

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 a substance that ex-

1 hibits agonist activity at the mu-opioid receptor and is
2 structurally related to 2-benzylbenzimidazole with the fol-
3 lowing modifications:

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

10 “(B) At the 2-position—

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

15 “(ii) replacement of the phenyl portion of
16 the benzyl group with an aryl or heterocycle
17 group, whether or not further substituted in or
18 on the aryl or heterocycle group.

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

1 “(D) At the 6-position, substitution with hydro-
2 gen, nitro, trifluoromethyl, methoxy,
3 trifluoromethoxy, cyano, and halogen group.

4 “(3) The Attorney General may by order publish in
5 the Federal Register a list of substances that satisfy the
6 definition of the term ‘2-benzylbenzimidazole opioid’ in
7 paragraph (2).”.

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

15 **SEC. 3. RULEMAKING.**

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

17 (1) shall, not later than 1 year after the date
18 of enactment of this Act, issue rules to implement
19 this Act, including the amendments made by this
20 Act; and

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

23 (b) PROCEDURE FOR FINAL RULE.—

24 (1) EFFECTIVENESS OF INTERIM FINAL
25 RULES.—A rule issued by the Attorney General as

1 an interim final rule under subsection (a) shall be-
2 come immediately effective as an interim final rule
3 without requiring the Attorney General to dem-
4 onstrate good cause therefor, notwithstanding sub-
5 paragraph (B) of section 553(b) of title 5, United
6 States Code.

7 (2) OPPORTUNITY FOR COMMENT AND HEAR-
8 ING.—An interim final rule issued under subsection
9 (a) shall give interested persons the opportunity to
10 comment and to request a hearing.

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

