

118TH CONGRESS
1ST SESSION

S. 993

To prohibit certain uses of xylazine, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2023

Ms. CORTEZ MASTO (for herself, Mr. GRASSLEY, Ms. HASSAN, Mr. RISCH, Mrs. SHAHEEN, Mrs. CAPITO, Mr. MARSHALL, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit certain uses of xylazine, 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 “Combating Illicit
5 Xylazine Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Illicit xylazine presents an urgent threat to
9 public health and safety.

10 (2) The proliferation of xylazine as an additive
11 to illicit drugs such as fentanyl and other narcotics

1 threatens to exacerbate the opioid public health
2 emergency.

3 (3) There is currently no drug approved by the
4 Food and Drug Administration to reverse the effects
5 of xylazine in humans.

6 (4) The physical effects of use of xylazine in
7 humans can include depressed breathing and heart
8 rate, unconsciousness, and necrosis, sometimes lead-
9 ing to amputation or other permanent physical
10 health consequences.

11 (5) The spread of illicit xylazine use has fol-
12 lowed geographic patterns seen in the spread of rec-
13 reational fentanyl use, with proliferation beginning
14 in the Northeastern United States and later spread-
15 ing south and west.

16 (6) Prompt action to control illicit xylazine will
17 help limit further proliferation of illicit xylazine, sav-
18 ing countless lives.

19 **SEC. 3. DEFINITIONS.**

20 (a) IN GENERAL.—In this Act, the term “xylazine”
21 has the meaning given the term in paragraph (60) of sec-
22 tion 102 of the Controlled Substances Act, as added by
23 subsection (b) of this section.

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

4 (1) by redesignating the second paragraph (57)
5 (relating to serious drug felony) and paragraph (58)
6 as paragraphs (58) and (59), respectively; and

7 (2) by adding at the end the following:

8 “(60) The term ‘xylazine’ means any of the following
9 substances, including their salts, isomers, and salts of iso-
10 mers whenever the existence of such salts, isomers, and
11 salts of isomers is possible within the specific chemical
12 designation:

13 “(A) Xylazine.

14 “(B) Xylazine-M (2,6-dimethylaniline).

15 “(C) Xylazine-M (N-thiourea-2,6-
16 dimethylaniline).

17 “(D) Xylazine-M (sulfone-HO-) isomer 2.

18 “(E) Xylazine-M (HO-2,6-dimethylaniline iso-
19 mer 1).

20 “(F) Xylazine-M (HO-2,6-dimethylaniline iso-
21 mer 2).

22 “(G) Xylazine M (oxo-).

23 “(H) Xylazine-M (HO-) isomer 1.

24 “(I) Xylazine-M (HO-) isomer 1 glucuronide.

25 “(J) Xylazine-M (HO-) isomer 2.

1 “(K) Xylazine-M (HO-) isomer 2 glucuronide.

2 “(L) Xylazine-M (HO-oxo-) isomer 1.

3 “(M) Xylazine-M (HO-oxo-) isomer 1 glu-
4 curonide.

5 “(N) Xylazine-M (HO-oxo-) isomer 2.

6 “(O) Xylazine-M (HO-oxo-) isomer 2 glu-
7 curonide.

8 “(P) Xylazine-M (sulfone).

9 “(Q) Xylazine-M (sulfone-HO-) isomer 1.

10 “(R) Any compound, mixture, or preparation
11 which contains any quantity of any of the substances
12 referred to in subparagraphs (A) through (Q).”.

13 **SEC. 4. UNLAWFUL DISTRIBUTION AND PENALTIES RELAT-**
14 **ING TO XYLAZINE.**

15 (a) PROHIBITED ACTS A—PENALTIES.—

16 (1) CONTROLLED SUBSTANCES ACT.—Section
17 401 of the Controlled Substances Act (21 U.S.C.
18 841) is amended—

19 (A) in subsection (a)(1), by inserting “or
20 xylazine for illicit uses under section 424” after
21 “controlled substance”; and

22 (B) in subsection (b)(1)(E)(i), by inserting
23 “or unlawful distribution of xylazine for illicit
24 uses under section 424” after “schedule III”.

1 (2) CONTROLLED SUBSTANCES IMPORT AND
2 EXPORT ACT.—Section 1010 of the Controlled Sub-
3 stances Import and Export Act (21 U.S.C. 960) is
4 amended—

5 (A) in subsection (a)—

6 (i) in paragraph (1), by inserting “or
7 xylazine for illicit uses under section 424”
8 after “controlled substance”;

9 (ii) in paragraph (2), by inserting “or
10 xylazine for illicit uses under section 424”
11 after “controlled substance”; and

12 (iii) in paragraph (3), by inserting “or
13 xylazine for illicit uses under section 424”
14 after “controlled substance”; and

15 (B) in subsection (b)(5), by inserting “or
16 the unlawful distribution of xylazine for illicit
17 uses under section 424” after “schedule III”.

