

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. PANETTA OF CALIFORNIA

Add at the end of subtitle C of title XVII the following:

1 SEC. ____ . COMBATING ILLICIT XYLAZINE.

2 (a) ADDING XYLAZINE TO SCHEDULE III.—Schedule
3 III of section 202(c) of the Controlled Substances Act (21
4 U.S.C. 812) is amended by adding at the end the fol-
5 lowing:

6 “(f) Unless specifically excepted or unless listed in
7 another schedule, any material, compound, mixture, or
8 preparation which contains any quantity of xylazine.”.

9 (b) AMENDMENTS.—

10 (1) AMENDMENT.—Section 102 of the Con-
11 trolled Substances Act (21 U.S.C. 802) is amended
12 by striking paragraph (27) and inserting the fol-
13 lowing:

14 “(27)(A) Except as provided in subparagraph (B),
15 the term ‘ultimate user’ means a person who has lawfully
16 obtained, and who possesses, a controlled substance for
17 his own use or for the use of a member of his household

1 or for an animal owned by him or by a member of his
2 household.

3 “(B)(i) In the case of xylazine, other than for a drug
4 product approved under subsection (b) or (j) of section
5 505 of the Federal Food, Drug, and Cosmetic Act (21
6 U.S.C. 355), the term ‘ultimate user’ means a person—

7 “(I) to whom xylazine was dispensed by—

8 “(aa) a veterinarian registered under this
9 Act; or

10 “(bb) a pharmacy registered under this
11 Act pursuant to a prescription of a veterinarian
12 registered under this Act; and

13 “(II) who possesses xylazine for—

14 “(aa) an animal owned by him or by a
15 member of his household;

16 “(bb) an animal under his care;

17 “(cc) use in government animal-control
18 programs authorized under applicable Federal,
19 State, Tribal, or local law; or

20 “(dd) use in wildlife programs authorized
21 under applicable Federal, State, Tribal, or local
22 law.

23 “(ii) In this subparagraph, the term ‘person’ in-
24 cludes—

1 “(I) a government agency or business where
2 animals are located; and

3 “(II) an employee or agent of an agency or
4 business acting within the scope of their employment
5 or agency.”.

6 (2) FACILITIES.—An entity that manufactures
7 xylazine, as of the date of enactment of this Act,
8 shall not be required to make capital expenditures
9 necessary to install the security standard required of
10 schedule III of the Controlled Substances Act (21
11 U.S.C. 801 et seq.) for the purposes of manufac-
12 turing xylazine.

13 (3) LABELING.—The requirements related to
14 labeling, packaging, and distribution logistics of a
15 controlled substance in schedule III of section 202(c)
16 of the Controlled Substances Act (21 U.S.C. 812(c))
17 shall not take effect for xylazine until the date that
18 is 1 year after the date of enactment of this Act.

19 (4) PRACTITIONER REGISTRATION.—The re-
20 quirements related to practitioner registration, in-
21 ventory, and recordkeeping of a controlled substance
22 in schedule III of section 202(c) of the Controlled
23 Substances Act (21 U.S.C. 812(c)) shall not take ef-
24 fect for xylazine until the date that is 60 days after
25 the date of enactment of this Act. A practitioner

1 that has applied for registration during the 60-day
2 period beginning on the date of enactment of this
3 Act may continue their lawful activities until such
4 application is approved or denied.

5 (5) MANUFACTURER TRANSITION.—The Food
6 and Drug Administration and the Drug Enforce-
7 ment Administration shall facilitate and expedite the
8 relevant manufacturer submissions or applications
9 required by the placement of xylazine on schedule
10 III of section 202(c) of the Controlled Substances
11 Act (21 U.S.C. 812(e)).

12 (6) CLARIFICATION.—Nothing in this Act, or
13 the amendments made by this Act, shall be con-
14 strued to require the registration of an ultimate user
15 of xylazine under the Controlled Substances Act (21
16 U.S.C. 801 et seq.) in order to possess xylazine in
17 accordance with subparagraph (B) of section
18 102(27) of that Act (21 U.S.C. 802(27)), as added
19 by paragraph (1) of this subsection.

20 (c) ARCOS TRACKING.—Section 307(i) of the Con-
21 trolled Substances Act (21 U.S.C. 827(i)) is amended—

22 (1) in the matter preceding paragraph (1)—

23 (A) by inserting “or xylazine” after
24 “gamma hydroxybutyric acid”;

1 (B) by inserting “or 512” after “section
2 505”; and

3 (C) by inserting “respectively,” after “the
4 Federal Food, Drug, and Cosmetic Act,”; and
5 (2) in paragraph (6), by inserting “or xylazine”
6 after “gamma hydroxybutyric acid”.

7 (d) SENTENCING COMMISSION.—Pursuant to its au-
8 thority under section 994(p) of title 28, United States
9 Code, the United States Sentencing Commission shall re-
10 view and, if appropriate, amend its sentencing guidelines,
11 policy statements, and official commentary applicable to
12 persons convicted of an offense under section 401 of the
13 Controlled Substances Act (21 U.S.C. 841) or section
14 1010 of the Controlled Substances Import and Export Act
15 (21 U.S.C. 960) to provide appropriate penalties for of-
16 fenses involving xylazine that are consistent with the
17 amendments made by this Act. In carrying out this sec-
18 tion, the Commission should consider the common forms
19 of xylazine as well as its use alongside other scheduled
20 substances.

21 (e) REPORT TO CONGRESS ON XYLAZINE.—

22 (1) INITIAL REPORT.—Not later than 18
23 months after the date of the enactment of this Act,
24 the Attorney General, acting through the Adminis-
25 trator of the Drug Enforcement Administration and

1 in coordination with the Commissioner of Food and
2 Drugs, shall submit to Congress a report on the
3 prevalence of illicit use of xylazine in the United
4 States and the impacts of such use, including—

5 (A) where the drug is being diverted;

6 (B) where the drug is originating; and

7 (C) whether any analogues to xylazine, or
8 related or derivative substances, exist and
9 present a substantial risk of abuse.

10 (2) ADDITIONAL REPORT.—Not later than 4
11 years after the date of the enactment of this Act, the
12 Attorney General, acting through the Administrator
13 of the Drug Enforcement Administration and in co-
14 ordination with the Commissioner of Food and
15 Drugs, shall submit to Congress a report updating
16 Congress on the prevalence and proliferation of
17 xylazine trafficking and misuse in the United States.

18 (f) DEFINITIONS.—

19 (1) IN GENERAL.—In this section, the term
20 “xylazine” has the meaning given the term in para-
21 graph (60) of section 102 of the Controlled Sub-
22 stances Act, as added by paragraph (2) of this sub-
23 section.

1 (2) CONTROLLED SUBSTANCES ACT.—Section
2 102 of the Controlled Substances Act (21 U.S.C.
3 802) is amended—

4 (A) by redesignating the second paragraph
5 (57) (relating to serious drug felony) and para-
6 graph (58) as paragraphs (58) and (59), re-
7 spectively; and

8 (B) by adding at the end the following:

9 “(60) The term ‘xylazine’ means the substance
10 xylazine, including its salts, isomers, and salts of
11 isomers whenever the existence of such salts, iso-
12 mers, and salts of isomers is possible.”.

