

STATE OF WISCONSIN
Controlled Substances Board

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE
CONTROLLED SUBSTANCES BOARD

AFFIRMATIVE ACTION ORDER OF THE
CONTROLLED SUBSTANCES BOARD

FINDINGS

1. On October 26, 2017, the Department of Justice, Drug Enforcement Administration published its order of temporary scheduling in the Federal Register placing ortho-fluorofentanyl into schedule I of the federal Controlled Substances Act. The scheduling action is effective October 26, 2017.
2. The Controlled Substances Board did not receive an objection to similarly treating ortho-fluorofentanyl as a schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register of the order of temporary scheduling designating ortho-fluorofentanyl as a controlled substance.
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 rule making, designating ortho-fluorofentanyl as a schedule I controlled substance.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats ortho-fluorofentanyl under chapter 961, Stats. by creating the following:

CSB 2.59 Addition of ortho-fluorofentanyl to schedule I. Section 961.14 (2) (nd)16m., Stats., is created to read:

961.14(2)(nd) 16m. Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide)

This order shall take effect on December 4, 2017 to allow for publication in the Administrative Register. The order expires upon promulgation of a final rule.

Dated November 30, 2017



Doug Englebert, Chair
Controlled Substances Board