



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY SUBSTITUTE AMENDMENT ,

TO ASSEMBLY BILL 335

1 **AN ACT** *to renumber* 961.14 (2) (a), (ae), (cd), (cg), (dg), (er), (eu), (ey), (ne), (qs),
2 (rj), (tg) and (xm); *to amend* 961.01 (12g); and *to create* 961.14 (2) (nd) of the
3 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:

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

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

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

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

11 961.14 (**2**) (nd) Fentanyl analogs, including any compound, except compounds
12 scheduled elsewhere in this chapter, structurally derived from fentanyl by
13 replacement of the phenyl portion of the phenethyl group by any monocycle whether
14 or not further substituted in or on the monocycle; by substitution in or on the
15 phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halo, haloalkyl, amino or nitro
16 groups; by substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester,
17 ether, hydroxy, halo, haloalkyl, amino or nitro groups; by replacement of the aniline
18 ring with any aromatic monocycle whether or not further substituted in or on the
19 aromatic monocycle; by replacement of the N-propionyl group by another acyl group;
20 or by any combination of these modifications. Substances specified under this
21 paragraph include all of the following:

1	3.	Acryl	fentanyl
2	(N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide);		
3	10.	Cyclopentyl	fentanyl
4	(N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);		
5	12.	Isobutyryl	fentanyl
6	(2-methyl-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide);		
7	13.	4-methoxybutyryl	fentanyl
8	(N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);		
9	16.		Ocfentanil
10	(N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-		
11	acetamide);		
12	18.	Para-fluoroisobutyryl	fentanyl
13	(N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-		
14	propanamide);		
15	20.	Valeryl	fentanyl
16	(N-phenyl-		
17	N-[1-(2-phenylethyl)piperidin-4-yl]pentanamide).		
		(END)	