State of Wisconsin
2013 – 2014 LEGISLATURE

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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.

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.

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.

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:

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

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

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

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

SECTION 3. 941.318 of the statutes is repealed.

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

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

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

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

961.14 **(4)** (sm) Salvinorin A;

SECTION 6. 961.14 (4) (tb) of the statutes is repealed and recreated to read:

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

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

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

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

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

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

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

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

g. 1–pentyl–2–methyl–3–(4–methoxy–1–naphthoyl)indole, commonly known as JWH–098;

h. 1–pentyl–3–(4–methyl–1–naphthoyl)indole, commonly known as JWH–122;

i. 1–pentyl–3–(7–methoxy–1–naphthoyl)indole, commonly known as JWH–164;

j. 1–[2–(4–(morpholinyl)ethyl)]–3–(1–naphthoyl)indole, commonly known as JWH–200;

k. 1–pentyl–3–(4–ethyl–1–naphthoyl)indole, commonly known as JWH–210;

L. 1–pentyl–3–(4–chloro–1–naphthoyl)indole, commonly known as JWH–398;

m. 1–pentyl–3–(4–fluoro–1–naphthoyl)indole, commonly known as JWH–412;

n. 1–[1–(N–methyl–2–piperidinyl)methyl]–3–(1–naphthoyl)indole, commonly known as AM–1220;

o. 1–(5–fluoropentyl)–3–(1–naphthoyl)indole, commonly known as AM–2201;

p. 1–(5–fluoropentyl)–3–(4–methyl–1–naphthoyl)indole, commonly known as MAM–2201;

q. 1–(5–chloropentyl)–3–(1–naphthoyl)indole, commonly known as AM–2201 (5–chloropentyl);

r. 1–(5–bromopentyl)–3–(1–naphthoyl)indole, commonly known as AM–2201 (5–bromopentyl);

s. 1–(4–cyanobutyl)–3–(1–naphthoyl)indole, commonly known as AM–2232;

t. (R)–(+)–[2,3–dihydro–5–methyl–3–(4–morpholinylmethyl)pyrrolo[1,2,3–de]–1,4–benzoxazin–6–yl]–1–naphthalenyl–methanone, commonly known as WIN 55,212–2;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

h. 1–[2–(4–(morpholinyl)ethyl]–2–methyl–3–(4–methoxybenzoyl)–6–iodo–indole, commonly known as 6–iodopravadoline, or AM–630;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. (6aR,10aR)–9–(hydroxymethyl)–6,6–dimethyl–3–(2–methyloctan–2–yl)–6a,7,10,10a–tetrahydrobenzo[c]chromen–1–ol, commonly known as HU–210;

15. (6aS,10aS)–9–(hydroxymethyl)–6,6–dimethyl–3–(2–methyloctan–2–yl)–6a,7,10,10a–tetrahydrobenzo[c]chromen–1–ol, commonly known as HU–211;

16. 3–hydroxy–2–[(1R,6R)–3–methyl–6–(1–methylethenyl)–2–cyclohexen–1–yl]–5–pentyl–2,5–cyclohexadiene–1,4–dione, commonly known as HU–331;

17. ((6aR,10aR)–6,6–dimethyl–3–(2–methyloctan–2–yl)–6a,7,10,10a–tetrahydrobenzo[c]chromen–9–yl)methanol, commonly known as JWH–051;

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

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

20. Napthalen–1–yl–(4–pentyloxynapthalen–1–yl)methanone, commonly known as CB–13;

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

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

23. N–(benzo[1,3]dioxol–5–ylmethyl)–7–methoxy–2–oxo–8–pentyloxy–1,2–dihydroquinoline–3–carboxamide, commonly known as JTE–907;

24. N–[3–(2–methoxyethyl)–4,5–dimethyl–1,3–thiazol–2–ylidene]–2,2,3,3–tetramethylcyclopropane–1–carboxamide, commonly known as A–836,339;

25. Anthracen–9–yl{2–methyl–1–[2–(morpholin–4–yl)ethyl]–1H–indol–3–yl}methanone, commonly known as WIN 56,098;

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

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

28. (–)–(R)–3–(2–Hydroxymethylindanyl–4–oxy)phenyl–4,4,4–trifluorobutyl–1–sulfonate, commonly known as BAY 38–7271.

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

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

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

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

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

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

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

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

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

a. 1–pentyl–3–(3–pyridinoyl)indole;

b. 1–(5–fluoropentyl)–3–(3–pyridinoyl)indole.

