# House Judiciary hearing on HR 2851, Stop the Importation and Trafficking of Synthetic Analogues (SITSA) Act

This morning the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations held a hearing on H.R. 2851, Stop the Importation and Trafficking of Synthetic Analogues (SITSA) Act. A webcast of the hearing and opening statements can be found here.

Witnesses included:

- Rep. John Katko (R-NY)
- Demetra Ashley, Acting Assistant Administrator, US Drug Enforcement Administration
- Robert Perez, Acting Executive Assistant Commissioner, U.S. Customs and Border Protection
- Marcia Lee Taylor, President & CEO, Partnership for Drug-Free Kids
- Reta Newman, Special Advisor to Drug Free America Foundation, Chief Chemist and Laboratory Director of the Pinellas County Forensic Laboratory
- Angela Pacheco, Former District Attorney, First Judicial District of Santa Fe, NM

While several questions focused on the sentencing provisions in the bill, a few members brought up the need to make sure the legislation does not negatively impact research.

Full Committee Ranking Member John Conyers (D-MI) said he thought H.R. 2851 was well-intentioned, but that it is a flawed bill. He noted that it was broad in the authorities it grants to the Attorney General and eliminates the processes undertaken by HHS and FDA. He said that the Department of Justice, HHS and FDA should have a cooperative role for scheduling synthetic analogues.

In responding to a question by Conyers about the 8-factor analysis, Ms. Ashley indicated that DEA and HHS work together and that HHS is a great partner. She reiterated this a few minutes later and said that HHS and DEA are communicating daily and looking at the same substances.

Subcommittee Ranking Member Sheila Jackson Lee (D-TX) said a one sized approach is not the answer and that the Attorney General should not have sole power over scheduling synthetics.

Rep. Gohmert (R-TX) asked if under this bill kratom would be listed as a scheduled A drug. Ms. Ashley responded that this is not the track that Kratom is on right now. DEA took action to schedule kratom in August 2016 and

subsequently withdrew that action due to concern from stakeholders, Congress and the public. She said that DEA decided to take a more prudent approach and right now kratom is on the path of an 8-factor analysis through FDA and they are currently waiting on action and FDA's recommendation. Rep. Gohmert next asked if marijuana would be a schedule A substance. Ms. Ashley said no because it is already permanently scheduled in schedule I so there would be no need to backtrack and place it into a temporary environment.

Full Committee Chairman Robert Goodlatte (R-VA) wanted to know how many synthetic drugs in the scope of this bill are being researched right now and how many registrants are authorized to research synthetic drugs. Ms. Ashley said that a little over 400 DEA registrants are registered to handle schedule 1 controlled substances. She also said that the issue is complex because the UN reported approximately 700 additional ones, so there could be more that are not tracked and accounted for.

During the second panel Marsha Lee Taylor commented about the importance of making sure that when crafting final legislation that steps are taken to ensure researchers are able to study schedule A substances for future medical use without the restrictions that come with studying a schedule I substance. She said the balance between scheduling dangerous substances and allowing research on them for medical purposes is hard to get exactly right, but it is critical to protect public health and safety.

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