



# **Proposed Amendments on Drug Offenses**

**Public Data Briefing**

# Proposed Amendment

**A**

**Methamphetamine**

**B**

**Fentanyl-Related Substances**

**C**

**Fentanyl and Fentanyl Analogue Enhancements**

# A

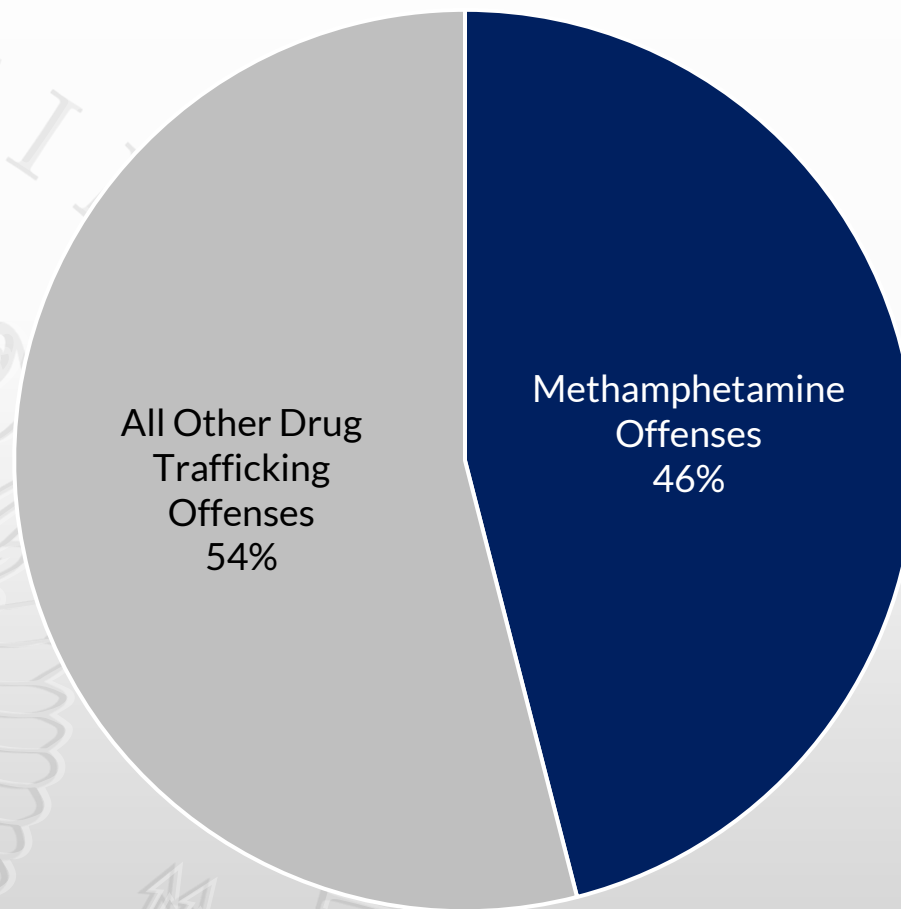
## Methamphetamine

- Sets forth **two** options for amending §2D1.1 to address the purity distinction between methamphetamine in “actual” form and methamphetamine as part of a mixture.
- Both options would also amend §2D1.1 to delete all references to “Ice” and add a new specific offense characteristic at §2D1.1(b)(19) that provides a [2]-level reduction if the offense involved only methamphetamine in a non-smokable, non-crystalline form.

A

## Methamphetamine

Fiscal Year 2024

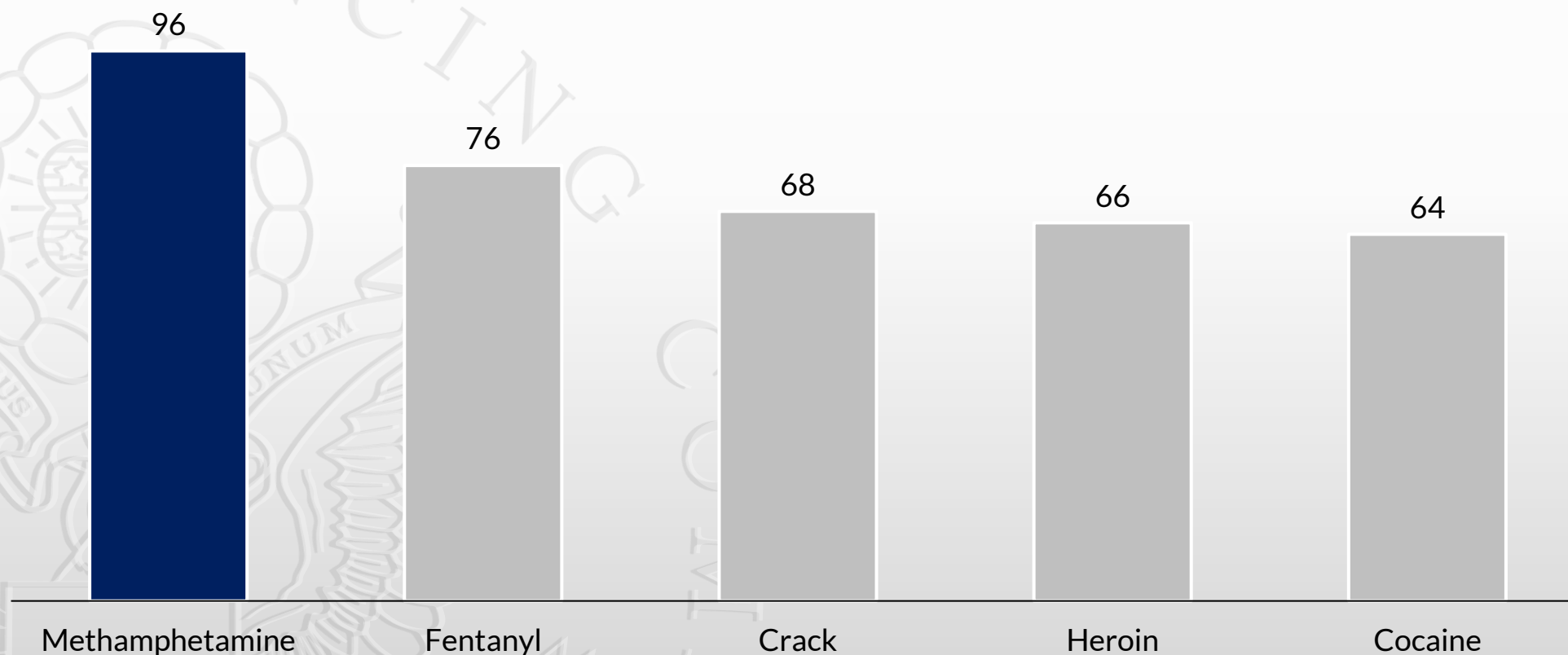


This analysis includes individuals sentenced under §2D1.1(a)(5) with complete guideline application information under a *Guideline Manual* effective November 1, 2014 or later. Individuals who qualified as a Career Offender under §4B1.1 or an Armed Career Criminal under §4B1.4 were excluded from analysis.

