Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at https://rules.wyo.gov

Revised June 2020

1. General Information

a. Agency/Board Name* Attorney General (in her capacity as Commissioner of Drugs and Substances Control)

b. Agency/Board Address 109 State Capitol	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Jenny L. Craig	f. Agency Liaison Telephone Number (307) 777-7977	

g. Agency Liaison Email Address jenny.craig1@wyo.gov

h. Date of Public Notice April 18, 2023	i. Comment Period End Date June 1, 2023

j. Public Comment URL or Email Address: melissa.rexius@wyo.gov

k. Program Schedule I - Controlled Substances

☐ Amended Program Name (*if applicable*):

* ☐ *By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.*

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

☒ **No.** ☐ **Yes.** If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):

3. Rule Type and Information

For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. *Please use the "Additional Rule Information" form to identify additional rule chapters.*

Chapter Number	Chapter Name	New	Amended	Repealed
1	Additional Controlled Substances	☐	☒	☐
	Amended Chapter Name (*if applicable*):			
Chapter Number:	Chapter Name:	☐	☐	☐
	Amended Chapter Name (*if applicable*):			
Chapter Number:	Chapter Name:	☐	☐	☐
	Amended Chapter Name (*if applicable*):			
Chapter Number:	Chapter Name:	☐	☐	☐
	Amended Chapter Name (*if applicable*):			
Chapter Number:	Chapter Name:	☐	☐	☐
	Amended Chapter Name (*if applicable*):			
Chapter Number:	Chapter Name:	☐	☐	☐
	Amended Chapter Name (*if applicable*):			

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. ■ **No.** ☐ **Yes. Please complete the boxes below.**

Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?

■ By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

■ To the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. ■ **No.** ☐ **Yes. Please complete the boxes below.**

Applicable Federal Law or Regulation Citation:

Indicate one (1):

☐ The proposed rules meet, but do not exceed, minimum federal requirements.

☐ The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

☐ To the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

■ The proposed rule change *MEETS* minimum substantive statutory requirements.

☐ The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. ■ The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

■ By contacting the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

☒ These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

☐ The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____

(Provide chapter numbers)

☐ These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____

(Provide chapter numbers)

b. Checklist

☒ The Statement of Principal Reasons is attached to this Notice and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

☐ If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	Bridget Hill
Title of Authorized Individual	Attorney General
Date of Authorization	April 18, 2023

STATEMENT OF PRINCIPAL REASONS

Schedule I – Controlled Substances
Chapter 1: Additional Controlled Substances

Under Wyo. Stat. Ann. § 35-7-1011(a), the Wyoming Attorney General, as the designated Commissioner of Drugs and Substances Control, may add substances to or delete or reschedule all substances enumerated in the schedules in Wyo. Stat. Ann. §§ 35-7-1014, 35-7-1016, 35-7-1018, 35-7-1020 and 35-7-1022. Further, under Wyo. Stat. Ann. § 35-7-1011(d), if any substance is designated under federal law, the Wyoming Attorney General is required to similarly control such substance through the promulgation of a rule.

The United States Drug Enforcement Administration (DEA) recently scheduled Methiopropamine as a Schedule I controlled substance. *See* Schedules of Controlled Substances: Placement of Methiopropamine in Schedule I, 87 Fed. Reg. 75470 (December 9, 2022) (codified at 21 C.F.R. pt. 1308). This order scheduled Methiopropamine into Schedule I of the Controlled Substances Act. 21 U.S.C. § 801 *et seq*.

In response to this order, the Wyoming Attorney General scheduled this substance into Schedule I (Wyo. Stat. Ann. § 35-7-1014) of the Wyoming Controlled Substances Act of 1971 through an emergency rule. The Wyoming Attorney General is now amending the permanent rule to incorporate this substance into Schedule I of the Wyoming Controlled Substances Act of 1971. The adopted rule does not exceed the requirements of the federal regulations.

