

2013 Senate Bill 325 (LRB -3067)

An Act to repeal 941.318, 961.14 (4) (te), (th), (tL), (tp), (tr), (tu) and (ty) and 961.14 (7) (m) and (n); to amend 59.54 (25g), 66.0107 (1) (bn), 961.14 (4) (intro.), 961.14 (7) (intro.), 961.41 (1) (e) (intro.), 961.41 (1) (hm) (intro.), 961.41 (1m) (e) (intro.), 961.41 (1m) (hm) (intro.), 961.41 (1r), 961.41 (3g) (d) and 961.41 (3g) (em); to repeal and recreate 961.14 (4) (tb) and 961.14 (7) (L); and to create 961.14 (4) (sm), 961.14 (4) (uv), 961.14 (4) (wa), 961.14 (4) (wb), 961.14 (4) (wk), 961.14 (4) (wL), 961.14 (4) (wm), 961.14 (4) (wn), 961.14 (4) (wo), 961.14 (4) (wp), 961.14 (4) (wq), 961.14 (4) (wr), 961.14 (4) (ws), 961.14 (4) (wv), 961.14 (4) (ww), 961.14 (4) (wx), 961.14 (4) (wy), 961.14 (4) (wz), 961.14 (4) (xa), 961.14 (4) (xb), 961.14 (7) (mk), 961.14 (7) (mL), 961.14 (7) (mm), 961.14 (7) (mn), 961.16 (3) (tb), 961.16 (3) (zt), 961.16 (8) (b), 961.18 (7) (am), 961.18 (7) (az), 961.18 (7) (em), 961.20 (2) (ax), 961.20 (2) (q), 961.20 (4) (d), 961.22 (4), 961.22 (5), 961.41 (1) (em) and 961.41 (1m) (em) of the statutes; relating to: controlled substances, and providing a penalty. (FE)

2013

10-02.	S.	Introduced by Senators Harsdorf, Jauch, Kedzie, Gudex and Lassa ; cosponsored by Representatives Bies, Bewley, Milroy, Ballweg, Berceau, Bernier, Brooks, Czaja, Goyke, Jacque, Knudson, Kolste, T. Larson, Ohnstad, A. Ott, Ringhand, Spiros, Tittl, Wachs and Bernard Schaber	383
10-02.	S.	Read first time and referred to Committee on Judiciary and Labor	383
10-09.	S.	Public hearing held	
10-10.	S.	Fiscal estimate received	
10-18.	S.	Fiscal estimate received	
10-21.	S.	Fiscal estimate received	
10-24.	S.	Executive action taken	
10-25.	S.	Report passage recommended by Committee on Judiciary and Labor. Ayes 5, Noes 0	443
10-25.	S.	Available for scheduling	
11-04.	S.	Placed on calendar 11-5-2013 pursuant to Senate Rule 18(1)	455
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2014

01-16.	A.	Placed on calendar 1-21-2014 by Committee on Rules	
01-21.	A.	Read a second time	
01-21.	A.	Ordered to a third reading	
01-21.	A.	Rules suspended	
01-21.	A.	Read a third time and concurred in	
01-21.	A.	Representative Vruwink added as a cosponsor	
01-21.	A.	Ordered immediately messaged	
01-21.	S.	Received from Assembly concurred in	

9MB

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ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

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Topic Rel

1-22-14
Date

JR Miller
Enrolling Drafter



2013 SENATE BILL 325

October 2, 2013 – Introduced by Senators HARSDORF, JAUCH, KEDZIE, GUDEx and LASSA, cosponsored by Representatives BIES, BEWLEY, MILROY, BALLWEG, BERCEAU, BERNIER, BROOKS, CZAJA, GOYKE, JACQUE, KNUDSON, KOLSTE, T. LARSON, OHNSTAD, A. OTT, RINGHAND, SPIROS, TITTL, WACHS and BERNARD SCHABER. Referred to Committee on Judiciary and Labor.

1 **AN ACT** *to repeal* 941.318, 961.14 (4) (te), (th), (tL), (tp), (tr), (tu) and (ty) and
2 961.14 (7) (m) and (n); *to amend* 59.54 (25g), 66.0107 (1) (bn), 961.14 (4)
3 (intro.), 961.14 (7) (intro.), 961.41 (1) (e) (intro.), 961.41 (1) (hm) (intro.), 961.41
4 (1m) (e) (intro.), 961.41 (1m) (hm) (intro.), 961.41 (1r), 961.41 (3g) (d) and 961.41
5 (3g) (em); *to repeal and recreate* 961.14 (4) (tb) and 961.14 (7) (L); and *to*
6 **create** 961.14 (4) (sm), 961.14 (4) (uv), 961.14 (4) (wa), 961.14 (4) (wb), 961.14
7 (4) (wk), 961.14 (4) (wL), 961.14 (4) (wm), 961.14 (4) (wn), 961.14 (4) (wo), 961.14
8 (4) (wp), 961.14 (4) (wq), 961.14 (4) (wr), 961.14 (4) (ws), 961.14 (4) (wv), 961.14
9 (4) (ww), 961.14 (4) (wx), 961.14 (4) (wy), 961.14 (4) (wz), 961.14 (4) (xa), 961.14
10 (4) (xb), 961.14 (7) (mk), 961.14 (7) (mL), 961.14 (7) (mm), 961.14 (7) (mn),
11 961.16 (3) (tb), 961.16 (3) (zt), 961.16 (8) (b), 961.18 (7) (am), 961.18 (7) (az),
12 961.18 (7) (em), 961.20 (2) (ax), 961.20 (2) (q), 961.20 (4) (d), 961.22 (4), 961.22

