

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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March 24, 2026

MEMORANDUM

To: Subcommittee on Health Members and Staff
From: Committee on Energy and Commerce Majority Staff
Re: Subcommittee on Health Hearing on March 26, 2026

I. INTRODUCTION

The Subcommittee on Health will hold a hearing on Thursday, March 26, 2026, at 2:00 p.m. (ET) in 2123 Rayburn House Office Building. The hearing is entitled “Policies to Protect Our Communities From Illicit Drug Threats.” The Subcommittee intends to discuss the following pieces of legislation:

- H.R. 1266, Combatting Illicit Xylazine Act (Reps. Panetta and Pfluger)
- H.R. 5630, To amend the Public Health Service Act to require additional information in State plans for Substance Use Prevention, Treatment, and Recovery Services block grants. (Rep. Houchin)
- H.R. 5629, To provide that the final rule of the Department of Health and Human Services titled “Medications for the Treatment of Opioid Use Disorder,” except for the portion of the final rule relating to accreditation of opioid treatment programs, shall have no force or effect. (Rep. Houchin)
- H.R. 2004, Tyler’s Law (Reps. Lieu and Latta)
- H.R. 7970, STOP Nitazenes Act (Rep. Latta)
- H.R. 8000, END 7-OH Act (Rep. Bilirakis)
- H.R. 7184, PRESS Act (Rep. McDowell)
- H.R. 8005, Stop Pills That Kill Act (Rep. Evans)
- H.R. 5880, Fight Illicit Pill Presses Act (Reps. Hageman and Stansbury)
- H.R. 1227, Alternatives to Pain Act (Reps. Miller Meeks and Barragan)
- H.R. 2715, Destruction of Hazardous Imports Act (Reps. Higgins and Carter)
- H.R. 1561, ALERT Communities Act (Reps. Crockett and Gooden)
- H.R. 7994, HERO Act (Rep. Ruiz)
- H.R. 7407, Prohibiting Tianeptine and Other Dangerous Products Act of 2026 (Rep. Pallone)

II. WITNESSES

- **Scott Oulton**, President, INTR3PID Solutions LLC
- **K. Fred Gingrich II, DVM**, Executive Director, American Association of Bovine Practitioners
- **Dennis Lemma**, Sheriff, Seminole County, Florida, and Former President of the Major County Sheriffs of America
- **Nabarun Dasgupta, PhD, MPH**, Senior Scientist and Gillings Innovation Fellow, University of North Carolina at Chapel Hill
- **Yngvild Olsen, MD, MPH**, Former Director of the Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, and National Advisor, Manatt Health

III. BACKGROUND

The production, trafficking, and distribution of illicit synthetic drugs continues to threaten the public health and national security of the United States.¹ Mexican cartels—primarily the Sinaloa and Jalisco New Generation Cartels—pose a significant threat by trafficking illicit drugs in the U.S. given their vast procurement, distribution, and financial networks.²

According to the Centers for Disease Control and Prevention (CDC), in 2024, there were 80,391 drug overdose deaths in the United States, which is down 26.9 percent from 110,037 estimated drug overdoses deaths the previous year.³ The number of overdose deaths involving opioids, cocaine, and psychostimulants also decreased between 2023 and 2024.⁴ Despite the promising downward trajectory of drug overdose deaths in the U.S., illicit drugs continue to pose a significant risk to national health security. CDC suggests that the decrease in U.S. drug overdose deaths is due to the distribution and usage of naloxone, changes in the illegal drug supply chain, and increased access to substance use disorder prevention and treatment services.⁵

New and emerging illicit drugs continue to place Americans in danger. The committee will examine legislative proposals that seek to protect American communities from illicit drug threats.

A. Supply Chain Dynamics of Illicit Drugs

Between 2016 and 2017, entities operating out of the Peoples Republic of China (PRC) were responsible for 97 percent of high-purity fentanyl that was seized after being shipped to the U.S. In 2019, in response to concerns raised by the Trump Administration, the PRC took action

¹ DRUG ENFORCEMENT ADMINISTRATION (DEA), *2025 National Drug Threat Assessment* (May 13, 2025), <https://www.dea.gov/sites/default/files/2025-07/2025NationalDrugThreatAssessment.pdf>.

² *Id.* at 5.

³ Press Release, CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC), *U.S. Overdose Deaths Decrease Almost 27% in 2024* (May 14, 2025), <https://www.cdc.gov/nchs/pressroom/releases/20250514.html>.