Chapter 1

Additional Controlled Substances

Section 1. Purpose. The purpose of these rules is to add, delete, and reschedule controlled substances in the Wyoming Controlled Substances Act of 1971. Some changes will be made to similarly control a substance in response to the publication of a final order in the Federal Register designating that substance as a controlled substance under federal law. Other changes will be made at the discretion of the Wyoming Attorney General, in his or her capacity as the Commissioner of Drugs and Substances Control, with the advice of the Advisory Board on Drugs and Substances Control.

Section 2. Authority. The Commissioner of Drugs and Substances Control's rulemaking authority is found at Wyoming Statute § 35-7-1011(a) and (d), which allow the Commissioner to add, delete, and reschedule substances to the control schedules pursuant to the procedures of the Wyoming Administrative Procedure Act.

Section 3. Additional Controlled Substances. The Commissioner of Drugs and Substances Control adds the following substances to Schedule I:

(a) Synthetic cannabinoids:

(i) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3- carboxamido)-3-methylbutanoate, commonly known as 5F-AMB, and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(ii) [N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide, commonly known as ADB-FUBINACA;

(iii) [Methyl 2-({ 1 –[(4-fluorophenyl)methyl]-1 Hindazole-3-carbonyl}amino)-3-methylbutanoate], commonly known as FUB-AMB;

(iv) Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate, commonly known as NM2201; CBL2201, and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(v) 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide, commonly known as 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN-BINACA; SGT-78, and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(vi) methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate, commonly known as MMB-CHMICA, AMB-CHMICA, and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(vii) 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide, commonly known as 5F-CUMYL-P7AICA, and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(viii) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide, commonly known as MAB-CHMINACA or ADB-CHMINACA, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible;

(ix) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, commonly known as 5F-ADB or 5F-MDMB-PINACA;

(x) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate, commonly known as MDMB-CHMICA or MMB-CHMINACA;

(xi) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, commonly known as MDMB-FUBINACA;

(xii) ethyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-Dimethylbutanoate, commonly known as 5F-EDMB-PINACA, and its optical, positional, and geometric isomers, salts, and salts of isomers;

(xiii) methyl 2-(1-(5-fluoropentyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate commonly known as 5F-MDMB-PICA, and its optical, positional, and geometric isomers, salts, and salts of isomers;

(xiv) *N*-(adamantan-1-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide, commonly known as FUB-AKB48; FUB-APINACA; AKB48 N-(4-FLUOROBENZYL), and its optical, positional, and geometric isomers, salts, and salts of isomers;

(xv) 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide commonly known as 5F-CUMYL-PINACA; SGT-25, and its optical, positional, and geometric isomers, salts, and salts of isomers;

(xvi) (1-(4-fluorobenzyl)-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone commonly known as FUB-144, and its optical, positional, and geometric isomers, salts, and salts of isomers;

(xvii) *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (other name: 5F-AB-PINACA) and its salts, isomers, and salts of isomers; and

(xviii) methyl 2-(1-(4-fluorobutyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (other name: 4F-MDMB-BINACA, 4F-MDMB-BUTINACA) and its salts, isomers, and salts of isomers.

(b) Synthetic opioid analgesics:

(i) trans-3,4-dichloro-N-[2-dimethylamino)cyclohexyl]-N-methylbenzamide, commonly known as U-47700;

(ii) para-fluorobutyryl fentanyl, commonly known as p-FBF;

(iii) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, commonly known as acetyl fentanyl;

(iv) 3,4-dichloro-N-[(1dimethylamino)cyclohexylmethyl]benzamide), commonly known as AH-7921;

(v) Cyclopentyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopentanecarboxamine) including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible;

(vi) Isobutyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide) including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible;

(vii) *para*-Chloroisobutyryl fentanyl (*N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide) including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible;

(viii) *para*-Methoxybutyryl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide) including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible; and

(ix) Valeryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide) including is isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible.

(c) Analgesics:

(i) 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide, commonly known as W-18.

