

118TH CONGRESS
1ST SESSION

S. _____

To amend the Controlled Substances Act to prohibit certain acts related to fentanyl, analogues of fentanyl, and counterfeit substances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. GRASSLEY (for himself, Mrs. FEINSTEIN, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Controlled Substances Act to prohibit certain acts related to fentanyl, analogues of fentanyl, and counterfeit substances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Pills That Kill
5 Act”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the term “counterfeit fentanyl or meth-
8 amphetamine substance” means a substance that—

1 (1) contains fentanyl, any analogue of fentanyl,
2 or methamphetamine; and

3 (2) is marketed, sold, or falsely bears the trade-
4 mark, trade name, or other identifying mark, im-
5 print, number, or any likeness thereof of another
6 product.

7 **SEC. 3. PROHIBITED ACTS.**

8 Section 403(d)(2) of the Controlled Substances Act
9 (21 U.S.C. 843(d)(2)) is amended, in the matter pre-
10 ceding subparagraph (A), by inserting “, fentanyl, an ana-
11 logue of fentanyl, or a counterfeit substance” after “meth-
12 amphetamine”.

13 **SEC. 4. COMPREHENSIVE PLAN.**

14 Not later than 180 days after the date of enactment
15 of this Act, the Administrator of the Drug Enforcement
16 Administration shall establish and implement an operation
17 and response plan to address counterfeit fentanyl or meth-
18 amphetamine substances that includes—

19 (1) strategies to enable and empower Federal
20 law enforcement efforts to investigate and seize
21 counterfeit fentanyl or methamphetamine sub-
22 stances;

23 (2) specific ways that education and prevention
24 efforts to stop the use of counterfeit fentanyl or

1 methamphetamine substances will be increased, in-
2 cluding how—

3 (A) ongoing efforts, such as Operation En-
4 gage, are effective in increasing education and
5 prevention; and

6 (B) how the efforts described in subpara-
7 graph (A) are tailored to youth and teen access;
8 and

9 (3) an audit of current campaigns, including
10 the “One Pill Can Kill” campaign, on counterfeit
11 fentanyl or methamphetamine substances, including
12 a review of data and other available information on
13 how the campaigns can be tailored, adjusted, or im-
14 proved to better address the flow of counterfeit
15 fentanyl or methamphetamine substances.

16 **SEC. 5. REPORT TO CONGRESS.**

17 (a) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, and every year thereafter, the
19 Attorney General, in consultation with the Administrator
20 of the Drug Enforcement Administration and Director of
21 the Office of National Drug Control Policy, shall submit
22 to Congress a report on information regarding the collec-
23 tion and prosecutions of counterfeit fentanyl or meth-
24 amphetamine substances.

1 (b) CONTENTS.—The report required under sub-
2 section (a) shall include the following:

3 (1) Data on the aggregate number of counter-
4 feit fentanyl or methamphetamine substances seized
5 and collected by Federal law enforcement agencies.

6 (2) A breakdown on how many counterfeit
7 fentanyl or methamphetamine substances are in pill
8 form.

9 (3) A breakdown on which illicit substances are
10 present in the counterfeit fentanyl or methamphet-
11 amine substances that are in pill form.

12 (4) Data outlining where and when counterfeit
13 fentanyl or methamphetamine substances were
14 seized.

15 (5) Data on the charges filed against those
16 manufacturing, distributing, or dispensing, or pos-
17 sessing with the intent to distribute or dispense, a
18 counterfeit fentanyl or methamphetamine substance,
19 particularly in pill form, pursuant to paragraph (1)
20 or (2) of section 401(a) of the Controlled Substances
21 Act (21 U.S.C. 841(a)), unless disclosure of the data
22 would—

23 (A) require unsealing an indictment; or

24 (B) undermine investigations and charges
25 brought by the Department of Justice.

1 (6) Data on the convictions and sentences
2 against those who are found guilty under paragraph
3 (1) or (2) of section 401(a) of the Controlled Sub-
4 stances Act (21 U.S.C. 841(a)) as it pertains to
5 counterfeit fentanyl or methamphetamine sub-
6 stances, particularly those in pill form.

7 (7) Any prevention measures that the Depart-
8 ment of Justice, Drug Enforcement Administration,
9 or Office of National Drug Control Policy are under-
10 taking to limit and reduce the spread of counterfeit
11 fentanyl or methamphetamine substances in pill
12 form, including ongoing public awareness campaigns.