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1 (5), 961.41 (1) (em) and 961.41 (1m) (em) of the statutes; **relating to:** controlled
2 substances, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, controlled substances are classified in one of five separate schedules. The classification is based on: 1) whether there is a currently accepted medical use for the drug; 2) the drug's potential for being abused; and 3) the nature of the psychological or physical dependence that the drug use may produce.

Schedule I controlled substances are those that have a high potential for abuse and no currently accepted medical use. Schedule V controlled substances are those that have an accepted medical use and that have a lower potential for abuse and produce less dependence when compared with other controlled substances. Penalties for crimes relating to Schedule I controlled substances are generally the most severe, and for Schedule V controlled substances are generally the least severe.

Under current law, eight synthetic cannabinoids and two stimulant substances commonly known as "bath salts" are classified as Schedule I controlled substances. Current law also penalizes the possession, manufacture, delivery, or distribution of the analogs of these substances. Current law defines a controlled substance analog as a substance that has a chemical structure substantially similar to the chemical structure of a controlled substance in Schedule I or II, and that has a similar effect on the user of the substance as the controlled substance.

Current law also penalizes the manufacture, distribution, or delivery of Salvinorin A, a psychotropic ingredient in the plant *Salvia divinorum*, but does not classify that substance as a controlled substance.

Under this bill, the concept of an analog of a synthetic cannabinoid or of a bath salt stimulant is replaced with a description of the chemical structure of the prohibited or restricted substance. The bill controls synthetic cannabinoids, certain other designer drugs, and certain substances known as bath salts as part of distinct structural classes. Under the bill, any substance, listed or not, that conforms to the structural definition is controlled by the particular structural class. The bill adds several new hallucinogenic and stimulant substances to Schedule I, and includes Salvinorin A in the list of Schedule I controlled substances.

The bill also adds several new Schedule II, III, IV, and V controlled substances by including in those schedules a description of the chemical structure of those substances.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 59.54 (25g) of the statutes is amended to read:

2 **59.54 (25g) POSSESSION OF A SYNTHETIC CANNABINOID.** The board may enact and
3 enforce an ordinance to prohibit the possession of any controlled substance specified
4 in s. 961.14 (4) (tb) ~~to (ty)~~, and provide a forfeiture for a violation of the ordinance,
5 except that any person who is charged with possession of a controlled substance
6 specified in s. 961.14 (4) (tb) ~~to (ty)~~ following a conviction for possession of a controlled
7 substance in this state shall not be prosecuted under this subsection. Any ordinance
8 enacted under this subsection applies in every municipality within the county.

9 **SECTION 2.** 66.0107 (1) (bn) of the statutes is amended to read:

10 **66.0107 (1) (bn)** Enact and enforce an ordinance to prohibit the possession of
11 a controlled substance specified in s. 961.14 (4) (tb) ~~to (ty)~~ and provide a forfeiture
12 for a violation of the ordinance, except that any person who is charged with
13 possession of a controlled substance specified in s. 961.14 (4) (tb) ~~to (ty)~~ following a
14 conviction for possession of a controlled substance in this state shall not be
15 prosecuted under this paragraph.

16 **SECTION 3.** 941.318 of the statutes is repealed.

17 **SECTION 4.** 961.14 (4) (intro.) of the statutes is amended to read:

18 **961.14 (4) HALLUCINOGENIC SUBSTANCES.** (intro.) Any material, compound,
19 mixture or preparation which contains any quantity of any of the following
20 hallucinogenic substances, including any of their salts, isomers, ~~precursors, analogs,~~
21 esters, ethers, and salts of isomers, esters, or ethers that are theoretically possible

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1 within the specific chemical designation, in any form contained in a plant, obtained
2 from a plant, or chemically synthesized:

3 **SECTION 5.** 961.14 (4) (sm) of the statutes is created to read:

4 961.14 (4) (sm) Salvinorin A;

5 **SECTION 6.** 961.14 (4) (tb) of the statutes is repealed and recreated to read:

6 961.14 (4) (tb) Synthetic cannabinoids, including:

7 1. Any compound structurally derived from 3-(1-naphthoyl)indole or
8 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the
9 indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
10 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,
11 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
12 (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the
13 indole ring to any extent, whether or not substituted in the naphthyl ring to any
14 extent. Substances specified under this subdivision include:

15 a. 1-pentyl-2-methyl-3-(1-naphthoyl)indole, commonly known as
16 JWH-007;

17 b. 1-propyl-2-methyl-3-(1-naphthoyl)indole, commonly known as
18 JWH-015;

19 c. 1-pentyl-3-(1-naphthoyl)indole, commonly known as JWH-018 or
20 AM-678;

21 d. 1-hexyl-3-(1-naphthoyl)indole, commonly known as JWH-019;

