

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 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

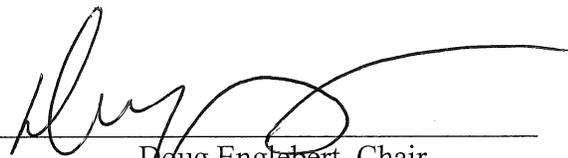
Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats butyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide) and beta-hydroxythiofentanyl (*N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylpropionamide) under chapter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

Dated 7-13-16



Doug Englebort, Chair
Controlled Substances Board