



2017 ASSEMBLY BILL 335

May 19, 2017 - Introduced by Representatives KLEEFISCH, NYGREN, C. TAYLOR, ANDERSON, BERNIER, BILLINGS, BRANDTJEN, CONSIDINE, DUCHOW, GANNON, GOYKE, HORLACHER, HUTTON, JAGLER, KATZMA, KITCHENS, KOLSTE, KREMER, KRUG, MACCO, MASON, MURPHY, MURSAU, NERISON, NEYLON, OHNSTAD, OTT, PETERSEN, QUINN, RIPP, RODRIGUEZ, ROHRKASTE, SANFELIPPO, SINICKI, STUCK, SUBECK, TAUCHEN, THIESFELDT, TITTL, TUSLER and ZIMMERMAN, cosponsored by Senators TESTIN, WANGGAARD, COWLES, FEYEN, JOHNSON and OLSEN. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber* 961.14 (2) (a), (ae), (cd), (cg), (dg), (er), (eu), (ey), (ne), (qs),
2 (rj), (tg) and (xm); *to amend* 961.01 (12g); and *to create* 961.14 (2) (nd) of the
3 statutes; **relating to:** fentanyl analogs and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Current law classifies controlled substances in one of five schedules. The classification is based on 1) whether there is a currently accepted medical use for the controlled substance; 2) the potential of the controlled substance for abuse; and 3) the nature of the dependence that the controlled substance may produce. Schedule I controlled substances are those that have a high potential for abuse and dependence and no currently accepted medical use. This bill adds fentanyl analogs to the synthetic opiates category under Schedule I and reorganizes some substances from the general synthetic opiates category to the specific fentanyl analog category. Like other Schedule I substances, a person who possesses a fentanyl analog is guilty of a Class I felony and a person who manufactures, distributes, or delivers a fentanyl analog is guilty of a Class E felony.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 961.01 (12g) of the statutes is amended to read:

ASSEMBLY BILL 335**SECTION 1**

1 961.01 **(12g)** “Isomer” means an optical isomer, but in ss. 961.14 (2) ~~(er)~~ (nd)
2 8. and ~~(qs)~~ 13. and 961.16 (2) (b) 1. “isomer” includes any geometric isomer; in ss.
3 961.14 (2) ~~(eg), (tg) and (xm)~~ (nd) 5., 18., and 19. and 961.20 (4) (am) “isomer” includes
4 any positional isomer; and in ss. 961.14 (2) ~~(rj)~~ (nd) 14. and (4) and 961.18 (2m)
5 “isomer” includes any positional or geometric isomer.

6 **SECTION 2.** 961.14 (2) (a), (ae), (cd), (cg), (dg), (er), (eu), (ey), (ne), (qs), (rj), (tg)
7 and (xm) of the statutes are renumbered 961.14 (2) (nd) 1., 2., 4., 5., 7., 8., 9., 10., 11.,
8 13., 14., 18. and 19.

9 **SECTION 3.** 961.14 (2) (nd) of the statutes is created to read:

10 961.14 **(2)** (nd) Fentanyl analogs, including any compound, except compounds
11 scheduled elsewhere in this chapter, structurally derived from fentanyl by
12 replacement of the phenyl portion of the phenethyl group by any monocycle whether
13 or not further substituted in or on the monocycle; by substitution in or on the
14 phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halo, haloalkyl, amino or nitro
15 groups; by substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester,
16 ether hydroxy, halo, haloalkyl, amino or nitro groups; by replacement of the aniline
17 ring with any aromatic monocycle whether or not further substituted in or on the
18 aromatic monocycle; by replacement of the N-propionyl group by another acyl group;
19 or by any combination of these modifications. Substances specified under this
20 paragraph include all of the following:

21	3.	Acryl	fentanyl
22		(N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide);	
23	6.	Cyclopentyl	fentanyl
24		(N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);	

