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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2017 Assembly Bill 335**

**Assembly Substitute  
Amendment 1**

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**2017 ASSEMBLY BILL 335**

Under **current law**, certain named fentanyl analogs that are structurally derived from fentanyl are Schedule I controlled substances under the category of synthetic opiates. **2017 Assembly Bill 335** (the bill) adds all fentanyl analogs to the list of Schedule I controlled substances. In doing so, the bill specifies that the following fentanyl analogs are added to the list of Schedule I controlled substances:

- Acryl fentanyl.
- Cyclopentyl fentanyl.
- Isobutyryl fentanyl.
- 4-methoxybutyryl fentanyl.
- Ocfentanil.
- Para-fluoroisobutyryl fentanyl.
- Valeryl fentanyl.

The bill also renumbers the fentanyl analogs currently prohibited as a Schedule I substance so that all fentanyl analogs are listed together as a subcategory of synthetic opiates.

**ASSEMBLY SUBSTITUTE AMENDMENT 1**

Assembly Substitute Amendment 1 (ASA 1) makes the following changes to the bill:

- Deletes **acryl fentanyl** from the list of fentanyl analogs that are added to the list of Schedule 1 controlled substances under the bill and instead adds acryl fentanyl to the

list of fentanyl analogs that are currently Schedule 1 controlled substances and are being renumbered by the bill.<sup>1</sup>

- Deletes **para-fluoroisobutyryl fentanyl** from the list of fentanyl analogs that the bill adds to the list of Schedule I controlled substances.<sup>2</sup>
- Renames the chemical name for **isobutyl fentanyl** and **ocfentanil** using the federal Drug Enforcement Agency's naming system.

## **BILL HISTORY**

ASA 1 was introduced by Representative Kleefisch on June 7, 2017. On June 8, 2017, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of ASA 1 by a vote of Ayes, 12; Noes, 0; and to recommend passage of the bill, as amended, by a vote of Ayes, 12; Noes, 0.

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<sup>1</sup>Acryl fentanyl currently is a Schedule I controlled substance pursuant to the Controlled Substances Board's (CSB) Emergency Rule 1710 (EmR 1710). EmR 1710 became effective on May 2, 2017 and remains in effect until April 28, 2018. CSB's final rule to schedule acryl fentanyl, CHR 17-040, was received by the Legislative Council Rules Clearinghouse on May 30, 2017; the Clearinghouse report was sent to CSB on June 12, 2017. More information about the status of CHR 17-040 is available at: [https://docs.legis.wisconsin.gov/code/chr/all/cr\\_17\\_040](https://docs.legis.wisconsin.gov/code/chr/all/cr_17_040).

<sup>2</sup> Para-fluoroisobutyryl is currently a Schedule I controlled substance pursuant to CSB's affirmative action order, dated June 5, 2017, went into effect on June 12, 2017. The name used in CSB's affirmative action order, however, is 4-fluoroisobutyryl fentanyl.