

H. R. 10

To address the rapidly growing drug
epidemic in the United States, and for
other purposes.

IN THE HOUSE OF REPRESENTATIVES

July 16, 2024

Mr. Posting of Frontier introduced the following bill;

A BILL

To reinstate the Drug Enforcement Administration and the Controlled Substances Act, enact
programs for medication-assisted therapy for individuals with opioid use disorders, and
reschedule certain drugs.

*Be it enacted by the Senate and House of Representatives of the United States of America in
Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Combating the Drug Epidemic Act of 2024”.

SEC. 2. FINDINGS.

SEC. 3. REINSTATEMENT OF THE CSA AND DEA.

- (a) **IN GENERAL.**— Sec. 4(a) and 4(b) of the Addiction is Not a Crime Act of 2020 are hereby repealed. The Drug Enforcement Administration (DEA) shall resume normal operation upon appointment by the President of its Administrator and subsequent confirmation by the Senate.
- (b) Upon reinstatement of the DEA, the Administration’s immediate priority shall be to identify the volume of drugs currently being shipped into and out of the United States, and what groups (i.e. cartels) are responsible for the synthesis and importation of such drugs. The DEA shall then take all measures necessary to prevent the importation of narcotics, specifically illicit fentanyl. For the first year, the DEA shall explicitly avoid focusing on heroin importation.

SEC. 4. CSA REFORM.

- (a) 21 U.S. Code § 844 is hereby repealed.
- (b) 21 U.S. Code § 812 is amended as follows:
 - (i) By striking subsection (b)(1)

(ii) By moving the contents of subsection (c)(1) to subsection (c)(2) and renumbering section (c)(2) as section (c)(1) and all other sections as follows, with the exception of the following items which shall be struck entirely:

- (1) 3,4-methylenedioxy amphetamine.
- (2) 5-methoxy-3,4-methylenedioxy amphetamine.
- (3) 3,4,5-trimethoxy amphetamine.
- (4) Bufotenine.
- (5) Diethyltryptamine.
- (6) Dimethyltryptamine.
- (7) 4-methyl-2,5-dimethoxyamphetamine.
- (8) Ibogaine.
- (9) Lysergic acid diethylamide.
- (10) Marihuana.
- (11) Mescaline.
- (12) N-ethyl-3-piperidyl benzilate.
- (13) N-methyl-3-piperidyl benzilate.
- (14) Psilocybin.
- (15) Psilocyn.
- (16) Tetrahydrocannabinols, except for tetrahydrocannabinols in hemp (as defined under section 1639o of title 7).
- (17) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- (18) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- (19) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).

- (20) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- (21) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- (22) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
- (23) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- (24) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- (25) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

(iii) By amending section (b) to read as follows:

“Except where control is required by United States obligations under an international treaty, convention, or protocol, in effect on October 27, 1970, and except in the case of an immediate precursor, a drug or other substance may not be placed in any schedule unless the findings required for such schedule are made with respect to such drug or other substance, **and the primary effect of the drug is not hallucinogenic via agonism of the human 5-HT_{2A} receptor**. The findings required for each of the schedules are as follows:”

(iv) By inserting item (12) under subsection (c)(4) reading as follows:

“Xylazine (N-(2,6-Dimethylphenyl)-5,6-dihydro-4H-1,3-thiazin-2-amine)”

(v) By inserting under the respective subsections (c)(1-4) representing schedules II-V respectively each item that was in 21 CFR 1308 prior to the enactment of the Addiction is Not a Crime Act of 2020 in the schedule it was located within at that time, with all items falling under 21 CFR 1308.11 being placed under subsection (c)(1) representing Schedule II, with the exception of all items falling under 21 CFR 1308.11(d) which shall be struck entirely, with the exception of the following items which shall be placed under 21 USC § 812(c)(1):

