession of unusually pure narcotics may indicate a prominent role in the criminal enterprise and*

proximity to the source of the drugs. As large quantities are normally associated with high purities, this factor is particularly relevant where smaller quantities are involved.

10. The Commission has used the sentences provided in, and equivalences derived from, the statute (21 U.S.C. § 841(b)(1)), as the primary basis for the guideline sentences. The statute, however, provides direction only for the more common controlled substances, *i.e.*, heroin, cocaine, PCP, methamphetamine, fentanyl, LSD and marihuana. The Drug Equivalency Tables set forth below provide conversion factors for other substances, which the Drug Quantity Table refers to as "equivalents" of these drugs. For example, one gram of a substance containing oxymorphone, a Schedule I opiate, is to be treated as the equivalent of five grams of a substance containing heroin in applying the Drug Quantity Table.

The Drug Equivalency Tables also provide a means for combining differing controlled substances to obtain a single offense level. If all the drugs are "equivalents" of the same drug, *e.g.*, stimulants that are grouped with cocaine, convert them to that drug. In other cases, convert each of the drugs to either the heroin or marihuana equivalents, add the quantities, and look up the total in the Drug Quantity Table to obtain the combined offense level. Use the marihuana equivalents when the only substances involved are "Schedule I Marihuana," "Schedule III Substances," "Schedule IV Substances," "Schedule V Substances" or "Schedule I or II Depressants." Otherwise, use the heroin equivalents.

Note: Because of the statutory equivalences, the ratios in the Drug Equivalency Tables do not necessarily reflect dosages based on pharmacological equivalents.

Examples:

- a. The defendant is convicted of selling seventy grams of a substance containing PCP (Level 22) and 250 milligrams of a substance containing LSD (Level 18). Both PCP and LSD are grouped together in the Drug Equivalency Tables under the heading "LSD, PCP, and Other Schedule I and II Hallucinogens," which provide PCP equivalencies. The 250 milligrams of LSD is equivalent to twenty-five grams of PCP. The total is therefore ninety-five grams of PCP, for which the Drug Quantity Table provides an offense level of 24.
- b. The defendant is convicted of selling 500 grams of marihuana (Level 8) and five kilograms of diazepam (Level 8). The diazepam, a Schedule IV drug, is equivalent to 625 grams of marihuana. The total, 1.125 kilograms of marihuana, has an offense level of 10 in the Drug Quantity Table.
- c. The defendant is convicted of selling eighty grams of cocaine (Level 16) and five kilograms of marihuana (Level 14). The cocaine is equivalent to sixteen grams of heroin; the marihuana, to five grams of heroin. The total equivalent is twenty-one grams of heroin, which has an offense level of 18 in the Drug Quantity Table.

DRUG EQUIVALENCY TABLES

Schedule I or II Opiates

1 gm of Alpha-Methylfentanyl =	10 gm of heroin
1 gm of Dextromoramide =	0.67 gm of heroin
1 gm of Dipipanone =	0.25 gm of heroin
1 gm of 3-Methylfentanyl =	10 gm of heroin

1 gm of 1-Methyl-4-phenyl-4-propionoxypiperidine/MPPP	0.7 gm of heroin
1 gm of 1-(2-Phenylethyl)-4-phenyl-4-acetyloxypiperidine/ PEPAP	0.7 gm of heroin
1 gm of Alphaprodine =	0.1 gm of heroin
1 gm of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4- piperidinyl] Propanamide) =	2.5 gm of heroin
1 gm of Hydromorphone/Dihydromorphinone =	2.5 gm of heroin
1 gm of Levorphanol =	2.5 gm of heroin
1 gm of Meperidine/Pethidine =	0.05 gm of heroin
1 gm of Methadone	0.5 gm of heroin
1 gm of 6-Monoacetylmorphine =	1 gm of heroin
1 gm of Morphine	0.5 gm of heroin
1 gm of Oxycodone =	0.5 gm of heroin
1 gm of Oxymorphone =	5 gm of heroin
1 gm of Racemorphan =	0.8 gm of heroin
1 gm of Codeine =	0.08 gm of heroin
1 gm of Dextropropoxyphene/Propoxyphene-Bulk =	0.05 gm of heroin
1 gm of Ethylmorphine =	0.165 gm of heroin
1 gm of Hydrocodone/Dihydrocodeinone =	0.5 gm of heroin
1 gm of Mixed Alkaloids of Opium/Papaveretum =	0.25 gm of heroin
1 gm of Opium =	0.05 gm of heroin