⁴ *Id.*

⁵ Press Release, CDC, *CDC Reports Nearly 24% Decline in U.S. Drug Overdose Deaths* (Feb. 25, 2025), <https://www.cdc.gov/media/releases/2025/2025-cdc-reports-decline-in-us-drug-overdose-deaths.html>.

to control fentanyl related substances as a class, leading to nearly no fentanyl or fentanyl analogues being detected as entering the U.S. from China.⁶ However, the precursor chemicals needed to manufacture fentanyl still largely originate from China, and continue to be sold to individuals in the U.S.⁷ According to the U.S. Department of State's 2025 International Narcotics Control Strategy Report, production of most illicit fentanyl and fentanyl analogues detected in North America originate in Mexico.⁸

Transnational criminal organizations (TCO), including international drug cartels, are driving the production and trafficking of illicit drugs across the U.S.-Mexico border.⁹ The Sinaloa and Jalisco New Generation Cartels operate in nearly all 50 states and remain a significant threat to national health security and public safety in the U.S.¹⁰ They control and operate vast transnational networks to procure precursor chemicals from both China and India to synthesize deadly synthetic drugs in Mexico-based, clandestine laboratories and then traffic these substances into the U.S.¹¹

B. New and Emerging Illicit Drug Threats

Xylazine

Xylazine, commonly referred to as “tranq,” is a non-opiate tranquilizer that is only approved by the Food and Drug Administration (FDA) for veterinary purposes.¹² Though there are legitimate pathways for procuring xylazine for approved veterinary purposes, it can also be purchased online in a liquid or powder form for illicit purposes.¹³ Diverted xylazine has a lower chance of being detected by law enforcement given that it is not a controlled substance.¹⁴

⁶ Barrios & Senger, CONG. RSCH. SERV. (CRS), IF10890, China Primer: Illicit Fentanyl and China's Role at 1 (2026); *see also* U.S. DEPARTMENT OF STATE, BUREAU FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT, *International Narcotics Control Strategy*, at 96 (Mar. 2025), <https://www.state.gov/wp-content/uploads/2025/03/2025-International-Narcotics-Control-Strategy-Volume-1-Accessible.pdf>.

⁷ U.S. DEPARTMENT OF STATE, BUREAU FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT, *International Narcotics Control Strategy*, at 96 (Mar. 2025), <https://www.state.gov/wp-content/uploads/2025/03/2025-International-Narcotics-Control-Strategy-Volume-1-Accessible.pdf>; *see also* Press Release, U.S. DEPARTMENT OF JUSTICE (DOJ), *Chinese Company and Three Chinese Nationals Indicted for Unlawfully Importing Pill-Making Equipment Used to Manufacture Controlled Substances* (May 12, 2025), <https://www.justice.gov/opa/pr/chinese-company-and-three-chinese-nationals-indicted-unlawfully-importing-pill-making>.

⁸ U.S. DEPARTMENT OF STATE, BUREAU FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT, *International Narcotics Control Strategy*, at 96 (Mar. 2025), <https://www.state.gov/wp-content/uploads/2025/03/2025-International-Narcotics-Control-Strategy-Volume-1-Accessible.pdf>.

⁹ *Supra* note 1.

¹⁰ *Id.*

¹¹ *Id.*

¹² NATIONAL INSTITUTES OF HEALTH (NIH), NATIONAL INSTITUTE ON DRUG ABUSE (NIDA), *Xylazine* (Sept. 2024), <https://nida.nih.gov/research-topics/xylazine>.

¹³ DOJ AND DEA, *The Growing Threat of Xylazine and its Mixture with Illicit Drugs* at 1 (Oct. 2022), <https://www.dea.gov/sites/default/files/2022-12/The%20Growing%20Threat%20of%20Xylazine%20and%20its%20Mixture%20with%20Illicit%20Drugs.pdf>.

¹⁴ *Id.* at 4.

