

118TH CONGRESS
1ST SESSION

S. _____

To codify the temporary scheduling order for fentanyl-related substances by adding fentanyl-related substances to schedule I of the Controlled Substances Act.

IN THE SENATE OF THE UNITED STATES

Mr. COTTON (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To codify the temporary scheduling order for fentanyl-related substances by adding fentanyl-related substances to schedule I of the Controlled Substances Act.

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 “Protecting Americans
5 from Fentanyl Trafficking Act of 2023”.

1 **SEC. 2. PLACEMENT OF FENTANYL-RELATED SUBSTANCES**
2 **IN SCHEDULE I.**

3 Schedule I of section 202(c) of the Controlled sub-
4 stances Act (21 U.S.C. 812(c)) is amended by adding at
5 the end the following:

6 “(e)(1) Fentanyl-related substances, including their
7 isomers, esters, ethers, salts, and salts of isomers, esters,
8 and ethers.

9 “(2) For purposes of paragraph (1), the term
10 ‘fentanyl-related substance’ means any substance that—

11 “(A) is not listed in another schedule;

12 “(B) has not been approved under section 505
13 of the Federal Food, Drug, and Cosmetic Act (21
14 U.S.C. 355) or granted an exemption for investiga-
15 tional use under subsection (i) of such section 505;
16 and

17 “(C) is structurally related to fentanyl by—

18 “(i) replacement of the phenyl portion of
19 the phenethyl group by any monocycle, whether
20 or not further substituted in or on the mono-
21 cycle;

22 “(ii) substitution in or on the phenethyl
23 group with alkyl, alkenyl, alkoxy, hydroxyl,
24 halo, haloalkyl, amino, or nitro groups;

25 “(iii) substitution in or on the piperidine
26 ring with alkyl, alkenyl, alkoxy, ester, ether,

1 hydroxyl, halo, haloalkyl, amino, or nitro
2 groups;

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

6 “(v) replacement of the N-propionyl group
7 by another acyl group.”.