

**2013 DRAFTING REQUEST**

**Bill**

Received: 9/4/2013 Received By: phurley  
Wanted: As time permits Same as LRB: -1757  
For: Sheila Harsdorf (608) 266-7745 By/Representing:  
May Contact: Drafter: phurley  
Subject: Criminal Law - drugs Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Harsdorf@legis.wisconsin.gov  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Redefining controlled substances

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 9/4/2013	evinz 9/5/2013	jmurphy 9/5/2013	_____	mbarman 9/5/2013	lparisi 9/13/2013	State S&L Crime

FE Sent For:

@  
Intro.

<END>

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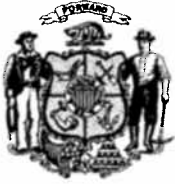
See attached

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/1	phurley	1 ellv 9/5/13	Jm 9/5	_____	_____		State S&L Crime

FE Sent For:

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-17512  
PJH:eev:ev

2013 BILL

d-note  
9-4-13

3067/1

No changes/  
companion  
except to  
d-note

regen

1 AN ACT <sup>regen</sup> *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

**BILL**

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.

**BILL**

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

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*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

**BILL**

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;

**BILL**

- 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-piperidiny)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;



**BILL****SECTION 6**

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-piperidiny)methyl,  
4 2-(4-morpholinyl)ethyl,                           1-(N-methyl-2-pyrrolidiny)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-piperidiny)methyl,  
18 2-(4-morpholinyl)ethyl,                           1-(N-methyl-2-pyrrolidiny)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,

**BILL**

- 1 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl,  
2 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidiny)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-piperidiny)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-piperidiny)methyl,  
24 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidiny)methyl,  
25 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group,

**BILL****SECTION 6**

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-piperidiny)methyl,  
10 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidiny)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;

**BILL**

1 h.

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

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

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

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

**BILL**

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-tetramethylcyclopropyl)indole, commonly known as  
4 UR-144;

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

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

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

11 e.  
12 1-[(tetrahydropyran-4-yl)methyl]-3-(2,2,3,3-tetramethylcyclopropyl)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;

**BILL**

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,

**BILL**

- 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. Naphtalen-1-yl-(4-pentyloxynaphtalen-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;





**BILL****SECTION 6**

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

**BILL**

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:

**BILL****SECTION 14**

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,  
25 commonly known as 25C-NBOMe.

**BILL**

1           3.  
2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine,  
3 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  
8 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  
15 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  
18 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  
25 preparation which contains any quantity of any of the following substances having

**BILL****SECTION 27**

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, alkylenedioxy, 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.

**BILL**

- 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 methylene 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 ethylene 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.

**BILL****SECTION 28**

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:

**BILL**

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, methylenedioxypropylvalerone, and*

20 *4-methylmethcathinone, N-benzylpiperazine, and a substance specified in s. 961.14*  
*... set*

21 *(7) (L).* (intro.) If the person violates this subsection with respect to phencyclidine,

22 *amphetamine, methamphetamine, methcathinone, cathinone,*

23 *methylenedioxypropylvalerone, 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,*



**BILL**

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,  
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,

**BILL**

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, methylenedioxypropylamphetamine, and*  
7 *~~4-methylmethcathinone~~ <sup>g</sup> N-benzylpiperazine, and a substance specified in s. 961.14*  
8 *~~(7) (L)~~ <sup>... set</sup> (L).* (intro.) If a person violates this subsection with respect to phencyclidine,

9 amphetamine, methamphetamine, methcathinone, cathinone,  
10 methylenedioxypropylamphetamine, 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 methylenedioxypropylamphetamine, 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 of  
23 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.



**BILL**

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

5 961.41 (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.** 961.41 (3g) (em) of the statutes is amended to read:

24 961.41 (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

**BILL****SECTION 53**

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)

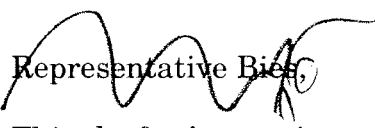
**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1757/2dn

PJH:eev:ev

September 4, 2013

date

 Representative Bies,

Senator  
Harsdorf  
Harsdorf

This drafter's note is to clarify that the intent of this draft is to make illegal any compounds that are structurally derived from the base compounds. In drafting, I used the word "includes" to demonstrate that the statutory subsections or subdivisions that follow each base compound list some, but not all, of the compounds that are structurally derived from the base compound.

Our drafting manual instructs that "[m]eans' is complete and 'includes' is partial. The term 'includes' conveys a meaning of nonexclusiveness and allows a court or administering agency to adopt additional meanings; using 'means' restricts them to reasonable constructions of your wording."

If the draft had intended to make the list of compounds exhaustive, I would not have used the word "includes"; instead, I would have used the word "means." Please let me know if you have any questions or concerns.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3067/1dn

PJH:eev:jm

September 5, 2013

Senator Harsdorf,

This drafter's note is to clarify that the intent of this draft is to make illegal any compounds that are structurally derived from the base compounds. In drafting, I used the word "includes" to demonstrate that the statutory subsections or subdivisions that follow each base compound list some, but not all, of the compounds that are structurally derived from the base compound.

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**Barman, Mike**

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**From:** Weigand, Melissa  
**Sent:** Friday, September 13, 2013 9:38 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3067/1 Topic: Redefining controlled substances

Please Jacket LRB -3067/1 for the SENATE.

Thanks,

*Melissa Weigand*

Office of Senator Sheila Harsdorf  
800.862.1092 or 608.266.7745