Cocaine and Other Schedule I and II Stimulants (and their immediate precursors)

1 gm of Cocaine	0.2 gm of heroin
1 gm of N-Ethylamphetamine =	0.4 gm of cocaine/0.08 gm of heroin
1 gm of Fenethylamine =	0.2 gm of cocaine/0.04 gm of heroin
1 gm of Amphetamine =	1.0 gm of cocaine/0.2 gm of heroin
1 gm of Dextroamphetamine =	1.0 gm of cocaine/0.2 gm of heroin
1 gm of Methamphetamine =	5.0 gm of cocaine/1.0 gm of heroin
1 gm of L-Methamphetamine/Levo-methamphetamine/ L-Desoxyephedrine =	0.2 gm of cocaine/0.04 gm of heroin
1 gm of 4-Methylaminorex ("Euphonia")=	0.5 gm of cocaine/0.1 gm of heroin
1 gm of Methylphenidate (Ritalin)=	0.5 gm of cocaine/0.1 gm of heroin
1 gm of Phenmetrazine =	0.4 gm of cocaine/0.08 gm of heroin
1 gm Phenylacetone/P ₂ P (when possessed for the purpose of manufacturing methamphetamine) =	2.08 gm of cocaine/0.418 gm of heroin
1 gm Phenylacetone/P ₂ P (in any other case) =	0.375 gm of cocaine/0.075 gm of heroin
1 gm of Cocaine Base ("Crack") =	100 gm of cocaine/20 gm of heroin

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

1 gm of Bufotenine	0.07 gm of heroin or PCP
1 gm of D-Lysergic Acid Diethylamide/Lysergide/LSD =	100 gm of heroin or PCP
1 gm of Diethyltryptamine/DET =	0.08 gm of heroin or PCP
1 gm of Dimethyltryptamine/DMT =	0.1 gm of heroin or PCP
1 gm of Mescaline =	0.01 gm of heroin or PCP

1 gm of Mushrooms containing Psilocin and/or Psilocybin (Dry) =	0.001 gm of heroin or PCP
1 gm of Mushrooms containing Psilocin and/or Psilocybin (Wet) =	0.0001 gm of heroin or PCP
1 gm of Peyote (Dry) =	0.0005 gm of heroin or PCP
1 gm of Peyote (Wet) =	0.00005 gm of heroin or PCP
1 gm of Phencyclidine/PCP =	1 gm of heroin
1 gm of Phencyclidine (Pure PCP) =	10 gm of heroin or PCP
1 gm of Psilocin =	0.5 gm of heroin or PCP
1 gm of Psilocybin =	0.5 gm of heroin or PCP
1 gm of Pyrrolidine Analog of Phencyclidine/PHP	1 gm of heroin or PCP
1 gm of Thiophene Analog of Phencyclidine/TCP =	1 gm of heroin or PCP
1 gm of 4-Bromo-2,5-Dimethoxyamphetamine/DOB	2.5 gm of heroin or PCP
1 gm of 2,5-Dimethoxy-4-methylamphetamine/DOM =	1.67 gm of heroin or PCP
1 gm of 3,4-Methylenedioxyamphetamine/MDA =	0.05 gm of heroin or PCP
1 gm of 3,4-Methylenedioxymethamphetamine/MDMA	0.035 gm of heroin or PCP
1 gm of 3,4-Methylenedioxy-N-ethylamphetamine/MDEA =	0.03 gm of heroin or PCP
1 gm of 1-Piperidinocyclohexanecarbonitrile/PCC =	0.68 gm of heroin or PCP

