

2017 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB335)

For: **Joel Kleefisch (608) 266-8551** Drafter: **chanaman**
 By: **Katie** Secondary Drafters:
 Date: **6/13/2017** 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-- add one after action by controlled substances board

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 6/13/2017	jdyer 6/13/2017			
/P1	chanaman 6/13/2017	kfollett 6/13/2017	hkohn 6/13/2017		
/P2	chanaman 6/14/2017	mbarman 6/14/2017	rmilford 6/13/2017		
/1			mbarman 6/14/2017	mbarman 6/14/2017	

Rush To Office

FE Sent For:

<END>

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING	:	AFFIRMATIVE ACTION
PROCEEDINGS BEFORE THE	:	ORDER OF THE
CONTROLLED SUBSTANCES BOARD	:	CONTROLLED SUBSTANCES BOARD

FINDINGS

1. On May 3, 2017, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing 4-Fluoroisobutyryl Fentanyl into schedule I of the federal Controlled Substances Act. The scheduling action is effective May 3, 2017.
2. The Controlled Substances Board did not receive an objection to similarly treating 4-Fluoroisobutyryl Fentanyl as a schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order designating 4-Fluoroisobutyryl Fentanyl as a controlled substance.
3. The Controlled Substances Board will promulgate a final rule, without making the determinations or findings required by ss. 961.11(1), (1m), (1r) and (2) or s. 961.19 and omitting the notice of proposed rule-making, designating 4-Fluoroisobutyryl Fentanyl as a schedule I controlled substance.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats 4-fluoroisobutyryl fentanyl under chapter 961, Stats. by creating the following:

CSB 2.56 Addition of 4-fluoroisobutyryl fentanyl to schedule I. Section 961.14(2)(nc), Stats., is created to read:

961.14(2)(nc) 4-fluoroisobutyryl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);

This order shall take effect on June 12, 2017 to allow for publication in the Administrative Register. The order expires upon promulgation of a final rule.

Dated June 5, 2017



Doug Englebert, Chair
Controlled Substances Board

Melissa Schmidt

Senior Staff Attorney

Wisconsin Legislative Council

Phone: (608) 266-2298

<http://lc.legis.wisconsin.gov/>

Hanaman, Cathlene

From: Scott, Katie
Sent: Tuesday, June 13, 2017 12:17 PM
To: Hanaman, Cathlene
Subject: Fentanyl Amendment
Attachments: Affirmative Action Order.docx

Hi Cathlene,

Thank you for your work with the substitute amendment to the Fentanyl bill, AB 335. We need a simple amendment, a floor amendment, to the sub as soon as possible, if that's ok, as the bill will be voted on in Session next week Wednesday the 21st!

Can we have the simple state: "961.14 (2) (nc) of the statutes is renumbered 961.14 (2) (nd) 9."

The reason is b/c the CSB took affirmative action to make a drug a schedule 1 drug, and this became effective yesterday. We also list this drug in our bill, so we need to renumber the drug in our bill. Attached is the affirmative action order, and below is an email from Melissa Schmidt of Leg Council regarding this amendment change.

Thank you,

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

From: Schmidt, Melissa
Sent: Wednesday, June 07, 2017 9:40 AM
To: Scott, Katie <Katie.Scott@legis.wisconsin.gov>
Subject: CSB's Affirmative Action for Flouroisobutyryl Fentanyl
Importance: High

Good morning Katie,

Here is the Controlled Substance Board's Affirmative Action for "4-flouroisobutyryl fentanyl" (the same thing as para-flouroisobutyryl fentanyl) that will become a schedule I drug effective on Monday. Because we know what the statute number will be now, I think that LRB can draft a simple amendment to the Substitute Amendment 1 to AB 335 that will renumber the drug, using the name given in the Affirmative Action order.

This is what I think the simple amendment could say: "961.14 (2) (nc) of the statutes is renumbered 961.14 (2) (nd) 9." This amendment should not be introduced until s. 961.14 (2) (nc), Stats., becomes effective on June 12 (Monday).

Please let me know if you would like me to contact Cathlene Hanaman to discuss this amendment.

Sincerely,



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0729/P1
CMH.
JK

NOW

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 335**

1 At the locations indicated, amend the substitute amendment as follows: ✓

2 1. Page 2, line 7: after "(ey)," insert "(nc)," ✓

3 2. Page 2, line 9: after "9.," insert "9g.," ✓

4 (END) W





State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0729/P1
CMH:jld

p2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 335

At the locations indicated, amend the substitute amendment as follows:

1. Page 2, line 7: after "(ey)," insert "(nc),".
2. Page 2, line 9: after "9.," insert "9g.,".

(END)

Wm



"(Am.)"



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0729/P2
CMH:jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 335

now

*NOT
FOR
FLOOR*

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 7: after "(ey)," insert "(nc)."

3 **2.** Page 2, line 9: after "9.," insert "10m.,"

4 (END)