

117TH CONGRESS
2D SESSION

S. 4151

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

MAY 5, 2022

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

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. 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.

1 **SEC. 5. COMPREHENSIVE PLAN.**

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-
10 stances;

11 (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 cluding 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 and

21 (3) an audit of current campaigns, including
22 the “One Pill Can Kill” campaign, on counterfeit
23 fentanyl or methamphetamine substances, including
24 a review of data and other available information on
25 how such campaigns can be tailored, adjusted, or

1 improved to better address the flow of counterfeit
2 fentanyl or methamphetamine substances.

3 **SEC. 6. REPORT TO CONGRESS.**

4 (a) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, and every year thereafter, the
6 Attorney General, in consultation with the Administrator
7 of the Drug Enforcement Administration and Director of
8 the Office of National Drug Control Policy, shall submit
9 to Congress a report on information regarding the collec-
10 tion and prosecutions of counterfeit fentanyl or meth-
11 amphetamine substances.

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

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

17 (2) A breakdown on how many counterfeit
18 fentanyl or methamphetamine substances are in pill
19 form.

20 (3) A breakdown on which illicit substances are
21 present in the counterfeit fentanyl or methamphet-
22 amine substances that are in pill form.

23 (4) Data outlining where and when counterfeit
24 fentanyl or methamphetamine substances were
25 seized.

1 (5) Data on the charges filed against those
2 manufacturing, distributing, or dispensing, or pos-
3 sessing with the intent to distribute or dispense a
4 counterfeit fentanyl or methamphetamine substance,
5 particularly in pill form, pursuant to paragraph (1)
6 or (2) of section 401(a) of the Controlled Substances
7 Act (21 U.S.C. 841(a)), unless disclosure of such
8 data would require unsealing an indictment or would
9 undermine investigations and charges brought by the
10 Department of Justice.

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

17 (7) Any prevention measures that the Depart-
18 ment of Justice, Drug Enforcement Administration,
19 or Office of National Drug Control Policy are under-
20 taking to limit and reduce the spread of counterfeit
21 fentanyl or methamphetamine substances in pill
22 form, including ongoing public awareness campaigns.

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