# A

## Methamphetamine

**Average Sentence (in months)**

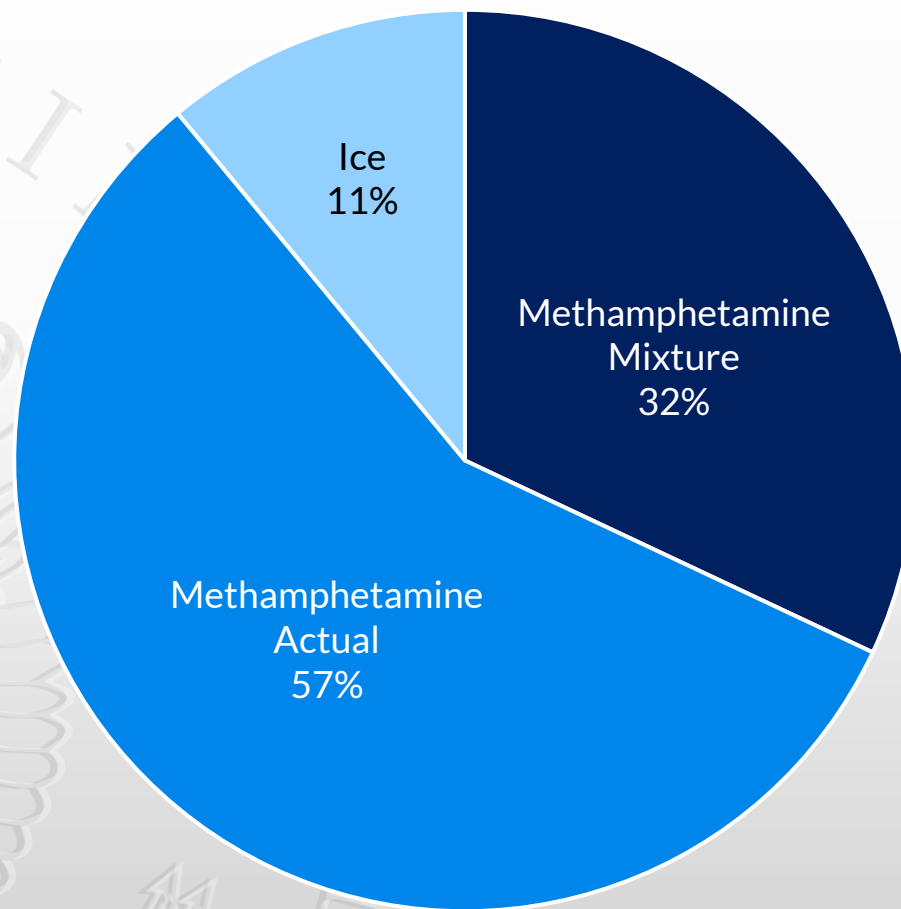


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A

## Methamphetamine

Fiscal Year 2024

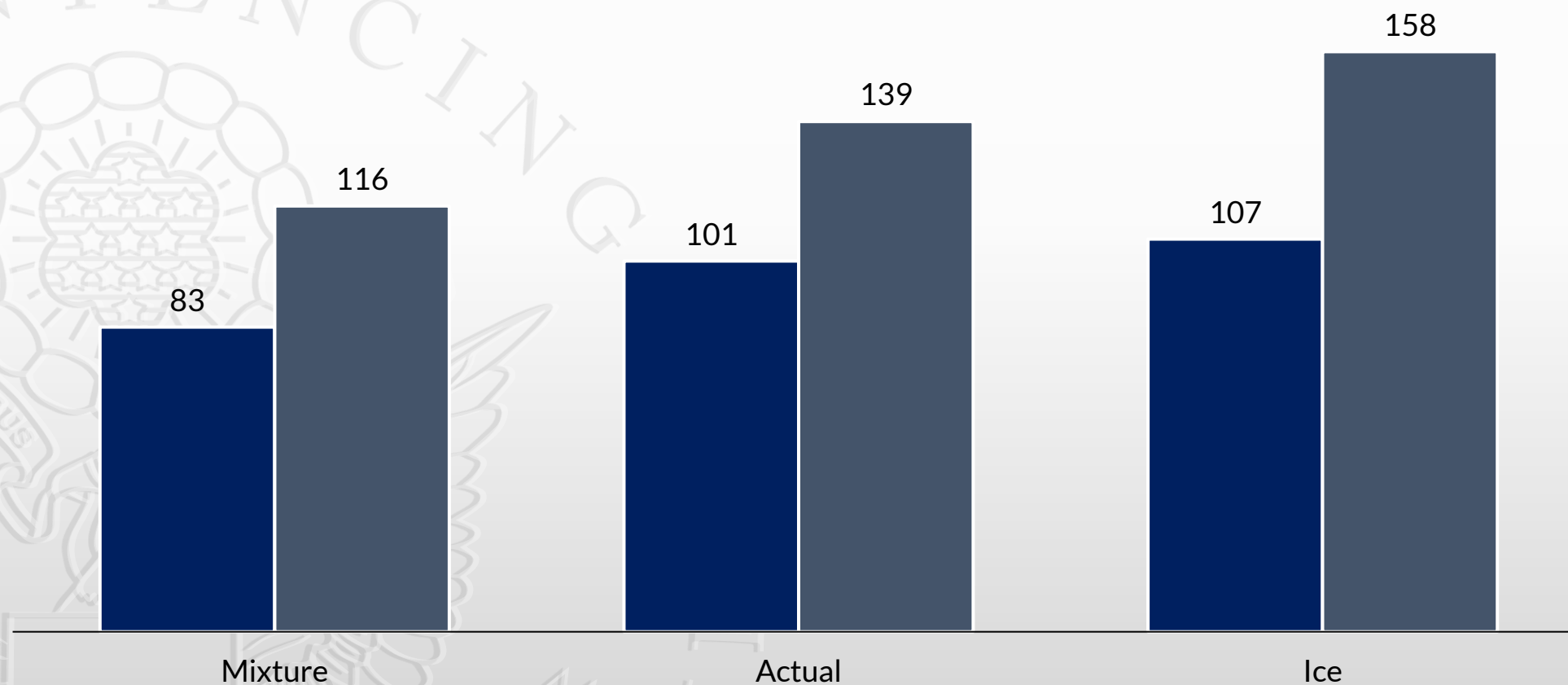


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# A

## Methamphetamine

■ Average Sentence Imposed    ■ Average Guideline Minimum



This analysis includes individuals sentenced under §2D1.1(a)(5) with complete guideline application information under a *Guideline Manual* effective November 1, 2014 or later. Individuals who qualified as a Career Offender under §4B1.1 or an Armed Career Criminal under §4B1.4 were excluded from analysis.

# A

## Methamphetamine

### Option 1 – Use a Single Entry for Methamphetamine

- Sets the same quantity thresholds for all methamphetamine offenses.
- Brackets **four** alternatives for the quantity thresholds:
  - Methamphetamine mixture;
  - Fentanyl;
  - Cocaine base;
  - Methamphetamine (actual).