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

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

961.14 **(4)** (uv) 2–(3–methoxyphenyl)–2–(ethylamino)cyclohexanone, commonly known as methoxetamine.

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

961.14 **(4)** (wa) 4–iodo–2,5–dimethoxyamphetamine, commonly known as DOI.

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

961.14 **(4)** (wb) 4–chloro–2,5–dimethoxyamphetamine, commonly known as DOC.

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

961.14 **(4)** (wk) 2,5–dimethoxy–4–ethylphenethylamine, commonly known as 2C–E.

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

961.14 **(4)** (wL) 2,5–dimethoxy–4–methylphenethylamine, commonly known as 2C–D.

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

961.14 **(4)** (wm) 2,5–dimethoxy–4–chlorophenethylamine, commonly known as 2C–C.

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

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

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

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

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

961.14 **(4)** (wp) 2,5–dimethoxyphenethylamine, commonly known as 2C–H.

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

961.14 **(4)** (wq) 2,5–dimethoxy–4–nitrophenethylamine, commonly known as 2C–N.

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

961.14 **(4)** (wr) 2,5–dimethoxy–4–(n)–propylphenethylamine, commonly known as 2C–P.

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

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

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

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

3. 2–(4–bromo–2,5–dimethoxyphenyl)–N–[(2–methoxyphenyl)methyl]ethanamine, commonly known as 25B–NBOMe.

4. 2–(4–ethyl–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl)ethanamine, commonly known as 25E–NBOMe.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Methcathinone.

2. Methylenedioxypyrovalerone, commonly known as MDPV.

3. 4–methylmethcathinone, commonly known as mephedrone or 4–MMC.

4. 4–methylethcathinone, commonly known as 4–MEC.

5. 4–methoxy–alpha–pyrrolidinopropiophenone, commonly known as MOPPP.

6. 3,4–methylenedioxy–alpha–pyrrolidinopropiophenone, commonly known as MDPPP.

7. Alpha–pyrrolidinovalerophenone, commonly known as alpha–PVP.

8. 2–fluoromethcathinone, commonly known as 2–FMC.

9. 3–fluoromethcathinone, commonly known as 3–FMC.

10. 4–fluoromethcathinone, commonly known as 4–FMC or flephedrone.

11. 3,4–methylenedioxymethcathinone, commonly known as methylone or bk–MDMA.

12. Naphthylpyrovalerone, commonly known as naphyrone.

13. 4–methyl–alpha–pyrrolidinobutiophenone, commonly known as MPBP.

14. 4–methoxymethcathinone, commonly known as methedrone or bk–PMMA.

15. Ethcathinone.

16. 3,4–methylenedioxyethcathinone, commonly known as ethylone or bk–MDEA.

17. beta–Keto–N–methylbenzodioxolylbutanamine, commonly known as butylone or bk–MBDB.

18. N,N–dimethylcathinone, commonly known as metamfepramone.

19. Alpha–pyrrolidinopropiophenone, commonly known as alpha–PPP.

20. 3–methoxymethcathinone, commonly known as 3–MMC.

21. 4–ethylmethcathinone, commonly known as 4–EMC.

22. 3,4–dimethylmethcathinone, commonly known as 3,4–DMMC.

23. beta–Keto–N–methylbenzodioxolylpentanamine, commonly known as pentylone or bk–MBDP.

24. beta–Keto–ethylbenzodioxolylbutanamine, commonly known as eutylone or bk–EBDB.

25. 4–bromomethcathinone, commonly known as 4–BMC.

26. Alpha–methylamino–butyrophenone, commonly known as buphedrone or MABP.

27. 3,4–methylenedioxy–alpha–pyrrolidinobutiophenone, commonly known as MDPBP.

28. 4–methyl–alpha–pyrrolidinohexiophenone, commonly known as MPHP.

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

30. N,N–diethyl–3,4–methylenedioxycathinone.

31. Alpha–methylamino–valerophenone, commonly known as pentedrone.

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

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

961.14 **(7)** (mk) Mitragynine.

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

961.14 **(7)** (mL) 7–hydroxymitragynine.

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

961.14 **(7)** (mm) 5,6–methylenedioxy–2–aminoindane, commonly known as MDAI.

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

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

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

961.16 **(3)** (tb) Oripavine.

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

961.16 **(3)** (zt) Tapentadol.

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

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

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

961.18 **(7)** (am) 19–Nor–4,9(10)–androstadienedione;

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

961.18 **(7)** (az) Boldione;

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

961.18 **(7)** (em) Desoxymethyltestosterone;

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

961.20 **(2)** (ax) Carisoprodol;

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

961.20 **(2)** (q) Zopiclone.

