

118TH CONGRESS
1ST SESSION

H. R. 4272

To provide public awareness and outreach regarding the dangers of fentanyl, to expand the grants authorized under the Comprehensive Opioid Abuse Grant Program, to expand treatment and recovery services for people with opioid addictions, and to increase and to provide enhanced penalties for certain offenses involving counterfeit pills.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2023

Ms. JACKSON LEE (for herself, Mr. NADLER, Mr. EVANS, Mr. ESPAILLAT, Mr. IVEY, Mr. SCHIFF, Ms. ROSS, Ms. CROCKETT, Mr. DAVIS of Illinois, Mr. COHEN, Mrs. CHERFILUS-McCORMICK, Ms. WILSON of Florida, Mr. DOGGETT, Mrs. BEATTY, Mr. MFUME, Mr. JACKSON of Illinois, Mr. NEGUSE, Mr. JOHNSON of Georgia, Mr. THOMPSON of Mississippi, Mr. CLEAVER, Ms. KAMLAGER-DOVE, Mrs. SYKES, Mr. HORSFORD, Ms. SEWELL, Mr. CARTER of Louisiana, Ms. CLARKE of New York, Mrs. MCBATH, Mr. VARGAS, Mr. ROBERT GARCIA of California, Mr. THANEDAR, Ms. WILLIAMS of Georgia, Mr. GARCÍA of Illinois, Mr. GRIJALVA, Mr. PAYNE, Mr. CARSON, Mr. RASKIN, Ms. LEE of California, Mr. MEEKS, Mr. LIEU, Mr. BOWMAN, Ms. MOORE of Wisconsin, Mr. SHERMAN, and Ms. BROWN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide public awareness and outreach regarding the dangers of fentanyl, to expand the grants authorized under the Comprehensive Opioid Abuse Grant Program, to expand treatment and recovery services for people with opioid addictions, and to increase and to provide en-

hanced penalties for certain offenses involving counterfeit pills.

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 Fentanyl Now
5 Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The United States is in the midst of the
9 worst opioid epidemic in history.

10 (2) Illicit fentanyl is typically mixed into heroin
11 or pressed into counterfeit pills made to look like
12 controlled prescription drugs such as oxycodone,
13 hydrocodone, and Xanax.

14 (3) From September 29 through December 15,
15 2021, the DEA seized more than 1,500 pounds of
16 substances containing fentanyl and 8.4 million
17 fentanyl-laced, fake prescription pills. The seizures
18 were directly linked to at least 39 overdose deaths
19 and included at least 76 cases that involved buying
20 and selling drugs on social media apps. Over the
21 course of that year, the DEA seized over 15,000
22 pounds of substances containing fentanyl and 20.4
23 million fake pills, with roughly four out of every 10
24 pills containing lethal doses of fentanyl.

1 (4) The widespread availability of illicit
2 fentanyl, the proliferation of counterfeit pills resem-
3 bling prescription drugs but containing illicit
4 fentanyl or other illicit drugs, and the ease of pur-
5 chasing pills through social media have increased
6 fatal overdose risk among adolescents.

7 (5) According to the Centers for Disease Con-
8 trol, overdose deaths reached a historic high of more
9 than 90,000 drug overdose deaths in 2020, a 31
10 percent increase compared with the previous year
11 and in 2021, there were more than 106,000 reported
12 drug overdose deaths in the U.S., with deaths involv-
13 ing synthetic opioids (primarily fentanyl) numbering
14 70,601.

15 (6) Between 2019 and 2021, more than 2,200
16 adolescents overdosed, 96 percent of whom were be-
17 tween the ages of 15 and 19. Fentanyl was involved
18 in 84 percent of the deaths. While counterfeit pill
19 evidence was present in 25 percent of adolescent
20 overdose deaths, this is likely an underestimate be-
21 cause pills present at the scenes of the overdose
22 deaths were not always tested.

23 (7) Many overdose deaths are preventable with
24 public health interventions such as education, harm
25 reduction, and treatment access.

1 (8) Public education campaigns can teach teen-
2 agers, parents, and others on the dangers of
3 fentanyl and counterfeit pills and educating individ-
4 uals on mitigating practices can be beneficial, in-
5 cluding emphasis on not initiating drug use, not
6 using drugs while alone, using fentanyl test strips,
7 and having overdose reversal drugs readily available.

