

Federal Drug Penalties

<https://www.dea.gov/sites/default/files/2021-12/Trafficking%20Penalties.pdf>

21 USC § 841(a)(1) – Distribution/Manufacturing/Possession with intent to Distribute

Statutory maximum generally is 20 years

Five year mandatory minimum and maximum 40 years (21 USC 841(b)(1)(B)) if:

5 grams or more of actual meth	28 grams or more of crack
50 grams or more of a mixture containing meth	40 grams or more of fentanyl
100 grams or more of heroin	10 grams or more of PCP
500 grams or more of cocaine	1 gram or more of LSD
100 kilogram or more of marijuana (or 100 or more plants)	

Ten year mandatory minimum and maximum life (21 USC 841(b)(1)(A) if:

50 grams or more of actual meth	280 grams or more of crack
500 grams or more of a mixture containing meth	400 grams or more of fentanyl
1 kilogram or more of heroin	100 grams or more of PCP
5 kilograms or more of cocaine	10 grams or more of LSD
1000 kilogram or more of marijuana (or 1,000 or more plants)	

Penalties also can be increased if defendant has a prior felony drug conviction or is a career offender (two or more felony drug offense or crimes of violence).

Twenty year mandatory minimum if death or serious bodily injury results from use of the drug.

Enhanced penalties also available for distribution to individuals under 21 (21 USC § 859) or distributions near schools, playgrounds, youth centers, arcades, pools, and public housing (21 USC § 860).

21 USC § 846 (Conspiracy/Attempt)

Penalties identical to distribution penalties.

21 USC § 843(a)(3) (Obtaining Controlled Substances by Misrepresentation, Fraud, etc.)

Four year maximum for drug diversion offenses.

21 USC § 843(b) (Use of a Communication Facility to Facilitate Drug Felony)

Four year maximum for each use of a telephone to arrange a drug transaction.

21 USC § 844 (Simple Possession)

Misdemeanor - One year maximum

Can become felony with higher penalties if prior drug convictions.

21 USC § 848 (Continuing Criminal Enterprise - "Drug Kingpin Statute")

Mandatory minimum 20 years and maximum of life can be imposed on a leader of an organization of five or more individuals who engage in a continuing series of drug violations from which the person derived substantial income. Mandatory life and death penalty available under certain circumstances.

21 USC § 856 (Maintaining a Drug-Involved Premises - "Crack House Statute")

Twenty year maximum for opening, leasing, renting, or maintain a premises for drug manufacturing, use or distribution. Also applies to those who manage or control such premises (including owners and landlords of rental properties).

18 USC § 1952 (Interstate Travel in Aid of Racketeering - "Travel Act")

Five year maximum for traveling or using the mail or instruments of interstate commerce (telephone/internet) with intent to facilitate drug trafficking.