22 e. 1-butyl-3-(1-naphthoyl)indole, commonly known as JWH-073;

23 f. 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, commonly known as
24 JWH-081;

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- 1 g. 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole, commonly known
2 as JWH-098;
- 3 h. 1-pentyl-3-(4-methyl-1-naphthoyl)indole, commonly known as
4 JWH-122;
- 5 i. 1-pentyl-3-(7-methoxy-1-naphthoyl)indole, commonly known as
6 JWH-164;
- 7 j. 1-[2-(4-(morpholinyl)ethyl)]-3-(1-naphthoyl)indole, commonly known as
8 JWH-200;
- 9 k. 1-pentyl-3-(4-ethyl-1-naphthoyl)indole, commonly known as JWH-210;
- 10 L. 1-pentyl-3-(4-chloro-1-naphthoyl)indole, commonly known as JWH-398;
- 11 m. 1-pentyl-3-(4-fluoro-1-naphthoyl)indole, commonly known as JWH-412;
- 12 n. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(1-naphthoyl)indole, commonly
13 known as AM-1220;
- 14 o. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole, commonly known as AM-2201;
- 15 p. 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole, commonly known as
16 MAM-2201;
- 17 q. 1-(5-chloropentyl)-3-(1-naphthoyl)indole, commonly known as AM-2201
18 (5-chloropentyl);
- 19 r. 1-(5-bromopentyl)-3-(1-naphthoyl)indole, commonly known as AM-2201
20 (5-bromopentyl);
- 21 s. 1-(4-cyanobutyl)-3-(1-naphthoyl)indole, commonly known as AM-2232;
- 22 t.
- 23 (R)-(+)-[2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-b
24 enzoxazin-6-yl]-1-naphthalenyl-methanone, commonly known as WIN 55,212-2;

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1 2. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by
2 substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl,
3 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
4 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,
5 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group,
6 whether or not further substituted in the pyrrole ring to any extent, whether or not
7 substituted in the naphthyl ring to any extent. Substances specified under this
8 subdivision include:

9 a. 1-pentyl-5-(2-fluorophenyl)-3-(1-naphthoyl)pyrrole, commonly known as
10 JWH-307;

11 b. 1-pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole, commonly known
12 as JWH-370;

13 c. 1-pentyl-3-(1-naphthoyl)pyrrole, commonly known as JWH-030;

14 d. 1-hexyl-5-phenyl-3-(1-naphthoyl)pyrrole, commonly known as JWH-147;

15 3. Any compound structurally derived from 3-naphthylmethylindene by
16 substitution at the 1-position of the indene ring by alkyl, haloalkyl, cyanoalkyl,
17 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
18 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,
19 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group,
20 whether or not further substituted in the indene ring to any extent, whether or not
21 substituted in the naphthyl ring to any extent. Substances specified under this
22 subdivision include 1-pentyl-3-(1-naphthylmethyl)indene, commonly known as
23 JWH-176;

24 4. Any compound structurally derived from 3-phenylacetylindole by
25 substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl,

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1 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
2 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,
3 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group,
4 whether or not further substituted in the indole ring to any extent, whether or not
5 substituted in the phenyl ring to any extent. Substances specified under this
6 subdivision include:

7 a. 1-pentyl-3-(4-methoxyphenylacetyl)indole, commonly known as
8 JWH-201;

9 b. 1-pentyl-3-(3-methoxyphenylacetyl)indole, commonly known as
10 JWH-302;

11 c. 1-pentyl-3-(2-methoxyphenylacetyl)indole, commonly known as
12 JWH-250;

13 d. 1-pentyl-3-(2-chlorophenylacetyl)indole, commonly known as JWH-203;

14 e. 1-pentyl-3-(3-chlorophenylacetyl)indole, or 3-chloro isomer of JWH-203;

15 f. 1-pentyl-3-(4-chlorophenylacetyl)indole, or 4-chloro isomer of JWH-203;

16 g. 1-pentyl-3-(2-methylphenylacetyl)indole, commonly known as JWH-251;

17 h. 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole, commonly
18 known as RCS-8;

19 i. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(2-methoxyphenylacetyl)indole,
20 commonly known as cannabipiperidiethanone;

21 5. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by
22 substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, cyanoalkyl,
23 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
24 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,
25 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group,

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1 whether or not substituted in the cyclohexyl ring to any extent. Substances specified
2 under this subdivision include:

3 a. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol,
4 commonly known as CP 47,497;

5 b. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol,
6 commonly known as CP 47,497 C8 homologue, or cannabicyclohexanol;

7 6. Any compound structurally derived from 3-(benzoyl)indole by substitution
8 at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl,
9 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
10 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,
11 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group,
12 whether or not further substituted in the indole ring to any extent and whether or
13 not substituted in the phenyl ring to any extent. Substances specified under this
14 subdivision include:

15 a. 1-pentyl-3-(2-iodobenzoyl)indole, commonly known as AM-679;

16 b. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole, commonly known as AM-694;

17 c. 1-pentyl-3-(4-methoxybenzoyl)indole, commonly known as RCS-4;

18 d. 1-butyl-3-(4-methoxybenzoyl)indole, commonly known as RCS-4-C4
19 homologue;

20 e. 1-pentyl-3-(2-methoxybenzoyl)indole, commonly known as RCS-4
21 2-methoxy isomer;

22 f. 1-butyl-3-(2-methoxybenzoyl)indole, a C4 homologue, 2-methoxy isomer
23 of RCS-4;

24 g. 1-[2-(4-(morpholinyl)ethyl)-2-methyl-3-(4-methoxybenzoyl)indole,
25 commonly known as pravadoline, or WIN 48,098;

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1 h.

