

118TH CONGRESS
2D SESSION

S. 5461

To amend the Controlled Substances Act to prevent unnecessary resource expenditures relating to methamphetamine prosecutions.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2024

Mr. KENNEDY (for himself, Mr. HAGERTY, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Controlled Substances Act to prevent unnecessary resource expenditures relating to methamphetamine prosecutions.

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 “Preventing Unneces-
5 sary Resource Expenditures Act” or the “PURE Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Methamphetamine is a powerful, highly ad-
9 dictive synthetic psychostimulant that affects the

1 central nervous system. It can cause both short- and
2 long-term adverse effects, including violent behavior,
3 permanent neurological damage, and overdose death.

4 (2) Beyond its destructive effects on individual
5 health, methamphetamine abuse threatens commu-
6 nities, generates criminal behavior, produces unem-
7 ployment, contributes to child neglect and abuse,
8 and breaks up families.

9 (3) Domestic production of illicit methamphet-
10 amine in the United States has decreased signifi-
11 cantly. Over the past 20 years, clandestine meth-
12 amphetamine laboratory seizures in the United
13 States decreased from a high of 23,703 seizures in
14 2004 to 60 seizures in 2023.

15 (4) However, according to the Centers for Dis-
16 ease Control and Prevention, between 2002 and
17 2022, the rate of overdose deaths involving
18 psychostimulants, primarily methamphetamine, in-
19 creased more than 34 times, with 0.3 deaths per
20 100,000 in 2002 and 10.4 deaths per 100,000 in
21 2022.

22 (5) In 2020, methamphetamine surpassed co-
23 caine as the second most common drug involved in
24 overdose deaths, after fentanyl, and it has remained
25 in second place since then. According to the Centers

1 for Disease Control and Prevention, from 2021
2 through 2023, methamphetamine was associated
3 with 95,063 overdose deaths.

4 (6) According to the 2024 National Drug
5 Threat Assessment published by the Drug Enforce-
6 ment Administration, 31 percent of drug-related
7 deaths in the United States are caused by
8 psychostimulants, mostly methamphetamine.

9 (7) From 2021 through 2023, the Drug En-
10 forcement Administration seized 232,926 kilograms
11 of methamphetamine. By comparison, from 2001
12 through 2003, the Federal-wide Drug Seizure Sys-
13 tem showed a total seizure of 10,305 kilograms of
14 methamphetamine.

15 (8) The sharp rise in methamphetamine of-
16 fenses and overdoses can be attributed to Mexican
17 cartels, which now produce the vast majority of the
18 methamphetamine distributed in the United States.

19 (9) The People's Republic of China supplies the
20 bulk of precursor chemicals that are used in the pro-
21 duction of synthetic methamphetamine by Mexican
22 drug cartels. In turn, Mexican cartels produce sig-
23 nificant quantities of highly pure methamphetamine
24 in large laboratories at low cost. The cartels then

1 smuggle the illicit substance across the border into
2 the United States.

3 (10) Methamphetamine offenses now account
4 for approximately half of all drug trafficking of-
5 fenses sentenced federally.

6 (11) Under section 401 of the Controlled Sub-
7 stances Act (21 U.S.C. 841), the mandatory min-
8 imum sentences for manufacturing, distributing, or
9 dispensing methamphetamine, or for possessing
10 methamphetamine with the intent to manufacture,
11 distribute, or dispense, are triggered based on the
12 purity of the confiscated methamphetamine.

13 (12) The basis for the disparity in mandatory
14 minimum thresholds between pure and impure meth-
15 amphetamine was the fact that defendants in posses-
16 sion of pure methamphetamine were believed to be
17 higher up in the distribution chain and thus more
18 culpable.

