

2017 DRAFTING REQUEST**Assembly Substitute Amendment (ASA-AB335)**

For: **Joel Kleefisch (608) 266-8551** Drafter: **chanaman**
 By: **Katie** Secondary Drafters:
 Date: **5/25/2017** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Kleefisch@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Fentanyl analogs

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 5/25/2017	kfollett 5/25/2017			
/P1	chanaman 5/30/2017	kfollett 5/30/2017	lparisi 5/25/2017		
/P2	chanaman 6/6/2017	aernstr 6/6/2017	hkohn 5/30/2017		
/P3	chanaman 6/6/2017	kfollett 6/6/2017	rmilford 6/6/2017		
/1			rmilford 6/6/2017	rmilford 6/6/2017	

FE Sent For:

<END>

Hanaman, Cathlene

From: Scott, Katie
Sent: Thursday, May 25, 2017 11:16 AM
To: Hanaman, Cathlene
Subject: Bill draft - Amendment

Hi Cathlene,

Thank you for drafting LRB 2044, the fentanyl bill. Is there any way we could get an amendment to the bill as soon as possible?

Could we get an amendment to the bill with the following changes.

1.) - In the LRB analysis, is it possible to add the words '*that are not already scheduled*', AND change the words opiates to '*opioids*' so that the 4th sentence in the Analysis will read: "This bill adds fentanyl analogs *that are not already scheduled* to the synthetic *opioids* category under Schedule 1 and reorganizes some substances from the general synthetic *opioids* category....."

2.) - We have the following technical changes:

In Section 1 instead of referencing the individual analogs of fentanyl in this section, amend line 4 and 5 "in ss. 961.14 (2) (nd) and (4) and 961.18 (2m) "isomer" includes any positional or geometric isomer."

In Section 2 to make the substances alphabetical it should be...

961.14 (2) (a), (ae), (cd), (cg), (dg), (er), (eu), (ey), (ne), (qs), (rj), (tg) and (xm) of the statutes are renumbered 961.14 (2) (nd) 1., 2., 4., 5., 6., 7., 8., 9., 11., 14., 15, 17. and 19.

In Section 3, Page 2, line 16 there should be comma between ether and hydroxyl.

In Section 3, to make the substances alphabetical it should be (number change is bolded)...

Page 2, Line 23: **10.** Cyclopentyl fentanyl...

Page 2, Line 1: **12.** Isobutyryl fentanyl...

Page 2, Line 3: **13.** 4-methoxybutyryl fentanyl...

Page 2, Line 5: **16.** Ocfentanil...

Page 2, Line 17: **18.** Para-fluoroisobutyryl fentanyl...

Hope that makes sense!

Thank you,

Katie Scott
Policy Advisor
Office of Representative Joel Kleefisch
38th Assembly District
(608) 237-9308



State of Wisconsin
2017 - 2018 LEGISLATURE

CORRECTED
COPY

LRB-20447
CMH:ahc

ASA to

5f
5076/P7

today if possible

2017 ASSEMBLY BILL 335

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

Region

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

opioids
Analysis by the Legislative Reference Bureau

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

Substitute amendment

that are not already scheduled

opioids

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

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

ASSEMBLY BILL 335

SECTION 1

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

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

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

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

- | | | | |
|----|--------|--|----------|
| 21 | 3. | Acryl | fentanyl |
| 22 | | (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide); | |
| 23 | 6. 10. | Cyclopentyl | fentanyl |
| 24 | | (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide); | |

1W3
26

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0076/plins
CMH:...

1 Insert 2-6

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

3 961.01 (12g) "Isomer" means an optical isomer, but in ss. ~~961.14 (2) (er) and~~
4 ~~(es) and s. 961.16 (2) (b) 1.~~ "isomer" includes any geometric isomer; in ss. ~~961.14 (2)~~
5 ~~(eg), (tg) and (xm) and s. 961.20 (4) (am)~~ "isomer" includes any positional isomer; and
6 in ss. 961.14 (2) ~~(rj)~~ (nd) and (4) and 961.18 (2m) "isomer" includes any positional or
7 geometric isomer.

History: 1971 c. 219; 1979 c. 89; 1981 c. 200, 206; 1983 a. 500 s. 43; 1989 a. 31; CSB 2.21; 1993 a. 87, 129, 138, 184, 281, 482; 1995 a. 281 s. 2; 1995 a. 448 ss. 112 to 143, 247, 248, 464 to 468; Stats. 1995 s. 961.01; 1997 a. 35 s. 338; 1997 a. 67; 1999 a. 85; 2003 a. 33; 2005 a. 14, 52; 2011 a. 32; 2013 a. 151.