(d) Synthetic opioids:

(i) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (commonly known as butyryl fentanyl);

(ii) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-

phenylpropanamide, (commonly known as beta-hydroxythiofentanyl) and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(iii) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, (commonly known as furanyl fentanyl) and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(iv) para-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide] (commonly known as 4-fluoroisobutyryl fentanyl) and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(v) acryloylfentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide], (commonly known as acryl fentanyl) and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(vi) [N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide], (commonly known as tetrahydrofuranyl fentanyl) and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(vii) [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide], (commonly known as ocfentanil) and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(viii) Cyclopropyl fentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide] and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(ix) Methoxyacetyl fentanyl [2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide] and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(x) *ortho*-Fluorofentanyl [N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide) (also known as 2-fluorofentanyl) and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(xi) *para*-Fluorobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide] and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(xii) Fentanyl related substances that are not currently listed in any schedule of the Wyoming Controlled Substances Act and their isomers, ethers, salts, and salts of isomers, esters, and ethers;

(xiii) *N, N*-diethyl-2-[2-(4 isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl]ethan-1-amine (commonly known as isotonitazene), including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible;

(xiv) Crotonyl fentanyl [(E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide];

(xv) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2*H*-benzo[*d*]imidazole-2-one, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: brorphine; 1-[1-[1-(4-bromophenyl)ethyl]-4-piperidinyl]-1,3-dihyrdro-2*H*-benzimidazol-2-one);

(xvi) *beta*-Methyl fentanyl (*N*-phenyl-*N*-(1-(2-phenylpropyl)piperidin-4-yl)propionamide; also known as β-methyl fentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xvii) *beta'*-Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide; also known as β'-phenyl fentanyl; 3-phenylpropanoyl fentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xviii) 2'-Fluoro *ortho*-fluorofentanyl (*N*-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)ppropionamide; also known as 2'-fluoro 2-fluorofentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xix) 4'-Methyl acetyl fentanyl (*N*-(1-(4-methylphenethyl)piperidin-4-yl)-*N*-phenylacetamide) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xx) *ortho*-Fluorobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide; also known as 2-fluorobutyryl fentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxi) *ortho*-Methyl acetylfentanyl (*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide; also known as 2-methyl acetylfentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxii) *ortho*-Methyl methoxyacetyl fentanyl (2-methoxy-*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide; also known as 2-methyl methoxyacetyl fentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxiii) *para*-Methylfentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide; also known as 4-methylfentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxiv) Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbenzamide; also known as benzoyl fentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxv) Thiofuranyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide; also known as 2-thiofuranyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxvi) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxvii) *ortho*-Fluoroacryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)acrylamide) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxviii)*ortho*-Fluoroisobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxix) *para*-Fluoro furanyl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxx) 2-(2-(4-butoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N*,*N*-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other name: Butonitazene);

(xxxi) 2-(2-4-ethoxybenzyl)-1*H*-benzimidazol-1-yl)-*N*,*N*-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other names: Etodesnitazene; etazene);

(xxxii) *N*,*N*-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name: Flunitazene);

(xxxiii)*N*,*N*-diethyl-2-(2-(4-methoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine,its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name: Metodesnitazene);

(xxxiv)*N*,*N*-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name Metonitazene);

(xxxv) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1*H*-benzimidazole, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other names: *N*-pyrrolidino etonitazene; etonitazepyne);

(xxxvi)*N*,*N*-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name: Protonitazene); and

(xxxvii) Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol), including its isomers, esters, ethers, salts, and salts of isomers, esters and

ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation.

(e) Synthetic cathinone:

(i) *N*-1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone, commonly known as *N*-ethylpentylone, ephylone;

(ii) N-Ethylhexedrone (other name: 2-(ethylamino)-1-phenylhexan-1-one) and its optical, positional, and geometric isomers, salts, and salts of isomers;

(iii) alpha-Pyrrolidinohexanophenone (other names: a-PHP; alpha-pyrrolidinohexiophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one) and its optical, positional, and geometric isomers, salts, and salts of isomers;

(iv) 4-Methyl-alpha-ethylaminopentiophenone (other names: 4-MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one) and its optical, positional, and geometric isomers, salts, and salts of isomers;

(v) 4'-Methyl-alpha-pyrrolidinohexiophenone (other names: MPHP; 4'-methyl-alpha-pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-)pyrrolidin-1-yl)heptan-1-one) and its optical positional, and geometric isomers, salts, and salts of isomers;

(vi) alpha-Pyrrolidinoheptaphenone (other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one) and its optical, positional, and geometric isomers, salts, and salts of isomers; and

(vii) 4'-Chloro-alpha-pyrrolidinovalerophenone (other names: 4-chloro-a-PVP; 4'-chloro-alpha-pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one) and its optical, positional, and geometric isomers, salts, and salts of isomers.