Schedule I Marihuana

1 gm of Marihuana/Cannabis =	1 mg of heroin
1 gm of Marihuana/Cannabis, granulated, powdered, etc. =	1 gm of heroin/1 gm of marihuana
1 gm of Hashish Oil	0.05 gm of heroin/50 gm of marihuana
1 gm of Cannabis Resin or Hashish =	5 mg of heroin/5 gm of marihuana
1 gm of Tetrahydrocannabinol, Organic =	0.167 gm of heroin/167 gm of marihuana
1 gm of Tetrahydrocannabinol, Synthetic =	0.167 gm of heroin/167 gm of marihuana

Schedule I or II Depressants

1 gm of Methaqualone	0.7 mg of heroin/700 mg of marihuana
1 gm of Amobarbital =	2 mg of heroin/2 gm of marihuana
1 gm of Pentobarbital =	2 mg of heroin/2 gm of marihuana
1 gm of Secobarbital =	2 mg of heroin/2 gm of marihuana

Schedule III Substances

1 gm of Allobarbital -	2 mg of heroin/2 gm of marihuana
1 gm of Aprobarbital =	2 mg of heroin/2 gm of marihuana
1 gm of Barbiturate	2 mg of heroin/2 gm of marihuana
1 gm of Benzphetamine =	4 mg of heroin/4 gm of marihuana
1 gm of Butobarbital =	2 mg of heroin/2 gm of marihuana
1 gm of Butalbital =	2 mg of heroin/2 gm of marihuana
1 gm of Butobarbital/butethal =	2 mg of heroin/2 gm of marihuana
1 gm of Cyclobarbital =	2 mg of heroin/2 gm of marihuana
1 gm of Cyclopentobarbital =	2 mg of heroin/2 gm of marihuana
1 gm of Glutethimide	0.4 mg of heroin/0.4 gm of marihuana

1 gm of Heptabarbital -	2 mg of heroin/2 gm of marihuana
1 gm of Hexethal =	2 mg of heroin/2 gm of marihuana
1 gm of Hexobarbital	2 mg of heroin/2 gm of marihuana
1 gm of Metharbital =	2 mg of heroin/2 gm of marihuana
1 gm of Talbutal =	2 mg of heroin/2 gm of marihuana
1 gm of Thialbarbital	2 mg of heroin/2 gm of marihuana
1 gm of Thiamylal =	2 mg of heroin/2 gm of marihuana
1 gm of Thiobarbital =	2 mg of heroin/2 gm of marihuana
1 gm of Thiopental =	2 mg of heroin/2 gm of marihuana
1 gm of Vinbarbital =	2 mg of heroin/2 gm of marihuana
1 gm of Vinylbital =	2 mg of heroin/2 gm of marihuana
1 gm of Phendimetrazine	2 mg of heroin/2 gm of marihuana
1 ml of Paregoric=	0.25 mg of heroin/0.25 gm of marihuana
1 ml of Hydrocodone Cough Syrup=	1 mg of heroin/1 gm of marihuana

Schedule IV Substances

1 gm of Phentermine -	0.125 mg of heroin/0.125 gm of marihuana
1 gm of Pentazocine =	0.125 mg of heroin/0.125 gm of marihuana
1 gm of Barbital	0.125 mg of heroin/0.125 gm of marihuana
1 gm of Diazepam	0.125 mg of heroin/0.125 gm of marihuana
1 gm of Phenobarbital =	0.125 mg of heroin/0.125 gm of marihuana
1 gm of Mephobarbital =	0.125 mg of heroin/0.125 gm of marihuana
1 gm of Methohexital =	0.125 mg of heroin/0.125 gm of marihuana
1 gm of Methylphenobarbital/Mephobarbital =	0.125 mg of heroin/0.125 gm of marihuana
1 gm of Nitrazepam =	0.125 mg of heroin/0.125 gm of marihuana

