

119TH CONGRESS
1ST SESSION

S. _____

To amend the Fentanyl Sanctions Act to address nitazene trafficking and to impose sanctions with respect to entities of the People’s Republic of China and foreign governments engaged in or contributing to opioid trafficking, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. RICKETTS (for himself, Mr. SCHMITT, and Mr. MCCORMICK) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Fentanyl Sanctions Act to address nitazene trafficking and to impose sanctions with respect to entities of the People’s Republic of China and foreign governments engaged in or contributing to opioid trafficking, 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 “Nitazene Sanctions
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) 2-Benzylbenzimidazole opioids (also known
2 as nitazenes) are a class of synthetic opioids first
3 synthesized in the 1950s that exhibit significant po-
4 tency at the mu-opioid receptor, with some sub-
5 stances exceeding the potency of fentanyl.

6 (2) Unlike opium, 2-benzylbenzimidazole opioids
7 and other synthetic opioids can be produced any-
8 where in the world using precursor chemicals that
9 are often uncontrolled and widely available.

10 (3) Chemical manufacturing companies in the
11 People's Republic of China can synthesize 2-
12 benzylbenzimidazole opioid precursors at a scale
13 using a comparatively easy 3- or 4-step process.

14 (4) The Drug Enforcement Administration has
15 warned that Mexican cartels could use their existing
16 relations with suppliers based in the People's Repub-
17 lic of China to obtain 2-benzylbenzimidazole opioids
18 and funnel them into the United States.

19 **SEC. 3. STRATEGY TO COMBAT PRODUCTION AND FLOW OF**
20 **NITAZENE.**

21 (a) IN GENERAL.—Not later than 120 days after the
22 date of the enactment of this Act, the Secretary of State
23 and the Attorney General shall jointly submit to the ap-
24 propriate committees of Congress a report that includes—

1 (1) a description of the role of the People’s Re-
2 public of China, and of financial institutions in the
3 People’s Republic of China, in the production of 2-
4 benzylbenzimidazole opioid precursors;

5 (2) a plan for steps to be taken by the United
6 States Government to work with the People’s Repub-
7 lic of China to reduce the production of such precur-
8 sors in the People’s Republic of China; and

9 (3) a strategy to work with allies in Europe to
10 combat the flow of 2-benzylbenzimidazole opioids
11 from the People’s Republic of China.

12 (b) FORM.—The report required by subsection (a)
13 shall be submitted in unclassified form, but may include
14 a classified annex.

15 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
16 FINED.—In this section, the term “appropriate commit-
17 tees of Congress” means—

18 (1) the Committee on Foreign Relations and
19 the Committee on the Judiciary of the Senate; and

20 (2) the Committee on Foreign Affairs and the
21 Committee on the Judiciary of the House of Rep-
22 resentatives.

1 **SEC. 4. INCLUSION OF NITAZENE IN FENTANYL SANCTIONS**
2 **ACT.**

3 Section 7203(8)(A) of the Fentanyl Sanctions Act
4 (21 U.S.C. 2302(8)(A)) is amended—

5 (1) in clause (i), by striking “controlled sub-
6 stances that are synthetic opioids” and inserting “2-
7 benzylbenzimidazole opioids, other controlled sub-
8 stances that are synthetic opioids,”; and

9 (2) in clause (ii), by striking “controlled sub-
10 stances” and inserting “2-benzylbenzimidazole
11 opioids and other controlled substances”.

12 **SEC. 5. DESIGNATION OF CERTAIN ENTITIES OF THE PEOPLES**
13 **REPUBLIC OF CHINA AS FOREIGN**
14 **OPIOID TRAFFICKERS UNDER FENTANYL**
15 **SANCTIONS ACT.**

16 (a) IN GENERAL.—Section 7203(5) of the Fentanyl
17 Sanctions Act (21 U.S.C. 2302(5)) is amended—

18 (1) by striking “The term ‘foreign opioid traf-
19 ficker’ means any foreign person” and inserting the
20 following: “The term ‘foreign opioid trafficker’—

21 “(A) means any foreign person”;

22 (2) by striking the period at the end and insert-
23 ing “; and”; and

24 (3) by adding at the end the following:

25 “(B) includes—

1 “(i) any entity of the People’s Repub-
2 lic of China that the President deter-
3 mines—

4 “(I) produces, manufactures, dis-
5 tributes, sells, or knowingly finances
6 or transports any goods described in
7 clause (i) or (ii) of paragraph (8)(A);
8 and

9 “(II) fails to take credible steps,
10 including through implementation of
11 appropriate know-your-customer pro-
12 cedures or through cooperation with
13 United States counternarcotics ef-
14 forts, to detect or prevent opioid traf-
15 ficking; and

16 “(ii) any senior official of the Govern-
17 ment of the People’s Republic of China or
18 other political official of the People’s Re-
19 public of China that—

20 “(I) has significant regulatory or
21 law enforcement responsibilities with
22 respect to the activities of an entity
23 described in clause (i); and

“(II) aids and abets, including through intentional inaction, opioid trafficking.”.

(b) ASSESSMENT OF CERTAIN AGENCIES OF THE PEOPLE’S REPUBLIC OF CHINA AS FOREIGN OPIOID TRAFFICKERS.—Section 7211(a)(1)(A) of the Fentanyl Sanctions Act (21 U.S.C. 2311(a)(1)(A)) is amended by adding at the end before the semicolon the following: “, including whether the heads of the National Narcotics Control Commission, the Ministry of Public Security, the General Administration of Customs, and the National Medical Products Administration of the Government of the People’s Republic of China are foreign opioid traffickers”.

15 SEC. 6. IMPOSITION OF SANCTIONS WITH RESPECT TO FOR-
16 EIGN GOVERNMENTS CONTRIBUTING TO
17 OPIOID TRAFFICKING.

18 Section 7212 of the Fentanyl Sanctions Act (21
19 U.S.C. 2312) is amended—

20 (1) by striking “The President” and inserting
21 the following:

22 “(a) FOREIGN OPIOID TRAFFICKERS.—The Presi-
23 dent”; and

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

1 “(b) FOREIGN GOVERNMENTS.—The President may
2 impose one or more of the sanctions described in section
3 7213 with respect to each political subdivision, agency, or
4 instrumentality of a foreign government, including any fi-
5 nancial institution owned or controlled by a foreign gov-
6 ernment, that the President determines has knowingly on
7 or after the date of the enactment of the Nitazene Sanc-
8 tions Act—

9 “(1) engaged in a significant activity or a sig-
10 nificant financial transaction that has materially
11 contributed to opioid trafficking;

12 “(2) provided support for industries involved in
13 the development of precursors for synthetic opioids;
14 or

15 “(3) provided support for the transport of such
16 precursors.”.

17 **SEC. 7. EXTENSION OF FENTANYL SANCTIONS ACT.**

18 Section 7211(c) of the Fentanyl Sanctions Act (21
19 U.S.C. 2311(c)) is amended by striking “5 years” and in-
20 serting “10 years”.