1-[2-(4-(morpholinyl)ethyl)-2-methyl-3-(4-methoxybenzoyl)-6-iodo-indole,

2 commonly known as 6-iodopravadoline, or AM-630;

3 i. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(2-iodo-5-nitrobenzoyl)indole,
4 commonly known as AM-1241;

5 j. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(2-iodobenzoyl)indole,
6 commonly known as AM-2233;

7
8 7. Any compound structurally derived from 3-adamantoylindole by
9 substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl,
10 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
11 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,
12 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group,
13 whether or not further substituted in the indole ring to any extent, whether or not
14 substituted in the adamantyl ring to any extent. Substances specified under this
15 subdivision include:

16 a. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(1-adamantoyl)indole,
17 commonly known as AM-1248;

18 b. 1-pentyl-3-(1-adamantoyl)indole, commonly known as AB-001;

19 8. Any compound structurally derived from 3-(cyclopropoyl)indole by
20 substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl,
21 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
22 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,
23 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group,
24 whether or not further substituted in the indole ring to any extent, whether or not

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1 substituted in the cyclopropyl ring to any extent. Substances specified under this
2 subdivision include:

3 a. 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole, commonly known as
4 UR-144;

5 b. 1-(5-chloropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole, commonly
6 known as 5Cl-UR-144;

7 c. 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole, commonly
8 known as XLR-11;

9 d. 1-[2-(4-morpholinyl)ethyl]-3-(2,2,3,3-tetramethylcyclopropoyl)indole,
10 commonly known as A-796,260;

11 e.
12 1-[(tetrahydropyran-4-yl)methyl]-3-(2,2,3,3-tetramethylcyclopropoyl)indole,
13 commonly known as A-834,735;

14 9. Any compound structurally derived from
15 N-adamantyl-1H-indole-3-carboxamide by substitution at the nitrogen atom of
16 the indole ring with alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
17 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,
18 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
19 (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the
20 indole ring to any extent, whether or not substituted in the adamantyl ring to any
21 extent. Substances specified under this subdivision include:

22 a. N-(1-adamantyl)-1-pentyl-1H-indole-3-carboxamide, commonly known
23 as 2NE1;

24 b. N-(1-adamantyl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide,
25 commonly known as STS-135;

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1 10. Any compound structurally derived from
2 N-adamantyl-1H-indazole-3-carboxamide by substitution at either nitrogen atom
3 of the indazole ring with alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
4 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,
5 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
6 (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the
7 indazole ring to any extent, whether or not substituted in the adamantyl ring to any
8 extent. Substances specified under this subdivision include:

9 a. 1-pentyl-N-(1-adamantyl)-1H-indazole-3-carboxamide, commonly
10 known as AKB48;

11 b. 1-(5-fluoropentyl)-N-(1-adamantyl)-1H-indazole-3-carboxamide,
12 commonly known as 5F-AKB48.

13 11. Any compound structurally derived from
14 N-naphthyl-1H-indazole-3-carboxamide by substitution at either nitrogen atom
15 of the indazole ring with alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
16 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,
17 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
18 (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the
19 indazole ring to any extent, whether or not substituted in the naphthyl ring to any
20 extent.

21 12. [1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester, commonly known as
22 URB-602;

23 13.
24 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,

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1 6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate, commonly known as CP
2 50,556-1;

3 14.

4 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,1
5 0a-tetrahydrobenzo[c]chromen-1-ol, commonly known as HU-210;

6 15.

7 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10
8 a-tetrahydrobenzo[c]chromen-1-ol, commonly known as HU-211;

9 16.

10 3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pe
11 ntyl-2,5-cyclohexadiene-1,4-dione, commonly known as HU-331;

12 17.

13 ((6aR,10aR)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo
14 [c]chromen-9-yl)methanol, commonly known as JWH-051;

15 18. (6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro
16 -6,6,9-trimethyl-6H-dibenzo[b,d]pyran, commonly known as JWH-133;

17 19.

18 (6aR,10aR)-1-methoxy-6,6,9-trimethyl-3-[(2R)-1,1,2-trimethylbutyl]-6a,7,10,1
19 0a-tetrahydrobenzo[c]chromene, commonly known as JWH-359;

20 20. Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone, commonly
21 known as CB-13;

22 21. N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-undecamide,
23 commonly known as CB-25;

24 22. N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-undecamide, commonly
25 known as CB-52;

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1 23.

2 N-(benzo[1,3]dioxol-5-ylmethyl)-7-methoxy-2-oxo-8-pentyloxy-1,2-dihydroqui
3 noline-3-carboxamide, commonly known as JTE-907;

4 24.