(f) Hallucinogenic substances:

(i) 1-(4-methoxyphenyl)-*N*-methylpropan-2-amine (other names: *para*-methoxymethamphetamine, PMMA), including its salts, isomers, and salts of isomers; and

(ii) 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine, MXE).

(g) Stimulants:

(i) 4,4′-Dimethylaminorex (common name 4,4′-DMAR; other names 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine);

(ii) Amineptine (7-[(10,11-dihydro-5*H*-dibenzo[*a*,*d*]cyclohepten-5-yl)amino]heptanoic acid), including its salts, isomers, and salts of isomers;

(iii) Mesocarb (*N*-phenyl-*N'*-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate), including its salts, isomers, and salts of isomers; and

(iv) Methiopropamine (*N*-methyl-1-(thiophen-2-yl)propan-2-amine), including its salts, isomers, and salts of isomers.

(h) Precursor chemicals:

(i) *N*-(1-benzylpiperidin-4-yl)-*N*-phenylpropionamide (other name: benzylfentanyl) and its salts;

(ii) *N*-phenylpiperidin-4-amine (other names: 4-anilinopiperidine; *N*-phenyl-4-piperidinamine; 4–AP), and its amides, carbamates, and salts;

(iii) 3,4-MDP-2-P methyl glycidate (PMK glycidate) and its optical and geometric isomers;

(iv) 3,4-MDP-2-P methyl glycidic acid (PMK glycidic acid) and its salts, optical and geometric isomers; and

(v) Alpha-phenylacetoacetamide (APAA) and its optical isomers.

Chapter 1

Additional Controlled Substances

Section 1. Purpose. The purpose of these rules is to add, delete, and reschedule controlled substances in the Wyoming Controlled Substances Act of 1971. Some changes will be made to similarly control a substance in response to the publication of a final order in the Federal Register designating that substance as a controlled substance under federal law. Other changes will be made at the discretion of the Wyoming Attorney General, in his or her capacity as the Commissioner of Drugs and Substances Control, with the advice of the Advisory Board on Drugs and Substances Control.

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Section 3. Additional Controlled Substances. The Commissioner of Drugs and Substances Control adds the following substances to Schedule I:

(a) Synthetic cannabinoids:

(i) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3- carboxamido)-3-methylbutanoate, commonly known as 5F-AMB, and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(ii) [N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide, commonly known as ADB-FUBINACA;

(iii) [Methyl 2-({ 1 –[(4-fluorophenyl)methyl]-1 Hindazole-3-carbonyl}amino)-3-methylbutanoate], commonly known as FUB-AMB;

(iv) Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate, commonly known as NM2201; CBL2201, and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(v) 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide, commonly known as 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN-BINACA; SGT-78, and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(vi) methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate, commonly known as MMB-CHMICA, AMB-CHMICA, and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(vii) 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide, commonly known as 5F-CUMYL-P7AICA, and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(viii) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide, commonly known as MAB-CHMINACA or ADB-CHMINACA, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible;

(ix) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, commonly known as 5F-ADB or 5F-MDMB-PINACA;

(x) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate, commonly known as MDMB-CHMICA or MMB-CHMINACA;

(xi) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, commonly known as MDMB-FUBINACA;

(xii) ethyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-Dimethylbutanoate, commonly known as 5F-EDMB-PINACA, and its optical, positional, and geometric isomers, salts, and salts of isomers;

(xiii) methyl 2-(1-(5-fluoropentyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate commonly known as 5F-MDMB-PICA, and its optical, positional, and geometric isomers, salts, and salts of isomers;

