

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on _____

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
10 central nervous system. It can cause both short- and

1 long-term adverse effects, including violent behavior,
2 permanent neurological damage, and overdose death.

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

8 (3) Domestic production of illicit methamphet-
9 amine in the United States has decreased signifi-
10 cantly. Over the past 20 years, clandestine meth-
11 amphetamine laboratory seizures in the United
12 States decreased from a high of 23,703 seizures in
13 2004 to 34 seizures in 2024.

14 (4) However, according to the Centers for Dis-
15 ease Control and Prevention, between 2002 and
16 2023, the rate of overdose deaths involving
17 psychostimulants, primarily methamphetamine, in-
18 creased more than 35 times, with 0.3 deaths per
19 100,000 in 2002 and 10.6 deaths per 100,000 in
20 2023.

21 (5) In 2020, methamphetamine surpassed co-
22 caine as the second most common drug involved in
23 overdose deaths, after fentanyl, and it has remained
24 in second place since then. According to the Centers
25 for Disease Control and Prevention, from 2021

1 through 2023, methamphetamine was associated
2 with 95,063 overdose deaths.

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

8 (7) From 2021 through 2024, the Drug En-
9 forcement Administration seized 182,000 kilograms
10 of methamphetamine. By comparison, from 2001
11 through 2003, the Federal-wide Drug Seizure Sys-
12 tem showed a total seizure of 10,305 kilograms of
13 methamphetamine.

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

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

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

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

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

17 (13) According to the 2024 report on Meth-
18 amphetamine Trafficking Offenses in the Federal
19 Criminal Justice System by the United States Sen-
20 tencing Commission, in 1988, when a majority of
21 the methamphetamine distributed in the United
22 States was produced by domestic laboratories, the
23 average purity of methamphetamine was rarely
24 greater than 50 percent. Today, it is rare for meth-
25 amphetamine to test under 80 percent pure. Accord-

1 ing to the 2025 National Drug Threat Assessment
2 published by the Drug Enforcement Administration,
3 the methamphetamine tested in 2024 had an aver-
4 age purity of 95.1 percent.

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

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

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

23 (17) At the same time, methamphetamine is a
24 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.