



2026 AMENDMENTS IN BRIEF

In April 2026, the U.S. Sentencing Commission approved amendments to the federal sentencing guidelines. For a more detailed discussion of the policy determinations made by the Commission, please refer to the *Reason for Amendment* in the “Reader-Friendly” and Official Text (link in QR code).

2026 Amendment Drug Offenses

The Drug Offenses Amendment **revises §2D1.1** of the guidelines to account for the permanent scheduling of “**fentanyl-related substances**” as Schedule I.

The amendment **sets the quantity thresholds and base offense levels (BOL)** for “fentanyl-related substances” at the **same level as fentanyl analogues**, to mirror the equivalencies between these substances in the HALT Fentanyl Act.

The amendment also **adds a Note to the Drug Quantity Table (DQT)** that defines “**fentanyl-related substance**” by reference to 21 U.S.C. § 812(e). The Note **includes a rebuttable presumption** that the BOL specified in the DQT applies to “fentanyl-related substances” but provides a safety valve by which, under specified conditions, that presumption can be rebutted.

The amendment also **adds “fentanyl-related substances”** to the existing **misrepresentation enhancement** at §2D1.1(b)(13).



THE ISSUE

Implementing the HALT Fentanyl Act

Enacted in 2025, the HALT Fentanyl Act permanently classified “fentanyl-related substances” (newly defined at 21 U.S.C. § 812(e)) as Schedule I substances. It also set the quantities that trigger mandatory minimum penalties for these substances at the same level as fentanyl analogues. Commission data demonstrated that prior to the HALT Fentanyl Act, courts sentenced most individuals convicted of offenses involving fentanyl-related substances as if those offenses involved fentanyl analogues.

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