Schedule V Substances

1 gm of codeine cough syrup =	0.0125 mg of heroin/12.5 mg of marihuana.
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To facilitate conversions to drug equivalencies, the following table is provided:

MEASUREMENT CONVERSION TABLE

1 oz = 28.35 gm
1 lb = 453.6 gm
1 lb = .4536 kg
1 gal = 3.785 liters
1 qt = .946 liters
1 gm = 1 ml (liquid)
1 liter = 1,000 ml
1 kg = 1,000 gm
1 gm = 1,000 mg
1 grain = 64.8 mg.

- If the number of doses, pills, or capsules but not the weight of the controlled substance is known, multiply the number of doses, pills, or capsules by the typical weight per dose to estimate the

total weight of the controlled substance (e.g., 100 doses of Bufotenine at 1 mg per dose = 100 mg of Bufotenine). The Typical Weight Per Unit Table, prepared from information provided by the Drug Enforcement Administration, displays the typical weight per dose, pill, or capsule for common controlled substances.

TYPICAL WEIGHT PER UNIT (DOSE, PILL, OR CAPSULE) TABLE

<u>Hallucinogens</u>	
Bufotenine	1 mg
Diethyltryptamine	60 mg
Dimethyltryptamine	50 mg
LSD (Lysergic acid diethylamide)	.05 mg
MDA	100 mg
Mescaline	500 mg
PCP	5 mg
Peyote (dry)	12 gm
Peyote (wet)	120 gm
Psilocin	10 mg
Psilocybe mushrooms (dry)	5 gm
Psilocybe mushrooms (wet)	50 gm
Psilocybin	10 mg
2,5-Dimethoxy-4-methylamphetamine (STP, DOM)	3 mg

<u>Depressants</u>	
Barbiturates	100 mg
Glutethimide (Doriden)	500 mg
Methaqualone	300 mg
Thiobarbital	50 mg

<u>Marihuana</u>	
1 marihuana cigarette	0.5 gm

<u>Stimulants</u>	
Amphetamine	10 mg
Methamphetamine	5 mg
Phenmetrazine (Preludin)	75 mg.

12. Types and quantities of drugs not specified in the count of conviction may be considered in determining the offense level. See §1B1.3(a)(2) (Relevant Conduct). If the amount seized does not reflect the scale of the offense, see Application Note 2 of the Commentary to §2D1.4. If the offense involved negotiation to traffic in a controlled substance, see Application Note 1 of the Commentary to §2D1.4.

13. If subsection (b)(2)(B) applies, do not apply §3B1.3 (Abuse of Position of Trust or Use of Special Skill).

Background: Offenses under 21 U.S.C. §§ 841 and 960 receive identical punishment based upon the quantity of the controlled substance involved, the defendant's criminal history, and whether death or serious bodily injury resulted from the offense.

The base offense levels in §2D1.1 are either provided directly by the Anti-Drug Abuse Act of 1986 or are proportional to the levels established by statute, and apply to all unlawful trafficking. Levels 32 and 26 in the Drug Quantity Table are the distinctions provided by the Anti-Drug Abuse Act; however, further refinement of drug amounts is essential to provide a logical sentencing structure for drug offenses. To determine these finer distinctions, the Commission consulted numerous experts and practitioners, including authorities at the Drug Enforcement Administration, chemists, attorneys, probation officers, and members of the Organized Crime Drug Enforcement Task Forces, who also advocate the necessity of these distinctions.

The base offense levels at levels 26 and 32 establish guideline ranges with a lower limit as close to the statutory minimum as possible; e.g., level 32 ranges from 121 to 151 months, where the statutory minimum is ten years or 120 months.

Specific Offense Characteristic (b)(2) is mandated by Section 6453 of the Anti-Drug Abuse Act of 1988.