(xiv) *N*-(adamantan-1-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide, commonly known as FUB-AKB48; FUB-APINACA; AKB48 N-(4-FLUOROBENZYL), and its optical, positional, and geometric isomers, salts, and salts of isomers;

(xv) 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide commonly known as 5F-CUMYL-PINACA; SGT-25, and its optical, positional, and geometric isomers, salts, and salts of isomers;

(xvi) (1-(4-fluorobenzyl)-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone commonly known as FUB-144, and its optical, positional, and geometric isomers, salts, and salts of isomers;

(xvii) *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (other name: 5F-AB-PINACA) and its salts, isomers, and salts of isomers; and

(xviii) methyl 2-(1-(4-fluorobutyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (other name: 4F-MDMB-BINACA, 4F-MDMB-BUTINACA) and its salts, isomers, and salts of isomers.

(b) Synthetic opioid analgesics:

(i) trans-3,4-dichloro-N-[2-dimethylamino)cyclohexyl]-N-methylbenzamide, commonly known as U-47700;

(ii) para-fluorobutyryl fentanyl, commonly known as p-FBF;

(iii) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, commonly known as acetyl fentanyl;

(iv) 3,4-dichloro-N-[(1dimethylamino)cyclohexylmethyl]benzamide), commonly known as AH-7921;

(v) Cyclopentyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopentanecarboxamine) including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible;

(vi) Isobutyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide) including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible;

(vii) *para*-Chloroisobutyryl fentanyl (*N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide) including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible;

(viii) *para*-Methoxybutyryl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide) including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible; and

(ix) Valeryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide) including is isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible.

(c) Analgesics:

(i) 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide, commonly known as W-18.

(d) Synthetic opioids:

(i) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (commonly known as butyryl fentanyl);

(ii) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-

phenylpropanamide, (commonly known as beta-hydroxythiofentanyl) and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(iii) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, (commonly known as furanyl fentanyl) and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(iv) para-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide] (commonly known as 4-fluoroisobutyryl fentanyl) and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(v) acryloylfentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide], (commonly known as acryl fentanyl) and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(vi) [N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide], (commonly known as tetrahydrofuranyl fentanyl) and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(vii) [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide], (commonly known as ocfentanil) and its isomers, ethers, salts, and salts of isomers, esters, and ethers;

(viii) Cyclopropyl fentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide] and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(ix) Methoxyacetyl fentanyl [2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide] and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(x) *ortho*-Fluorofentanyl [N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide) (also known as 2-fluorofentanyl) and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(xi) *para*-Fluorobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide] and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(xii) Fentanyl related substances that are not currently listed in any schedule of the Wyoming Controlled Substances Act and their isomers, ethers, salts, and salts of isomers, esters, and ethers;

(xiii) *N, N*-diethyl-2-[2-(4 isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl]ethan-1-amine (commonly known as isotonitazene), including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible;

(xiv) Crotonyl fentanyl [(E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide];

(xv) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2*H*-benzo[*d*]imidazole-2-one, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: brorphine; 1-[1-[1-(4-bromophenyl)ethyl]-4-piperidinyl]-1,3-dihyrdro-2*H*-benzimidazol-2-one);

(xvi) *beta*-Methyl fentanyl (*N*-phenyl-*N*-(1-(2-phenylpropyl)piperidin-4-yl)propionamide; also known as β-methyl fentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xvii) *beta'*-Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide; also known as β'-phenyl fentanyl; 3-phenylpropanoyl fentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xviii) 2'-Fluoro *ortho*-fluorofentanyl (*N*-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)ppropionamide; also known as 2'-fluoro 2-fluorofentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xix) 4'-Methyl acetyl fentanyl (*N*-(1-(4-methylphenethyl)piperidin-4-yl)-*N*-phenylacetamide) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xx) *ortho*-Fluorobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide; also known as 2-fluorobutyryl fentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxi) *ortho*-Methyl acetylfentanyl (*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide; also known as 2-methyl acetylfentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxii) *ortho*-Methyl methoxyacetyl fentanyl (2-methoxy-*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide; also known as 2-methyl methoxyacetyl fentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxiii) *para*-Methylfentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide; also known as 4-methylfentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxiv) Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbenzamide; also known as benzoyl fentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxv) Thiofuranyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide; also known as 2-thiofuranyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxvi) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxvii) *ortho*-Fluoroacryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)acrylamide) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxviii)*ortho*-Fluoroisobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxix) *para*-Fluoro furanyl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers;

