

118TH CONGRESS
1ST SESSION

H. RES. 39

Expressing the sense of the House of Representatives that illicit fentanyl-related substances are a weapon of mass destruction and should be classified as such.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2023

Mr. DUNN of Florida submitted the following resolution; 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

RESOLUTION

Expressing the sense of the House of Representatives that illicit fentanyl-related substances are a weapon of mass destruction and should be classified as such.

Whereas the term “fentanyl-related substance” is defined in section 1308.11(h)(30)(i) of title 21, Code of Federal Regulations, as any substance not otherwise listed under another Administration Controlled Substance Code Number, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), that is structurally related to fentanyl by one or more of the following modifications, including—

(1) replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(2) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(3) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(4) replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; or

(5) replacement of the N-propionyl group by another acyl group;

Whereas China remains the primary source of illicit fentanyl precursors and illicit fentanyl-related substances trafficked through international mail and into the United States;

Whereas transnational criminal organizations in Mexico are rapidly increasing the flow of illicit fentanyl-related substances into the United States over the porous Southern United States border;

Whereas India has emerged as a growing supplier of precursor chemicals and illicit fentanyl-related substances;

Whereas, in July 2018, the Federal Bureau of Investigation Weapons of Mass Destruction Directorate assessed that “fentanyl is very likely a viable option for a chemical weapons attack by extremists or criminals”;

Whereas illicit fentanyl and illicit fentanyl-related substances trafficking operations are growing in sophistication according to the Drug Enforcement Administration;

Whereas a single kilogram of illicit fentanyl or an illicit fentanyl-related substance can kill 500,000 individuals;

Whereas an estimated 71,238 citizens of the United States have lost their lives from a synthetic opioid overdose in 2021 according to the Centers for Disease Control and Prevention;

Whereas illicit fentanyl is the leading driver of the United States ongoing opioid crisis, according to the Centers for Disease Control and Prevention; and

Whereas Florida Attorney General Ashley Moody has sent a letter to President Biden urging him to classify illicit fentanyl as a weapon of mass destruction: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) the President should classify synthetic illicit
4 fentanyl-related substances as a weapon of mass de-
5 struction; and

6 (2) illicit fentanyl, and illicit fentanyl-related
7 substances, should be permanently placed in sched-
8 ule I, as defined by 21 U.S.C. 813.

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