Frequently, a term of supervised release to follow imprisonment is required by statute for offenses covered by this guideline. Guidelines for the imposition, duration, and conditions of supervised release are set forth in Chapter Five, Part D (Supervised Release).

Historical Note: Effective November 1, 1987. Amended effective January 15, 1988 (see Appendix C, amendments 19, 20, and 21); November 1, 1989 (see Appendix C, amendments 123-134, 302, and 303).

§2D1.2. Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals

- (a) Base Offense Level (Apply the greatest):
- (1) 2 plus the offense level from §2D1.1; or
 - (2) 26, if the offense involved a person less than eighteen years of age; or
 - (3) 13, otherwise.

Commentary

Statutory Provisions: 21 U.S.C. §§ 845, 845a, 845b.

Background: This section implements the direction to the Commission in Section 6454 of the Anti-Drug Abuse Act of 1988.

Historical Note: Effective November 1, 1987. Amended effective January 15, 1988 (see Appendix C, amendment 22); November 1, 1989 (see Appendix C, amendment 135).

§2D1.3. [Deleted]

Historical Note: Section 2D1.3 (Distributing Controlled Substances to Individuals Younger than Twenty-One Years, to Pregnant Women, or Within 1000 Feet of a School or College), effective November 1, 1987, amended effective January 15, 1988 (see Appendix C, amendment 23), was deleted by consolidation with §2D1.2 effective November 1, 1989 (see Appendix C, amendment 135).

§2D1.4. Attempts and Conspiracies

- (a) **Base Offense Level:** If a defendant is convicted of a conspiracy or an attempt to commit any offense involving a controlled substance, the offense level shall be the same as if the object of the conspiracy or attempt had been completed.

Commentary

Statutory Provisions: 21 U.S.C. §§ 846, 963.

Application Notes:

1. *If the defendant is convicted of a conspiracy that includes transactions in controlled substances in addition to those that are the subject of substantive counts of conviction, each conspiracy transaction shall be included with those of the substantive counts of conviction to determine scale. If the defendant is convicted of an offense involving negotiation to traffic in a controlled substance, the weight under negotiation in an uncompleted distribution shall be used to calculate the applicable amount. However, where the court finds that the defendant did not intend to produce and was not reasonably capable of producing the negotiated amount, the court shall exclude from the guideline calculation the amount that it finds the defendant did not intend to produce and was not reasonably capable of producing. If the defendant is convicted of conspiracy, see Application Note 1 to §1B1.3 (Relevant Conduct).*
2. *Where there is no drug seizure or the amount seized does not reflect the scale of the offense, the sentencing judge shall approximate the quantity of the controlled substance. In making this determination, the judge may consider, for example, the price generally obtained for the controlled substance, financial or other records, similar transactions in controlled substances by the defendant, and the size or capability of any laboratory involved.*
3. See Commentary to §2D1.1 regarding weapon possession.

Historical Note: Effective November 1, 1987. Amended effective November 1, 1989 (see Appendix C, amendments 136-138).

§2D1.5. Continuing Criminal Enterprise

- (a) **Base Offense Level (Apply the greater):**
- (1) 4 plus the offense level from §2D1.1 applicable to the underlying offense; or
 - (2) 38.

Commentary

Statutory Provision: 21 U.S.C. § 848.

Application Notes:

1. Do not apply any adjustment from Chapter Three, Part B (Role in the Offense).
2. If as part of the enterprise the defendant sanctioned the use of violence, or if the number of persons managed by the defendant was extremely large, an upward departure may be warranted.
3. Under 21 U.S.C. § 848, certain conduct for which the defendant has previously been sentenced may be charged as part of the instant offense to establish a "continuing series of violations." A sentence resulting from a conviction sustained prior to the last overt act of the instant offense is to be considered a prior sentence under §4A1.2(a)(1) and not part of the instant offense.
4. Violations of 21 U.S.C. § 848 will be grouped with other drug offenses for the purpose of applying Chapter Three, Part D (Multiple Counts).