5 N-[3-(2-methoxyethyl)-4,5-dimethyl-1,3-thiazol-2-ylidene]-2,2,3,3-tetramethy
6 lcyclopropane-1-carboxamide, commonly known as A-836,339;

7 25.

8 Anthracen-9-yl{2-methyl-1-[2-(morpholin-4-yl)ethyl]-1H-indol-3-yl}methano
9 ne, commonly known as WIN 56,098;

10 26. 6-methyl-2-[(4-methylphenyl)amino]-4H-3,1-benzoxazin-4-one,
11 commonly known as URB-754;

12 27. [3-(3-carbamoylphenyl)phenyl] N-cyclohexylcarbamate, commonly
13 known as URB-597;

14 28.

15 (-)-(R)-3-(2-Hydroxymethylindanyl-4-oxy)phenyl-4,4,4-trifluorobutyl-1-sulfon
16 ate, commonly known as BAY 38-7271.

17 29. Any compound structurally derived from 1H-indole-3-carboxylic acid
18 quinolinyl ester by substitution at the nitrogen atom of the indole ring by alkyl,
19 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
20 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,
21 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
22 (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the
23 indole ring to any extent, whether or not substituted in the quinoline ring to any
24 extent. Substances specified under this subdivision include:

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1 a. 1-pentyl-1H-indole-3-carboxylic acid 8-quinolinyl ester, commonly known
2 as PB-22;

3 b. 1-(5-fluoropentyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester,
4 commonly known as 5F-PB-22;

5 c. 1-(cyclohexylmethyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester,
6 commonly known as BB-22.

7 30. Any compound structurally derived from
8 N-naphthyl-1H-indole-3-carboxamide by substitution at the nitrogen atom of the
9 indole ring with alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
10 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,
11 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
12 (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the
13 indole ring to any extent, whether or not substituted in the naphthyl ring to any
14 extent. Substances specified under this subdivision include:

15 a. 1-pentyl-N-(1-naphthyl)-1H-indole-3-carboxamide, commonly known as
16 NNEI or MN-24;

17 b. 1-(5-fluoropentyl)-N-(1-naphthyl)-1H-indole-3-carboxamide, commonly
18 known as 5F-NNEI or 5F-MN-24.

19 31. Any compound structurally derived from 3-(pyridinoyl)indole by
20 substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl,
21 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
22 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,
23 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group,
24 whether or not further substituted in the indole ring to any extent, whether or not

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1 substituted in the pyridine ring to any extent. Substances specified under this
2 subdivision include:

- 3 a. 1-pentyl-3-(3-pyridinoyl)indole;
4 b. 1-(5-fluoropentyl)-3-(3-pyridinoyl)indole.

5 **SECTION 7.** 961.14 (4) (te), (th), (tL), (tp), (tr), (tu) and (ty) of the statutes are
6 repealed.

7 **SECTION 8.** 961.14 (4) (uv) of the statutes is created to read:

8 961.14 (4) (uv) 2-(3-methoxyphenyl)-2-(ethylamino)cyclohexanone,
9 commonly known as methoxetamine.

10 **SECTION 9.** 961.14 (4) (wa) of the statutes is created to read:

11 961.14 (4) (wa) 4-iodo-2,5-dimethoxyamphetamine, commonly known as
12 DOI.

13 **SECTION 10.** 961.14 (4) (wb) of the statutes is created to read:

14 961.14 (4) (wb) 4-chloro-2,5-dimethoxyamphetamine, commonly known as
15 DOC.

16 **SECTION 11.** 961.14 (4) (wk) of the statutes is created to read:

17 961.14 (4) (wk) 2,5-dimethoxy-4-ethylphenethylamine, commonly known as
18 2C-E.

19 **SECTION 12.** 961.14 (4) (wL) of the statutes is created to read:

20 961.14 (4) (wL) 2,5-dimethoxy-4-methylphenethylamine, commonly known
21 as 2C-D.

22 **SECTION 13.** 961.14 (4) (wm) of the statutes is created to read:

23 961.14 (4) (wm) 2,5-dimethoxy-4-chlorophenethylamine, commonly known
24 as 2C-C.

25 **SECTION 14.** 961.14 (4) (wn) of the statutes is created to read:

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1 961.14 (4) (wn) 2,5-dimethoxy-4-ethylthiophenethylamine, commonly known
2 as 2C-T-2.

3 **SECTION 15.** 961.14 (4) (wo) of the statutes is created to read:

4 961.14 (4) (wo) 2,5-dimethoxy-4-isopropylthiophenethylamine, commonly
5 known as 2C-T-4.

6 **SECTION 16.** 961.14 (4) (wp) of the statutes is created to read:

7 961.14 (4) (wp) 2,5-dimethoxyphenethylamine, commonly known as 2C-H.

8 **SECTION 17.** 961.14 (4) (wq) of the statutes is created to read:

9 961.14 (4) (wq) 2,5-dimethoxy-4-nitrophenethylamine, commonly known as
10 2C-N.

11 **SECTION 18.** 961.14 (4) (wr) of the statutes is created to read:

12 961.14 (4) (wr) 2,5-dimethoxy-4-(n)-propylphenethylamine, commonly
13 known as 2C-P.

