117TH CONGRESS  
2D SESSION  

H. R. ______

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 HOUSE OF REPRESENTATIVES

Mr. Buck introduced the following bill; which was 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITION.

In this Act, the term “counterfeit fentanyl or methamphetamine substance” means a substance that—
(1) contains fentanyl, any analogue of fentanyl, or methamphetamine; and

(2) is marketed, sold, or falsely bears the trademark, trade name, or other identifying mark, imprint, number, or any likeness thereof of another product.

SEC. 3. PROHIBITED ACTS.

Section 403(d)(2) of the Controlled Substances Act (21 U.S.C. 843(d)(2)) is amended, in the matter preceding subparagraph (A), by inserting “fentanyl, an analogue of fentanyl, or a counterfeit substance” after “methamphetamine”.

SEC. 4. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

The United States Sentencing Commission shall review and amend, if appropriate, the sentencing guidelines in accordance with section 994 of title 28, United States Code, to provide for a 4-level enhancement for a defendant who knowingly misrepresented as either a prescription or over-the-counter medication in pill or tablet form a counterfeit or otherwise adulterated pill or tablet that contained a detectable amount of fentanyl, or a fentanyl analogue, or methamphetamine.
SEC. 5. COMPREHENSIVE PLAN.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Drug Enforcement Administration shall establish and implement an operation and response plan to address counterfeit fentanyl or methamphetamine substances that includes—

(1) strategies to enable and empower Federal law enforcement efforts to investigate and seize counterfeit fentanyl or methamphetamine substances;

(2) specific ways that education and prevention efforts to stop the use of counterfeit fentanyl or methamphetamine substances will be increased, including how—

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

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

(3) an audit of current campaigns, including the “One Pill Can Kill” campaign, on counterfeit fentanyl or methamphetamine substances, including a review of data and other available information on how such campaigns can be tailored, adjusted, or
improved to better address the flow of counterfeit fentanyl or methamphetamine substances.

SEC. 6. REPORT TO CONGRESS.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General, in consultation with the Administrator of the Drug Enforcement Administration and Director of the Office of National Drug Control Policy, shall submit to Congress a report on information regarding the collection and prosecutions of counterfeit fentanyl or methamphetamine substances.

(b) CONTENTS.—The report required under subsection (a) shall include the following:

(1) Data on the aggregate number of counterfeit fentanyl or methamphetamine substances seized and collected by Federal law enforcement agencies.

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

(3) A breakdown on which illicit substances are present in the counterfeit fentanyl or methamphetamine substances that are in pill form.

(4) Data outlining where and when counterfeit fentanyl or methamphetamine substances were seized.
(5) Data on the charges filed against those manufacturing, distributing, or dispensing, or possessing 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.