Xylazine has been more frequently detected in the illicit drug supply and has resulted in an increasing number of overdose deaths.¹⁵ Between 2018 and 2021, the age-adjusted rate of drug overdoses involving xylazine increased 35-fold.¹⁶ Xylazine is being increasingly utilized as low cost adulterant to reduce the amount of fentanyl or heroin in a mixture, thereby increasing the profits of illicit drug traffickers.¹⁷ In 2024, the Drug Enforcement Administration (DEA) reported that xylazine is the most common drug mixed with fentanyl.¹⁸ When used as an adulterant in illicit drug mixtures, xylazine can attract those seeking to extend the duration of intoxication.¹⁹ However, many of those who consume xylazine are not aware they are doing so.²⁰ Given that xylazine is not an opioid, opioid overdose reversal medications cannot counteract its effects.²¹ On April 12, 2023, the White House Office of National Drug Control Policy (ONDCP) designated fentanyl combined with xylazine as an emerging threat to the U.S.²²

Nitazene

Benzimidazole-oids, commonly known as “nitazenes,” are a class of dangerous synthetic opioids that can exceed the potency of fentanyl.²³ Since 2019, DEA’s National Forensic Laboratory Information System received roughly 7,000 reports of nitazenes in the illicit drug market.²⁴ Between 2023 and 2024, the number of EMS encounters for nitazene-related overdoses nearly doubled, reaching 9,716 in 2024.²⁵ DEA has identified 19 distinct nitazenes over the last five-year period.²⁶ Chemical suppliers introduce new nitazenes when those currently on the market become riskier to produce due to regulatory actions and drug scheduling.²⁷ The DEA has reported that nitazenes are most likely being shipped as finished

¹⁵ DOJ AND DEA, *The Growing Threat of Xylazine and its Mixture with Illicit Drugs* (Oct. 2022), <https://www.dea.gov/sites/default/files/2022-12/The%20Growing%20Threat%20of%20Xylazine%20and%20its%20Mixture%20with%20Illicit%20Drugs.pdf>; see also Press Release, NIH, NIDA, *Xylazine appears to worsen the life-threatening effects of opioids in rats* (Jun. 20, 2023), <https://nida.nih.gov/news-events/news-releases/2023/06/xylazine-appears-to-worsen-the-life-threatening-effects-of-opioids-in-rats>.

¹⁶ CDC, NATIONAL CENTER FOR HEALTH STATISTICS, *Drug Overdose Deaths Involving Xylazine: United States, 2018–2021* (Jun. 2025), <https://www.cdc.gov/nchs/data/vsrr/vsrr030.pdf>.

¹⁷ *Supra* note 14.

¹⁸ *Supra* note 1.

¹⁹ *Supra* note 13.

²⁰ *Id.*

²¹ CDC, *Lifesaving Naloxone* (Jun. 11, 2025), <https://www.cdc.gov/stop-overdose/caring/naloxone.html>; see also CDC, *Xylazine* (May 16, 2024), <https://www.cdc.gov/overdose-prevention/about/what-you-should-know-about-xylazine.html>.

²² Press Release, THE WHITE HOUSE, OFFICE OF NATIONAL DRUG CONTROL POLICY, *Biden-Harris Administration Designates Fentanyl Combined with Xylazine as an Emerging Threat to the United States* (Apr. 12, 2023), <https://bidenwhitehouse.archives.gov/ondcp/briefing-room/2023/04/12/biden-harris-administration-designates-fentanyl-combined-with-xylazine-as-an-emerging-threat-to-the-united-states/>.

²³ DOJ AND DEA, *Nitazenes*, https://www.deadiversion.usdoj.gov/drug_chem_info/nitazenes/nitazenes.html (last visited Mar. 20, 2026).

²⁴ DEA, *BENZIMIDAZOLE–OPIOIDS* (Mar. 2025), https://www.deadiversion.usdoj.gov/drug_chem_info/benzimidazole-opioids.pdf.

²⁵ National Drug Early Warning System, *NDEWS Special Report: EMS encounters for nitazene-related overdoses (nonfatal or fatal) in the US January 1, 2023 - April 30, 2025* at 2 (May 2, 2025), https://com-phhp-epi-ndews.sites.medinfo.ufl.edu/wordpress/files/2025/05/5.2.25_NDEWS-2025-nitazene-overdoses.pdf.

²⁶ DOJ AND DEA, *Nitazenes: An Emerging Threat of a Diverse Group of Synthetic Opioids* (Sept. 2025), <https://www.dea.gov/sites/default/files/2025-11/STR-002-25%20Nitazenes%20an%20Emerging%20Threat%20of%20a%20Diverse%20Group%20of%20Synthetic%20Opioids.pdf>.