14 **SECTION 19.** 961.14 (4) (ws) of the statutes is created to read:

15 961.14 (4) (ws) Any compound structurally derived from
16 N-benzyl-2-(2,5-dimethoxyphenyl)ethanamine by substitution at the nitrogen
17 atom, or on either ring, with alkyl, alkoxy, alkylendioxy, haloalkyl, hydroxyl, halide
18 or nitro substituents, or by any combination of these modifications. Substances
19 specified under this paragraph include:

20 1.
21 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine,
22 commonly known as 25I-NBOMe.

23 2.
24 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine,
commonly known as 25C-NBOMe.

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1

3.

2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine,

2

commonly known as 25B-NBOMe.

4

4. 2-(4-ethyl-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine,

5

commonly known as 25E-NBOMe.

6

SECTION 20. 961.14 (4) (wv) of the statutes is created to read:

7

961.14 (4) (wv) N,N-diallyl-5-methoxytryptamine, commonly known as
5-MeO-DALT.

9

SECTION 21. 961.14 (4) (ww) of the statutes is created to read:

10

961.14 (4) (ww) 5-(2-aminopropyl)benzofuran, commonly known as 5-APB.

11

SECTION 22. 961.14 (4) (wx) of the statutes is created to read:

12

961.14 (4) (wx) 6-(2-aminopropyl)benzofuran, commonly known as 6-APB.

13

SECTION 23. 961.14 (4) (wy) of the statutes is created to read:

14

961.14 (4) (wy) 5-(2-aminopropyl)-2,3-dihydrobenzofuran, commonly known
as 5-APDB.

16

SECTION 24. 961.14 (4) (wz) of the statutes is created to read:

17

961.14 (4) (wz) 6-(2-aminopropyl)-2,3-dihydrobenzofuran, commonly known
as 6-APDB.

19

SECTION 25. 961.14 (4) (xa) of the statutes is created to read:

20

961.14 (4) (xa) 5-iodo-2-aminoindane, commonly known as 5-IAI.

21

SECTION 26. 961.14 (4) (xb) of the statutes is created to read:

22

961.14 (4) (xb) 4-methoxymethamphetamine, commonly known as PMMA.

23

SECTION 27. 961.14 (7) (intro.) of the statutes is amended to read:

24

961.14 (7) STIMULANTS. (intro.) Any material, compound, mixture or
preparation which contains any quantity of any of the following substances having

25

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1 a stimulant effect on the central nervous system, including any of their ~~precursors,~~
2 ~~analog~~s, salts, isomers and salts of isomers that are theoretically possible within the
3 specific chemical designation:

4 **SECTION 28.** 961.14 (7) (L) of the statutes is repealed and recreated to read:

5 961.14 (7) (L) *Substituted cathinones.* Any compound, except bupropion or
6 compounds scheduled elsewhere in this chapter, that is structurally derived from
7 2-amino-propan-1-one by substitution at the 1-position with either phenyl,
8 naphthyl, or thiophene ring systems, whether or not the compound is further modified
9 in any of the following ways: by substitution in the ring system to any extent with
10 alkyl, alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide substituents, whether or
11 not further substituted in the ring system by one or more other univalent
12 substituents; by substitution at the 3-position with an acyclic alkyl substituent; by
13 substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
14 methoxybenzyl groups; by inclusion of the 2-amino nitrogen atom in a cyclic
15 structure; or by any combination of these modifications. Substances specified under
16 this subdivision include:

- 17 1. Methcathinone.
- 18 2. Methylenedioxypropylvalerone, commonly known as MDPV.
- 19 3. 4-methylmethcathinone, commonly known as mephedrone or 4-MMC.
- 20 4. 4-methylethcathinone, commonly known as 4-MEC.
- 21 5. 4-methoxy-alpha-pyrrolidinopropiophenone, commonly known as MOPPP.
- 22 6. 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone, commonly known
23 as MDPPP.
- 24 7. Alpha-pyrrolidinovalerophenone, commonly known as alpha-PVP.
- 25 8. 2-fluoromethcathinone, commonly known as 2-FMC.

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- 1 9. 3-fluoromethcathinone, commonly known as 3-FMC.
- 2 10. 4-fluoromethcathinone, commonly known as 4-FMC or flephedrone.
- 3 11. 3,4-methylenedioxyethcathinone, commonly known as methydone or
4 bk-MDMA.
- 5 12. Naphthylpyrovalerone, commonly known as naphyrone.
- 6 13. 4-methyl-alpha-pyrrolidinobutiophenone, commonly known as MPBP.
- 7 14. 4-methoxymethcathinone, commonly known as methedrone or bk-PMMA.
- 8 15. Ethcathinone.
- 9 16. 3,4-methylenedioxyethcathinone, commonly known as ethylone or
10 bk-MDEA.
- 11 17. beta-Keto-N-methylbenzodioxolylbutanamine, commonly known as
12 butylone or bk-MBDB.
- 13 18. N,N-dimethylcathinone, commonly known as metamfepramone.
- 14 19. Alpha-pyrrolidinopropiophenone, commonly known as alpha-PPP.
- 15 20. 3-methoxymethcathinone, commonly known as 3-MMC.
- 16 21. 4-ethylmethcathinone, commonly known as 4-EMC.
- 17 22. 3,4-dimethylmethcathinone, commonly known as 3,4-DMMC.
- 18 23. beta-Keto-N-methylbenzodioxolylpentanamine, commonly known as
19 pentylone or bk-MBDP.
- 20 24. beta-Keto-ethylbenzodioxolylbutanamine, commonly known as eutylone
21 or bk-EBDB.
- 22 25. 4-bromomethcathinone, commonly known as 4-BMC.
- 23 26. Alpha-methylamino-butyrophenone, commonly known as buphedrone or
24 MABP.