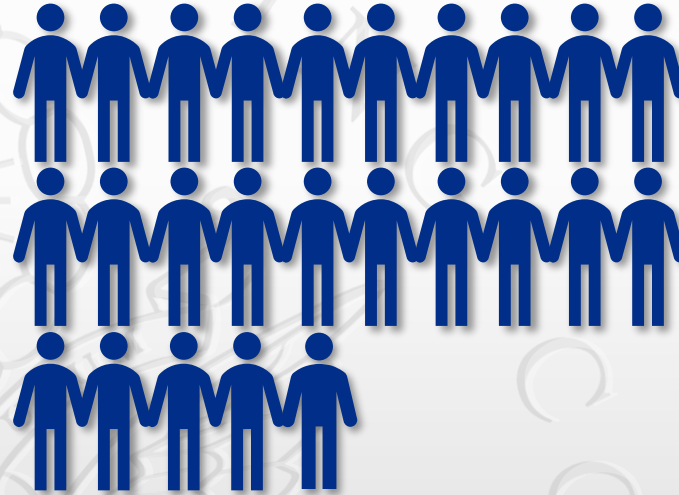


A

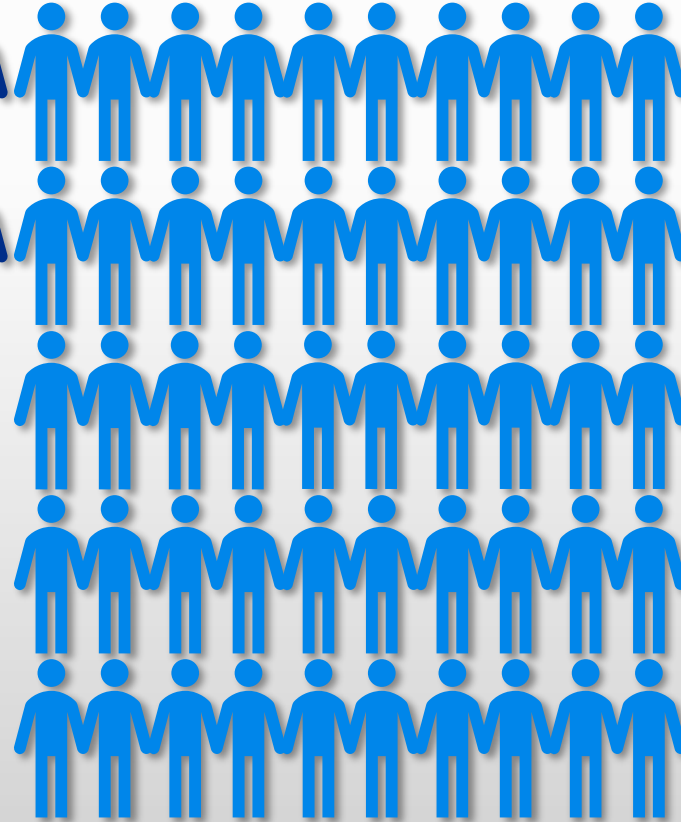
## Methamphetamine

Fiscal Year 2024

**Meth Mixture**  
N=2,490



**Meth Actual/Ice**  
N=5,061



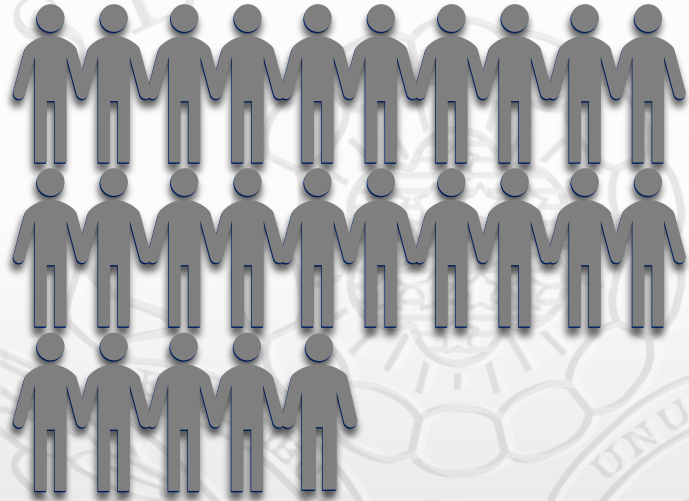
**A**

## Methamphetamine

### Option 1 – Use a Single Entry for Methamphetamine

#### Meth Mixture

0 Impacted



N=2,490

**0% ↑**

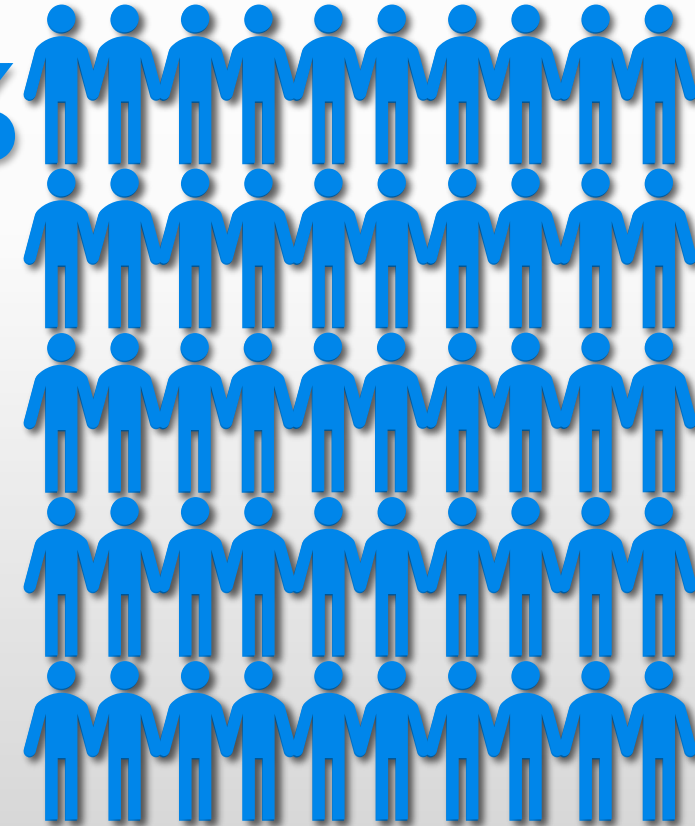


Overall Change:  
5,061 More Individuals  
Set at a Lower BOL

**↓ 100%**

#### Meth Actual/Ice

5,061 Impacted



N=5,061

A

## Methamphetamine

### Option 1 – Use a Single Entry for Methamphetamine

#### Meth Mixture

2,490 Impacted



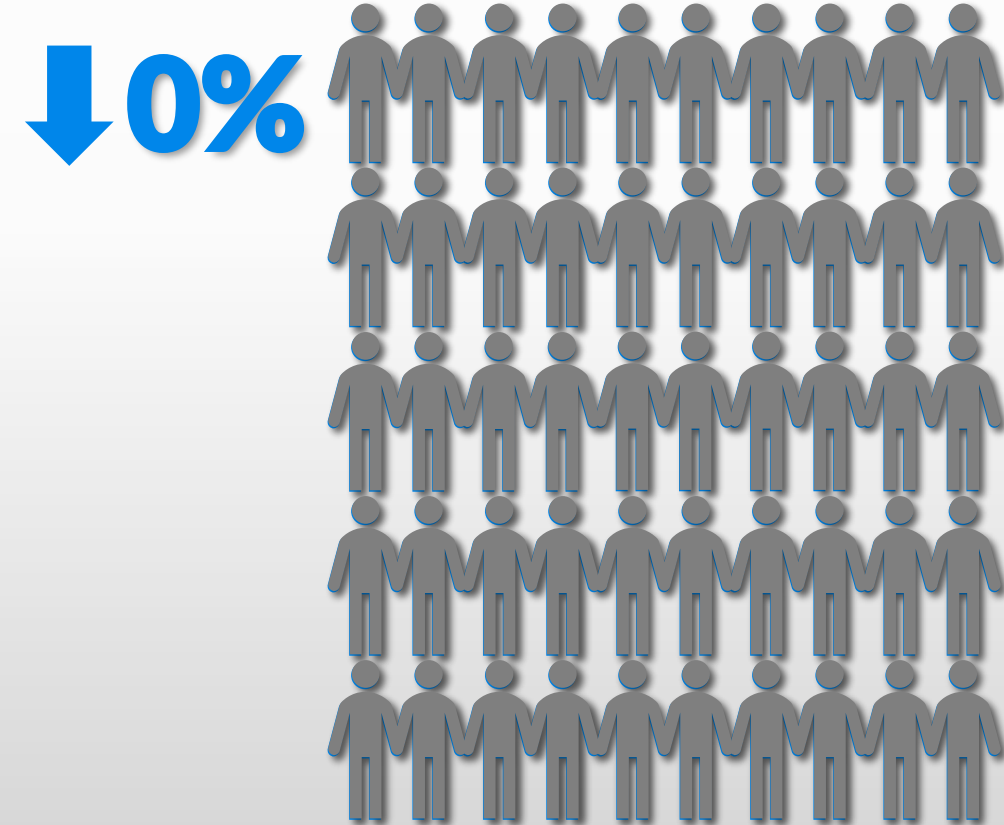
N=2,490



Overall Change:  
2,490 More Individuals  
Set at a Higher BOL

#### Meth Actual/Ice

0 Impacted



N=5,061

A

## Methamphetamine

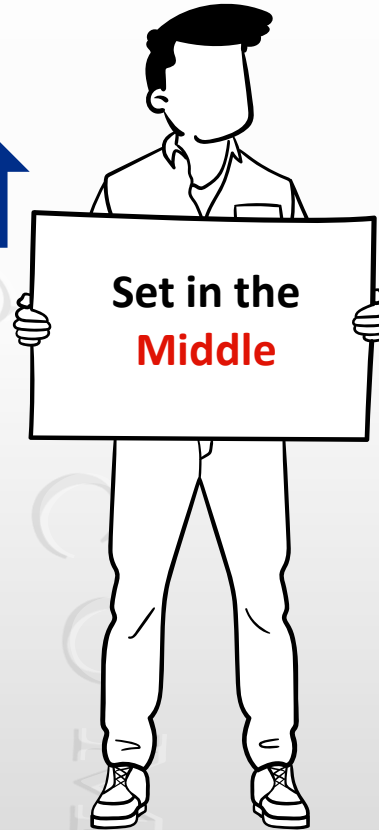
### Option 1 – Use a Single Entry for Methamphetamine

#### Meth Mixture

2,490 Impacted



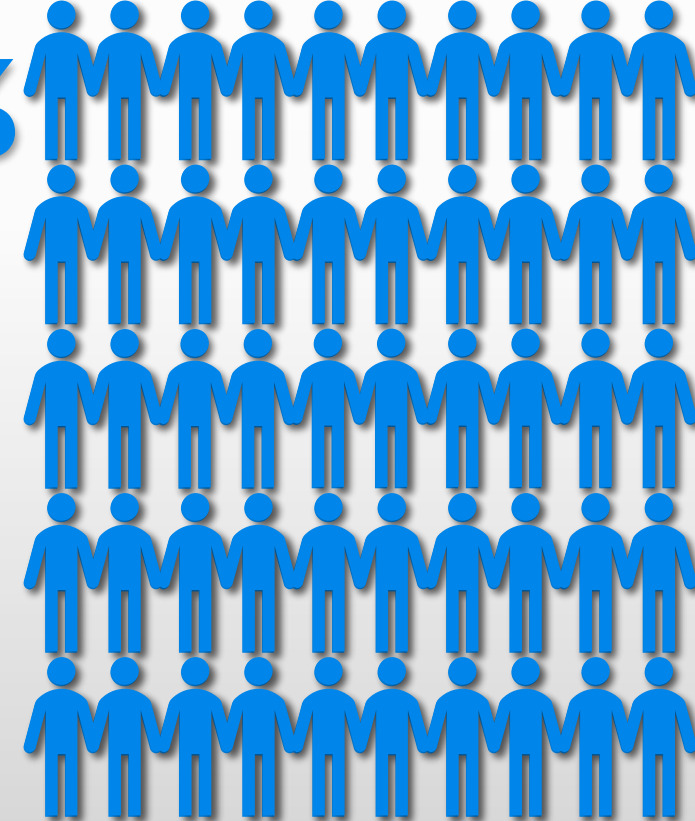
100%↑



↓100%

#### Meth Actual/Ice

5,061 Impacted



N=2,490

Overall Change:  
2,571 More Individuals  
Set at a Lower BOL

N=5,061

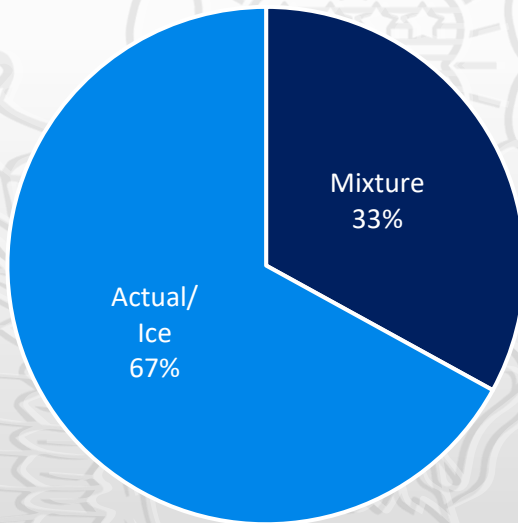
A

# Methamphetamine

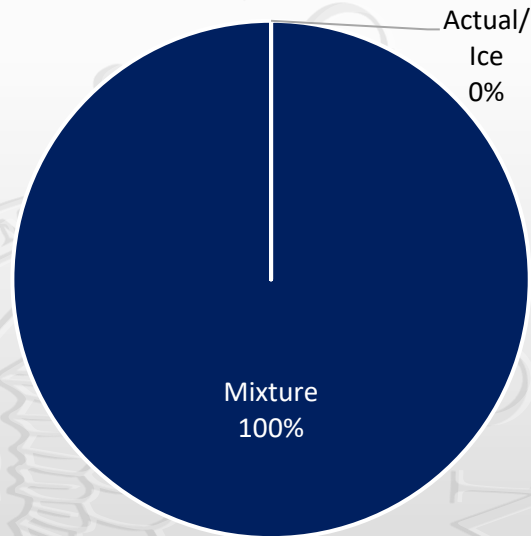
## Option 1 – Use a Single Entry for Methamphetamine

