

119TH CONGRESS
1ST SESSION**S.** _____

To amend the Controlled Substances Act to permanently schedule the class of 2-benzylbenzimidazole-opioids known as nitazenes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. McCORMICK (for himself, Mr. GALLEGO, Mr. RICKETTS, Mrs. SHAHEEN, Mr. SCHMITT, Ms. SLOTKIN, and Mrs. MOODY) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Controlled Substances Act to permanently schedule the class of 2-benzylbenzimidazole-opioids known as nitazenes, and for other purposes.

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 “Nitazene Control Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) 2-Benzylbenzimidazole opioids are a class of
8 synthetic opioids first synthesized in the 1950s that
9 exhibit significant potency at the mu-opioid receptor,

1 with some substances exceeding the potency of
2 fentanyl.

3 (2) The Drug Enforcement Administration has
4 temporarily or permanently scheduled multiple 2-
5 benzylbenzimidazole opioids compounds under sched-
6 ule I of section 202(c) of the Controlled Substances
7 Act (21 U.S.C. 812(c)) due to their high abuse po-
8 tential and lack of accepted medical use.

9 (3) Nitazenes and related compounds have
10 emerged in the illicit drug supply as designer drugs
11 and contribute to overdose and fatal poisonings in
12 the United States.

13 (4) A class-wide permanent scheduling of 2-
14 benzylbenzimidazole opioids is necessary to preempt-
15 ively address the proliferation of new analogs,
16 streamline enforcement, and protect public health.

17 (5) The HALT Fentanyl Act (28 U.S.C. 801
18 note; Public Law 119–26) created pathways for re-
19 search using schedule I controlled substances that
20 apply to scheduled nitazenes.

21 **SEC. 3. SCHEDULE I CLASSIFICATION OF NITAZENES.**

22 (a) AMENDMENT.—Schedule I of section 202(c) of
23 the Controlled Substances Act (21 U.S.C. 812(c)) is
24 amended by adding at the end the following:

1 “(f)(1) Unless specifically exempted or unless listed
2 in another schedule, any material, compound, mixture, or
3 preparation which contains any quantity of a 2-
4 benzylbenzimidazole opioid, or which contains the salts,
5 isomers, and salts of isomers of a 2-benzylbenzimidazole
6 opioid.

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

9 “(A) A substance that is structurally related to
10 2-benzylbenzimidazole with the following modifica-
11 tions:

12 “(i) At the 1-position, substitution with an
13 alkyl linker connected to a substituted amine
14 group containing hydrogen, alkyl, alkenyl, or
15 heteroaryl group, such as a morpholino,
16 pyrrolidino, or piperidinyl groups, whether or
17 not further substituted.

18 “(ii) At the 2-position—

19 “(I) replacement of the alkyl portion
20 of the benzyl group with a substituted or
21 unsubstituted alkyl, alkoxy, carbamates
22 group, nitrogen, sulfur, or oxygen atom; or

23 “(II) replacement of the phenyl por-
24 tion of the benzyl group with an aryl or
25 heteroaryl group.

1 “(iii) Substitution on the phenyl portion of
2 the benzimidazole ring with a hydrogen atom,
3 halogen, nitro, cyano, substituted or
4 unsubstituted amide, amine, alkyl, alkoxy, aryl,
5 or heteroaryl group.

6 “(iv) At the 6-position, substitution with
7 hydrogen, nitro, trifluoromethyl, methoxy,
8 trifluoromethoxy, cyano, and halogen groups.

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

11 “(C) Etonitazene, clonitazene, metonitazene,
12 isotonitazene, protonitazene, butonitazene,
13 etodesnitazene, flunitazene, N-pyrrolidino
14 etonitazene, N-desethyl isotonitazene, and N-
15 piperidiny l etonitazene.”.

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

23 (c) RULE OF CONSTRUCTION.—Nothing in this sub-
24 section shall be construed to authorize the initiation of
25 new research using 2-benzylbenzimidazole opioids, as de-

1 fined in subsection (f) of schedule I of section 202(e) of
2 the Controlled Substances Act (21 U.S.C. 812(e)), as
3 added by subsection (a) of this section, without proper
4 registration and scheduling compliance.