

United States Senate

COMMITTEES
ARMED SERVICES
BANKING, HOUSING, AND
URBAN AFFAIRS
BUDGET
JOINT ECONOMIC COMMITTEE
SELECT COMMITTEE ON INTELLIGENCE

The Honorable Jeff Sessions
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

The Honorable Uttam Dhillon
United States Drug Enforcement Administration
8701 Morrisette Dr.
Springfield, VA 22152

Dear Attorney General Sessions and Acting Administrator Dhillon,

As our nation fights the worst drug crisis in our history, I write to urge that you do more to stop the sale of morphine-laced poppy seeds, an apparent violation of the Controlled Substances Act that is causing an increasing number of deaths.

Poppy seeds, by themselves, are harmless and commonly used in baking. However, a recent scientific study published in the *Journal of Forensic Sciences* has shown that unwashed poppy seeds sold with poppy straw often contain morphine, codeine, and thebaine alkaloids, which can be transferred to the seeds during the harvesting process. Although these opiates can be removed through a washing process, some manufacturers and distributors sell unwashed poppy seeds, which retain parts of the poppy straw—and sometimes at fatal levels. The study found that some unwashed poppy seeds, sold directly to consumers, contained 2.7 grams of morphine per two-pound bag of poppy seeds, or the equivalent of more than 100 30-mg doses of morphine.

In April 2016, a 24-year-old Arkansas resident was found dead from a morphine overdose. While investigating the resident's apartment, law-enforcement authorities found a partially used five-pound bag of unwashed poppy seeds and later determined that morphine from the seeds had been the cause of death. My office is aware of more than 18 examples of deaths likely caused by morphine-laced poppy seeds.

Today, online sellers are selling unwashed poppy seeds directly to consumers. These seeds have been described by sanctioned reviews on sites such as Amazon as "definitely UNWASHED. They do the trick." Often the pricing itself tells the customers everything they need to know. For example, "washed" poppy seeds sell on Amazon for as little as \$5.00 per pound. But as of September 11, 2018, Amazon sells a one-pound bag of Sincerely Nuts poppy seeds, which are unwashed, for \$44.99.

Under 21 U.S.C § 802, poppy straw and concentrate of poppy straw are defined as narcotic drugs because of the high amounts of morphine and codeine they contain. But because poppy seeds are exempt from the definition of "poppy straw," companies are working around this prohibition to effectively smuggle controlled substances alongside harmless poppy

seeds. By selling the morphine-laced seeds for up to nine times the market rate of harmless poppy seeds, the sellers can make a substantial profit.

To address this problem, I ask that you answer three questions:

1. Although poppy seeds are exempt from the definition of narcotic drugs under 21 U.S.C. § 802, does the Department of Justice consider the sale of poppy straw along with poppy seeds a violation of the Controlled Substances Act?
2. If it does constitute a violation, what kind of criminal liability can a manufacturer or distributor of unwashed-poppy seeds face for manufacturing, distributing, and dispensing morphine-laced unwashed seeds?
3. What are the Department of Justice and the Drug Enforcement Agency doing to address this problem?

I thank you for your attention to this important matter.



Tom Cotton
United States Senator