

118TH CONGRESS
1ST SESSION

S. 3354

To prohibit the sale of food that is, or contains, unsafe poppy seeds.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2023

Mr. COTTON (for himself, Mr. BOOZMAN, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To prohibit the sale of food that is, or contains, unsafe poppy seeds.

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 “Stephen Hacala Poppy
5 Seed Safety Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds as follows:

8 (1) Stephen Hacala was a 24-year-old from
9 Fayetteville, Arkansas, who was dearly loved by fam-
10 ily and friends when he died from morphine intoxica-

1 tion caused by consumption of contaminated poppy
2 seeds.

3 (2) At least 19 people in the United States have
4 been confirmed to have died from morphine
5 overdoses from contaminated poppy seeds.

6 (3) Women in the United States have tested
7 positive for opiates in hospitals at childbirth due to
8 poppy seed consumption in food, leading to unwar-
9 ranted scrutiny from child welfare officials.

10 (4) In 2023, the Department of Defense issued
11 a warning to all servicemembers to avoid poppy seed
12 consumption due to opiate contamination and the
13 risk of positive drug tests.

14 (5) Studies of pharmaceutical opiates have
15 found that a dose of just 20 to 50 morphine milli-
16 gram equivalents per day increases the risk of over-
17 dose and death among patients prescribed morphine
18 for pain treatment.

19 (6) Poppy products purchased in the United
20 States have been found to have up to 2,788 milli-
21 grams of morphine per kilogram of seeds after ex-
22 traction.

23 (7) Cleaning processes are available that have
24 proved effective at reducing morphine contamination

1 from 50 to 220 milligrams per kilogram down to 4
2 milligrams per kilogram or less.

3 (8) While poppy seeds are excluded from the
4 definition of “opium poppy” and “poppy straw”
5 under the Controlled Substances Act (21 U.S.C. 801
6 et seq.), that definition does not exclude unwashed
7 poppy seeds that have been contaminated with
8 opium alkaloids from the latex of the plant. The
9 opium alkaloids (inclusive of morphine, codeine, and
10 thebaine), if present as contaminants on poppy seed
11 material, are also not exempted from control under
12 that Act.

13 (b) PURPOSE.—It is the purpose of this Act to pro-
14 hibit the distribution and sale of contaminated poppy
15 seeds in order to prevent harm, addiction, and further
16 deaths from morphine-contaminated poppy seeds.

17 **SEC. 3. UNSAFE POPPY SEEDS AS ADULTERANTS IN FOOD.**

18 (a) PROHIBITION.—Section 301 of the Federal Food,
19 Drug, and Cosmetic Act (21 U.S.C. 331) is amended by
20 adding at the end the following:

21 “(jjj) Selling, or offering to sell, directly to consumers
22 a food that is or contains poppy seeds, including con-
23 centrates, metabolites, constituents, or extracts of poppy
24 seeds, that contain levels of morphine, codeine, or other

1 alkaloid compounds that may render the food injurious to
2 health.”.

3 (b) REGULATIONS.—The Secretary of Health and
4 Human Services shall—

5 (1) not later than 1 year after the date of en-
6 actment of this Act, issue a proposed rule estab-
7 lishing a maximum level for contamination under
8 section 301(jjj) of the Federal Food, Drug, and Cos-
9 metic Act (as added by subsection (a)) by morphine,
10 codeine, and any other alkaloid compound which the
11 Secretary may designate; and

12 (2) not later than 2 years after the date of en-
13 actment of this Act, finalize such rule.

14 **SEC. 4. POPPY SEEDS AS AN ADULTERANT.**

15 Nothing in this Act and the amendment made by this
16 Act shall be construed as preventing the Secretary of
17 Health and Human Services from—

18 (1) determining that poppy seeds contaminated
19 with morphine, codeine, or another alkaloid com-
20 pound that may render food injurious to health are
21 adulterated under section 402 of the Federal Food,
22 Drug, and Cosmetic Act (42 U.S.C. 342), in viola-
23 tion of section 423 of such Act (21 U.S.C. 350l), or
24 in violation of any other provision of such Act; or

1 (2) exempting such contaminated seeds from
2 regulation under the Controlled Substances Act (21
3 U.S.C. 801 et seq.).

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