

§2D1.13

computer service only to communicate with one another in furtherance of the offense. “***Interactive computer service***”, for purposes of subsection (b)(3) and this note, has the meaning given that term in section 230(e)(2) of the Communications Act of 1934 (47 U.S.C. § 230(f)(2)).

<i>Historical Note</i>	Effective November 1, 1991 (amendment 371). Amended effective November 1, 1992 (amendment 447); November 1, 1995 (amendment 520); November 1, 1997 (amendment 558); November 1, 2000 (amendment 605); November 1, 2001 (amendment 626); November 1, 2004 (amendment 667); November 1, 2010 (amendment 746); November 1, 2025 (amendment 836).
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§2D1.13. Structuring Chemical Transactions or Creating a Chemical Mixture to Evade Reporting or Recordkeeping Requirements; Presenting False or Fraudulent Identification to Obtain a Listed Chemical; Attempt or Conspiracy

(a) Base Offense Level (Apply the greatest):

- (1) The offense level from §2D1.11 (Unlawfully Distributing, Importing, Exporting, or Possessing a Listed Chemical) if the defendant knew or believed that the chemical was to be used to manufacture a controlled substance unlawfully; or
- (2) The offense level from §2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical) reduced by **3** levels if the defendant had reason to believe that the chemical was to be used to manufacture a controlled substance unlawfully; or
- (3) **6**, otherwise.

Commentary

Statutory Provisions: 21 U.S.C. §§ 841(c)(3), (f)(1), 843(a)(4)(B), (a)(8).

Application Note:

1. “***The offense level from §2D1.11***” includes the base offense level and any applicable specific offense characteristic or cross reference; *see* §1B1.5 (Interpretation of References to Other Offense Guidelines).

<i>Historical Note</i>	Effective November 1, 1991 (amendment 371). Amended effective November 1, 1992 (amendment 447); November 1, 2002 (amendment 646).
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