### Summary

Current  
(FY24)

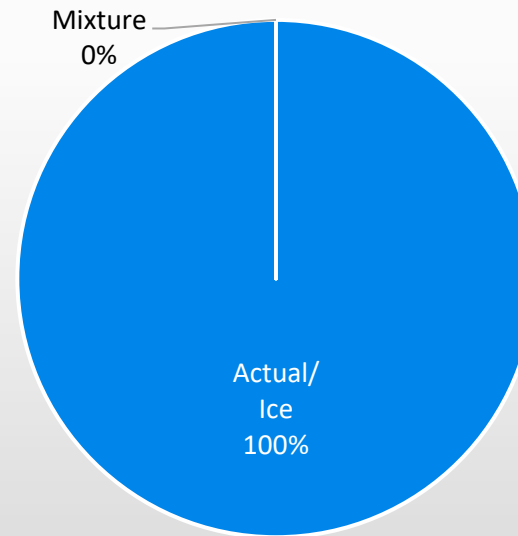


Set at  
Meth Mixture



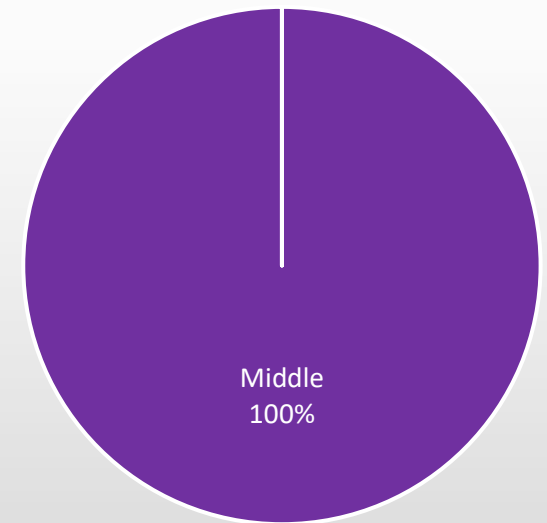
5,061 More Individuals  
Set at a Lower BOL

Set at  
Meth Actual



2,490 More Individuals  
Set at a Higher BOL

Set in  
the Middle



2,571 More Individuals  
Set at a Lower BOL

# A

## Methamphetamine

### Option 2 – Use Different Entries for Methamphetamine with Reducing and Heightening Factors

- Sets the baseline quantity thresholds at a level between the current base offense level quantity thresholds for mixture and actual.
- Brackets setting the baseline quantity thresholds at the same level as cocaine base.
- The base offense level may be either reduced to the current base offense levels for mixture or heightened to the current base offense levels for actual, when [1][2][3] or more certain factors apply.



# A

## Methamphetamine

**Option 2 – Use Different Entries for Methamphetamine with Reducing and Heightening Factors**  
**if [1][2][3] or more of the following factors apply:**

### Reduce

Did not receive any:  
(b)(1) dangerous weapon  
(b)(2) violence  
(b)(5) importation  
(b)(12) premises  
(b)(14) environmental/specific harm  
3B1.1 aggravating role  
3B1.4 using a minor

(b)(18) safety valve -2

3B1.2 mitigating role

Motivation

Unusual vulnerability

Single occurrence or transaction

### Heighten

(b)(1) dangerous weapon

(b)(2) violence

(b)(5) importation

(b)(12) premises

(b)(14) environmental/specific harm

3B1.1 aggravating role

3B1.4 using a minor

Distribution/use [18][21]

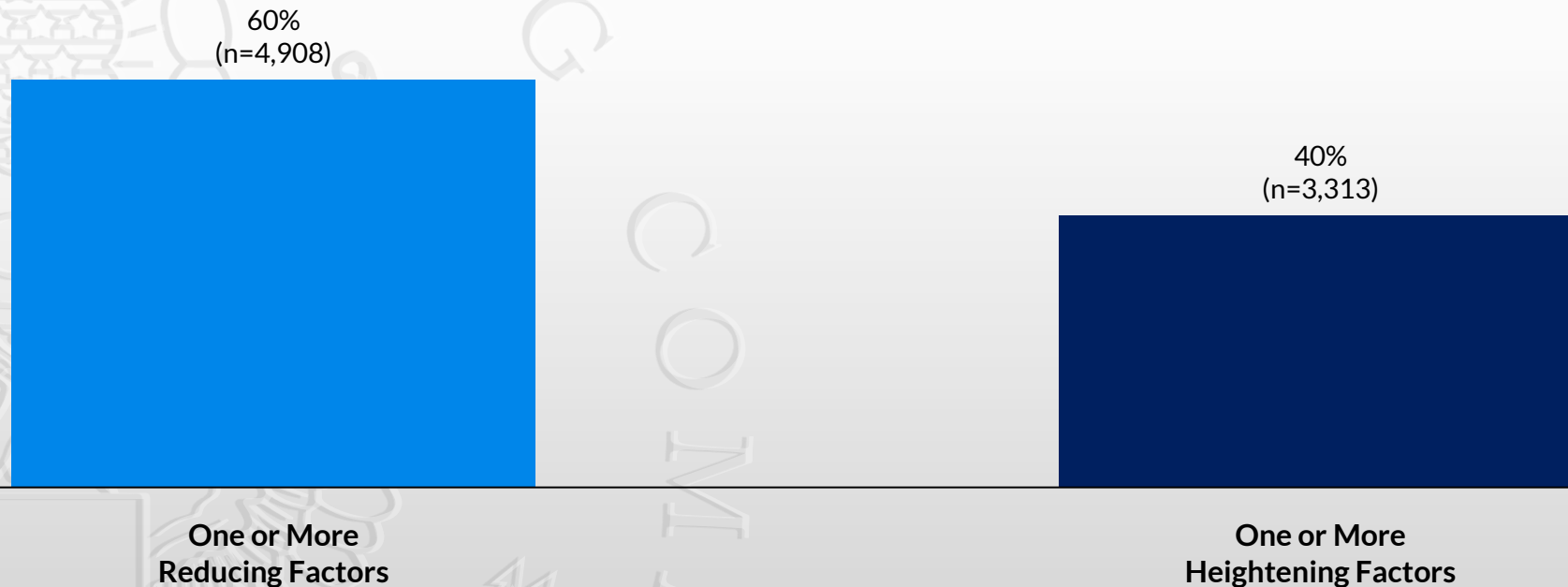
Pill press

Dark web

A

## Methamphetamine

### Option 2 – Use Different Entries for Methamphetamine with Reducing and Heightening Factors



This analysis includes individuals sentenced under §2D1.1(a)(5) with complete guideline application information under a *Guideline Manual* effective November 1, 2014 or later (N = 8,221). Individuals who qualified as a Career Offender under §4B1.1 or an Armed Career Criminal under §4B1.4 were excluded from analysis.

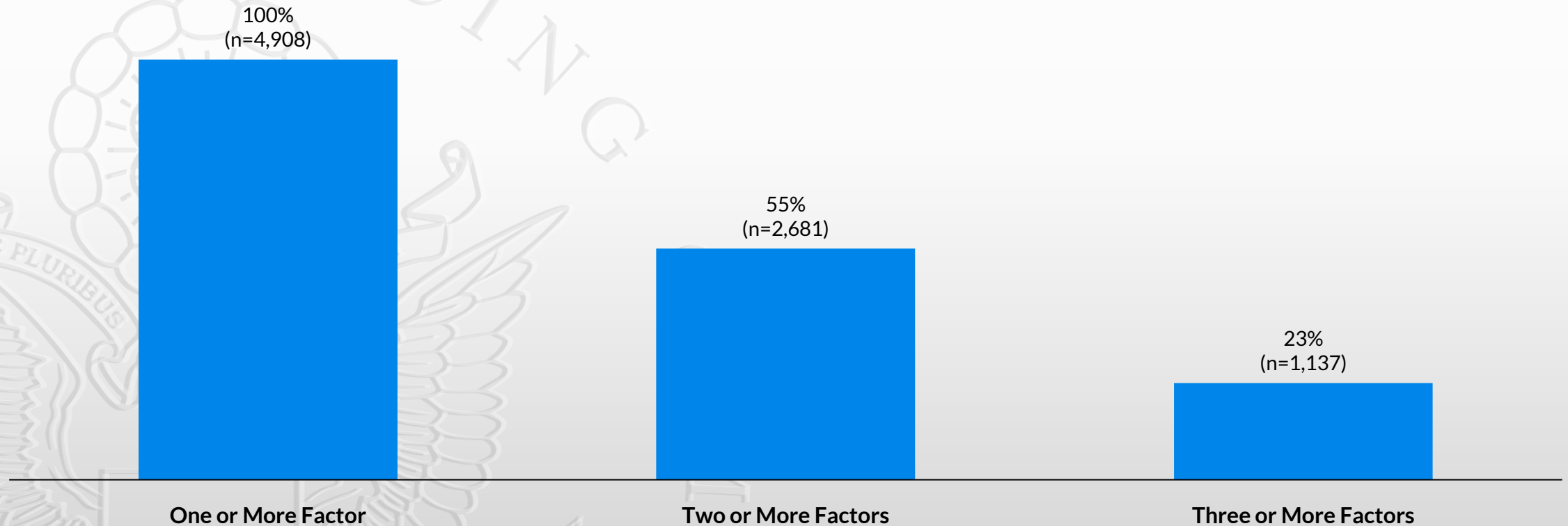


# A

## Methamphetamine

### Option 2 – Use Different Entries for Methamphetamine with Reducing and Heightening Factors

*Of Individuals with Reducing Factors*  
(N = 4,908)