8 (9) Opioid antagonists, such as naloxone, can
9 be used during emergencies to reverse opioid
10 overdoses and are effective at preventing fatal drug
11 overdoses.

12 (10) The Centers for Disease Control and Pre-
13 vention reported that despite an increase in prescrip-
14 tions for emergency opioid antagonists, not enough
15 of the medication is getting into the hands of those
16 who need it most.

17 (11) Expanding access to emergency opioid an-
18 tagonists and encouraging people to obtain emer-
19 gency opioid antagonists are in the best interest of
20 the health and safety of the public.

21 (12) Increasing access to medications like meth-
22 adone and buprenorphine that effectively treat opioid
23 use disorder can save lives.

1 (13) Greater access to drug detection tools such
2 as fentanyl strips are a low-cost method of helping
3 prevent drug overdoses and reducing harm.

4 **SEC. 3. COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.**

5 Section 3021 of title I of the Omnibus Crime Control
6 and Safe Streets Act of 1968 (34 U.S.C. 10701(a)) is
7 amended—

8 (1) in subsection (a), by adding at the end the
9 following:

10 “(11) Developing, implementing, or expanding a
11 program that provides training and resources for
12 teachers and other school officials in public or pri-
13 vate middle schools, high schools, institutions of
14 higher education (as such term is defined in section
15 101 of the Higher Education Act of 1965), or area
16 career and technical education schools (as such term
17 is defined in section 3 of the Carl D. Perkins Career
18 and Technical Education Act of 2006) on—

19 “(A) carrying and administering an opioid
20 overdose reversal drug or device approved or
21 cleared by the Food and Drug Administration;
22 or

23 “(B) acquiring such a drug or device for
24 teachers and other school officials who have re-

1 ceived such training to so carry and administer
2 such a drug or device.”; and

3 (2) by adding at the end the following:

4 “(g) PREFERENTIAL CONSIDERATION.—In awarding
5 grants under this part, the Attorney General may give
6 preferential consideration to an application from an appli-
7 cant in a State that—

8 “(1) has in effect a law that exempts from
9 criminal and civil liability teachers and other school
10 officials who carry or administer in good faith an
11 opioid overdose reversal drug or device approved or
12 cleared by the Food and Drug Administration if
13 trained to carry or administer such drug or device;
14 or

15 “(2) has in effect a law that exempts from
16 criminal or civil liability the possession, sale, or pur-
17 chase of fentanyl drug testing equipment, including
18 fentanyl test strips.”.

19 **SEC. 4. PREVENTION AND TREATMENT OF FENTANYL-**
20 **LACED SUBSTANCE USE.**

21 (a) PREVENTION.—The Secretary of Health and
22 Human Services, in consultation with the Attorney Gen-
23 eral, shall develop and implement a national strategy to
24 prevent the use of fentanyl, fentanyl-related substances,

1 and fentanyl-laced substances. The strategy shall include
2 the following elements:

3 (1) Education and outreach to the public about
4 the dangers of fentanyl, fentanyl-related substances,
5 and fentanyl-laced substances.

6 (2) Development of treatment programs for in-
7 dividuals who are addicted to fentanyl and fentanyl-
8 related substances.

9 (b) TREATMENT.—The Secretary of Health and
10 Human Services shall provide grants to States and local-
11 ities to support the development and implementation of
12 treatment programs for individuals who are addicted to
13 fentanyl and fentanyl-related substances.

14 **SEC. 5. ENHANCED LAW ENFORCEMENT EFFORTS.**

15 (a) INCREASED RESOURCES.—The Attorney General
16 shall increase the resources available to law enforcement
17 agencies to combat the trafficking of fentanyl, fentanyl-
18 related substances, and fentanyl-laced substances. The At-
19 torney General shall prioritize the following activities:

20 (1) Investigation and prosecution of individuals
21 who traffic fentanyl, fentanyl-related substances, and
22 fentanyl-laced substances.

23 (2) Disruption of the supply chain for fentanyl,
24 fentanyl-related substances, and fentanyl-laced sub-
25 stances.

1 (3) Prevention of the importation of fentanyl,
2 fentanyl-related substances, and fentanyl-laced sub-
3 stances into the United States.

