

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 12, 2022, the Department of Justice, Drug Enforcement Administration published its temporary scheduling order in the Federal Register placing the following seven (7) synthetic benzimidazole-opioid substances into schedule I of the federal Controlled Substances Act. The scheduling action is effective immediately.

- 2-(2-(4-butoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)-N,N-diethylethan-1- amine (butonitazene),
- 2-(2-(4-ethoxybenzyl)-1Hbenzimidazol-1-yl)-N,N-diethylethan-1- amine (etodesnitazene; etazene),
- N,N-diethyl-2-(2-(4-fluorobenzyl)-5- nitro-1H-benzimidazol-1-yl)ethan-1- amine (flunitazene),
- N,N-diethyl-2-(2-(4- methoxybenzyl)-1H-benzimidazol-1- yl)ethan-1-amine (metodesnitazene),
- N,N-diethyl-2-(2-(4- methoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)ethan-1-amine (metonitazene),
- 2-(4-ethoxybenzyl)-5-nitro-1-(2- (pyrrolidin-1-yl)ethyl)-1Hbenzimidazole (N-pyrrolidino etonitazene; etonitazepyne), and
- N,N-diethyl-2-(5-nitro-2-(4- propoxybenzyl)-1H-benzimidazol-1- yl)ethan-1-amine (protonitazene).

2. The Controlled Substances Board did not receive an objection to similarly treating the seven (7) synthetic benzimidazole-opioid substances listed above in schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order designating these seven (7) synthetic benzimidazole-opioid substances 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 seven (7) synthetic benzimidazole-opioid 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 seven (7) synthetic benzimidazole-opioid substances listed above under chapter 961, Stats. by creating the following:

CSB 2.94 Addition of seven (7) synthetic benzimidazole-opioid substances to schedule I.

Section 961.14 (2) (mm) and (pm), stats. are amended to read:

961.14 (2) (mm). Etonitazene (2-(2-(4-ethoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine)

961.14 (2) (pm). Isotonitazene (N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)

Section 961.14 (2) (mm) and (pm), stats. are renumbered to 961.14 (2) (xm) 3. and 6., stats.

Section 961.14 (2) (xm) 1. to 9., Stats., is created to read:

961.14 (2) (xm) Synthetic Benzimidazole-opioid Substances:

1. Butonitazene (2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine),
2. Etodesnitazene also known as Etazene (2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine),
3. Etonitazene (2-(2-(4-ethoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine),
4. Flunitazene (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine),
5. Isotonitazene (N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine),
6. Metodesnitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine),
7. Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine),
8. N-pyrrolidino etonitazene also known as etonitazepyne (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole), and
9. Protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine).

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

Dated _____

Doug Englebert, Chair
Controlled Substances Board