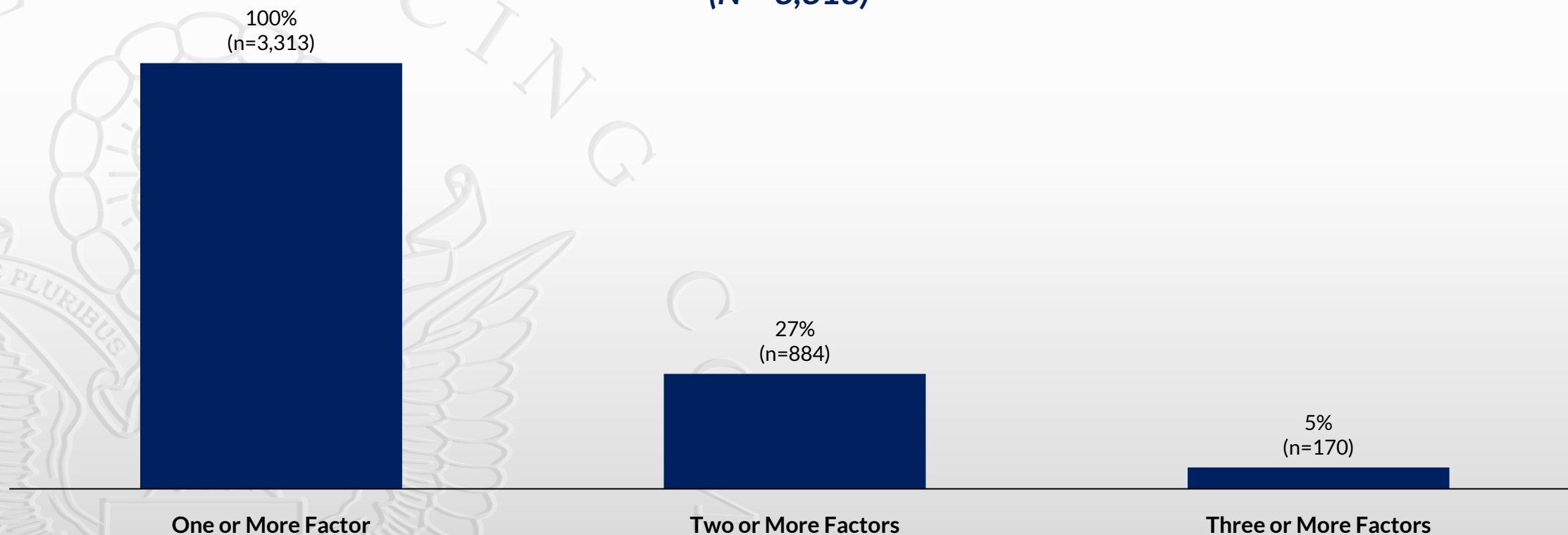
This analysis includes individuals sentenced under §2D1.1(a)(5) with complete guideline application information under a *Guideline Manual* effective November 1, 2014 or later who have one or more reducing factors (N = 4,908). Individuals who qualified as a Career Offender under §4B1.1 or an Armed Career Criminal under §4B1.4 were excluded from analysis.

# A

## Methamphetamine

### Option 2 – Use Different Entries for Methamphetamine with Reducing and Heightening Factors

*Of Individuals with Heightening Factors*  
(N = 3,313)



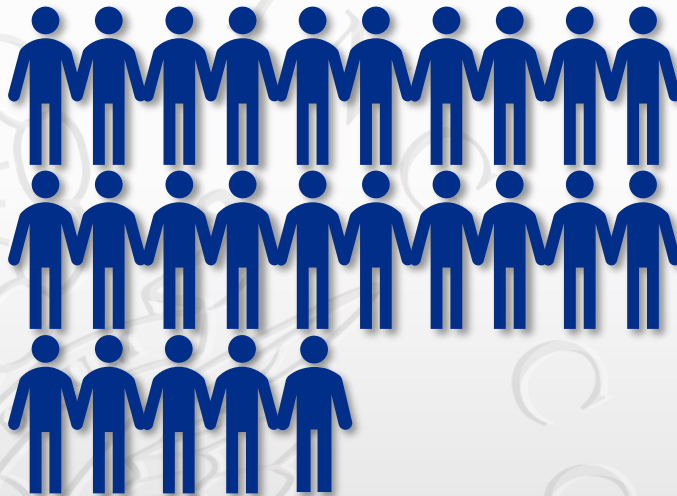
This analysis includes individuals sentenced under §2D1.1(a)(5) with complete guideline application information under a *Guideline Manual* effective November 1, 2014 or later who have one or more heightening factors (N = 3,313). Individuals who qualified as a Career Offender under §4B1.1 or an Armed Career Criminal under §4B1.4 were excluded from analysis.

A

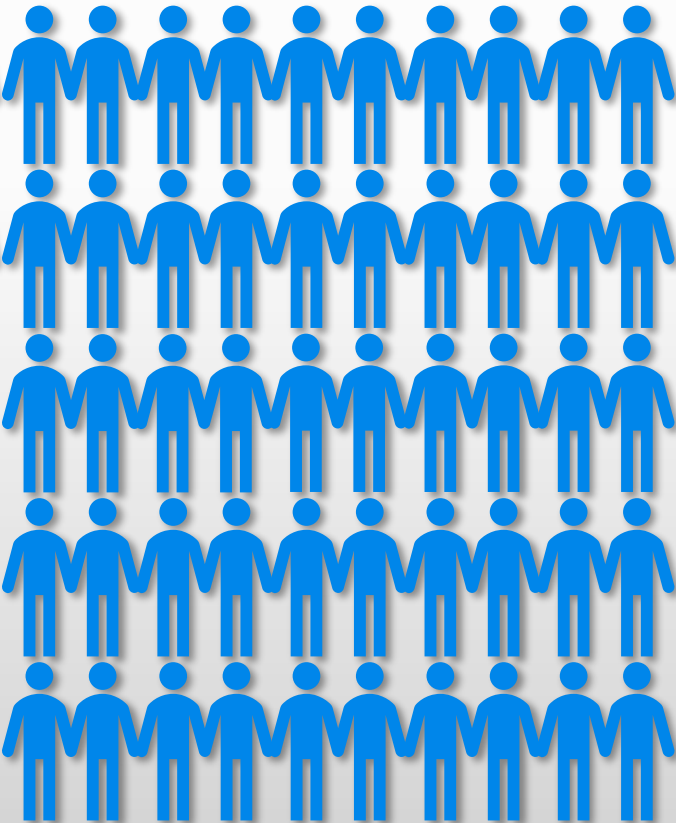
# Methamphetamine

Fiscal Year 2024

**Meth Mixture**  
N=2,490



**Meth Actual/Ice**  
N=5,061



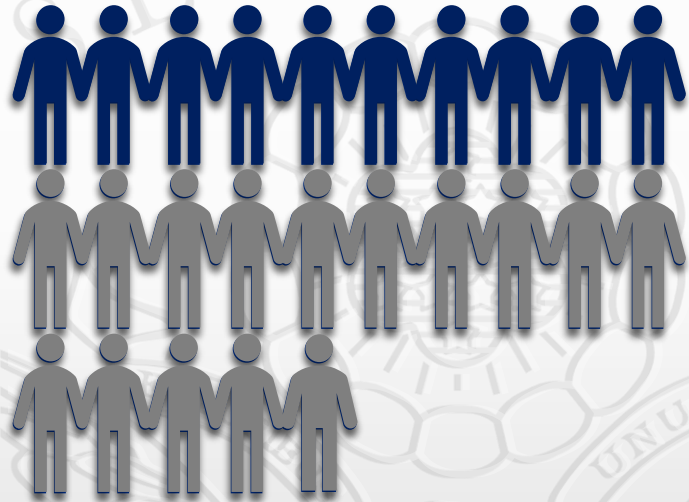
A

## Methamphetamine

Option 2 – Use Different Entries for Methamphetamine with Reducing and Heightening Factors

