

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**TITLE 48. FOOD AND DRUGS**  
**SUBTITLE III. ILLEGAL DRUGS**  
**CHAPTER 9. CONTROLLED SUBSTANCES**  
**UNIT A. CONTROLLED SUBSTANCES ACT**

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SUBCHAPTER IV. OFFENSES AND PENALTIES

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**SUBCHAPTER IV. OFFENSES AND PENALTIES**

**§ 48-904.01. Prohibited acts A; penalties**

(a) (1) Except as authorized by this chapter, it is unlawful for any person knowingly or intentionally to manufacture, distribute, or possess, with intent to manufacture or distribute, a controlled substance.

(2) Any person who violates this subsection with respect to: (A) A controlled substance classified in Schedule I or II that is a narcotic or abusive drug shall be imprisoned for not more than 30 years or fined not more than \$ 500,000, or both; (B) Any other controlled substance classified in Schedule I, II, or III, except for a narcotic or abusive drug, is guilty of a crime and upon conviction may be imprisoned for not more than 5 years, fined not more than \$ 50,000, or both; except that upon conviction of manufacturing, distributing or possessing with intent to distribute 1/2 pound or less of marijuana, a person who has not previously been convicted of manufacturing, distributing or possessing with intent to distribute a controlled substance or attempting to manufacture, distribute, or possess with intent to distribute a controlled substance may be imprisoned for not more than 180 days or fined not more than \$ 1000 or both;

(C) A substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than 3 years, fined not more than \$ 25,000, or both; or (D) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$ 10,000, or both. (b) (1) Except as authorized by this chapter, it is unlawful for any person to create, distribute, or possess with intent to distribute a counterfeit substance. (2) Any person who violates this subsection with respect to: (A) A counterfeit substance classified in Schedule I or II that is a narcotic or abusive drug shall be imprisoned for not more than 30 years or fined not more than \$ 500,000, or both; (B) Any other counterfeit substance classified in Schedule I, II, or III, except for a narcotic or abusive drug, is guilty of a crime and upon conviction may be imprisoned for not more than 5 years, fined not more than \$ 50,000, or both; (C) A counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than 3 years, fined not more than \$ 25,000, or both; or (D) A counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than 1 year, fined not more than \$10,000, or both.

(c) Repealed.

(d) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a misdemeanor and upon conviction may be imprisoned for not more than 180 days, fined not more than \$ 1,000, or both.

(e) (1) If any person who has not previously been convicted of violating any provision of this chapter, or any other law of the United States or any state relating to narcotic or abusive drugs or depressant or stimulant substances is found guilty of a violation of subsection (d) of this section and has not previously been discharged and had the proceedings dismissed pursuant to this subsection, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him or her on probation upon such reasonable conditions as it may require and for such period, not to exceed one year, as the court may prescribe. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge him or her from probation before the expiration of the maximum period prescribed for such person's probation. If during the period of probation such person does not violate any of the conditions of the probation, then upon expiration of such period the court shall discharge such person and dismiss the proceedings against him or her. Discharge and dismissal under this subsection shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this subsection. Such discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime (including the penalties prescribed under § 48-904.08 for second or subsequent convictions) or for any other purpose.

(2) Upon the dismissal of such person and discharge of the proceedings against him under paragraph (1) of this subsection, such person may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained under paragraph (1) of this subsection) all recordation relating to his or her arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this subsection. If the court determines, after hearing, that such person was dismissed and the proceedings against him or her discharged, it shall enter such order. The effect of such order shall be to restore such person, in the contemplation of this law, to the status he or she occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge such arrest, or indictment, or trial in response to any inquiry made of him or her for any purpose.

(f) The prosecutor may charge any person who violates the provisions of subsection (a) or (b) of this section relating to the distribution of or possession with intent to distribute a controlled or counterfeit substance with a violation of subsection (d) of this section if the interests of justice so dictate.

(g) For the purposes of this section, "offense" means a prior conviction for a violation of this section or a felony that relates to narcotic or abusive drugs, marijuana, or depressant or stimulant drugs, that is rendered by a court of competent jurisdiction in the United States.

**§ 48-904.02. Prohibited acts B; penalties**

(a) It is unlawful for any person:

- (1) Who is subject to subchapter III of this chapter to distribute or dispense a controlled substance in violation of § 48-903.08;
- (2) Who is a registrant, to manufacture a controlled substance not authorized by registration, or to distribute or dispense a controlled substance not authorized by registration to another registrant or other authorized person;
- (3) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice, or information required under this chapter;
- (4) To refuse an entry into any premises for any inspection authorized by this chapter;
- (5) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances or which is used for keeping or selling them in violation of this chapter;
- (6) Who is a law-enforcement official, as designated by the Mayor, or a designated civilian employee of the Metropolitan Police Department, to divulge any knowledge relating to the records, order forms, or prescriptions of registrants which he or she received by virtue of his or her office, except in connection with officially authorized duties or in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the registrant to whom such records, order forms, or prescriptions relate is a party; or
- (7) To use to his or her own advantage or to reveal, other than to duly authorized officers or employees of the District of Columbia or the United States, or to the courts when relevant in any judicial proceeding under this subchapter or subchapter III of this chapter, any

information acquired in the course of an authorized inspection concerning any method or process which as a trade secret is entitled to protection.

