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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

To amend the Controlled Substances Act to deem drugs or other substances that act as mu opioid receptor agonists to be in schedule I, subject to exceptions for substances intended for legitimate medical or research use, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DAVID P. ROE of Tennessee introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Controlled Substances Act to deem drugs or other substances that act as mu opioid receptor agonists to be in schedule I, subject to exceptions for substances intended for legitimate medical or research use, 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 “Modernizing Drug En-
5 forcement Act of 2019”.

1 **SEC. 2. DRUGS OR OTHER SUBSTANCES THAT ACT AS MU**
2 **OPIOID RECEPTOR AGONISTS.**

3 (a) DEFINITIONS.—Paragraph (18) of section 102 of
4 the Controlled Substances Act (21 U.S.C. 802) is amend-
5 ed to read as follows:

6 “(18)(A) The term ‘opiate’ or ‘opioid’—

7 “(i) means any drug or other substance having
8 an addiction-forming or addiction-sustaining liability
9 similar to morphine or being capable of conversion
10 into a drug having such addiction-forming or addic-
11 tion-sustaining liability; and

12 “(ii) includes any drug or other substance that
13 acts as a mu opioid receptor agonist.

14 “(B) The term ‘mu opioid receptor’ is a molecule that
15 when bound to, and activated by, a mu opioid receptor
16 agonist would result in analgesia, euphoria, addiction, or
17 respiratory depression in the central nervous system.

18 “(C) The term ‘mu opioid receptor agonist’ is a sub-
19 stance that when bound to, and interacting with, the mu
20 opioid receptor, activates the receptor to result in analge-
21 sia, euphoria, addiction, or respiratory depression.”.

22 (b) SCHEDULING.—Section 201 of the Controlled
23 Substances Act (21 U.S.C. 811) is amended by adding at
24 the end the following:

25 “(k) MU OPIOID RECEPTOR AGONISTS.—

1 “(1) IN GENERAL.—Effective as of the date of
2 enactment of the Modernizing Drug Enforcement
3 Act of 2019, schedule I under section 202 is deemed
4 to include, unless specifically exempted or unless
5 listed in another schedule, any chemical substances,
6 including their salts, isomers, and salts of isomers
7 whenever the existence of such salts, isomers, and
8 salts of isomers is possible, that act as mu opioid re-
9 ceptor agonists, and any material, compound, mix-
10 ture, or preparation that contains any quantity of
11 such substances.

12 “(2) EXCEPTIONS.—A chemical substance is ex-
13 empt from inclusion in schedule I by operation of
14 paragraph (1)—

15 “(A) if the substance is the subject of an
16 approved application submitted under sub-
17 section (b) or (j) of section 505 of the Federal
18 Food, Drug, and Cosmetic Act;

19 “(B) to the extent the substance is exempt
20 from the provisions of section 505 of such Act
21 relating to new drugs because—

22 “(i) the substance is intended solely
23 for investigational use as described in sec-
24 tion 505(i) of such Act; and

1 “(ii) the substance is being used ex-
2 clusively for purposes of a clinical trial
3 that is the subject of an effective investiga-
4 tional new drug application; or

5 “(C) to the extent the substance is the
6 subject of a nonclinical study by researchers
7 qualified by scientific training to investigate the
8 safety and effectiveness of drugs.

9 “(3) LISTING.—Not later than 180 days after
10 the date of enactment of the Modernizing Drug En-
11 forcement Act of 2019, the Attorney General shall
12 update schedule I in accordance with paragraph (1).
13 The Attorney General may list substances in sched-
14 ule I pursuant to paragraph (1) without regard to
15 the process and considerations that are otherwise
16 applicable under this section for adding, removing,
17 or transferring controlled substances to, from, or
18 among the schedules under section 202.”.