4 (b) INTERAGENCY COORDINATION.—The Attorney
5 General shall establish an interagency task force to coordi-
6 nate the efforts of Federal, State, and local law enforce-
7 ment agencies to combat the trafficking of fentanyl,
8 fentanyl-related substances, and fentanyl-laced sub-
9 stances.

10 **SEC. 6. RESEARCH.**

11 The Secretary of Health and Human Services shall
12 conduct research on the following topics:

13 (1) The effects of fentanyl, fentanyl-related
14 substances, and fentanyl-laced substances on human
15 health.

16 (2) The development of new treatments for in-
17 dividuals who are addicted to fentanyl and fentanyl-
18 related substances.

19 (3) The best practices for preventing the use of
20 fentanyl, fentanyl-related substances, and fentanyl-
21 laced substances.

22 **SEC. 7. INCREASE IN PUNISHMENT.**

23 Section 303(b) of the Federal Food, Drug, and Cos-
24 metic Act (21 U.S.C. 333(a)) is amended by adding at
25 the end the following:

1 “(9)(A) Notwithstanding subsection (a)(1), any
2 person who violates subsection (a), (b), (c), or (g) of
3 section 301 with respect to any drug, if such viola-
4 tion results in—

5 “(i) serious bodily injury, shall be impris-
6 oned not more than 10 years, fined not more
7 than \$1,000,000, or both; or

8 “(ii) death, shall be imprisoned for any
9 term of years or for life, fined not more than
10 \$5,000,000, or both.

11 “(B) Notwithstanding subsection (a)(2), any
12 person who violates subsection (a), (b), (c), or (g) of
13 section 301 with respect to any drug with the intent
14 to defraud or mislead, if such violation results in—

15 “(i) serious bodily injury, shall be impris-
16 oned not more than 20 years, fined not more
17 than \$5,000,000, or both; or

18 “(ii) death, shall be imprisoned for any
19 term of years or for life, fined not more than
20 \$10,000,000, or both.

21 “(C) Any person who violates subsection (a),
22 (b), (c), or (g) of section 301 with respect to any
23 drug promoted or sold online shall, in addition to the
24 punishment provided for such violation, be sentenced

1 to a term of imprisonment of not more than 5
2 years.”.

3 **SEC. 8. EXCLUSION OF FENTANYL DRUG TESTING EQUIP-**
4 **MENT FROM TREATMENT AS “DRUG PARA-**
5 **PHERNALIA”.**

6 Section 422(f) of the Controlled Substances Act (21
7 U.S.C. 863(f)) is amended—

8 (1) in paragraph (1), by striking “or” at the
9 end;

10 (2) in paragraph (2), by striking the period at
11 the end and inserting “; or”; and

12 (3) by adding at the end the following:

13 “(3) the possession, sale, or purchase of
14 fentanyl drug testing equipment, including fentanyl
15 test strips.”.

16 **SEC. 9. SENSE OF CONGRESS.**

17 It is the sense of Congress that fentanyl deaths
18 should be addressed by—

19 (1) increasing funding for prevention and treat-
20 ment programs, including—

21 (A) programs that provide education and
22 treatment for people who are at risk of opioid
23 addiction or overdose; and

24 (B) school-based programs, community
25 outreach programs, and treatment centers;

1 (2) expanding access to naloxone (a medication
2 that can reverse the effects of an opioid overdose)
3 such as by making naloxone available over-the-
4 counter or by providing subsidies for its purchase;

5 (3) cracking down on the trafficking of
6 fentanyl, including—

7 (A) increased efforts both domestically and
8 internationally;

9 (B) increased funding for law enforcement
10 agencies;

11 (C) increased penalties for fentanyl traf-
12 ficking; and

13 (D) working with other countries to stop
14 the flow of fentanyl across borders;

15 (4) improving data collection and analysis, in-
16 cluding the improvement of Federal data collection
17 and analysis on fentanyl deaths, to better under-
18 stand the scope of the problem and identify effective
19 prevention and treatment strategies; and

20 (5) supporting research on new treatment op-
21 tions, including—

22 (A) support for research on new treatment
23 options for opioid addiction and overdose; and

1 (B) funding for research on new medica-
2 tions, new delivery methods, and new ap-
3 proaches to treatment.

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