

118TH CONGRESS
1ST SESSION

H. R. 1291

To amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2023

Mr. FITZGERALD (for himself, Mrs. CHAVEZ-DEREMER, Mr. TIFFANY, Ms. MALLIOTAKIS, Mr. MILLS, and Mrs. HINSON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances.

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 “Stopping Overdoses
5 of Fentanyl Analogues Act”.

1 **SEC. 2. ARCHIE BADURA MEMORIAL FENTANYL RELATED**
2 **SUBSTANCE SCHEDULING.**

3 Section 202(c) of the Controlled Substances Act (21
4 U.S.C. 812(c)) is amended by inserting after subsection
5 (d) the following:

6 “(e)(1) Unless specifically exempted or unless listed
7 in another schedule, any material, compound, mixture, or
8 preparation which contains any quantity of fentanyl-re-
9 lated substances, or which contains their salts, isomers,
10 and salts of isomers whenever the existence of such salts,
11 isomers, and salts of isomers is possible within the specific
12 chemical designation.

13 “(2) In paragraph (1), the term ‘fentanyl-related sub-
14 stances’ includes any substance that is structurally related
15 to fentanyl by one or more of the following modifications:

16 “(A) By replacement of the phenyl portion of
17 the phenethyl group by any monocycle, whether or
18 not further substituted in or on the monocycle.

19 “(B) By substitution in or on the phenethyl
20 group with alkyl, alkenyl, alkoxy, hydroxy, halo,
21 haloalkyl, amino or nitro groups.

22 “(C) By substitution in or on the piperidine
23 ring with alkyl, alkenyl, alkoxy, ester, ether, hy-
24 droxy, halo, haloalkyl, amino or nitro groups.

1 “(D) By replacement of the aniline ring with
2 any aromatic monocycle whether or not further sub-
3 stituted in or on the aromatic monocycle.

4 “(E) By replacement of the N-propionyl group
5 by another acyl group.”.

6 **SEC. 3. PENALTIES.**

7 A fentanyl-related substance shall be treated as an
8 analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]
9 propanamide under section 401(b)(1) of the Controlled
10 Substances Act (21 U.S.C. 841(b)(1)) and section
11 1010(b) of the Controlled Substances Import and Export
12 Act (21 U.S.C. 960(b)) without requiring proof that a
13 fentanyl-related substance meets the definition of a con-
14 trolled substance analogue under section 102 of the Con-
15 trolled Substances Act (21 U.S.C. 802).

16 **SEC. 4. EFFECTIVE DATE.**

17 This Act shall take effect one day after the date of
18 enactment of this Act.

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