### Meth Mixture

946 Impacted



**38%↑**  
to Actual

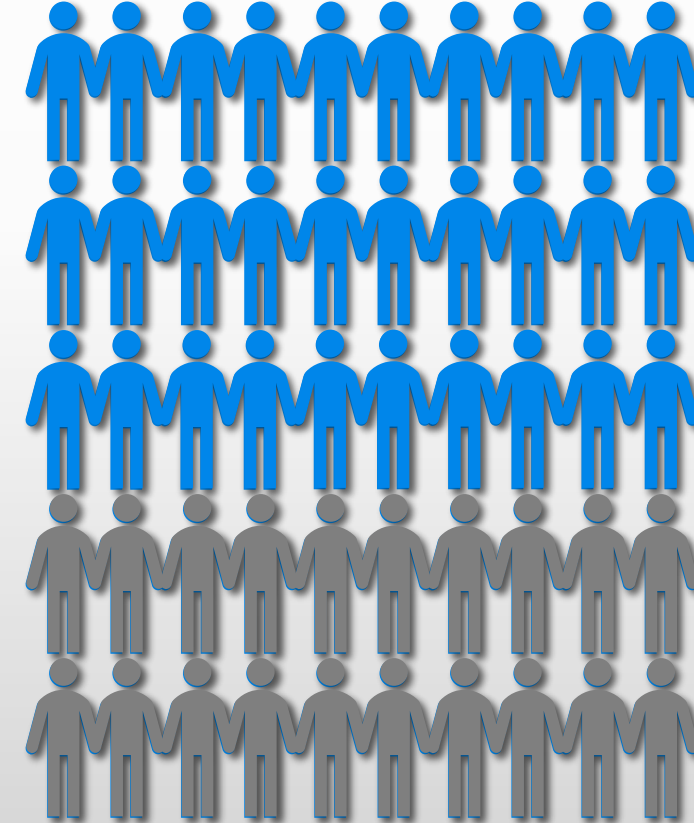


One or More  
Heightening or  
Reducing  
Factors

**60%↓**  
to Mixture

### Meth Actual/Ice

3,043 Impacted



N=2,490

**Overall Change:**  
**2,097 More Individuals Set at A Lower BOL**  
**No One Set in the Middle**

N=5,061

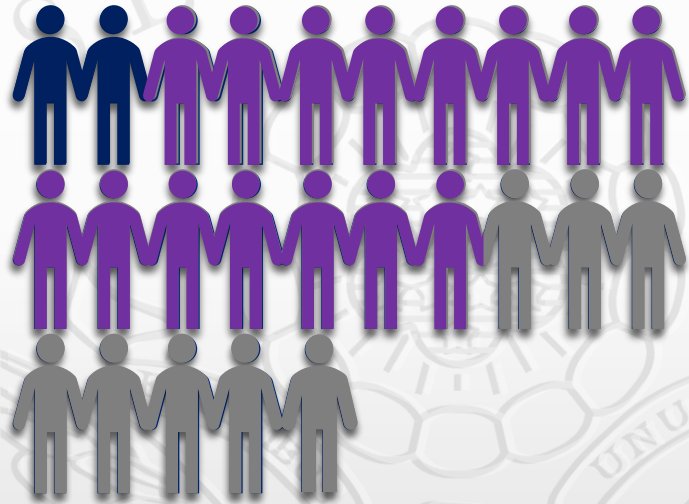
A

## Methamphetamine

Option 2 – Use Different Entries for Methamphetamine with Reducing and Heightening Factors

### Meth Mixture

1,694 Impacted



**10%↑**  
to Actual

**58%↑**  
to Middle



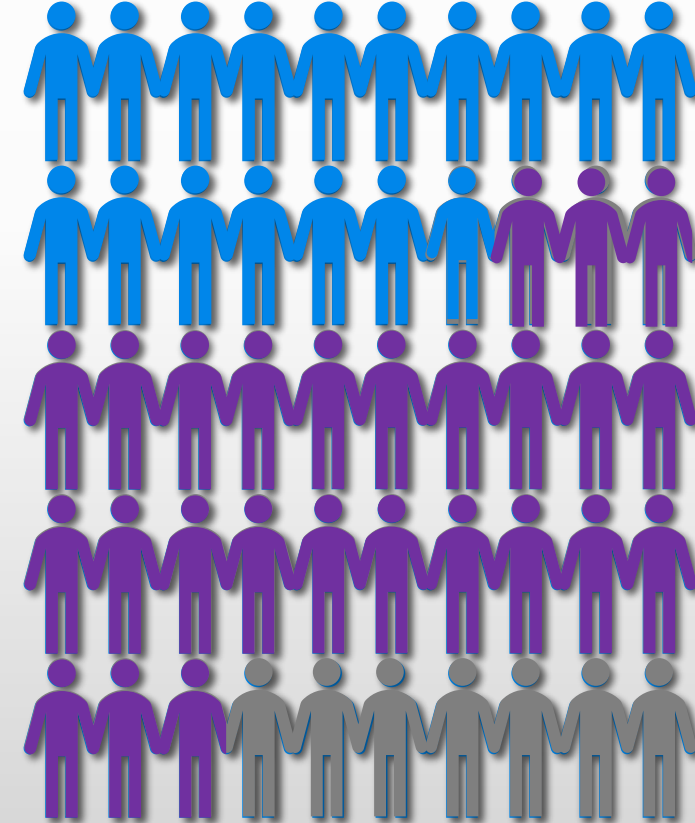
Overall Change:

2,828 Individuals Set at a Lower BOL

N=2,490

### Meth Actual/Ice

4,522 Impacted



**34%↓**  
to Mixture

**55%↓**  
to Middle

N=5,061

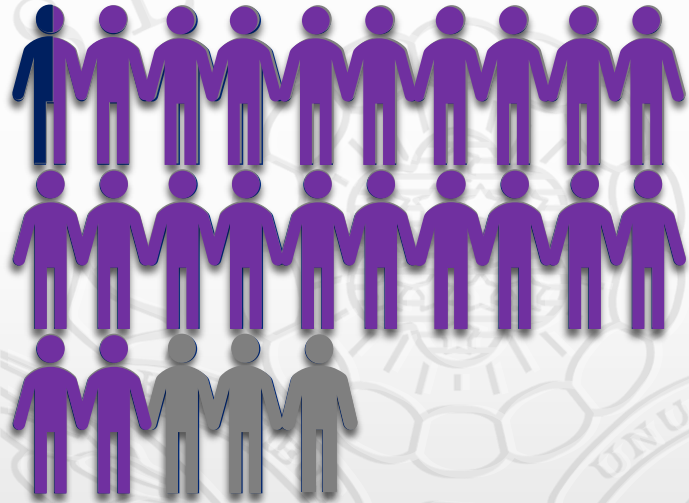
A

## Methamphetamine

Option 2 – Use Different Entries for Methamphetamine with Reducing and Heightening Factors

### Meth Mixture

2,145 Impacted



**2%↑**  
to Actual

**84%↑**  
to Middle



Overall Change:

2,814 Individuals Set at a Lower BOL

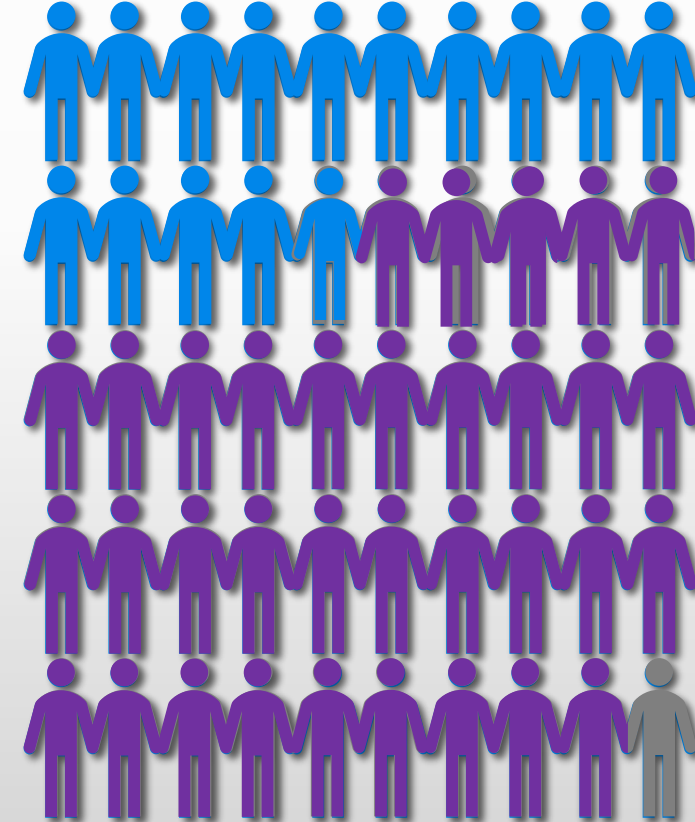
N=2,490

**↓ 15%**  
to Mixture

**↓ 83%**  
to Middle

### Meth Actual/Ice

4,959 Impacted



N=5,061



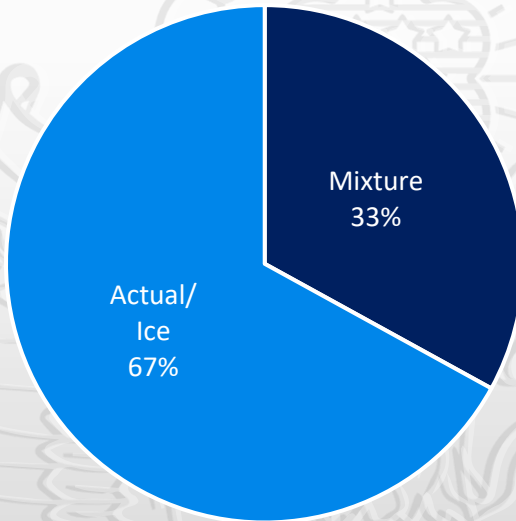
# A

## Methamphetamine

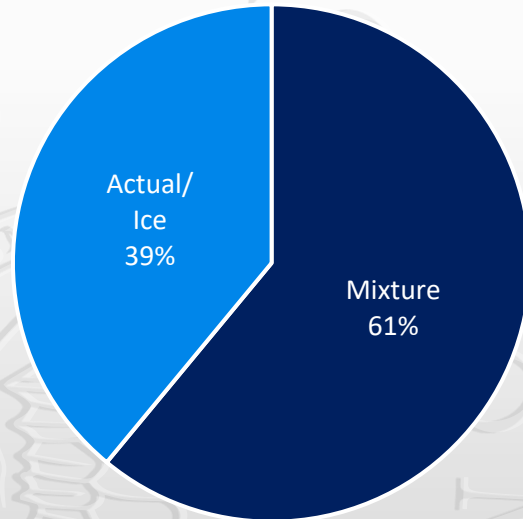
### Option 2 – Use Different Entries for Methamphetamine with Reducing and Heightening Factors

