

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 December 7, 2023, the Department of Justice, Drug Enforcement Administration published its temporary amendment and scheduling order in the Federal Register adding the following 9 fentanyl related substances to schedule I of the federal Controlled Substances Act:

- *Meta*-fluorofentanyl
- *Meta*-fluoroisobutyryl fentanyl
- *Para*-methoxyfuranyl fentanyl
- 3-furanyl fentanyl
- 2',5'-dimethoxyfentanyl
- Isovaleryl fentanyl
- *Ortho*-fluorofuranyl fentanyl
- *Alpha*'-methyl butyryl fentanyl
- *Para*-methylcyclopropyl fentanyl

The scheduling action is effective December 7, 2023.

2. The Controlled Substances Board did not receive an objection to similarly listing the above 9 fentanyl related substances as schedule I controlled substances under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order listing the above 9 fentanyl related substances as schedule I 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. 961.19 and omitting the notice of proposed rulemaking, listing the above 9 fentanyl related substances as schedule I controlled substances.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats the above 9 fentanyl related substances under chapter 961, Stats. by creating the following:

CSB 2.005 Addition of 9 Fentanyl Related Substances to Schedule I. (1) Section 961.14 (2) (nd) 3m., 10m., 11m., 12e., 12m., 12s., 16n., 17g., and 17r., are created to read:

961.14 (2) (nd) 3m. *Alpha*'-methyl butyryl fentanyl (2-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);

10m. 2',5'-dimethoxyfentanyl (*N*-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-*N*-phenylpropionamide);

11m. 3-furanyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-3-carboxamide);

12e. Isovaleryl fentanyl (3-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);

12m. *Meta*-fluorofentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide);

12s. *Meta*-fluoroisobutyryl fentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);

16n. *Ortho*-fluorofuranyl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

17g. *Para*-methoxyfuranyl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

17r. *Para*-methylcyclopropyl fentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide);

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

Dated 01/24/24

Douglas Englebert

Doug Englebert, Chair
Controlled Substances Board