²⁷ *Id.* at 1.

substances in small amounts in mail parcels from vendors in China to distributors or end users in the United States.²⁸ Data shows that when both fentanyl and nitazenes are mixed, the probability of a drug overdose occurring increases significantly.²⁹ They are not approved for medical use in the U.S. and within the past year, DEA has issued temporary emergency scheduling orders to place nine nitazenes in Schedule I of the CSA, but DEA has not issued a class-wide scheduling order.³⁰

7-OH

7-hydroxymitragynine (7-OH), a concentrated synthetic opioid byproduct of the kratom plant, is a novel and emerging public health threat with significant potential for abuse.³¹ 7-OH is thirteen times more potent than morphine.³² There are currently no 7-OH drugs approved by the FDA, and it is not a legal dietary supplement.³³ 7-OH products are available at certain retailers, such as gas stations and convenience stores—and online—often marketed as natural kratom.³⁴ In addition to the relative ease of access to this concentrated opioid, the product marketing may be enticing to children, as it has been found in fruit-flavored gummies and ice cream cones.³⁵ FDA has taken action by issuing warning letters to companies that had illegally distributed products containing 7-OH, as well as issuing letters to health care professionals warning them of the novel and dangerous opioid.³⁶ FDA has made a distinction between concentrated synthetic 7-OH and natural kratom leaf products, and FDA currently recommends that 7-OH be scheduled under the CSA.³⁷

Pill Press

The threat posed by illicit pill presses has risen as drug traffickers continue to press fentanyl, methamphetamine, and other deadly drugs into pills.³⁸ Bad actors utilize punches and dyes to imitate the markings and logos of legitimate prescriptions, like oxycodone, Xanax, and Adderall.³⁹ The components of pill presses, punches, and dyes that can be used when making

²⁸ *Id.*

²⁹ *Id.*

³⁰ DOJ AND DEA, *Nitazenes*, https://www.deadiversion.usdoj.gov/drug_chem_info/nitazenes/nitazenes.html (last visited Mar. 20, 2026); *see also* DEA, *BENZIMIDAZOLE–OPIOIDS* (Mar. 2025), https://www.deadiversion.usdoj.gov/drug_chem_info/benzimidazole-opioids.pdf.

³¹ U.S. FOOD AND DRUG ADMINISTRATION (FDA), *7-Hydroxymitragynine (7-OH): An Assessment of the Scientific Data and Toxicological Concerns Around an Emerging Opioid Threat*, <https://www.fda.gov/media/187899/download?attachment> (last visited Mar. 20, 2026).

³² FDA, *Preventing The Next Wave of the Opioid Epidemic: What You Need to Know About 7-OH*, <https://www.fda.gov/media/187913/download?attachment> (last visited Mar. 20, 2026).

³³ Press Release, FDA, *FDA Takes Steps to Restrict 7-OH Opioid Products Threatening American Consumers* (Jul. 29, 2025), <https://www.hhs.gov/press-room/fda-7-oh-scheduling-recommendation.html>.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Press Release, FDA, *FDA Issues Warning Letters to Firms Marketing Products Containing 7-Hydroxymitragynine* (Jul. 15, 2025), <https://www.fda.gov/news-events/press-announcements/fda-issues-warning-letters-firms-marketing-products-containing-7-hydroxymitragynine>; *see also* Letter from Martin A. Makary, M.D., M.P.H., Commissioner of Food and Drugs, U.S. Food and Drug Administration, to “Colleague” (Jul. 29, 2025), <https://www.fda.gov/media/187898/download?attachment>.

³⁷ *Supra* note 33.

³⁸ DEA, *Pill Press Resources*, <https://www.dea.gov/resources/pill-press-resources> (last accessed on Mar. 20, 2026).

³⁹ *Id.*

counterfeit pills are being sold across various platforms. In August 2020, DEA took action by educating companies on reporting requirements and increasing awareness around improper usage of these tools to make counterfeit drugs.⁴⁰ Some platforms have changed their policies regarding the advertisement of pill presses on their platforms amidst the increasing threat.⁴¹

IV. LEGISLATION

H.R. 1266, Combatting Illicit Xylazine Act (Reps. Panetta and Pfluger)

H.R. 1266 permanently places xylazine in Schedule III of the Controlled Substances Act and amends the definition of “ultimate user” to allow xylazine to continue to be lawfully administered for legitimate veterinary purposes. This bill requires a report to Congress on the prevalence and proliferation of xylazine trafficking and misuse in the United States.

H.R. 5630, To amend the Public Health Service Act to require additional information in State plans for Substance Use Prevention, Treatment, and Recovery Services block grants. (Rep. Houchin)

H.R. 5630 requires reporting of state-level diversion data as part of a state’s application for the Substance Use Prevention, Treatment, and Recovery Services Block Grant program.