#### Summary

Current  
(FY24)

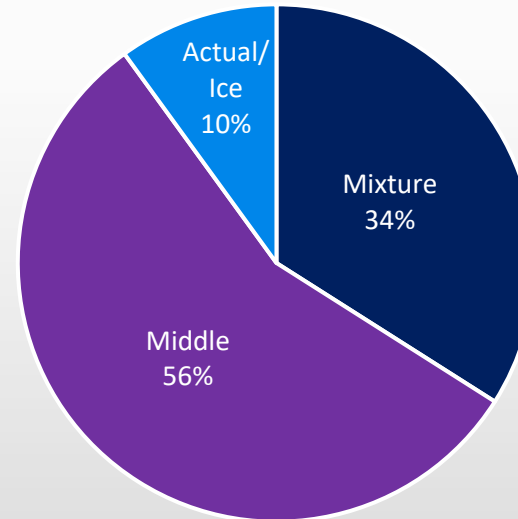


One or More  
Factors



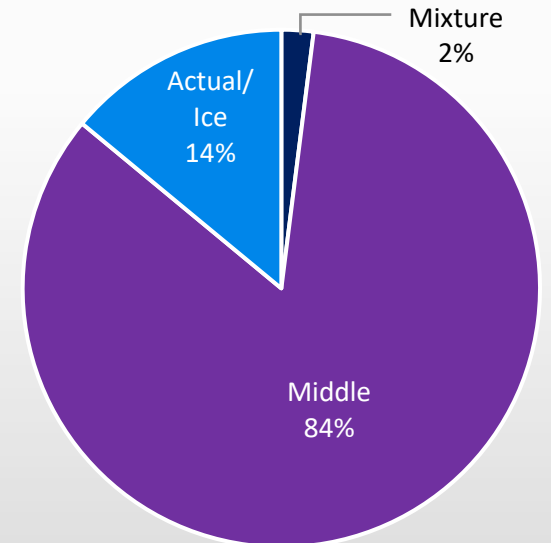
2,097 Individuals  
Set at Lower BOL

Two or More  
Factors



2,828 Individuals  
Set at Lower BOL

Three or More  
Factors



2,814 Individuals  
Set at Lower BOL

# Drug Trafficking Amendment

**A**

**Methamphetamine**

**B**

**Fentanyl-Related Substances**

**C**

**Fentanyl and Fentanyl Analogue Enhancements**



# B

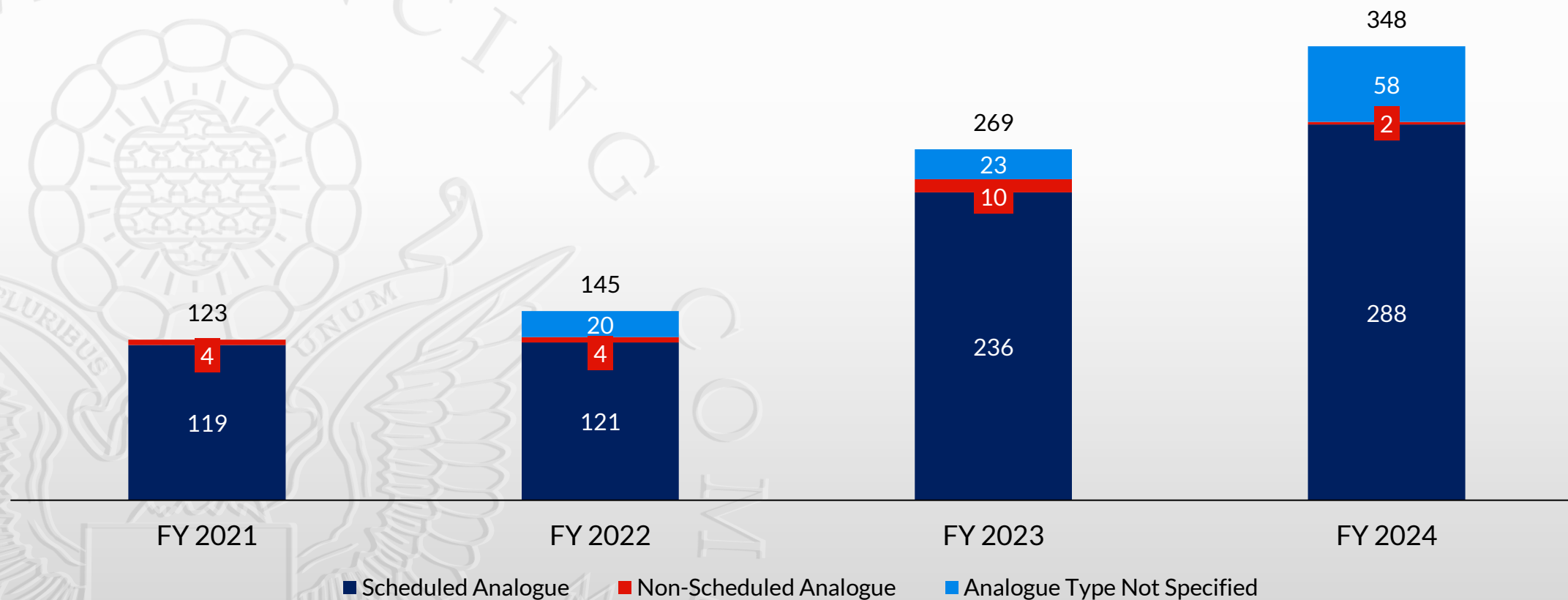
## Fentanyl-Related Substances

- Responds to the enactment of the Halt All Lethal Trafficking of Fentanyl Act (HALT Fentanyl Act), which permanently scheduled “fentanyl-related substances.”
- Amends the Drug Quantity Table at subsection (c) §2D1.1 to add “fentanyl-related substances.”
- Sets the quantity thresholds and base offense levels at the same level as fentanyl analogues.
- Amends the enhancement at §2D1.1(b)(13) to add “fentanyl-related substance.”

# B

## Fentanyl-Related Substances

### Frequency of Non-Scheduled Fentanyl Analogues



# Drug Trafficking Amendment

**A**

**Methamphetamine**

**B**

**Fentanyl-Related Substances**

**C**

**Fentanyl and Fentanyl Analogue Enhancements**



## Fentanyl and Fentanyl Analogue Enhancements

Adds four new specific offense characteristics in cases involving fentanyl and fentanyl analogues:

1. Distribution to an individual less than [18][21] years of age or use of an individual less than [18][21] years of age.
  - Bracketed alternatives addressing difference in age between the defendant and the individual less than [18][21] years of age.
  - Defendant-based alternative brackets a *mens rea* requirement of knowledge relating to the age of the individual and to the substance involved in the offense.
2. Use of the dark web to facilitate the commission or concealment of the offense.
3. Distribution of a mixture or substance containing xylazine.
4. Use or possession of a pill press.

The seal of the State of Tennessee is visible in the background, featuring a central emblem with a star and the words "E PLURIBUS UNUM" on a banner below it.

# C

## Fentanyl and Fentanyl Analogue Enhancements

### **Distribution to an individual less than [18][21] years of age or use of an individual less than [18][21] years of age**

- In Fiscal Year 2023, **37 cases** involved distribution of fentanyl or a fentanyl analogue to a person under 21 years old.
- The age of the person receiving the drug in these cases ranged from 14 to 21 years old.
- Of these cases:
  - The base offense level was determined by the Drug Quantity Table in 17 cases.
  - The base offense level was determined by §2D1.1(a)(1)-(4) for death and bodily injury in 14 cases.
- The most often applied enhancements in these cases were:
  - Weapon enhancement at §2D1.1(b)(1), 9 cases
  - Premises enhancement at §2D1.1(b)(12), 5 cases
  - Violence enhancement at §2D1.1(b)(2), 3 cases
  - Mass-marketing enhancement at §2D1.1(b)(7), 3 cases

## C

## Fentanyl and Fentanyl Analogue Enhancements

**Distribution to an individual less than [18][21] years of age  
or use of an individual less than [18][21] years of age**

(N = 37)

Most Serious Function	n	Percent
Importer	1	3%
High Level Supplier	1	3%
Organizer/Leader/Manager/Supervisor	0	0%
Manufacturer	0	0%
Wholesaler	4	13%
Street Level Dealer	23	77%
Courier	0	0%
Employee	0	0%
All Others	1	3%

Commission staff previously conducted a special data collection project about fentanyl trafficking. As part of this project, Commission staff only looked at distribution to individuals less than 21, thus the data presented here is limited to distribution and does not include data regarding the use of an individual less than [18][21] years old.

