To extend the temporary scheduling order for fentanyl-related substances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To extend the temporary scheduling order for fentanyl-related substances, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Temporary Reauthor-
ization and Study of the Emergency Scheduling of
Fentanyl Analogues Act”.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

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tives of the United States of America in Congress assembled,

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ization and Study of the Emergency Scheduling of
Fentanyl Analogues Act”.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Temporary Reauthor-
ization and Study of the Emergency Scheduling of
Fentanyl Analogues Act”.
SEC. 2. EXTENSION OF TEMPORARY ORDER FOR 
FENTANYL-RELATED SUBSTANCES.

Notwithstanding any other provision of law, section 
1308.11(h)(30) of title 21, Code of Federal Regulations, 
shall remain in effect until May 6, 2021.

SEC. 3. STUDY AND REPORT ON IMPACTS OF CLASSWIDE 
SCHEDULING.

(a) DEFINITION.—In this section, the term 
“fentanyl-related substance” has the meaning given the 
term in section 1308.11(h)(30)(i) of title 21, Code of Fed-
eral Regulations.

(b) GAO REPORT.—The Comptroller General of the 
United States shall—

(1) conduct a study of the classification of 
fentanyl-related substances as schedule I controlled 
substances under the Controlled Substances Act (21 
U.S.C. 801 et seq.), research on fentanyl-related 
substances, and the importation of fentanyl-related 
substances into the United States; and

(2) not later than 1 year after the date of en-
actment of this Act, submit a report on the results 
of the study conducted under paragraph (1) to—

(A) the Committee on the Judiciary of the 
Senate;

(B) the Committee on Health, Education, 
Labor, and Pensions of the Senate;
(C) the Caucus on International Narcotics Control of the Senate;
(D) the Committee on the Judiciary of the House of Representatives; and
(E) the Committee on Energy and Commerce of the House of Representatives.

(e) REQUIREMENTS.—The Comptroller General, in conducting the study and developing the report required under subsection (b), shall—

(1) evaluate class control of fentanyl-related substances, including—

(A) the definition of the class of fentanyl-related substances in section 1308.11(h)(30)(i) of title 21, Code of Federal Regulations, including the process by which the definition was formulated;

(B) the potential for classifying fentanyl-related substances with no, or low, abuse potential, or potential accepted medical use, as schedule I controlled substances when scheduled as a class; and

(C) any known classification of fentanyl-related substances with no, or low, abuse potential, or potential accepted medical use, as schedule I controlled substances that has resulted
from the scheduling action of the Drug En-
forcement Administration that added paragraph
(h)(30) to section 1308.11 of title 21, Code of
Federal Regulations;
(2) review the impact or potential impact of
controls on fentanyl-related substances on public
health and safety, including on—
(A) diversion risks, overdose deaths, and
law enforcement encounters with fentanyl-re-
lated substances; and
(B) Federal law enforcement investigations
and prosecutions of offenses relating to
fentanyl-related substances;
(3) review the impact of international regu-
latory controls on fentanyl-related substances on the
supply of such substances to the United States, in-
cluding by the Government of the People’s Republic
of China;
(4) review the impact or potential impact of
screening and other interdiction efforts at points of
ter into the United States on the importation of
fentanyl-related substances into the United States;
(5) recommend best practices for accurate,
swift, and permanent control of fentanyl-related sub-
stances, including—
(A) how to quickly remove from the schedules under the Controlled Substances Act substances that are determined, upon discovery, to have no abuse potential; and

(B) how to reschedule substances that are determined, upon discovery, to have a low abuse potential or potential accepted medical use;

(6) review the impact or potential impact of fentanyl-related controls by class on scientific and biomedical research; and

(7) evaluate the processes used to obtain or modify Federal authorization to conduct research with fentanyl-related substances, including by—

(A) identifying opportunities to reduce unnecessary burdens on persons seeking to research fentanyl-related substances;

(B) identifying opportunities to reduce any redundancies in the responsibilities of Federal agencies;

(C) identifying opportunities to reduce any inefficiencies related to the processes used to obtain or modify Federal authorization to conduct research with fentanyl-related substances;
(D) identifying opportunities to improve the protocol review and approval process conducted by Federal agencies; and

(E) evaluating the degree, if any, to which establishing processes to obtain or modify a Federal authorization to conduct research with a fentanyl-related substance that are separate from the applicable processes for other schedule I controlled substances could exacerbate burdens or lead to confusion among persons seeking to research fentanyl-related substances or other schedule I controlled substances.

(d) INPUT FROM CERTAIN FEDERAL AGENCIES.—In conducting the study and developing the report under subsection (b), the Comptroller General shall consider the views of the Department of Health and Human Services and the Department of Justice.

(e) INFORMATION FROM FEDERAL AGENCIES.—Each Federal department or agency shall, in accordance with applicable procedures for the appropriate handling of classified information, promptly provide reasonable access to documents, statistical data, and any other information that the Comptroller General determines is necessary to conduct the study and develop the report required under subsection (b).
(f) Input From Certain Non-Federal Entities.—In conducting the study and developing the report under subsection (b), the Comptroller General shall consider the views of experts from certain non-Federal entities, including experts from—

(1) the scientific and medical research community;

(2) the State and local law enforcement community; and

(3) the civil rights and criminal justice reform communities.