

STATE OF WISCONSIN
Controlled Substances Board

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE
CONTROLLED SUBSTANCES BOARD

AFFIRMATIVE ACTION ORDER OF THE
CONTROLLED SUBSTANCES BOARD

FINDINGS

1. On May 12, 2016, the United States Food and Drug Administration, Drug Enforcement Administration published its final rule in the Federal Register scheduling Butyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide) and Beta-hydroxythiofentanyl (*N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylpropionamide) as Schedule I of the federal Controlled Substances Act. The scheduling action is effective May 12, 2016.
2. The Controlled Substances Board did not receive an objection to similarly treating Butyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide) and Beta-hydroxythiofentanyl (*N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylpropionamide) as schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register.
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. 961.15 and omitting the notice of proposed rule making, scheduling Butyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide) and Beta-hydroxythiofentanyl (*N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylpropionamide) as Schedule I controlled substances.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats butyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide) and beta-hydroxythiofentanyl (*N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylpropionamide) under chapter 961, Stats. by creating the following:

CSB 2.41 Scheduling of beta-hydroxythiofentanyl and butyryl fentanyl. Sections 961.14 (2) (eu) and (ey) are created to read:

961.14 (2) (eu) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide)

(ey) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide)

This order shall take effect on July 18, 2016 to allow for publication in the Administrative Register. The order expires upon promulgation of a final rule.