LRBa0729

2017 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB335)

For:	Joel Kleefis	ch (608) 266-8551		Drafter:	chanaman
By:	Katie			Secondary Drafters:	
Date:	6/13/2017			May Contact:	
Same as	LRB:				
Submit via email: Requester's email: Carbon copy (CC) to:		YES Rep.Kleefisch@l	legis.wiscons	in.gov	
Pre Top	ic:				
No speci	fic pre topic given				
Topic:					
Fentanyl	analogs add one	after action by contr	colled substan	ices board	
Instruct	ions:				
See attac	hed				
Drafting	g History:				
Vers.	Drafted	Reviewed	Submitted	Jacketed	Required
/?	chanaman 6/13/2017	jdyer 6/13/2017			
/P1	chanaman 6/13/2017	kfollett 6/13/2017	hkohn 6/13/2017		W.C.C.
/P2	chanaman 6/14/2017	mbarman 6/14/2017	rmilford 6/13/2017	V	Rust Africe

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FE Sent For:

<END>

mbarman

6/14/2017

mbarman 6/14/2017

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.

<u>ORDER</u>

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.

Anghe la

Doug Englebert, Chair Controlled Substances Board

Dated <u>June 5, 2017</u>

Melíssa Schmidt

Senior Staff Attorney Wisconsin Legislative Council Phone: (608) 266-2298 <u>http://lc.legis.wisconsin.gov/</u>

Hanaman, Cathlene

From: Sent: To: Subject: Attachments: Scott, Katie Tuesday, June 13, 2017 12:17 PM Hanaman, Cathlene Fentanyl Amendment 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 paraflouroisobutyryl 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,



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LRBa0729/

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:

(END)

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



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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:

(END)

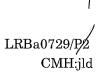
- **1.** Page 2, line 7: after "(ey)," insert "(nc),".
- 2. Page 2, line 9: after "9.," insert "9g.,".

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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: **1.** Page 2, line 7: after "(ey)," insert "(nc),". $\mathbf{2}$ 2. Page 2, line 9: after "9.," insert "10m.,". 3 4 (END)