

11′	7TH CONGRESS 2D Session	S.	
То		l Substances Act to prohibit es of fentanyl, and counterfeit	

IN THE SENATE OF THE UNITED STATES

Mr.	GRASSLEY	(for	himself, A	Irs. 1	FEINST	EIN,	Mr. (ORNY	N, ai	id Ms. H	ASS	AN)
	introduced	the	following	bill;	which	was	read	twice	and	referred	to	the
	Committee	on .				00.00						

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—

S.L.C. SIL22636/2XG

	2
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. DIRECTIVE TO THE UNITED STATES SENTENCING
14	COMMISSION.
15	The United States Sentencing Commission shall re-
16	view and amend, if appropriate, the sentencing guidelines
17	in accordance with section 994 of title 28, United States
18	Code, to provide for a 4-level enhancement for a defendant
19	who knowingly misrepresented as either a prescription or
20	over-the-counter medication in pill or tablet form a coun-
21	terfeit or otherwise adulterated pill or tablet that con-
22	tained a detectable amount of fentanyl, or a fentanyl ana-

23 logue, or methamphetamine.

8HL22636 2XG S,L,C_s

3

_	COMPREHENSI	 TYT	

2	Not later than 180 days after the date of enactment
3	of this Act, the Administrator of the Drug Enforcement
4	Administration shall establish and implement an operation
5	and response plan to address counterfeit fentanyl or meth-
6	amphetamine substances that includes—
7	(1) strategies to enable and empower Federal
.8	law enforcement efforts to investigate and seize
9	counterfeit fentanyl or methamphetamine sub-
0	stances;
1	(2) specific ways that education and prevention
12	efforts to stop the use of counterfeit fentanyl or
13	methamphetamine substances will be increased, in-
14	eluding how—
15	(A) ongoing efforts, such as Operation En-
16:	gage, are effective in increasing education and
17	prevention; and
18	(B) how the efforts described in subpara-
19	graph (A) are tailored to youth and teen access;
20	(3) an audit of current campaigns, including
21	the "One Pill Can Kill" campaign, on counterfeit
22	fentanyl or methamphetamine substances, including
2,3	a review of data and other available information on
24	how such campaigns can be tailored, adjusted, or
25	improved to better address the flow of counterfeit
26	fentanyl or methamphetamine substances.

26

4			
1	COTO O	REPORT TO	CONTRACT
1	- MICL : K	** K P4 114 1 1 1 1	I THE PERSON NAMED IN COLUMN 1

1	SEC. 6. REPORT TO CONGRESS.
2	(a) Report.—Not later than 1 year after the date
3	of enactment of this Act, and every year thereafter, the
4	Attorney General, in consultation with the Administrator
5	of the Drug Enforcement Administration and Director of
6	the Office of National Drug Control Policy, shall submit
7	to Congress a report on information regarding the collec-
.8	tion and prosecutions of counterfeit fentanyl or meth-
9	amphetamine substances.
10	(b) CONTENTS.—The report required under sub-
11	section (a) shall include the following:
12	(1) Data on the aggregate number of counter-
13	feit fentanyl or methamphetamine substances seized
14	and collected by Federal law enforcement agencies.
15	(2) A breakdown on how many counterfeit
16	fentanyl or methamphetamine substances are in pill
17	form.
18	(3) A breakdown on which illicit substances are
19	present in the counterfeit fentanyl or methamphet-
20	amine substances that are in pill form.
21	(4) Data outlining where and when counterfeit
22	fentanyl or methamphetamine substances were
23	seized.
24	(5) Data on the charges filed against those
25	manufacturing, distributing, or dispending, or pos-

sessing with the intent to distribute or dispense a

- counterfeit fentanyl or methamphetamine substance,
 particularly in pill form, pursuant to paragraph (1)
 or (2) of section 401(a) of the Controlled Substances
 Act (21 U.S.C. 841(a)), unless disclosure of such
 data would require unsealing an indictment or would
 undermine investigations and charges brought by the
 Department of Justice.
 - (6) Data on the convictions and sentences against those who are found guilty under paragraph (1) or (2) of section 401(a) of the Controlled Substances Act (21 U.S.C. 841(a)) as it pertains to counterfeit fentanyl or methamphetamine substances, particularly those in pill form.
 - (7) Any prevention measures that the Department of Justice, Drug Enforcement Administration, or Office of National Drug Control Policy are undertaking to limit and reduce the spread of counterfeit fentanyl or methamphetamine substances in pill form, including ongoing public awareness campaigns.