



STATE OF WISCONSIN

Department of Safety and Professional Services
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Governor Scott Walker Secretary Dave Ross

CONTROLLED SUBSTANCES BOARD

Contact: Dan Williams (608) 266-2112
Room 121C, 1400 East Washington Avenue, Madison
DECEMBER 10, 2013

Notice: The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board. A quorum of the board will be present.

AGENDA

9:00 A.M.

OPEN SESSION - CALL TO ORDER – ROLL CALL

- A. **Approval of Agenda (1-4)**
- B. **Approval of Meeting Minutes of August 29, 2013 (5-8)**
- C. **Administrative Updates**
 - 1) 2014 Meeting Dates **(9-10)**
 - 2) Staff Update
 - 3) Board Member Training **(11-60)**
- D. **Legislative/Administrative Rule Matters – Discussion and Consideration**
 - 1) CSB 2 Status **(61-62)**
 - 2) Draft Amending CSB 3 relating to Denial or Limitation of Special Use Authorization **(63-66)**
 - 3) St. Croix County request to review AM-2201 for Emergency Scheduling **(67-82)**
- E. **PDMP – Discussion and Consideration (83-84)**
- F. **Board Goals – Discussion and Consideration (85-86)**
- G. **Information Items – Discussion and Consideration (87-88)**
 - 1) New Hydrocodone product schedule II
 - 2) FDA and DEA moving to make all Hydrocodone products schedule II

- H. Items Received After Preparation of the Agenda:
- 1) Introductions, Announcements and Recognition
 - 2) Presentations of Petition(s) for Summary Suspension
 - 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 4) Presentation of Proposed Final Decision and Order(s)
 - 5) Informational Item(s)
 - 6) Division of Legal Services and Compliance (DLSC) Matters
 - 7) Education and Examination Matters
 - 8) Credentialing Matters
 - 9) Class 1 Hearings
 - 10) Practice Questions/Issues
 - 11) Legislation/Administrative Rule Matters
 - 12) Speaking Engagement(s), Travel, or Public Relation Request(s)
 - 13) Informational Item(s)
 - 14) Legal Counsel Matters
 - 15) PDMP Matters

I. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

J. Case Status Report

- 1) Case Closings

K. Deliberation of Items Received After Preparation of the Agenda:

- 1) Deliberation on Class 1 Hearings
- 2) Credentialing Issues and/or Reviews
- 3) Professional Assistance Procedure (PAP)
- 4) Monitoring Matters
- 5) Proposed Stipulations, Final Decisions and Orders
- 6) Administrative Warnings
- 7) Review of Administrative Warning
- 8) Orders Fixing Costs/Matters Related to Costs
- 9) Proposed Final Decisions and Orders
- 10) Petitions for Summary Suspension
- 11) Petitions for Re-hearings
- 12) Education and Examination Matters
- 13) Credential Issues
- 14) Supervisor Approvals
- 15) Appearances from Requests Received or Renewed
- 16) Legal Counsel Matters

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

ADJOURNMENT

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**CONTROLLED SUBSTANCES BOARD
MEETING MINUTES
AUGUST 29, 2013**

PRESENT: Yvonne Bellay, DVM; Alan Bloom; Doug Englebert, R. Ph.; Martin Koch; Rocky LaDien, R.Ph.; Gunnar L Larson

STAFF: Dan Williams, Executive Director; Nicholas Tank, Bureau Assistant; Other Departmental Staff

CALL TO ORDER

Doug Englebert, Chair, called the meeting to order at 9:01 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

MOTION: Rocky LaDien moved, seconded by Martin Koch, to change the agenda start time to 9:00 A.M and to change “Rocky County” to “Rock County”. Motion carried unanimously.

MOTION: Alan Bloom moved, seconded by Rocky LaDien, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 25, 2013

MOTION: Alan Bloom moved, seconded by Rocky LaDien, to change the last meeting minutes meeting start time to 9:05 A.M. Motion carried unanimously.

MOTION: Alan Bloom moved, seconded by Rocky LaDien, to approve the minutes of April 25, 2013 as published. Motion carried unanimously.

