

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 April 27, 2021, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing the following Fentanyl-related substances into schedule I of the federal Controlled Substances Act. The scheduling action is effective immediately.

- *N*-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide (2'-fluoro *ortho*-fluorofentanyl; 2'-fluoro 2-fluorofentanyl);
- *N*-(1-(4-methylphenethyl)piperidin-4-yl)-*N*-phenylacetamide (4'-methyl acetyl fentanyl);
- *N*-(1-phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide (β' -phenyl fentanyl; *beta'*-Phenyl fentanyl; 3-phenylpropanoyl fentanyl);
- *N*-phenyl-*N*-(1-(2-phenylpropyl)piperidin-4-yl)propionamide (β -methyl fentanyl);
- *N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide (*ortho*-fluorobutyryl fentanyl; 2-fluorobutyryl fentanyl);
- *N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (*ortho*-methyl acetylfentanyl; 2-methyl acetylfentanyl);
- 2-methoxy-*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (*ortho*-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl);
- *N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide (*para*-methylfentanyl; 4-methylfentanyl);
- *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbenzamide (phenyl fentanyl; benzoyl fentanyl);
and
- *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide (thiofuranyl fentanyl; 2-thiofuranyl fentanyl; thiophene fentanyl).

2. The Controlled Substances Board did not receive an objection to similarly treating the ten (10) Fentanyl-related substances listed in schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order designating the ten (10) Fentanyl-related substances listed above as controlled substances.

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. 961.13 and omitting the notice of proposed rulemaking, designating the ten (10) Fentanyl-related substances listed above as a schedule I controlled substances.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats the following ten (10) Fentanyl-related substances under chapter 961, Stats. by creating the following:

- *N*-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide (2'-fluoro *ortho*-fluorofentanyl; 2'-fluoro 2-fluorofentanyl);
- *N*-(1-(4-methylphenethyl)piperidin-4-yl)-*N*-phenylacetamide (4'-methyl acetyl fentanyl);
- *N*-(1-phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide (β' -phenyl fentanyl; *beta'*-Phenyl fentanyl; 3-phenylpropanoyl fentanyl);
- *N*-phenyl-*N*-(1-(2-phenylpropyl)piperidin-4-yl)propionamide (β -methyl fentanyl);
- *N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide (*ortho*-fluorobutyryl fentanyl; 2-fluorobutyryl fentanyl);
- *N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (*ortho*-methyl acetylfentanyl; 2-methyl acetylfentanyl);
- 2-methoxy-*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (*ortho*-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl);
- *N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide (*para*-methylfentanyl; 4-methylfentanyl);
- *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbenzamide (phenyl fentanyl; benzoyl fentanyl);
and
- *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide (thiofuranyl fentanyl; 2-thiofuranyl fentanyl; thiophene fentanyl).

CSB 2.83 Addition of ten (10) Fentanyl-related substances to schedule I. Section 961.14 (2) (nd) 21., 22., 23., 24., 25., 26., 27., 28., 29., and 30., Stats., is created to read:

961.14 (2) (nd)

21. *N*-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide (2'-fluoro *ortho*-fluorofentanyl; 2'-fluoro 2-fluorofentanyl);
22. *N*-(1-(4-methylphenethyl)piperidin-4-yl)-*N*-phenylacetamide (4'-methyl acetyl fentanyl);
23. *N*-(1-phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide (β' -phenyl fentanyl; *beta'*-Phenyl fentanyl; 3-phenylpropanoyl fentanyl);
24. *N*-phenyl-*N*-(1-(2-phenylpropyl)piperidin-4-yl)propionamide (β -methyl fentanyl);
25. *N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide (*ortho*-fluorobutyryl fentanyl; 2-fluorobutyryl fentanyl);
26. *N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (*ortho*-methyl acetylfentanyl; 2-methyl acetylfentanyl);
27. 2-methoxy-*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (*ortho*-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl);

28. *N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide (*para*-methylfentanyl; 4-methylfentanyl);
29. *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbenzamide (phenyl fentanyl; benzoyl fentanyl);
and
30. *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide (thiofuranyl fentanyl; 2-thiofuranyl fentanyl; thiophene fentanyl).

This order shall take effect upon publication in the Administrative Register. The order expires upon promulgation of a final rule.

Dated 7/9/2021



Doug Englebert, Chair
Controlled Substances Board