H.R. 5629, To provide that the final rule of the Department of Health and Human Services titled “Medications for the Treatment of Opioid Use Disorder”, except for the portion of the final rule relating to accreditation of opioid treatment programs, shall have no force or effect. (Rep. Houchin)

H.R. 5629 nullifies certain provisions within the Substance Abuse and Mental Health Services Administration’s (SAMHSA) final rule titled “Medications for the Treatment of Opioid Use Disorder.”

H.R. 2004, Tyler’s Law (Reps. Lieu and Latta)

H.R. 2004 directs the Secretary of Health and Human Services (HHS) to issue guidance on whether hospital emergency departments should implement fentanyl testing as a routine procedure for patients experiencing an overdose.

H.R. 7970, STOP Nitazenes Act (Rep. Latta)

H.R. 7970 places substances within the nitazene class (2-benzylbenzimidazole opioids) permanently into Schedule I of the Controlled Substances Act.

⁴⁰ Press Release, DEA, *DEA Implements E-commerce Outreach Program to Combat Counterfeit Drug Production* (Aug. 3, 2020), <https://www.dea.gov/press-releases/2020/08/03/dea-implements-e-commerce-outreach-program-combat-counterfeit-drug>.

⁴¹ Google, *Update to the Dangerous products or services policy (July 2025)* (Jul. 1, 2025), <https://support.google.com/adspolicy/answer/16328882?hl=en>.

H.R. 8000, END 7-OH Act (Rep. Bilirakis)

H.R. 8000 places 7-hydroxymitragynine (synthetic 7-OH) within Schedule I of the Controlled Substances Act.

H.R. 7184, PRESS Act (Rep. McDowell)

H.R. 7184 amends the Controlled Substances Act to make it unlawful to manufacture, distribute, or import pill press equipment with the intent to illicitly produce a controlled substance.

H.R. 8005, Stop Pills That Kill Act (Rep. Evans)

H.R. 8005 implements sentencing penalties for the production of fentanyl, fentanyl analogues, or counterfeit pills. This bill also requires the DEA to create a comprehensive plan to address counterfeit substances.

H.R. 5880, Fight Illicit Pill Presses Act (Reps. Hageman and Stansbury)

H.R. 5880 implements serialization requirements for pill presses and punches. It prohibits the removal or alteration of these serial numbers and prohibits the distribution of machines with serial numbers that have been tampered with.

H.R. 1227, Alternatives to Pain Act (Reps. Miller Meeks and Barragan)

H.R. 1227 prohibits utilization management for certain qualifying non-opioid pain management drugs in Medicare Part D. The bill also requires that such drugs be placed on a Part D plan's lowest cost-sharing tier and prohibits the deductible from applying for these drugs.

H.R. 2715, Destruction of Hazardous Imports Act (Reps. Higgins and Carter)

H.R. 2715 provides the Food and Drug Administration (FDA) the authority to require an importer to destroy an FDA-regulated product that was refused entry into the U.S. and presents a significant public health concern. The Secretary of HHS is responsible for making the determination of what constitutes a significant public health concern. This bill also amends the Federal Food, Drug, and Cosmetic Act to prohibit the unauthorized movement of an article that the Secretary has designated for destruction.

H.R. 1561, ALERT Communities Act (Reps. Crockett and Gooden)

H.R. 1561 allows first responder training grants to be utilized for training on fentanyl or xylazine test strips. This bill also directs the Secretary of HHS to develop and publish research and marketing frameworks for test strip technology. This bill would also direct the Secretary of HHS to conduct a study on fentanyl test strip interventions and report the findings to Congress.

H.R. 7994, HERO Act (Rep. Ruiz)

H.R. 7994 establishes a competitive grant program to provide schools with opioid overdose reversal drugs.

H.R. 7407, Prohibiting Tianeptine and Other Dangerous Products Act of 2026 (Rep. Pallone)

H.R. 7407 gives the Food and Drug Administration (FDA) the authority to prohibit the sale of any product marketed as a dietary supplement that does not meet the statutory definition of a dietary supplement or any dietary supplement developed with the services of any debarred persons. This bill also provides the FDA with seizure authority and import exclusion authority for dietary supplements that do not meet these standards.

V. STAFF CONTACTS

If you have questions regarding this hearing, please contact Annabelle Huffman of the Committee staff at (202) 225-3641.