

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

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) While poppy seeds are excluded from the
24 definition of “opium poppy” and “poppy straw”
25 under the Controlled Substances Act (21 U.S.C. 801

1 et seq.), that definition does not exclude unwashed
2 poppy seeds that have been contaminated with
3 opium alkaloids from the latex of the plant. The
4 opium alkaloids (inclusive of morphine, codeine, and
5 thebaine), if present as contaminants on poppy seed
6 material, are also not exempted from control under
7 that Act.

8 (b) PURPOSE.—It is the purpose of this Act to estab-
9 lish levels for contamination of poppy seeds by morphine,
10 by codeine, and by other illicit compounds, above which
11 poppy seeds shall be considered adulterated foods that are
12 prohibited in interstate commerce.

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

14 The Secretary of Health and Human Services shall—

15 (1) not later than 1 year after the date of en-
16 actment of this Act, issue a proposed rule estab-
17 lishing levels for contamination of poppy seeds by
18 morphine, by codeine, and by any other compound
19 which the Secretary may designate, above which
20 poppy seeds shall be deemed adulterated under sec-
21 tion 402 of the Federal Food, Drug, and Cosmetic
22 Act (42 U.S.C. 342); and

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

1 **SEC. 4. POPPY SEEDS AS A CONTROLLED SUBSTANCE.**

2 Nothing in this Act shall be construed as exempting
3 poppy seeds that are contaminated by morphine, codeine,
4 another alkaloid compound, or any other compound des-
5 ignated by the Secretary of Health and Human Services
6 under section 3 from regulation under the Controlled Sub-
7 stances Act (21 U.S.C. 801 et seq.).