18 (b) ILLICIT USE AND DISTRIBUTION.—Part D of the
19 Controlled Substances Act (21 U.S.C. 401 et seq.) is
20 amended by adding at the end the following:

21 **“SEC. 424. ILLICIT USE AND DISTRIBUTION OF XYLAZINE.**

22 “(a) ILLICIT USE.—It is unlawful for any person to
23 engage in any of the following illicit uses of xylazine:

24 “(1) Any use in the human species.

25 “(2) Any use that is not a licit use.

1 “(b) LICIT USE.—Licit use of xylazine means—

2 “(1) any administration to nonhuman species—

3 “(A) of a drug containing xylazine that has
4 been approved by the Secretary of Health and
5 Human Services under section 512 of the Fed-
6 eral Food, Drug, and Cosmetic Act (21 U.S.C.
7 360b); or

8 “(B) that is permissible under section
9 512(a)(4) of the Federal Food, Drug, and Cos-
10 metic Act (21 U.S.C. 360b(a)(4));

11 “(2) the manufacturing, importation, or use of
12 xylazine as an active pharmaceutical ingredient for
13 manufacturing an animal drug approved under sec-
14 tion 512 of the Federal Food, Drug, and Cosmetic
15 Act (21 U.S.C. 360b) or issued an investigation use
16 exemption under subsection (j) of such section 512;

17 “(3) the manufacturing, importation, or use of
18 a xylazine bulk chemical for pharmaceutical
19 compounding by licensed pharmacists or veterinar-
20 ians; or

21 “(4) another use approved or permissible under
22 the Federal Food, Drug, and Cosmetic Act (21
23 U.S.C. 301 et seq.).”.

1 **SEC. 5. ARCOS TRACKING.**

2 Section 307(i) of the Controlled Substances Act (21
3 U.S.C. 827) is amended—

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

5 (A) by inserting “or xylazine” after
6 “gamma hydroxybutyric acid”;

7 (B) by inserting “or 512” after “section
8 505”; and

9 (C) by inserting “respectively,” after “the
10 Federal Food, Drug, and Cosmetic Act,”; and

11 (2) in paragraph (6), by inserting “or xylazine”
12 after “gamma hydroxybutyric acid”.

13 **SEC. 6. REPORT TO CONGRESS ON XYLAZINE.**

14 (a) INITIAL REPORT.—Not later than 1 year after
15 the date of the enactment of this Act, the Attorney Gen-
16 eral, acting through the Administrator of the Drug En-
17 forcement Administration and in coordination with the
18 Commissioner of Food and Drugs, shall submit to Con-
19 gress a report on the prevalence of illicit use of xylazine
20 in the United States and the impacts of such use, includ-
21 ing—

22 (1) where the drug is being diverted;

23 (2) where the drug is originating;

24 (3) whether any analogues to such drug present
25 a substantial risk of abuse;

1 (4) whether and to what extent the illicit supply
2 of xylazine derives from the licit supply chain; and

3 (5) recommendations for Congress with respect
4 to whether xylazine should be transferred to another
5 schedule under part B of the Controlled Substances
6 Act (21 U.S.C. 811 et seq.).

7 (b) **ADDITIONAL REPORT.**—Not later than 4 years
8 after the date of the enactment of this Act, the Attorney
9 General, acting through the Administrator of the Drug
10 Enforcement Administration and in coordination with the
11 Commissioner of Food and Drugs, shall submit to Con-
12 gress a report updating Congress on the prevalence of
13 xylazine trafficking, misuse, and proliferation in the
14 United States, including recommendations for Congress
15 with respect to whether xylazine should be transferred to
16 another schedule under part B of the Controlled Sub-
17 stances Act (21 U.S.C. 811 et seq.) or removed from
18 schedule III of such part.

19 (c) **DEFINITION.**—In this section, the term “illicit
20 use” means any use described in section 424 of the Con-
21 trolled Substances Act, as added by section 3 of this Act.

22 **SEC. 7. DECLARATION OF EMERGING THREAT.**

23 Congress declares illicit xylazine use an emerging
24 drug threat, as defined in section 702 of the Office of Na-

1 tional Drug Control Policy Reauthorization Act of 1998
2 (21 U.S.C. 1701), in the United States.

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