

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7970
OFFERED BY M. _____

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Strengthening Tools
3 to Outlaw Poisonous Nitazenes Act” or the “STOP
4 Nitazenes Act”.

5 SEC. 2. CLASS I SCHEDULING OF NITAZENES.

(a) IN GENERAL.—Section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end of Schedule I the following:

9 “(f)(1) Unless specifically exempted or unless listed
10 in another schedule, any material, compound, mixture, or
11 preparation that contains—

12 “(A) any quantity of a 2-benzylbenzimidazole
13 opioid; or

14 “(B) the isomers, esters, *N*-oxides, ethers, salts,
15 and salts of isomers, esters, *N*-oxides, and ethers of
16 a 2-benzylbenzimidazole opioid.

17 “(2) For purposes of paragraph (1), the term ‘2-
18 benzylbenzimidazole opioid’ includes the following:

1 “(A) A substance that is structurally related to
2 2-benzylbenzimidazole with the following modifica-
3 tions:

4 “(i) At the 1-position, substitution with an
5 alkyl linker connected to a substituted amine
6 group containing hydrogen, alkyl, acyl, alkenyl,
7 aryl, or heteroaryl group (such as a morphilino,
8 pyrrolidino, or piperidiny groups), whether or
9 not further substituted; and

10 “(ii) At the 2-position—

11 “(I) replacement of the alkyl portion
12 of the benzyl group with a substituted or
13 unsubstituted alkyl, acyl, alkoxy, or carba-
14 mate groups, nitrogen, sulfur, or oxygen
15 atoms; or

16 “(II) replacement of the phenyl por-
17 tion of the benzyl group with an aryl or
18 heteroaryl group whether or not further
19 substituted in or on the aryl or heteroaryl
20 group.

21 “(iii) Substitution on the phenyl portion of
22 the benzimidazole ring with a hydrogen atom,
23 halogen, nitro, cyano, substituted or
24 unsubstituted amide, amine, alkyl, acyl, alkoxy,
25 aryl, or heteroaryl groups.

1 “(B) A substance that exhibits agonist activity
2 at the mu-opioid receptor.

3 “(C) Examples of such substances include
4 etonitazene, clonitazene, metonitazene, isotonitazene,
5 protonitazene, butonitazene, etodesnitazene,
6 flunitazene, *N*-pyrrolidino etonitazene, *N*-desethyl
7 isotonitazene, and *N*-piperidiny l etonitazene.

8 “(3) The Attorney General may by order publish in
9 the Federal Register a list of substances that satisfy the
10 definition of the term ‘2-benzyl benzimidazole opioid’ in
11 paragraph (2).”.

12 (b) REMOVAL OF TEMPORARY STATUS.—Any sub-
13 stance included in the amendment made by subsection (a)
14 that was temporarily scheduled under section 201(h) of
15 the Controlled Substances Act (21 U.S.C. 811(h)) shall
16 be deemed permanently scheduled and subject to the re-
17 quirements of Schedule I of section 202(c) of that Act (21
18 U.S.C. 812(c)) as of the date of enactment of this Act.

19 **SEC. 3. RULEMAKING.**

20 (a) INTERIM FINAL RULE.—The Attorney General—

21 (1) shall, not later than 1 year after the date
22 of enactment of this Act, issue rules to implement
23 this Act, including the amendments made by this
24 Act; and

1 (2) may issue the rules under paragraph (1) as
2 an interim final rule.

3 (b) PROCEDURE FOR FINAL RULE.—

4 (1) EFFECTIVENESS OF INTERIM FINAL
5 RULES.—A rule issued by the Attorney General as
6 an interim final rule under subsection (a) shall be-
7 come immediately effective as an interim final rule
8 without requiring the Attorney General to dem-
9 onstrate good cause therefor, notwithstanding sub-
10 paragraph (B) of section 553(b) of title 5, United
11 States Code.

12 (2) OPPORTUNITY FOR COMMENT AND HEAR-
13 ING.—An interim final rule issued under subsection
14 (a) shall give interested persons the opportunity to
15 comment and to request a hearing.

16 (3) FINAL RULE.—After the conclusion of pro-
17 ceedings under paragraph (2), the Attorney General
18 shall issue a final rule to implement this Act, includ-
19 ing the amendments made by this Act, in accordance
20 with section 553 of title 5, United States Code.