(b) Except as provided for in subsection (c) of this section, any person who violates this section shall, with respect to any violation, be subject to a civil penalty of not more than \$50,000. (c) If a violation of this section is prosecuted by an information or indictment which alleges that the violation was committed knowingly and the trier of fact specifically finds that the violation was so committed, such person shall be guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$ 50,000, or both.

**§ 48-904.03. Prohibited acts C; penalties**

(a) It is unlawful for any person knowingly or intentionally: (1) To distribute as a registrant a controlled substance classified in Schedule I or II, except pursuant to an order form as required by § 48-903.07; (2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person; (3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge; (4) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter; or (5) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance. (b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than 4 years, fined not more than \$ 50,000, or both.

**§ 48-904.03a. Prohibited acts D; penalties**

(a) It shall be unlawful for any person to knowingly open or maintain any place to manufacture, distribute, or store for the purpose of manufacture or distribution a narcotic or abusive drug. (b) Any person who violates this section shall be imprisoned for not less than 5 years nor more than 25 years, fined not more than \$ 500,000, or both.

**§ 48-904.04. Penalties under other laws**

Any penalty imposed for violation of this chapter is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

**§ 48-904.05. Effect of acquittal or conviction under federal law**

No person shall be prosecuted for a violation of any provision of this chapter if such person has been acquitted or convicted under any United States statute governing the sale or distribution of controlled substances of the same act or omission which is alleged to constitute a violation of this chapter.

**§ 48-904.06. Distribution to minors**

(a) Any person who is 21 years of age or over and who violates § 48-904.01(a) by distributing a controlled substance which is listed in Schedule I or II and which is a narcotic

drug, phencyclidine, or a phencyclidine immediate precursor to a person who is under 18 years of age may be punished by the fine authorized by § 48-904.01(a)(2)(A), by a term of imprisonment of up to twice that authorized by § 48-904.01(a)(2)(A), or by both. (b) Any person who is 21 years of age or over and who violates § 48-904.01(a) by distributing for remuneration any other controlled substance which is listed in Schedule I, II, III, IV, or V, except for phencyclidine or a phencyclidine immediate precursor, to a person who is under 18 years of age may be punished by the fine authorized by § 48-904.01(a)(2)(B), (C), or (D), respectively, by a term of imprisonment up to twice that authorized by § 48-904.01(a)(2)(B), (C), or (D), respectively, or both.

**§ 48-904.07. Enlistment of minors to distribute**

(a) Any person who is 21 years of age or over and who enlists, hires, contracts, or encourages any person under 18 years of age to sell or distribute any controlled substance, in violation of § 48-904.01(a), for the profit or benefit of such person who enlists, hires, contracts, or encourages this criminal activity shall be punished for sale or distribution in the same manner as if that person directly sold or distributed the controlled substance.

(b) Anyone found guilty of subsection (a) of this section shall be subject to the following additional penalties:

(1) Upon a first conviction the party may be imprisoned for not more than 10 years, fined not more than \$ 10,000, or both;

(2) Upon a second or subsequent conviction, the party may be imprisoned for not more than 20 years, fined not more than \$ 20,000, or both.

**§ 48-904.07a. Drug free zones**

(a) All areas within 1000 feet of a public or private day care center, elementary school, vocational school, secondary school, public charter school, junior college, college, or university, or any public swimming pool, playground, video arcade, youth center, public library, or in and around public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by the United States Department of Housing and Urban Development, or an event sponsored by any of the above entities shall be declared a drug free zone.

(b) Any person who violates § 48-904.01(a) by distributing or possessing with the intent to distribute a controlled substance which is listed in Schedule I, II, III, IV, or V within a drug free zone shall be punished by a fine up to twice that otherwise authorized by this chapter to be imposed, by a term of imprisonment up to twice that otherwise imposed, or both.

**§ 48-904.08. Second or subsequent offenses**

(a) Any person convicted of a second or subsequent offense under this chapter may be

imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

(b) For purposes of this section, an offense is considered a second or subsequent offense if, prior to commission of the offense, the offender has at any time been convicted under this chapter or under any statute of the United States or of any state relating to narcotic drugs, depressants, stimulants, or hallucinogenic drugs.

(c) A person who is convicted of violating § 48-904.06 may be sentenced according to the provisions of § 48-904.06 or according to the provisions of this section, but not both.

**§ 48-904.09. Attempt; conspiracy**

Any person who attempts or conspires to commit any offense defined in this subchapter is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

**§ 48-904.10. Possession of drug paraphernalia**

Whoever, except for a physician, dentist, chiropodist, or veterinarian licensed in the District of Columbia or a state, registered nurse, registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, industrial user, official of any government having possession of the proscribed articles by reason of his or her official duties, nurse or medical laboratory technician acting under the direction of a physician or dentist, employees of a hospital or medical facility acting under the direction of its superintendent or officer in immediate charge, person engaged in chemical, clinical, pharmaceutical or other scientific research, acting in the course of their professional duties, has in his or her possession a hypodermic needle, hypodermic syringe, or other instrument that has on or in it any quantity (including a trace) of a controlled substance with intent to use it for administration of a controlled substance by subcutaneous injection in a human being shall be fined not more than \$ 1000 or imprisoned for not more than 180 days, or both.