Background: Because a conviction under 21 U.S.C. § 848 establishes that a defendant controlled and exercised authority over one of the most serious types of ongoing criminal activity, this guideline provides a minimum base offense level of 38. An adjustment from Chapter Three, Part B is not authorized because the offense level of this guideline already reflects an adjustment for role in the offense.

Title 21 U.S.C. § 848 provides a 20-year minimum mandatory penalty for the first conviction, a 30-year minimum mandatory penalty for a second conviction, and a mandatory life sentence for principal administrators of extremely large enterprises. If the application of the guidelines results in a sentence below the minimum sentence required by statute, the statutory minimum shall be the guideline sentence. See §5G1.1(b).

Historical Note: Effective November 1, 1987. Amended effective October 15, 1988 (see Appendix C, amendment 66); November 1, 1989 (see Appendix C, amendment 139).

§2D1.6. Use of Communication Facility in Committing Drug Offense

- (a) Base Offense Level: 12

Commentary

Statutory Provision: 21 U.S.C. § 843(b).

Background: This section covers the use of a communication facility in committing a drug offense. A communication facility includes any public or private instrument used in the transmission of writing, signs, signals, pictures, and sound; e.g., telephone, wire, radio.

Historical Note: Effective November 1, 1987.

§2D1.7. Unlawful Interstate Sale and Transporting of Drug Paraphernalia

- (a) Base Offense Level: 12

Commentary

Statutory Provision: 21 U.S.C. § 857.

Historical Note: Effective November 1, 1987.

§2D1.8. Renting or Managing a Drug Establishment

- (a) Base Offense Level: 16
- (b) Specific Offense Characteristic
- (1) If a firearm or other dangerous weapon was possessed during commission of the offense, increase by 2 levels.

Commentary

Statutory Provision: 21 U.S.C. § 856.

Application Note:

1. Definitions of "firearm" and "dangerous weapon" are found in the Commentary to §1B1.1 (Application Instructions).

Background: This section covers the offense of knowingly opening, maintaining, managing, or controlling any building, room, or enclosure for the purpose of manufacturing, distributing, storing, or using a controlled substance contrary to law (e.g., a "crack house").

Historical Note: Effective November 1, 1987.

§2D1.9. Placing or Maintaining Dangerous Devices on Federal Property to Protect the Unlawful Production of Controlled Substances

- (a) Base Offense Level: 23

Commentary

Statutory Provision: 21 U.S.C. § 841(e)(1).

Background: This section covers the offense of assembling, placing, or causing to be placed, or maintaining a "booby-trap" on federal property where a controlled substance is being manufactured or distributed.

Historical Note: Effective November 1, 1987.

§2D1.10. Endangering Human Life While Illegally Manufacturing a Controlled Substance

- (a) Base Offense Level (Apply the greater):
- (1) 3 plus the offense level from the Drug Quantity Table in §2D1.1; or
 - (2) 20.

Commentary

Statutory Provision: 21 U.S.C. § 858.

Historical Note: Effective November 1, 1989 (see Appendix C, amendment 140).

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2. UNLAWFUL POSSESSION

§2D2.1. Unlawful Possession

- (a) Base Offense Level:
- (1) 8, if the substance is heroin or any Schedule I or II opiate, or an analogue of these; or
 - (2) 6, if the substance is cocaine, LSD, or PCP; or
 - (3) 4, if the substance is any other controlled substance.
- (b) Cross Reference
- (1) If the defendant is convicted of possession of more than 5 grams of a mixture or substance containing cocaine base, apply §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking) as if the defendant had been convicted of possession of that mixture or substance with intent to distribute.

Commentary

Statutory Provision: 21 U.S.C. § 844(a).

