

119TH CONGRESS
2D SESSION

S. _____

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

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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Fentanyl on Social
5 Media Act”.

1 **SEC. 2. REPORT ON THE ABILITY OF MINORS TO ACCESS**
2 **FENTANYL THROUGH SOCIAL MEDIA PLAT-**
3 **FORMS.**

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

14 (1) The prevalence and ability for minors to ac-
15 cess fentanyl from drug sellers on social media plat-
16 forms.

17 (2) The impact of such prevalence and access
18 on minors, including health risks and risks to phys-
19 ical safety.

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

24 (4) How design features and other characteris-
25 tics of social media platforms affect the ability of
26 minors to access fentanyl.

1 (5) Practices, policies, and other measures
2 taken by social media platforms to address the abil-
3 ity of drug sellers to use social media platforms and
4 the effectiveness of those practices, policies, and
5 measures.

6 (6) Other measures taken by law enforcement,
7 the medical community, and others to address the
8 issues described in paragraphs (1) through (4).

9 (7) Recommendations for Congress to eliminate
10 the prevalence and ability for minors to access
11 fentanyl on social media platforms.

12 (b) CONSULTATION REQUIRED.—In developing the
13 report required under subsection (a), the Commission
14 shall consult with stakeholders including parents, social
15 media platforms, law enforcement, medical professionals,
16 and other relevant experts.

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

23 (d) DEFINITIONS.—In this section:

24 (1) COMMISSION.—The term “Commission”
25 means the Federal Trade Commission.

(2) FENTANYL.—The term “fentanyl” includes any fentanyl analogue and fentanyl-related substance.

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

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

11 (5) RELEVANT CONGRESSIONAL COMMIT-
12 TEES.—The term “relevant congressional commit-
13 tees” means the Committee on Energy and Com-
14 merce of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of
16 the Senate.

17 (6) SOCIAL MEDIA PLATFORM.—The term “so-
18 cial media platform”—

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

23 (i) serves the public; and

(ii) primarily provides a forum for user-generated content, including mes-

1 sages, videos, images, games, and audio
2 files; and

3 (B) does not include—

4 (i) a provider of broadband internet
5 access service (as described in section
6 8.1(b) of title 47, Code of Federal Regula-
7 tions, or successor regulation); or

8 (ii) electronic mail.