

117TH CONGRESS  
1ST SESSION

# S. 339

To amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 2021

Mr. PORTMAN (for himself and Mr. MANCHIN) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances, 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 “Federal Initiative to  
5       Guarantee Health by Targeting Fentanyl Act”.

6       **SEC. 2. FENTANYL-RELATED SUBSTANCES.**

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

1       “(e)(1) Unless specifically exempted or unless listed  
2 in another schedule, any material, compound, mixture, or  
3 preparation which contains any quantity of fentanyl-re-  
4 lated substances, or which contains their salts, isomers,  
5 and salts of isomers whenever the existence of such salts,  
6 isomers, and salts of isomers is possible within the specific  
7 chemical designation.

8       “(2) In paragraph (1), the term ‘fentanyl-related sub-  
9 stances’ includes any substance that is structurally related  
10 to fentanyl by 1 or more of the following modifications:

11           “(A) By replacement of the phenyl portion of  
12 the phenethyl group by any monocycle, whether or  
13 not further substituted in or on the monocycle.

14           “(B) By substitution in or on the phenethyl  
15 group with alkyl, alkenyl, alkoxy, hydroxyl, halo,  
16 haloalkyl, amino, or nitro groups.

17           “(C) By substitution in or on the piperidine  
18 ring with alkyl, alkenyl, alkoxy, ester, ether,  
19 hydroxyl, halo, haloalkyl, amino, or nitro groups.

20           “(D) By replacement of the aniline ring with  
21 any aromatic monocycle whether or not further sub-  
22 stituted in or on the aromatic monocycle.

23           “(E) By replacement of the N-propionyl group  
24 by another acyl group.”.

1       (b) NO MINIMUM SENTENCE.—Section 401(b)(1)(C)  
2 of the Controlled Substances Act (21 U.S.C 841(b)(1)(C))  
3 is amended by adding at the end the following: “Any min-  
4 imum term of imprisonment required to be imposed under  
5 this subparagraph shall not apply with respect to a con-  
6 trolled substance described in subsection (e)(1) of schedule  
7 I.”.

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