- (1) Peyote.
- (2) Ethylamine analog of phencyclidine
- (3) Pyrrolidine analog of phencyclidine
- (4) Thiophene analog of phencyclidine
- (5) 4-methylmethcathinone (Mephedrone)
- (6) 3,4-methylenedioxypyrovalerone (MDPV)
- (7) 3,4-Methylenedioxy-N-methylcathinone (Methylone)
- (8) (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
(UR-144)
- (9) [1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (5-fluoro-UR-144, XLR11)
- (10) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (APINACA, AKB48)
- (11) quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22; QUPIC)
- (12) quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate
(5-fluoro-PB-22; 5F-PB-22)
- (13) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA)
- (14) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA)
- (15) 4-methyl-N-ethylcathinone (4-MEC)
- (16) 4-methyl-*alpha*-pyrrolidinopropiophenone
- (17) *alpha*-pyrrolidinopentiophenone (α -PVP)

- (18) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone, bk-MBDB)
- (19) 2-(methylamino)-1-phenylpentan-1-one (pentedrone)
- (20) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone, bk-MBDP)
- (21) 4-fluoro-*N*-methylcathinone (4-FMC; flephedrone)
- (22) 3-fluoro-*N*-methylcathinone (3-FMC)
- (23) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone)
- (24) *alpha*-pyrrolidinobutiophenone (α -PBP)
- (25) *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide (AB-CHMINACA)
- (26) *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide (AB-PINACA)
- (27) [1-(5-fluoropentyl)-1*H*-indazol-3-yl](naphthalen-1-yl)methanone (THJ-2201)
- (28) *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide (MAB-CHMINACA; ADB-CHMINACA)
- (29) methyl
2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate
(Other names: 5F-ADB; 5F-MDMB-PINACA)
- (30) methyl
2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate
(Other names: 5F-AMB)

- (31) *N*-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide
(Other names: 5F-APINACA, 5F-AKB48)
- (32) *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (Other names: ADB-FUBINACA)
- (33) methyl
2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-CHMICA, MMB-CHMINACA)
- (34) methyl
2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-FUBINACA)
- (35) methyl
2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate, (FUB-AMB, MMB-FUBINACA, AMB-FUBINACA)
- (36) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)propan-1-one (ethylone) 7547
(81) Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (Other names: NM2201; CBL2201)
- (37) *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (Other name: 5F-AB-PINACA)
- (38) 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN-BINACA; SGT-78)

(39) methyl

2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate

(Other names: MMB-CHMICA; AMB-CHMICA)

(40)

1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-*b*]pyridine-3-carboxamide (Other name: 5F-CUMYL-P7AICA)

(41) *N*-ethylpentylone (Other names: ephylone,

1-(1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one)

(42) methyl

2-(1-(4-fluorobutyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate

(4F-MDMB-BINACA, 4F-MDMB-BUTINACA)

(43) 1-(4-methoxyphenyl)-*N*-methylpropan-2-amine (other names:

para-methoxymethamphetamine, PMMA) (1245) (89) ethyl

2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate

(other name: 5F-EDMB-PINACA)

(44) methyl

2-(1-(5-fluoropentyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate

(other names: 5F-MDMB-PICA; 5F-MDMB-2201)

(45) *N*-(adamantan-1-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide

(other names: FUB-AKB48; FUB-APINACA; AKB48

N-(4-FLUOROBENZYL))

(46) 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxami

de (other names: 5F-CUMYL-PINACA; SGT-25)

- (47) (1-(4-fluorobenzyl)-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (other name: FUB-144)
- (48) *N*-Ethylhexedrone (Other names: α -ethylaminohexanophenone; 2-(ethylamino)-1-phenylhexan-1-one)
- (49) *alpha*-Pyrrolidinohexanophenone (Other names: α -PHP; α -pyrrolidinohexanophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one)
- (50) 4-Methyl-*alpha*-ethylaminopentiophenone (Other names: 4-MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one)
- (51) 4'-Methyl-*alpha*-pyrrolidinohexiophenone (Other names: MPHP; 4'-methyl-*alpha*-pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one)
- (52) *alpha*-Pyrrolidinoheptaphenone (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one)
- (53) 4'-Chloro-*alpha*-pyrrolidinovalerophenone (Other names: 4-chloro- α -PVP; 4'-chloro- α -pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one)
- (54) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)butan-1-one (other names: eutylone; bk-EBDB)
- (55) *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1*H*-indazole-3-carboxamide (other name: ADB-BUTINACA)
- (56) 4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one (other names: α -PiHP; *alpha*-PiHP)

(57) 2-(methylamino)-1-(3-methylphenyl)propan-1-one (other names:
3-MMC; 3-methylmethcathinone)

SEC. 5. AMENDMENTS TO THE CFR REGARDING OPIOID AGONIST THERAPY.