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

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

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

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

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

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

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

961.41 **(1)** (e) *Phencyclidine, amphetamine, methamphetamine, methcathinone, cathinone, ~~methylenedioxypyrovalerone, and 4–methylmethcathinone~~, N–benzylpiperazine, and a substance specified in s. 961.14 (7) (L)*. (intro.) If the person violates this subsection with respect to phencyclidine, amphetamine, methamphetamine, methcathinone, cathinone, ~~methylenedioxypyrovalerone, or 4–methylmethcathinone,~~ N–benzylpiperazine, a substance specified in s. 961.14 (7) (L), or a controlled substance analog of phencyclidine, amphetamine, methamphetamine, methcathinone, cathinone,

~~methylenedioxypyrovalerone, or 4–methylmethcathinone,~~ N–benzylpiperazine, or a substance specified in s. 961.14 (7) (L), and the amount manufactured, distributed, or delivered is:

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

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

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

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

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

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

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

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

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

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

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

961.41 **(1m)** (e) *Phencyclidine, amphetamine, methamphetamine, methcathinone, cathinone, ~~methylenedioxypyrovalerone, and 4–methylmethcathinone~~, N–benzylpiperazine, and a substance specified in s. 961.14 (7) (L).* (intro.) If a person violates this subsection with respect to phencyclidine, amphetamine, methamphetamine, methcathinone, cathinone, ~~methylenedioxypyrovalerone, or 4–methylmethcathinone,~~ N–benzylpiperazine, a substance specified in s. 961.14 (7) (L), or a controlled substance analog of phencyclidine, amphetamine, methamphetamine, methcathinone, cathinone, ~~methylenedioxypyrovalerone, or 4–methylmethcathinone,~~ N–benzylpiperazine, or a substance specified in s. 961.14 (7) (L), and the amount possessed, with intent to manufacture, distribute, or deliver, is:

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

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

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

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

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

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

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

SECTION 50. 961.41 (1m) (hm) (intro.) of the statutes is amended to read:

961.41 **(1m)** (hm) *Certain other schedule I controlled substances and ketamine.* (intro.) If the person violates this subsection with respect to gamma–hydroxybutyric acid, gamma–butyrolactone, 1,4–butanediol, 3,4–methylenedioxymethamphetamine, ~~4–bromo–2,5–dimethoxy–beta–phenylethylamine, 4–methylthioamphetamine,~~ ketamine, a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm), or (u) to (xb), or a controlled substance analog of gamma–hydroxybutyric acid, gamma–butyrolactone, 1,4–butanediol, 3,4–methylenedioxymethamphetamine, 4–bromo–2,5–dimethoxy–beta–phenylethylamine, or 4–methylthioamphetamine, ketamine, or a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm), or (u) to (xb) is subject to the following penalties if the amount possessed, with intent to manufacture, distribute, or deliver is:

SECTION 51. 961.41 (1r) of the statutes is amended to read:

961.41 **(1r)** DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m), an amount includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine, ~~methcathinone or~~ tetrahydrocannabinols, synthetic cannabinoids or substituted cathinones, or any controlled substance analog of any of these substances together with any compound, mixture, diluent, plant material or other substance mixed or combined with the controlled substance or controlled substance analog. In addition, in determining

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

SECTION 52. 961.41 (3g) (d) of the statutes is amended to read:

961.41 **(3g)** (d) *Certain hallucinogenic and stimulant drugs.* If a person possesses or attempts to possess lysergic acid diethylamide, phencyclidine, amphetamine, 3,4–methylenedioxymethamphetamine, methcathinone, cathinone, ~~methylenedioxypyrovalerone, 4–methylmethcathinone,~~ N–benzylpiperazine, a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm), (u) to (xb), or (7) (L), psilocin, or psilocybin, or a controlled substance analog of lysergic acid diethylamide, phencyclidine, amphetamine, 3,4–methylenedioxymethamphetamine, methcathinone, cathinone, ~~methylenedioxypyrovalerone, 4–methylmethcathinone,~~ N–benzylpiperazine, a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm), (u) to (xb), or (7) (L), psilocin, or psilocybin, the person may be fined not more than $5,000 or imprisoned for not more than one year in the county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

SECTION 53. 961.41 (3g) (em) of the statutes is amended to read:

961.41 **(3g)** (em) *Synthetic cannabinoids.* If a person possesses or attempts to possess a controlled substance specified in s. 961.14 (4) (tb) ~~to (ty)~~, or a controlled

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

(END)