

117TH CONGRESS
2D SESSION

S. 4876

To punish the distribution of fentanyl resulting in death as felony murder.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2022

Mr. RUBIO (for himself, Mr. COTTON, Mr. SCOTT of Florida, Mr. HAGERTY, Mr. WICKER, Ms. ERNST, Mr. CASSIDY, Mr. CORNYN, Mr. BRAUN, Mr. CRUZ, Mr. HAWLEY, Mrs. BLACKBURN, and Mrs. HYDE-SMITH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To punish the distribution of fentanyl resulting in death
as felony murder.

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 “Felony Murder for
5 Deadly Fentanyl Distribution Act”.

6 **SEC. 2. FENTANYL DISTRIBUTION RESULTING IN DEATH**
7 **PUNISHED AS FELONY MURDER.**

8 Section 1111 of title 18, United States Code, is
9 amended—

1 (1) in subsection (a), by inserting “, distrib-
2 uting fentanyl” after “child abuse”;

3 (2) in subsection (b)—

4 (A) by striking “(b) Within” and inserting
5 “(b) (1) Within”; and

6 (B) by adding at the end the following:

7 “(2) Whoever is guilty of murder in the first degree
8 by distributing fentanyl shall be punished by death or by
9 imprisonment for life.”; and

10 (3) in subsection (c)—

11 (A) by redesignating paragraphs (4)
12 through (6) as paragraphs (6) through (8), re-
13 spectively; and

14 (B) by inserting after paragraph (3) the
15 following:

16 “(4) the terms ‘controlled substance’, ‘dis-
17 tribute’, and ‘distributor’ have the meanings given
18 the terms in section 102 of the Controlled Sub-
19 stances Act (21 U.S.C. 802);

20 “(5) ‘distributing fentanyl’ means to distribute
21 a controlled substance—

22 “(A) involving 2 grams or more of a mix-
23 ture or substance containing a detectable
24 amount of N-phenyl-N-[1-(2-phenylethyl)-4-
25 piperidinyl] propanamide or .5 grams or more

1 of a mixture or substance containing a detect-
2 able amount of any analogue of N-phenyl-N-[1-
3 (2-phenylethyl)-4-piperidinyl] propanamide;

4 “(B) that results in death from the use of
5 such mixture or substance; and

6 “(C) knowing or having reason to know
7 contains a detectable amount of such mixture
8 or substance.”.

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