



Certification Page Regular and Emergency Rules

Revised August 2023

☒ **Emergency Rules** (Complete Sections 1-3 and 5-6)

☐ **Regular Rules**

1. General Information

a. Agency/Board Name*		
Attorney General (in his capacity as Commissioner of Drugs and Substances Control)		
b. Agency/Board Address	c. City	d. Zip Code
109 State Capitol	Cheyenne	82002
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
Jenny L. Craig	(307) 777-7977	
g. Agency Liaison Email Address	h. Adoption Date	
jenny.craig1@wyo.gov	09/02/2026	
i. Program		
Schedule IV - 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 or 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 Number and Year Enacted: Chapter: Year:

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Chapter Number:	Chapter Name:	☐ New ☒ Amended ☐ Repealed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Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (if applicable):	
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4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☐ No. ☐ Yes. ☐ N/A

b. A public hearing was held on the proposed rules. ☐ No. ☐ Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

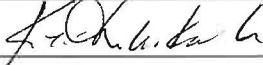
5. Checklist

a. ☐ For regular rules, the Statement of Principal Reasons is attached to this Certification 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

b. ☒ For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	Keith G. Kautz
Signatory Title	Attorney General
Date of Signature	09/02/2026

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	



Office of the Attorney General

Governor
Mark Gordon

Attorney General
Keith G. Kautz

Criminal Division
109 State Capitol
Cheyenne, Wyoming 82002
307-777-7977 Telephone
307-777-5034 Fax

Chief Deputy Attorney General
Ryan Schelhaas

Division Deputy
Jenny L. Craig

MEMORANDUM

DATE: September 2, 2026

TO: The Honorable Mark Gordon, Governor

FROM: Keith G. Kautz, Wyoming Attorney General (The agency contact person is Jenny L. Craig, whose telephone number is 777-6862 and e-mail address is jenny.craig1@wyo.gov.)

SUBJECT: Emergency Rules and Regulations

PRIORITY: **High.** This emergency rule should be filed as soon as possible.

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), the Wyoming Attorney General is required to designate substances as controlled substances through the promulgation of an emergency rule within 30 days of the United States Drug Enforcement Administration (DEA) designating a substance as a controlled substance.

The Wyoming Attorney General is adding Cipepofol to Schedule IV (Wyo. Stat. Ann. § 35-7-1020) of the Wyoming Controlled Substances Act of 1971 through an emergency rule. This action is being taken in response to an order issued by the DEA. *See Schedules of Controlled Substances: Placement of Cipepofol in Schedule IV*, 91 Fed. Reg. 55259 (August 27, 2026) (codified at 21 C.F.R. pt. 1308). This order added Cipepofol to Schedule IV of the Controlled Substances Act. 21 U.S.C. § 801 *et seq.*

Honorable Mark Gordon
September 2, 2026
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The emergency rule does not exceed the requirements of the federal regulation. Contemporaneous with the filing of this emergency rule, the Wyoming Attorney General is promulgating a permanent rule through the rule-making process.

Enclosed is the emergency rule packet.

Should you or your staff have any questions regarding this information, please do not hesitate to contact this Office.

STATEMENT OF PRINCIPAL REASONS

Schedule IV – Controlled Substances Chapter 1: Additional Controlled Substances

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Chapter 1

Additional Controlled Substances

EMERGENCY RULES ARE IN EFFECT NO LONGER THAN 120 DAYS AFTER FILING WITH THE REGISTRAR OF RULES.

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 IV:

(a) Depressants:

- (i) Brexanolone, including its salts, isomers, and salts of isomers;
- (ii) Lemborexant, including its salts, isomers, and salts of isomers;
- (iii) Remimazolam, including its salts, isomers, and salts of isomers;
- (iv) Daridorexant, including its salts, isomers, and salts of isomers;
- (v) Zuranolone, including its salts, isomers, and salts of isomers; and
- (vi) Cipepofol.

(b) Stimulants:

- (i) Solriamfetol, including its salts, isomers, and salts of isomers; and
- (ii) Serdexmethylphenidate, including its salts, isomers, and salts of isomers.

Section 4. Substances Excluded From Control. The Commissioner of Drugs and Substances Control excludes the following substances from Schedule IV:

(a) Fenfluramine (chemical name: *N*-ethyl- α -methyl-3-(trifluoromethyl)phenethylamine), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible.

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