Background: Mandatory minimum penalties for several categories of cases, ranging from fifteen days' to five years' imprisonment, are set forth in 21 U.S.C. § 844(a). When a mandatory minimum penalty exceeds the guideline range, the mandatory minimum becomes the guideline sentence. §5G1.1(b).

Section 2D2.1(b)(1) provides a cross reference to §2D1.1 for possession of more than five grams of a mixture or substance containing cocaine base, an offense subject to an enhanced penalty under Section 6371 of the Anti-Drug Abuse Act of 1988. Other cases for which enhanced penalties are provided under Section 6371 of the Anti-Drug Abuse Act of 1988 (e.g., for a person with one prior

conviction, possession of more than three grams of a mixture or substance containing cocaine base; for a person with two or more prior convictions, possession of more than one gram of a mixture or substance containing cocaine base) are to be sentenced in accordance with §5G1.1(b).

Historical Note: Effective November 1, 1987. Amended effective January 15, 1988 (see Appendix C, amendment 24); November 1, 1989 (see Appendix C, amendment 304).

§2D2.2. Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge

- (a) Base Offense Level: 8

Commentary

Statutory Provision: 21 U.S.C. § 843(a)(3).

Historical Note: Effective November 1, 1987.

§2D2.3. Operating or Directing the Operation of a Common Carrier Under the Influence of Alcohol or Drugs

- (a) Base Offense Level (Apply the greatest):
- (1) 26, if death resulted; or
 - (2) 21, if serious bodily injury resulted; or
 - (3) 13, otherwise.
- (b) Special Instruction:
- (1) If the defendant is convicted of a single count involving the death or serious bodily injury of more than one person, apply Chapter Three, Part D (Multiple Counts) as if the defendant had been convicted of a separate count for each such victim.

Commentary

Statutory Provision: 18 U.S.C. § 342.

Background: This section implements the direction to the Commission in Section 6842 of the Anti-Drug Abuse Act of 1988. Offenses covered by this guideline may vary widely with regard to harm and risk of harm. The offense levels assume that the offense involved the operation of a common carrier carrying a number of passengers, e.g., a bus. If no or only a few passengers were placed at risk, a downward departure may be warranted. If the offense resulted in the death or serious bodily injury of a large number of persons such that the resulting offense level under subsection (b) would not adequately reflect the seriousness of the offense, an upward departure may be warranted.

Historical Note: Effective November 1, 1987. Amended effective January 15, 1988 (see Appendix C, amendment 25); November 1, 1989 (see Appendix C, amendment 141).

3. REGULATORY VIOLATIONS

§2D3.1. **Illegal Use of Registration Number to Manufacture, Distribute, Acquire, or Dispense a Controlled Substance**

(a) Base Offense Level: 6

Commentary

Statutory Provision: 21 U.S.C. § 843(a).

Background: The maximum term of imprisonment authorized by statute is four years, except in a case with a prior drug-related felony where the maximum term of imprisonment authorized by statute is eight years.

Historical Note: Effective November 1, 1987.

§2D3.2. **Manufacture of Controlled Substance in Excess of or Unauthorized by Registration Quota**

(a) Base Offense Level: 4

Commentary

Statutory Provision: 21 U.S.C. § 842.

Background: This offense is a misdemeanor. The maximum term of imprisonment authorized by statute is one year.

Historical Note: Effective November 1, 1987.

§2D3.3. **Illegal Use of Registration Number to Distribute or Dispense a Controlled Substance to Another Registrant or Authorized Person**

(a) Base Offense Level: 4

Commentary

Statutory Provision: 21 U.S.C. § 842.

Background: This offense is a misdemeanor. The maximum term of imprisonment authorized by statute is one year.

Historical Note: Effective November 1, 1987.

§2D3.4. Illegal Transfer or Transshipment of a Controlled Substance

(a) Base Offense Level: 4

Commentary

Statutory Provision: 21 U.S.C. § 842.

Background: This offense is a misdemeanor. The maximum term of imprisonment authorized by statute is one year.

Historical Note: Effective November 1, 1987.