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1 27. 3,4-methylenedioxy-alpha-pyrrolidinobutiophenone, commonly known
2 as MDPBP.

3 28. 4-methyl-alpha-pyrrolidinohexiophenone, commonly known as MPHP.

4 29. N,N-dimethyl-3,4-methylenedioxycathinone.

5 30. N,N-diethyl-3,4-methylenedioxycathinone.

6 31. Alpha-methylamino-valerophenone, commonly known as pentedrone.

7 **SECTION 29.** 961.14 (7) (m) and (n) of the statutes are repealed.

8 **SECTION 30.** 961.14 (7) (mk) of the statutes is created to read:

9 961.14 (7) (mk) Mitragynine.

10 **SECTION 31.** 961.14 (7) (mL) of the statutes is created to read:

11 961.14 (7) (mL) 7-hydroxymitragynine.

12 **SECTION 32.** 961.14 (7) (mm) of the statutes is created to read:

13 961.14 (7) (mm) 5,6-methylenedioxy-2-aminoindane, commonly known as
14 MDAI.

15 **SECTION 33.** 961.14 (7) (mn) of the statutes is created to read:

16 961.14 (7) (mn) Benzothiophenylcyclohexylpiperidine, commonly known as
17 BTCP.

18 **SECTION 34.** 961.16 (3) (tb) of the statutes is created to read:

19 961.16 (3) (tb) Oripavine.

20 **SECTION 35.** 961.16 (3) (zt) of the statutes is created to read:

21 961.16 (3) (zt) Tapentadol.

22 **SECTION 36.** 961.16 (8) (b) of the statutes is created to read:

23 961.16 (8) (b) An immediate precursor to fentanyl, including
24 4-anilino-N-phenethyl-4-piperidine, commonly known as ANPP.

25 **SECTION 37.** 961.18 (7) (am) of the statutes is created to read:

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1 961.18 (7) (am) 19-Nor-4,9(10)-androstadienedione;

2 SECTION 38. 961.18 (7) (az) of the statutes is created to read:

3 961.18 (7) (az) Boldione;

4 SECTION 39. 961.18 (7) (em) of the statutes is created to read:

5 961.18 (7) (em) Desoxymethyltestosterone;

6 SECTION 40. 961.20 (2) (ax) of the statutes is created to read:

7 961.20 (2) (ax) Carisoprodol;

8 SECTION 41. 961.20 (2) (q) of the statutes is created to read:

9 961.20 (2) (q) Zopiclone.

10 SECTION 42. 961.20 (4) (d) of the statutes is created to read:

11 961.20 (4) (d) Lorcaserin, including any of its isomers and salts of isomers.

12 SECTION 43. 961.22 (4) of the statutes is created to read:

13 961.22 (4) EZOGABINE. Ezogabine or any of its salts, isomers, or salts of isomers.

14 SECTION 44. 961.22 (5) of the statutes is created to read:

15 961.22 (5) PREGABALIN. Pregabalin or any of its salts, isomers, or salts of
16 isomers.

17 SECTION 45. 961.41 (1) (e) (intro.) of the statutes is amended to read:

18 961.41 (1) (e) *Phencyclidine, amphetamine, methamphetamine,*
19 *methcathinone, cathinone, methylenedioxypropylone, ~~and~~*
20 *4-methylmethcathinone, N-benzylpiperazine, and a substance specified in s. 961.14*
21 *(7) (L)*. (intro.) If the person violates this subsection with respect to phencyclidine,
22 amphetamine, methamphetamine, methcathinone, cathinone,
23 ~~methylenedioxypropylone, or 4-methylmethcathinone, N-benzylpiperazine, a~~
24 substance specified in s. 961.14 (7) (L), or a controlled substance analog of
25 phencyclidine, amphetamine, methamphetamine, methcathinone, cathinone,

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1 ~~methylenedioxypropylvalerone, or 4-methylmethcathinone, N-benzylpiperazine, or a~~
2 ~~substance specified in s. 961.14 (7) (L), and the amount manufactured, distributed,~~
3 ~~or delivered is:~~

4 **SECTION 46.** 961.41 (1) (em) of the statutes is created to read:

5 961.41 (1) (em) *Synthetic cannabinoids.* If a person violates this subsection
6 with respect to a controlled substance specified in s. 961.14 (4) (tb), or a controlled
7 substance analog of a controlled substance specified in s. 961.14 (4) (tb), and the
8 amount manufactured, distributed, or delivered is:

9 1. Two hundred grams or less, the person is guilty of a Class I felony.