Hanaman, Cathlene

From: Scott, Katie
Sent: Tuesday, May 30, 2017 10:38 AM
To: Hanaman, Cathlene
Subject: Fentanyl bill - LRB s0076
Attachments: 17s0076_P1.pdf

Hey Cathlene,

The Sub looks great! We need a final correction because one of the drugs was scheduled separately at the last Controlled Substance Board meeting.

Section 2 should add (ai) is renumbered to 3. and in section 3 delete lines 1 and 2 on page 3.

Hope that makes sense!

Thank you,

Katie Scott
Policy Advisor
Office of Representative Joel Kleefisch
38th Assembly District
(608) 237-9308



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0076/P1
CMH:ahe&kjf

p2

today please

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO ASSEMBLY BILL 335

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

Analysis by the Legislative Reference Bureau

Current law classifies controlled substances in one of five schedules. The classification is based on 1) whether there is a currently accepted medical use for the controlled substance; 2) the potential of the controlled substance for abuse; and 3) the nature of the dependence that the controlled substance may produce. Schedule I controlled substances are those that have a high potential for abuse and dependence and no currently accepted medical use. This substitute amendment adds fentanyl analogs that are not already scheduled to the synthetic opioids category under Schedule I and reorganizes some substances from the general synthetic opioids category to the specific fentanyl analog category. Like other Schedule I substances, a person who possesses a fentanyl analog is guilty of a Class I felony and a person

who manufactures, distributes, or delivers a fentanyl analog is guilty of a Class E felony.

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

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

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SECTION 2. 961.14 (2) (a), (ae), ^(ai)(cd), (cg), (dg), (er), (eu), (ey), (ne), (qs), (rj), (tg) and (xm) of the statutes are renumbered 961.14 (2) (nd) 1., 2., ^{3.,}4., 5., 6., 7., 8., 9., 11., 14., 15., 17. and 19.

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

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



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0076/PZ
CMH:ahe&kjf

P3

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO ASSEMBLY BILL 335

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

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who manufactures, distributes, or delivers a fentanyl analog is guilty of a Class E felony.

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

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3 ~~(qs) and s. 961.16 (2) (b) 1.~~ "isomer" includes any geometric isomer; in ss. ~~961.14 (2)~~
4 ~~(eg), (tg) and (xm) and s. 961.20 (4) (am)~~ "isomer" includes any positional isomer; and
5 in ss. ~~961.14 (2) (rj) (nd) and (4) and 961.18 (2m)~~ "isomer" includes any positional or
6 geometric isomer.

7 **SECTION 2.** 961.14 (2) (a), (ae), (ai), (cd), (cg), (dg), (er), (eu), (ey), (ne), (qs), (rj),
8 (tg) and (xm) of the statutes are renumbered 961.14 (2) (nd) 1., 2., 3., 4., 5., 6., 7., 8.,
9 9., 11., 14., 15., 17. and 19.

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

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

1 10. Cyclopentyl fentanyl
2 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);

3 12. Isobutyryl fentanyl
4 (2-methyl-N-phenyl-N-[1-(2-phenylethyl) ~~4~~-piperidin ~~4~~]-propanamide);

5 13. 4-methoxybutyryl fentanyl
6 (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

7 16. Ocfentanil
8 (N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidin] ~~4~~-
9 acetamide);

10 18. Para-fluoroisobutyryl fentanyl
11 (N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-
12 propanamide);

13 20. Valeryl fentanyl (N-phenyl-
14 N-[1-(2-phenylethyl)piperidin-4-yl]pentanamide).

15 (END)

Hanaman, Cathlene

From: Scott, Katie
Sent: Tuesday, June 06, 2017 3:38 PM
To: Hanaman, Cathlene
Subject: URGENT: Fentanyl substitute amendment change
Attachments: 17s0076_P2.pdf; ATT00001.htm

Importance: High

Hi Cathlene,

Can we get a change to our substitute amendment (attached)? And can we get it as a /1, then?

Here's the changes to the substitute amendment...

Lines 3,4 of the substitute amendment should be changed to: 12. Isobutyryl fentanyl (2-methyl-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl] -propanamide)

Lines 7,8 of the substitute amendment should be changed to : 16. Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)piperidin-4-yl]-acetamide)

Lines 10, 11, 12: Delete all of 18. Para-fluoroisobutyryl. [NOTE: This drug will be added to the statutes on June 12, 2017 as a result of the Controlled Substances Board's scheduling Affirmative Action order. We will address the renumbering of this substance in a later amendment just prior to the floor vote with any other fentanyl analogs which will need to be renumbered based upon Controlled Substance Board scheduling between now and the floor vote]

Please keep all other changes to AB 335 already contained in the substitute amendment.

We need this amendment as soon as possible – it's having an exec this Thursday!

Thank you,

Katie Scott
Policy Advisor
Office of Representative Joel Kleefisch
38th Assembly District
(608) 237-9308