## C

## Fentanyl and Fentanyl Analogue Enhancements

**Distribution to an individual less than [18][21] years of age  
or use of an individual less than [18][21] years of age**

(N = 37)

	n	Percent
<b>Sentence Relative to the Guideline Range</b>		
Within Range	12	32%
\$5K1.1 / \$5K3.1	7	19%
Other Downward Departure	0	0%
Gov't Sponsored Below Range Variance	7	19%
Non-Gov't Below Range Variance	1	3%
Above Range	10	27%
<b>Drug Mandatory Minimum</b>	22	59%
<b>Relief from Drug Mandatory Minimum</b>	7	33%
<b>Safety Valve</b>	2	7%
<b>Aggravating Role</b>	4	11%
<b>Mitigating Role</b>	1	3%
<b>Average Guideline Minimum</b>	166 months	
<b>Average Sentence</b>	151 months	



## C

## Fentanyl and Fentanyl Analogue Enhancements

**Distribution to an individual less than [18][21] years of age  
or use of an individual less than [18][21] years of age**

(N = 37)

Demographics	n	Percent
<b>Race/Ethnicity</b>		
White	14	38%
Black	10	27%
Hispanic	11	30%
Other	2	5%
<b>Male</b>	34	92%
<b>U.S. Citizen</b>	36	97%
<b>Average Age</b>	26 years old	

Commission staff previously conducted a special data collection project about fentanyl trafficking. As part of this project, Commission staff only looked at distribution to individuals less than 21, thus the data presented here is limited to distribution and does not include data regarding the use of an individual less than [18][21] years old.



# C

## Fentanyl and Fentanyl Analogue Enhancements

### **Use of the dark web to facilitate the commission or concealment of the offense**

- In Fiscal Year 2023, **60 cases** involved the use of the dark web or cryptocurrency during a fentanyl or fentanyl analogue trafficking offense.
- Of these cases:
  - 39 cases involved both the use of the dark web and cryptocurrency.
  - 17 cases involved only the use of the dark web.
  - 4 cases involved only the use of cryptocurrency.
- The most often applied enhancements in these cases were:
  - Mass-marketing enhancement at §2D1.1(b)(7), 27 cases
  - Misrepresentation of fentanyl enhancement at §2D1.1(b)(13), 17 cases
  - Weapon enhancement at §2D1.1(b)(1), 12 cases
  - Premises enhancement at §2D1.1(b)(12), 11 cases



## Fentanyl and Fentanyl Analogue Enhancements

### Use of the dark web to facilitate the commission or concealment of the offense

(N = 60)

Most Serious Function	n	Percent
Importer	6	14%
High Level Supplier	4	9%
Organizer/Leader/Manager/Supervisor	3	7%
Manufacturer	5	11%
Wholesaler	7	16%
Street Level Dealer	10	23%
Courier	0	0%
Employee	6	14%
All Others	3	7%

Commission staff previously conducted a special data collection project about fentanyl trafficking. As part of this project, Commission staff looked at the use of the dark web or cryptocurrency to traffic fentanyl or a fentanyl analogue, thus both are included in the data presented here.



## Fentanyl and Fentanyl Analogue Enhancements

**Use of the dark web to facilitate the commission or concealment of the offense**  
(N = 60)

	n	Percent
<b>Sentence Relative to the Guideline Range</b>		
Within Range	4	7%
§5K1.1 / §5K3.1	23	38%
Other Downward Departure	9	15%
Gov't Sponsored Below Range Variance	11	18%
Non-Gov't Below Range Variance	11	18%
Above Range	2	3%
<b>Drug Mandatory Minimum</b>	39	65%
<b>Relief from Drug Mandatory Minimum</b>	22	56%
<b>Safety Valve</b>	24	40%
<b>Aggravating Role</b>	11	18%
<b>Mitigating Role</b>	11	18%
<b>Average Guideline Minimum</b>	155 months	
<b>Average Sentence</b>	84 months	



## Fentanyl and Fentanyl Analogue Enhancements

### Use of the dark web to facilitate the commission or concealment of the offense

(N = 60)

Demographics	n	Percent
Race/Ethnicity		
White	38	63%
Black	9	15%
Hispanic	8	13%
Other	5	8%
Male	48	80%
U.S. Citizen	57	95%
Average Age	34 years old	

Commission staff previously conducted a special data collection project about fentanyl trafficking. As part of this project, Commission staff looked at the use of the dark web or cryptocurrency to traffic fentanyl or a fentanyl analogue, thus both are included in the data presented here.

# C

## Fentanyl and Fentanyl Analogue Enhancements

### **Distribution of a mixture or substance containing xylazine**

- In Fiscal Year 2023, **94 cases** involved mixing fentanyl or a fentanyl analogue with xylazine or medetomidine.
- Of these cases:
  - 90 cases used xylazine as the mixing agent.
  - 4 cases used medetomidine as the mixing agent.
- The most often applied enhancements in these cases were:
  - Weapon enhancement at §2D1.1(b)(1), 37 cases
  - Premises enhancement at §2D1.1(b)(12), 22 cases
  - All other enhancements were applied in 2 or fewer cases.

## C

## Fentanyl and Fentanyl Analogue Enhancements

### Distribution of a mixture or substance containing xylazine

(N = 94)

Most Serious Function	n	Percent
Importer	1	1%
High Level Supplier	5	7%
Organizer/Leader/Manager/Supervisor	6	9%
Manufacturer	0	0%
Wholesaler	23	32%
Street Level Dealer	27	38%
Courier	5	7%
Employee	2	3%
All Others	2	3%

Commission staff previously conducted a special data collection project about fentanyl trafficking. As part of this project, Commission staff looked at the distribution of a mixture or substance containing xylazine or medetomidine, thus both are included in the data presented here.

## C

# Fentanyl and Fentanyl Analogue Enhancements

## Distribution of a mixture or substance containing xylazine

(N = 94)

	n	Percent
<b>Sentence Relative to the Guideline Range</b>		
Within Range	33	35%
§5K1.1 / §5K3.1	19	20%
Other Downward Departure	5	5%
Gov't Sponsored Below Range Variance	15	16%
Non-Gov't Below Range Variance	20	21%
Above Range	2	2%
<b>Drug Mandatory Minimum</b>	49	52%
<b>Relief from Drug Mandatory Minimum</b>	20	41%
Safety Valve	19	20%
Aggravating Role	10	11%
Mitigating Role	10	11%
<b>Average Guideline Minimum</b>	110 months	
<b>Average Sentence</b>	81 months	

## C

## Fentanyl and Fentanyl Analogue Enhancements

## Distribution of a mixture or substance containing xylazine

(N = 94)

Demographics	n	Percent
<b>Race/Ethnicity</b>		
White	16	17%
Black	46	49%
Hispanic	31	33%
Other	1	1%
<b>Male</b>	86	91%
<b>U.S. Citizen</b>	86	91%
<b>Average Age</b>	39 years old	

Commission staff previously conducted a special data collection project about fentanyl trafficking. As part of this project, Commission staff looked at the distribution of a mixture or substance containing xylazine or medetomidine, thus both are included in the data presented here.



# C

## Fentanyl and Fentanyl Analogue Enhancements

### Use or possession of a pill press

- In Fiscal Year 2023, **84 cases** involved the use of a pill press to press fentanyl or a fentanyl analogue.
- Of these cases:
  - 72 cases used a pill press with fentanyl.
  - 12 cases used a pill press with a fentanyl analogue.
- The most often applied enhancements in these cases were:
  - Weapon enhancement at §2D1.1(b)(1), 37 cases
  - Premises enhancement at §2D1.1(b)(12), 26 cases
  - Misrepresentation of fentanyl enhancement at §2D1.1(b)(13), 15 cases
  - Mass marketing enhancement at §2D1.1(b)(7), 11 cases

## C

## Fentanyl and Fentanyl Analogue Enhancements

### Use or possession of a pill press

(N = 84)

Most Serious Function	n	Percent
Importer	0	0%
High Level Supplier	5	11%
Organizer/Leader/Manager/Supervisor	5	11%
Manufacturer	14	30%
Wholesaler	15	32%
Street Level Dealer	5	11%
Courier	0	0%
Employee	1	2%
All Others	2	4%

Commission staff previously conducted a special data collection project about fentanyl trafficking. As part of this project, Commission staff looked at the use of a pill press to press fentanyl or a fentanyl analogue, which is presented here.

## C

## Fentanyl and Fentanyl Analogue Enhancements

## Use or possession of a pill press

(N = 84)

	n	Percent
<b>Sentence Relative to the Guideline Range</b>		
Within Range	18	21%
§5K1.1 / §5K3.1	21	25%
Other Downward Departure	2	2%
Gov't Sponsored Below Range Variance	13	16%
Non-Gov't Below Range Variance	27	32%
Above Range	3	4%
<b>Drug Mandatory Minimum</b>	52	62%
<b>Relief from Drug Mandatory Minimum</b>	29	56%
<b>Safety Valve</b>	26	31%
<b>Aggravating Role</b>	11	13%
<b>Mitigating Role</b>	12	14%
<b>Average Guideline Minimum</b>	152 months	
<b>Average Sentence</b>	100 months	

## C

## Fentanyl and Fentanyl Analogue Enhancements

## Use or possession of a pill press

(N = 84)

Demographics	n	Percent
<b>Race/Ethnicity</b>		
White	16	19%
Black	52	62%
Hispanic	13	15%
Other	3	4%
<b>Male</b>	74	88%
<b>U.S. Citizen</b>	80	95%
<b>Average Age</b>	36 years old	

Commission staff previously conducted a special data collection project about fentanyl trafficking. As part of this project, Commission staff looked at the use of a pill press to press fentanyl or a fentanyl analogue, which is presented here.



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# Other Resources

- 1 ***Methamphetamine Trafficking Offenses in the Federal Criminal Justice System (June 2024)***
- 2 ***Fentanyl and Fentanyl Analogues: Federal Trends and Trafficking Patterns (January 2021)***
- 3 ***Drug Offenses Quick Facts (May 2024)***



*The Commission is accepting public comment on this proposal through February 10, 2026.*

*[comment.ussc.gov](https://comment.ussc.gov)*

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