

Calendar No. 561

119TH CONGRESS
2D SESSION**S. 3618****[Report No. 119–142]**

To require the Federal Trade Commission to submit to Congress a report on the ability of minors to access fentanyl through social media platforms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 13, 2026

Mr. HUSTED (for himself, Ms. KLOBUCHAR, Ms. BLUNT ROCHESTER, Mr. CASSIDY, Mr. MORENO, and Mr. MCCORMICK) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 14, 2026

Reported by Mr. CRUZ, with amendments

[Omit the parts struck through and insert the parts printed in italic]

A BILL

To require the Federal Trade Commission to submit to Congress a report on the ability of minors to access fentanyl through social media platforms, 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,*

1 **SECTION 1. SHORT TITLE.**

2 ~~This Act may be cited as the “No Fentanyl on Social~~
 3 ~~Media Act”.~~

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “No Fentanyl on Social*
 6 *Media Act of 2026”.*

7 **SEC. 2. REPORT ON THE ABILITY OF MINORS TO ACCESS**
 8 **FENTANYL THROUGH SOCIAL MEDIA PLAT-**
 9 **FORMS.**

10 (a) REPORT REQUIRED.—Not later than 1 year after
 11 the date of the enactment of this Act, the Commission,
 12 in coordination with the Secretary of Health and Human
 13 Services, acting through the Commissioner of Food and
 14 Drugs, and the Administrator of the Drug Enforcement
 15 Administration, shall submit to the relevant congressional
 16 committees and make publicly available on the website of
 17 the Commission a report on the ability of minors to access
 18 fentanyl, including through pressed pills, on social media
 19 platforms that includes the following:

20 (1) The prevalence and ability for minors to ac-
 21 cess fentanyl from drug sellers on social media plat-
 22 forms.

23 (2) The impact of such prevalence and access
 24 on minors, including health risks and risks to phys-
 25 ical safety.

1 (3) How drug sellers use social media platforms
2 to market, sell, deliver, distribute, dispense, and en-
3 gage in other transactions related to the provision of
4 fentanyl to minors.

5 (4) How design features and other characteris-
6 tics of social media platforms affect the ability of
7 minors to access fentanyl.

8 (5) Practices, policies, and other measures
9 taken by social media platforms to address the abil-
10 ity of drug sellers to use social media platforms and
11 the effectiveness of those practices, policies, and
12 measures.

13 (6) Other measures taken by law enforcement,
14 the medical community, *treatment providers*, and
15 others to address the issues described in paragraphs
16 (1) through (4).

17 (7) Recommendations for Congress to eliminate
18 the prevalence and ability for minors to access
19 fentanyl on social media platforms.

20 (b) CONSULTATION REQUIRED.—In developing the
21 report required under subsection (a), the Commission
22 shall consult with stakeholders including parents, social
23 media platforms, law enforcement, medical professionals,
24 *licensed or certified substance use treatment providers, sub-*
25 *stance use researchers*, and other relevant experts.

1 (c) REDACTION PERMITTED.—In publishing the re-
 2 port required under subsection (a), the Commission, in
 3 consultation with the Attorney General, may redact any
 4 information relating to paragraphs (3) and (6) of such
 5 subsection that may compromise any law enforcement tac-
 6 tic, strategy, or technique.

7 (d) DEFINITIONS.—In this section:

8 (1) COMMISSION.—The term “Commission”
 9 means the Federal Trade Commission.

10 (2) FENTANYL.—The term “fentanyl” includes
 11 any fentanyl analogue and fentanyl-related sub-
 12 stance.

13 (3) FENTANYL-RELATED SUBSTANCE.—The
 14 term “fentanyl-related substance” has the meaning
 15 given that term in subsection (e) of schedule I of
 16 section 202(c) of the Controlled Substances Act (21
 17 U.S.C. 812(c)).

18 (4) MINOR.—The term “minor” means an indi-
 19 vidual who is under the age of 18.

20 (5) RELEVANT CONGRESSIONAL COMMIT-
 21 TEES.—The term “relevant congressional commit-
 22 tees” means the Committee on Energy and Com-
 23 merce of the House of Representatives and the Com-
 24 mittee on Commerce, Science, and Transportation of
 25 the Senate.

(6) SOCIAL MEDIA PLATFORM.—The term “social media platform”—

(A) means a public-facing website, internet application, or mobile internet application, including a social network or video sharing service that—

(i) serves the public; and

(ii) primarily provides a forum for user-generated content, including messages, videos, images, games, and audio files; and

(B) does not include—

(i) a provider of broadband internet access service (as described in section 8.1(b) of title 47, Code of Federal Regulations, or successor regulation); or

(ii) electronic mail.

(6) SOCIAL MEDIA PLATFORM.—

(A) IN GENERAL.—The term “social media platform” means a website, online service, online application, or mobile application that—

(i) serves the public; and

(ii) primarily provides a forum for user-generated content, including messages, videos, images, games, and audio files.

1 (B) *EXCLUSIONS.*—The term “social media
2 platform” shall not include the following:

3 (i) *A provider of broadband internet*
4 *access service (as described in section 8.1(b)*
5 *of title 47, Code of Federal Regulations, or*
6 *any successor regulation).*

7 (ii) *Electronic mail.*

8 (iii) *A website, online service, online*
9 *application, or mobile application—*

10 (I) *that consists primarily of con-*
11 *tent that is not user generated but is*
12 *preselected by the provider of such*
13 *website, online service, online applica-*
14 *tion, or mobile application; and*

15 (II) *for which any chat, comment,*
16 *or interactive functionality is inci-*
17 *dental to, directly related to, or de-*
18 *pendent on the provision of the content*
19 *described in subclause (I).*

20 (C) *RULE OF CONSTRUCTION.*—Nothing in
21 subparagraph (B)(iii) shall be construed to pro-
22 hibit the Commission from including within the
23 report required by subsection (a) the ability of
24 minors to access fentanyl, including through
25 pressed pills, through a website, online service,

- 1 *online application, or mobile application de-*
- 2 *scribed in subparagraph (B)(iii).*

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