



# Notice of Intent to Adopt Rules

Revised October 2014

## 1. General Information

a. Agency/Board Name Attorney General (in his capacity as Commissioner of Drugs and Substances Control)		
b. Agency/Board Address 2320 Capitol Avenue	c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person John Brodie	f. Contact Telephone Number (307) 777-7977	
g. Contact Email Address john.brodie@wyo.gov		
h. Date of Public Notice May 23, 2016	i. Comment Period Ends July 5, 2016	
j. Program Schedule I - Controlled Substances		

## 2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

a. If "New," provide the Enrolled Act numbers and years enacted: Existing authority under Wyo. Stat. 35-7-1011(a) & (d)

b. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed  
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number: 1.	Chapter Name: Additional Controlled Substances	<input checked="" type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

c.  The Statement of 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.

Complete all that apply:

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 Reasons).  
\_\_\_\_\_  
(Provide chapter numbers)

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

d.  N/A  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 (Section 5 of the Rules on Rules).

e. A copy of 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: \_\_\_\_\_

\* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

**3. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  Yes  No

If "Yes:"	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 Contact Person listed in Section 1 above.

**4. Federal Law Requirements**

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements.  Yes  No

If "Yes:"	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: \_\_\_\_\_

**5. 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.

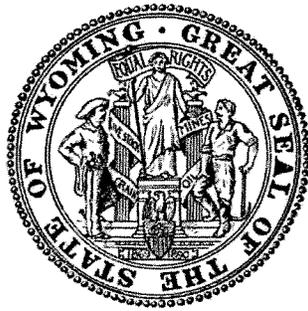
b. Indicate one (1):  
 The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:  
 By contacting the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_  
 Not Applicable.

**6. Authorization**

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	Peter K. Michael
Title of Authorized Individual	Commissioner of Drugs and Substances Control
Date of Authorization	May 18, 2016

- Distribution List:
- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). Electronic copies (PDFs) of all items noted (in addition to hard copies) may be emailed to LSO at [Criss.Carlson@wvleg.gov](mailto:Criss.Carlson@wvleg.gov).
  - Secretary of State: Electronic version of Notice of Intent sent to [Rules@wyo.gov](mailto:Rules@wyo.gov).



# Office of the Attorney General

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**Chief Deputy Attorney General**  
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**Attorney General**  
Peter K. Michael

**Division Deputy**  
David L. Delicath

## MEMORANDUM

DATE: May 18, 2016  
TO: Interested Parties  
FROM: Peter K. Michael, Wyoming Attorney General  
SUBJECT: Statement of Principal Reasons for Rule Adoption

The Wyoming Attorney General, in his capacity as the Commissioner of Drugs and Substances Control, is promulgating an administrative rule adding eight substances to Schedule I of the Wyoming Controlled Substances Act of 1971. Each of these substances are presently listed under Schedule I by emergency rule.

The first three substances being added are synthetic cannabinoids and include: 1) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, **commonly known as 5F-AMB**; (ii) [N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide, **commonly known as ADB-FUBINACA**; and, (iii) [Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate], **commonly known as FUB-AMB**. These substances have pharmacological effects similar to the Schedule I hallucinogen delta-9-tetrahydrocannabinol (THC). Since abusers obtain these drugs through unknown sources, purity and concentration of these drugs is uncertain and inconsistent, thus posing significant adverse health risk to these users.

The final five substances being added are all analgesics and consist of: 1) trans-3,4-dichloro-N-[2-dimethylamino)cyclohexyl]-N-methyl-benzamide, **commonly known as U-47700**; 2) para-fluorobutyryl fentanyl, **commonly known as p-FBF**; 3) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, **commonly known as acetyl fentanyl**; 4) 3,4-dichloro-N-[(1dimethylamino)cyclohexylmethyl]benzamide), **commonly known as AH-7921**; and 5) 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide, **commonly**

**known as W-18.** These analgesics are highly potent, present a considerable danger for abuse, and also pose significant adverse health risks to potential users. For example, **W-18** was identified in the rural outskirts of Calgary, Canada, in August 2015 and due to its extreme potency, it claimed 272 lives. The U.S. Drug Enforcement Administration has confirmed the presence of **W-18** in the United States. As another example, **U-47700** currently is openly sold on the internet and is approximately 7.5 times more potent than morphine. Moreover, acetyl fentanyl and AH-7921, in addition to being highly potent and presenting a considerable danger for abuse, are also being added to Schedule I in response to federal action. The United States Drug Enforcement Administration (DEA) published a final order in the Federal Register placing these compounds into Schedule I of the Controlled Substances Act, 21 U.S.C. §§ 801-971. Pursuant to Wyo. Stat. Ann. § 35-7-1011(d), the Commissioner is required to similarly control such illicit substances.

**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 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;

(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}-1Hindazole-3-carbonyl}amino)-3-methylbutanoate], commonly known as FUB-AMB.

(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.

(c) Analgesics:

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

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  - (iii) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, commonly known as acetyl fentanyl;
  - (iv) 3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide, commonly known as AH-7921.

(c) Analgesics:

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