19 (13) According to the 2024 report on Meth-
20 amphetamine Trafficking Offenses in the Federal
21 Criminal Justice System by the United States Sen-
22 tencing Commission, in 1988, when a majority of
23 the methamphetamine distributed in the United
24 States was produced by domestic laboratories and
25 the average purity of methamphetamine was rarely

1 greater than 50 percent. Today, it is rare for meth-
2 amphetamine to test under 90 percent pure. The
3 methamphetamine tested in fiscal year 2022 had an
4 average purity of 93.2 percent, with a median purity
5 of 98.0 percent.

6 (14) The shift towards purer methamphetamine
7 occurred as Mexican cartels obtained greater market
8 share of methamphetamine production and distribu-
9 tion beginning in the early 2000s. The average pu-
10 rity per kilogram of methamphetamine tested by the
11 Drug Enforcement Administration in 2002 was 43
12 percent, but by 2005 the average purity was 80 per-
13 cent.

14 (15) The requirement to establish purity in
15 prosecutions of methamphetamine distribution places
16 a significant burden on Federal and State crime lab-
17 oratories, contributing to a waste of resources and
18 the overburdening of laboratory technicians who are
19 already backlogged.

20 (16) The purity requirement for methamphet-
21 amine prosecutions is no longer needed given the
22 statistical improbability of any drug dealer distrib-
23 uting impure methamphetamine.

24 (17) At the same time, methamphetamine is a
25 greater threat to the health, safety, and welfare of

1 the people of the United States than it has ever
 2 been.

3 **SEC. 3. ADJUSTMENTS TO LABORATORY REQUIREMENTS IN**
 4 **METHAMPHETAMINE PROSECUTIONS.**

5 Part D of the Controlled Substances Act (21 U.S.C.
 6 841 et seq.) is amended—

7 (1) in section 401(b)(1) (21 U.S.C.
 8 841(b)(1))—

9 (A) in subparagraph (A)(viii), by striking
 10 “methamphetamine, its salts, isomers, and salts
 11 of its isomers or 500 grams or more of”; and

12 (B) in subparagraph (B)(viii), by striking
 13 “methamphetamine, its salts, isomers, and salts
 14 of its isomers or 50 grams or more of”;

15 (2) in section 408 (21 U.S.C. 848)—

16 (A) by redesignating subsection (s) as sub-
 17 section (f); and

18 (B) in subsection (f), as so redesignated,
 19 by inserting “a mixture or substance containing
 20 a detectable amount of” after “involving”; and

21 (3) in section 419a (21 U.S.C. 860a), by insert-
 22 ing “a mixture or substance containing a detectable
 23 amount of” before “methamphetamine”.

1 **SEC. 4. AMENDMENT TO THE SENTENCING GUIDELINES.**

2 (a) DIRECTIVE.—Pursuant to its authority under
3 section 994 of title 28, United States Code, and in accord-
4 ance with this section, the United States Sentencing Com-
5 mission shall review and, as appropriate, amend the sen-
6 tencing guidelines and policy statements applicable to per-
7 sons convicted of offenses under section 401 of the Con-
8 trolled Substances Act (21 U.S.C. 841) involving meth-
9 amphetamine, its salts, isomers, and salts of its isomers,
10 or related crimes involving the manufacture, distribution,
11 or dispensing, or possessing with intent to manufacture,
12 distribute, or dispense methamphetamine, its salts, iso-
13 mers, and salts of its isomers.

14 (b) REQUIREMENTS.—In carrying out this sub-
15 section, the Sentencing Commission shall—

16 (1) take all appropriate measures to ensure that
17 the sentencing guidelines and policy statements ap-
18 plicable to the offenses described in subsection (a)
19 are sufficiently stringent to deter and adequately re-
20 flect the direct and aggregate harms caused to indi-
21 viduals, families, communities, and society by such
22 offenses; and

23 (2) consider providing sentencing enhancements
24 for those convicted of the offenses described in sub-
25 section (a) that—

26 (A) involve a large number of victims;

- 1 (B) involve a pattern of continued and fla-
2 grant violations;
3 (C) involve the use or threatened use of a
4 dangerous weapon; or
5 (D) result in the death or bodily injury of
6 any person.

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