

## State of Misconsin 2017 - 2018 LEGISLATURE

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## ASSEMBLY SUBSTITUTE AMENDMENT 1, TO ASSEMBLY BILL 335

June 7, 2017 - Offered by Representative Kleefisch.

AN ACT *to renumber* 961.14 (2) (a), (ae), (ai), (cd), (cg), (dg), (er), (eu), (ey), (ne), (qs), (rj), (tg) and (xm); *to amend* 961.01 (12g); and *to create* 961.14 (2) (nd) of the statutes; **relating to:** fentanyl analogs and providing a criminal penalty.

## Analysis by the Legislative Reference Bureau

Current law classifies controlled substances in one of five schedules. The classification is based on 1) whether there is a currently accepted medical use for the controlled substance; 2) the potential of the controlled substance for abuse; and 3) the nature of the dependence that the controlled substance may produce. Schedule I controlled substances are those that have a high potential for abuse and dependence and no currently accepted medical use. This substitute amendment adds fentanyl analogs that are not already scheduled to the synthetic opioids category under Schedule I and reorganizes some substances from the general synthetic opioids category to the specific fentanyl analog category. Like other Schedule I substances, a person who possesses a fentanyl analog is guilty of a Class I felony and a person who manufactures, distributes, or delivers a fentanyl analog is guilty of a Class E felony.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**Section 1.** 961.01 (12g) of the statutes is amended to read:

961.01 **(12g)** "Isomer" means an optical isomer, but in ss. 961.14 (2) (er) and (qs) and s. 961.16 (2) (b) 1. "isomer" includes any geometric isomer; in ss. 961.14 (2) (eg), (tg) and (xm) and s. 961.20 (4) (am) "isomer" includes any positional isomer; and in ss. 961.14 (2) (rj) (nd) and (4) and 961.18 (2m) "isomer" includes any positional or geometric isomer.

**SECTION 2.** 961.14 (2) (a), (ae), (ai), (cd), (cg), (dg), (er), (eu), (ey), (ne), (qs), (rj), (tg) and (xm) of the statutes are renumbered 961.14 (2) (nd) 1., 2., 3., 4., 5., 6., 7., 8., 9., 11., 14., 15., 17. and 19.

**SECTION 3.** 961.14 (2) (nd) of the statutes is created to read:

961.14 (2) (nd) Fentanyl analogs, including any compound, except compounds scheduled elsewhere in this chapter, structurally derived from fentanyl by replacement of the phenyl portion of the phenethyl group by any monocycle whether or not further substituted in or on the monocycle; by substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halo, haloalkyl, amino or nitro groups; by substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxy, halo, haloalkyl, amino or nitro groups; by replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; by replacement of the N-propionyl group by another acyl group; or by any combination of these modifications. Substances specified under this paragraph include all of the following:

22 10. Cyclopentyl fentanyl

 $23 \hspace{1cm} (N\hbox{-}(1\hbox{-phenethylpiperidin-}4\hbox{-yl})\hbox{-}N\hbox{-phenylcyclopentane} carbox a mide);$ 

24 12. Isobutyryl fentanyl

(2-methyl-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]-propanamide);

LRBs0076/1CMH:ahe&kjf SECTION 3

4-methoxybutyryl fentanyl 13. 1 2 (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);16. 3 Ocfentanil (N-(2-fluor ophenyl)-2-methoxy-N-[1-(2-phenylethyl)piperidin-4-yl]-(1-(2-phenylethyl)piperidin-4-yl)-(1-(2-phenylethyl)piperidin-4-yl)-(1-(2-phenylethyl)piperidin-4-yl)-(1-(24 5 acetamide); 6 20. Valeryl fentanyl (N-phenyl-7 N-[1-(2-phenylethyl)piperidin-4-yl]pentanamide).8

(END)