(a) 42 CFR § 8.12 is amended as follows:

- (i) By replacing “and that the person became addicted at least 1 year before admission for treatment” in subsection (e) with “and that the person became addicted at least **6 months** before admission for treatment, **or that the person’s addiction is causing or is likely to imminently (in the next 6 months) cause severe and tangible damage to their career, education, finances, or relationships.**”
- (ii) By inserting in subsection (h)(2) after the list of currently approved opioid agonist treatment medications the following text: “An OTP wishing to make use of narcotics (as defined in 21 USC § 802, with the exception of cocaine) other than those specified above must send an application to the Drug Enforcement Administration detailing the reasons for use of the drug and steps to be taken to prevent diversion. If this application is accepted, the OTP may use the narcotic specified in the application for maintenance or detoxification therapy. The DEA may also license individual OTPs to use other narcotics without application of its own accord. Such OTPs will be referred to as OTPs using alternative narcotics.”
- (iii) By adding subsection (k) following subsection (j) to read as follows:

(k) Methadone prescriptions by private practitioners: A licensed physician currently practicing with no active limitations on their license and board certified in addiction psychiatry may

prescribe methadone for the purposes of opioid detoxification and/or maintenance as long as the following conditions are met:

- (i) The prescriber is in possession of a DEA X waiver,
- (ii) The prescriber follows all other requirements expected of an OTP that could be reasonably fulfilled by a single physician (supervised pharmacy dosing until stability, urine drug screens, etc.),
- (iii) The prescriber reports yearly to the DEA steps being taken to prevent diversion of methadone prescribed for treatment of OUD.

- (iv) By striking subsection (i)(3).

- (b) Within 90 days from the enactment of this Act, the DEA shall license at least one OTP in the country to provide treatment with each of the following narcotics:

- (i) Morphine
 - (ii) Diacetylmorphine (Heroin)
 - (iii) Hydromorphone
 - (iv) Oxycodone
 - (v) Oxymorphone

- (c) In the first three years of the passage of this Act, the DEA shall obtain the following data from a representative sample of OTPs (and prescribers actively prescribing methadone under 42 CFR § 8.12(k)) as well as from the OTPs using alternative narcotics:

- (i) Patient retention.
 - (ii) Amount of non-prescribed illicit drugs in urine samples.
 - (iii) Number of patients defined as “stable”
 - (iv) Continued patient employment.

(v) Patient overdose deaths.

(d) At the end of three years, the DEA shall write a report on the data received under subsection (c).

**SEC. 5. EXPLICIT APPLICATION OF FRAUD LAW TO ILLICIT DRUG SALES
WHEN INTERSTATE COMMERCE IS INVOLVED.**

(a) 18 U.S. Code § 1341 is amended to read as follows:

“Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, **psychoactive substance**, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act

(42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.”

SEC. 6. SEVERABILITY.

Should any portion of this Act be deemed invalid or unconstitutional for any reason in a court with relevant jurisdiction, the rest of the Act, and the application of the remaining provisions, shall not be affected.

SEC. 7. APPROPRIATIONS

- (a) There is authorized to be appropriated a one-time sum of \$2,000,000,000 for the initial reinstatement of the Drug Enforcement Administration, and its operations until Dec. 31, 2024.
- (b) There is authorized to be appropriated an additional sum of \$100,000,000 for the purposes outlined in Sec. 3(b).

SEC. 8. EFFECTIVE DATE.

This Act shall take effect immediately upon its signature into law.