10 2. More than 200 grams but not more than 1,000 grams, the person is guilty
11 of a Class H felony.

12 3. More than 1,000 grams but not more than 2,500 grams, the person is guilty
13 of a Class G felony.

14 4. More than 2,500 grams but not more than 10,000 grams, the person is guilty
15 of a Class F felony.

16 5. More than 10,000 grams, the person is guilty of a Class E felony.

17 **SECTION 47.** 961.41 (1) (hm) (intro.) of the statutes is amended to read:

18 961.41 (1) (hm) *Certain other schedule I controlled substances and ketamine.*
19 (intro.) If the person violates this subsection with respect to gamma-hydroxybutyric
20 acid, gamma-butyrolactone, 1,4-butanediol,
21 3,4-methylenedioxymethamphetamine,
22 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
23 ketamine, a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm), or (u) to (xb),
24 or a controlled substance analog of gamma-hydroxybutyric acid,
25 gamma-butyrolactone, 1,4-butanediol, 3,4-methylenedioxymethamphetamine,

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1 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine,
2 ketamine, or a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm), or (u) to
3 (xb), and the amount manufactured, distributed, or delivered is:

4 SECTION 48. 961.41 (1m) (e) (intro.) of the statutes is amended to read:

5 961.41 (1m) (e) *Phencyclidine, amphetamine, methamphetamine,*
6 *methcathinone, cathinone, ~~methylenedioxypropylvalerone,~~ and*
7 *4-methylmethcathinone, N-benzylpiperazine, and a substance specified in s. 961.14*
8 *(7) (L).* (intro.) If a person violates this subsection with respect to phencyclidine,
9 amphetamine, methamphetamine, methcathinone, cathinone,
10 ~~methylenedioxypropylvalerone, or 4-methylmethcathinone, N-benzylpiperazine, a~~
11 ~~substance specified in s. 961.14 (7) (L),~~ or a controlled substance analog of
12 phencyclidine, amphetamine, methamphetamine, methcathinone, cathinone,
13 ~~methylenedioxypropylvalerone, or 4-methylmethcathinone, N-benzylpiperazine, or a~~
14 ~~substance specified in s. 961.14 (7) (L),~~ and the amount possessed, with intent to
15 manufacture, distribute, or deliver, is:

16 SECTION 49. 961.41 (1m) (em) of the statutes is created to read:

17 961.41 (1m) (em) *Synthetic cannabinoids.* If a person violates this subsection
18 with respect to a controlled substance specified in s. 961.14 (4) (tb), or a controlled
19 substance analog of a controlled substance specified in s. 961.14 (4) (tb), and the
20 amount possessed, with intent to manufacture, distribute, or deliver, is:

- 21 1. Two hundred grams or less, the person is guilty of a Class I felony.
- 22 2. More than 200 grams but not more than 1,000 grams, the person is guilty
23 of a Class H felony.
- 24 3. More than 1,000 grams but not more than 2,500 grams, the person is guilty
25 of a Class G felony.

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1 amounts under subs. (1) (h) and (1m) (h), the amount of tetrahydrocannabinols
2 means anything included under s. 961.14 (4) (t) and includes the weight of any
3 marijuana.

4 SECTION 52. 961.14 (3g) (d) of the statutes is amended to read:

5 961.14 (3g) (d) *Certain hallucinogenic and stimulant drugs.* If a person
6 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,
7 amphetamine, 3,4-methylenedioxymethamphetamine, methcathinone, cathinone,
8 methylenedioxypropylamphetamine, 4-methylmethcathinone, N-benzylpiperazine, a
9 substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm), (u) to (xb), or (7) (L),
10 psilocin, or psilocybin, or a controlled substance analog of lysergic acid diethylamide,
11 phencyclidine, amphetamine, 3,4-methylenedioxymethamphetamine,
12 methcathinone, cathinone, methylenedioxypropylamphetamine, 4-methylmethcathinone,
13 N-benzylpiperazine, a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm),
14 (u) to (xb), or (7) (L), psilocin, or psilocybin, the person may be fined not more than
15 \$5,000 or imprisoned for not more than one year in the county jail or both upon a first
16 conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For
17 purposes of this paragraph, an offense is considered a 2nd or subsequent offense if,
18 prior to the offender's conviction of the offense, the offender has at any time been
19 convicted of any felony or misdemeanor under this chapter or under any statute of
20 the United States or of any state relating to controlled substances, controlled
21 substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or
22 hallucinogenic drugs.

23 SECTION 53. 961.14 (3g) (em) of the statutes is amended to read:

24 961.14 (3g) (em) *Synthetic cannabinoids.* If a person possesses or attempts to
25 possess a controlled substance specified in s. 961.14 (4) (tb) to (ty), or a controlled

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1 substance analog of a controlled substance specified in s. 961.14 (4) (tb) ~~to (ty)~~, the
2 person may be fined not more than \$1,000 or imprisoned for not more than 6 months
3 or both upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent
4 offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent
5 offense if, prior to the offender's conviction of the offense, the offender has at any time
6 been convicted of any felony or misdemeanor under this chapter or under any statute
7 of the United States or of any state relating to controlled substances, controlled
8 substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or
9 hallucinogenic drugs.

10

(END)