(xxx) 2-(2-(4-butoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N*,*N*-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (other name: Butonitazene);

(xxxi) 2-(2-4-ethoxybenzyl)-1*H*-benzimidazol-1-yl)-*N*,*N*-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other names: Etodesnitazene; etazene);

(xxxii) *N*,*N*-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name: Flunitazene);

(xxxiii)*N*,*N*-diethyl-2-(2-(4-methoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine,its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name: Metodesnitazene);

(xxxiv)*N*,*N*-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name Metonitazene);

(xxxv) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1*H*-benzimidazole, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other names: *N*-pyrrolidino etonitazene; etonitazepyne);

(xxxvi)*N*,*N*-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name: Protonitazene); and

(xxxvii) Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol), including its isomers, esters, ethers, salts, and salts of isomers, esters and

ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation.

(e) Synthetic cathinone:

(i) *N*-1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone, commonly known as *N*-ethylpentylone, ephylone;

(ii) N-Ethylhexedrone (other name: 2-(ethylamino)-1-phenylhexan-1-one) and its optical, positional, and geometric isomers, salts, and salts of isomers;

(iii) alpha-Pyrrolidinohexanophenone (other names: a-PHP; alpha-pyrrolidinohexiophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one) and its optical, positional, and geometric isomers, salts, and salts of isomers;

(iv) 4-Methyl-alpha-ethylaminopentiophenone (other names: 4-MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one) and its optical, positional, and geometric isomers, salts, and salts of isomers;

(v) 4'-Methyl-alpha-pyrrolidinohexiophenone (other names: MPHP; 4'-methyl-alpha-pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-)pyrrolidin-1-yl)heptan-1-one) and its optical positional, and geometric isomers, salts, and salts of isomers;

(vi) alpha-Pyrrolidinoheptaphenone (other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one) and its optical, positional, and geometric isomers, salts, and salts of isomers; and

(vii) 4'-Chloro-alpha-pyrrolidinovalerophenone (other names: 4-chloro-a-PVP; 4'-chloro-alpha-pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one) and its optical, positional, and geometric isomers, salts, and salts of isomers.

(f) Hallucinogenic substances:

(i) 1-(4-methoxyphenyl)-*N*-methylpropan-2-amine (other names: *para*-methoxymethamphetamine, PMMA), including its salts, isomers, and salts of isomers; and

(ii) 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine, MXE).

(g) Stimulants:

(i) 4,4′-Dimethylaminorex (common name 4,4′-DMAR; other names 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine);

(ii) Amineptine (7-[(10,11-dihydro-5*H*-dibenzo[*a*,*d*]cyclohepten-5-yl)amino]heptanoic acid), including its salts, isomers, and salts of isomers; ~~and~~

(iii) Mesocarb (*N*-phenyl-*N'*-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate), including its salts, isomers, and salts of isomers~~.~~; and

(iv) Methiopropamine (*N*-methyl-1-(thiophen-2-yl)propan-2-amine), including its salts, isomers, and salts of isomers.

(h) Precursor chemicals:

(i) *N*-(1-benzylpiperidin-4-yl)-*N*-phenylpropionamide (other name: benzylfentanyl) and its salts;

(ii) *N*-phenylpiperidin-4-amine (other names: 4-anilinopiperidine; *N*-phenyl-4-piperidinamine; 4–AP), and its amides, carbamates, and salts;

(iii) 3,4-MDP-2-P methyl glycidate (PMK glycidate) and its optical and geometric isomers;

(iv) 3,4-MDP-2-P methyl glycidic acid (PMK glycidic acid) and its salts, optical and geometric isomers; and

(v) Alpha-phenylacetoacetamide (APAA) and its optical isomers.