

A Weekly FAX from the Center for Substance Abuse Research

University of Maryland, College Park

Illicit Drug Anti-Proliferation Act of 2003: A Summary of Opposing Viewpoints

On April 30, 2003, the Illicit Drug Anti-Proliferation Act of 2003 was enacted as part of a larger crime bill (The PROTECT Act, S151). The Anti-Proliferation Act was previously introduced as the RAVE (Reducing Americans' Vulnerability to Ecstasy) Act to stop the use of ecstasy and other drugs at raves and similar events. After complaints that it unfairly targeted raves, the bill was generalized to include other venues. The enacted Anti-Proliferation Act amends the Controlled Substances Act to prohibit an individual from "knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance" (S. 226). Violators are subject to a civil penalty of at least \$250,000 or twice the gross receipts derived from each violation, as well as the possibility of imprisonment. Following are some of the arguments surrounding the passage of the Anti-Proliferation Act.

Opponents of the Illicit Drug Anti-Proliferation Act of 2003:

Critics of the bill believe it is so vaguely and broadly worded that property owners, concert promoters, and event organizers who have taken all possible steps to prevent drug use at their establishments and events could still be punished if drugs enter their facility undetected. This, opponents argue, will discourage promoters from holding any kind of event at all. The Drug Policy Alliance suggests that "nightclub and stadium owners would likely stop holding events—such as rock or Hip Hop concerts—in which even one person might use drugs." (Drug Policy Alliance, 2003a). In addition, some are concerned that the Act "will not eliminate drug use or raves—it will just drive them underground and discourage basic health precautions" (Murphy and Johnson, 2003). Others argue that the bill violates the First Amendment because it infringes on a person's right to listen to music and to dance.

Proponents of the Illicit Drug Anti-Proliferation Act of 2003:

According to the bill's sponsor, Senator Joseph Biden Jr., "this bill was not to ban dancing, kill 'the rave scene' or silence electronic music . . . In no way is this bill aimed at stifling any type of music or expression. It is only trying to deter illicit drug use and protect kids" (Anderson, 2003). Proponents argue that the increase in ecstasy and other drug use by teenagers in recent years called for legal action to be taken against those who knowingly provide opportunities for this behavior. However, they assert that the burden of proof is high enough that it will not affect "legitimate, law-abiding managers of stadiums, arenas, performing arts centers, licensed beverage facilities and other venues because of incidental drug use at their events" (Holland, 2003).

SOURCES: A complete list of sources is available on the CESAR website (<http://www.cesar.umd.edu/cesar/cesarfax.asp>, then click on the May 26, 2003 *CESAR FAX*).

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