

118TH CONGRESS  
1ST SESSION

# H. R. 3570

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2023

Ms. JACKSON LEE (for herself, Ms. CLARKE of New York, Mrs. BEATTY, Ms. MOORE of Wisconsin, Mr. HORSFORD, Mr. JACKSON of Illinois, Mrs. CHERFILUS-McCORMICK, and Mr. PAYNE) 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

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## 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 enhanced 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Comprehensive Re-  
3 sponse to Fentanyl-Related Substances and Fentanyl-  
4 Laced Substances Act”.

5 **SEC. 2. FINDINGS.**

6       Congress finds the following:

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

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

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

24           (4) The widespread availability of illicit  
25 fentanyl, the proliferation of counterfeit pills resem-  
26 bling prescription drugs but containing illicit

1       fentanyl or other illicit drugs, and the ease of pur-  
2       chasing pills through social media have increased  
3       fatal overdose risk among adolescents.

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

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

20          (7) Many overdose deaths are preventable with  
21      public health interventions such as education, harm  
22      reduction, and treatment access.

23          (8) Public education campaigns can teach teen-  
24      agers, parents, and others on the dangers of  
25      fentanyl and counterfeit pills and educating individ-

1 uals on mitigating practices can be beneficial, in-  
2 cluding emphasis on not initiating drug use, not  
3 using drugs while alone, using fentanyl test strips,  
4 and having overdose reversal drugs readily available.

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

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

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

18 (12) Increasing access to medications like meth-  
19 adone and buprenorphine that effectively treat opioid  
20 use disorder can save lives.

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

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

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

5 (1) in subsection (a), by adding at the end the  
6 following:

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

16 “(A) carrying and administering an opioid  
17 overdose reversal drug or device approved or  
18 cleared by the Food and Drug Administration;  
19 or

20 “(B) acquiring such a drug or device for  
21 teachers and other school officials who have re-  
22 ceived such training to so carry and administer  
23 such a drug or device.”; and

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

25 “(g) PREFERENTIAL CONSIDERATION.—In awarding  
26 grants under this part, the Attorney General may give

1 preferential consideration to an application from an appli-  
2 cant in a State that has in effect a law that exempts from  
3 criminal and civil liability teachers and other school offi-  
4 cials who carry or administer in good faith an opioid over-  
5 dose reversal drug or device approved or cleared by the  
6 Food and Drug Administration if trained to carry or ad-  
7 minister such drug or device.”.

8 **SEC. 4. PREVENTION AND TREATMENT OF FENTANYL-**  
9 **LACED SUBSTANCE USE.**

10 (a) PREVENTION.—The Secretary of Health and  
11 Human Services, in consultation with the Attorney Gen-  
12 eral, shall develop and implement a national strategy to  
13 prevent the use of fentanyl-laced substances. The strategy  
14 shall include the following elements:

15 (1) Education and outreach to the public about  
16 the dangers of fentanyl-laced substances.

17 (2) Development of treatment programs for in-  
18 dividuals who are addicted to fentanyl-laced sub-  
19 stances.

20 (b) TREATMENT.—The Secretary of Health and  
21 Human Services shall provide grants to States and local-  
22 ities to support the development and implementation of  
23 treatment programs for individuals who are addicted to  
24 fentanyl-laced substances.

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

2 (a) INCREASED RESOURCES.—The Attorney General  
3 shall increase the resources available to law enforcement  
4 agencies to combat the trafficking of fentanyl-laced sub-  
5 stances. The Attorney General shall prioritize the fol-  
6 lowing activities:

7 (1) Investigation and prosecution of individuals  
8 who traffic fentanyl-laced substances.

9 (2) Disruption of the supply chain for fentanyl-  
10 laced substances.

11 (3) Prevention of the importation of fentanyl-  
12 laced substances into the United States.

13 (b) INTERAGENCY COORDINATION.—The Attorney  
14 General shall establish an interagency task force to coordi-  
15 nate the efforts of Federal, State, and local law enforce-  
16 ment agencies to combat the trafficking of fentanyl-laced  
17 substances.

18 **SEC. 6. RESEARCH.**

19 The Secretary of Health and Human Services shall  
20 conduct research on the following topics:

21 (1) The effects of fentanyl-laced substances on  
22 human health.

23 (2) The development of new treatments for in-  
24 dividuals who are addicted to fentanyl-laced sub-  
25 stances.

1           (3) The best practices for preventing the use of  
2           fentanyl-laced substances.

3 **SEC. 7. INCREASE IN PUNISHMENT.**

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

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

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

14                   “(ii) death, shall be imprisoned for any  
15          term of years or for life, fined not more than  
16          \$5,000,000, or both.

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

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

1           “(ii) death, shall be imprisoned for any  
2           term of years or for life, fined not more than  
3           \$10,000,000, or both.

4           “(C) Any person who violates subsection (a),  
5           (b), (c), or (g) of section 301 with respect to any  
6           drug promoted or sold online shall, in addition the  
7           punishment provided for such violation, be sentenced  
8           to a term of imprisonment of not more than 5  
9           years.”.

10 **SEC. 8. SENSE OF CONGRESS.**

11       It is the sense of Congress that fentanyl deaths  
12 should be addressed by—

13           (1) increasing funding for prevention and treat-  
14       ment programs, including—

15                (A) programs that provide education and  
16                treatment for people who are at risk of opioid  
17                addiction or overdose; and

18                (B) school-based programs, community  
19                outreach programs, and treatment centers;

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

24           (3) cracking down on the trafficking of  
25       fentanyl, including—

1 (A) increased efforts both domestically and  
2 internationally;

3 (B) increased funding for law enforcement  
4 agencies;

5 (C) increased penalties for fentanyl traf-  
6 ficking; and

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

9 (4) improving data collection and analysis, in-  
10 cluding the improvement of Federal data collection  
11 and analysis on fentanyl deaths, to better under-  
12 stand the scope of the problem and identify effective  
13 prevention and treatment strategies; and

14 (5) supporting research on new treatment op-  
15 tions, including—

16 (A) support for research on new treatment  
17 options for opioid addiction and overdose; and

18 (B) funding for research on new medica-  
19 tions, new delivery methods, and new ap-  
20 proaches to treatment.

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