EMERGENCY SCHEDULING

MOTION: Alan Bloom moved, seconded by Yvonne Bellay, to recognize the appearance of Dan Bauknecht, Catharine White, and Keith Sorlie via GoToMeeting Virtual Meeting. The Board tabled discussion and consideration of the request from the Shawano County District Attorney to emergency schedule Alpha-Pyrrolidinovalerophenone (α -PVP) until additional information is provided to the Board. Motion carried unanimously.

MOTION: Martin Koch moved, seconded by Rocky LaDien, to table discussion and consideration of the request from the Rock County District Attorney to emergency schedule 1-(5-fluoropentyl)-3-(4-ethyl-1-naphthoyl)indole (EAM-2201) and 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (MAM-2201) until additional information is provided to the Board. Motion carried unanimously.

MOTION: Rocky LaDien moved, seconded by Gunnar Larson, to table the discussion until the next board meeting on CSB 2 relating to adding the federal schedule. Motion carried unanimously.

MOTION: Martin Koch moved, seconded by Alan Bloom, to move forward on the emergency scheduling on UR144, XLR11, and AKB48. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

MOTION: Alan Bloom moved, seconded by Rocky LaDien, to acknowledge, per the EO 61 directive, that the board reviewed existing rules to identify provisions that would reduce the impact on small businesses, having no recommendations for the Small Business Regulatory Review Board regarding code changes. Motion carried unanimously.

SPECIAL USE AUTHORIZATION

MOTION: Alan Bloom moved, seconded by Yvonne Bellay, The Board recommends that the department amend form #2184 to identify when an application is an amendment to an existing SUA. Motion carried unanimously.

ADJOURNMENT

MOTION: Alan Bloom moved, seconded by Martin Koch, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:20 p.m.

DRAFT

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: WISCONSIN CONTROLLED SUBSTANCES BOARD			
4) Meeting Date: 12/10/13	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <u>2014 meeting dates</u> March 25 (Tues) [subject to change per the Admin Rule process] July 22 (Tues) December 2 (Tues)			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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**State of Wisconsin
Department of Safety & Professional Services**

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3) Name of Board, Committee, Council, Sections: WISCONSIN CONTROLLED SUBSTANCES BOARD			
4) Meeting Date: 12/10/13	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative/Rule Matters – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <ul style="list-style-type: none"> • MOTION: Rocky LaDien moved, seconded by Gunnar Larson, to table the discussion until the next board meeting on CSB 2 relating to adding the federal schedule. Motion carried unanimously. 			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: <i>25 November 2013</i>	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Controlled Substances Board			
4) Meeting Date: 10 December 2013	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Draft amending CSB 3 relating to denial or limitation of special use authorization – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Sharon Henes</i>		<i>25 November 2013</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CONTROLLED SUBSTANCES BOARD
CONTROLLED SUBSTANCES BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 3.045 relating to granting a limited special use authorization and denial of a special use authorization.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: § 961.335, Wis. Stats.

Statutory authority: § 961.335(8), Wis. Stats.

Explanation of agency authority:

The controlled substances board may promulgate rules relating to the granting of special use permits including, but not limited to, requirements for the keeping and disclosure of records, filing of applications and suspension or revocation of permits.

Related statute or rule: § 961.335, Wis. Stats. and CSB 3, Wis. Admin. Code

Plain language analysis:

Summary of, and comparison with, existing or proposed federal regulation:

Federal regulations requires any person who possess, manufactures, distributes or dispenses any controlled substance to register with the US Department of Justice, Drug Enforcement Administration, Office of Diversion Control.

Comparison with rules in adjacent states:

Illinois:

Iowa:

Michigan:

Minnesota:

Summary of factual data and analytical methodologies:

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. and are submitted to the Small Business Regulatory Review Board for a determination on whether the rules will have a significant economic impact on a substantial number of small businesses. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before * to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 3.045 is created to read:

CSB 3.045. Limitation and Denials. The board may grant a limited special use authorization or deny a special use authorization based upon consideration of public health and safety including any of the following reasons:

(1) An act constituting a violation under CSB 3.08(1).

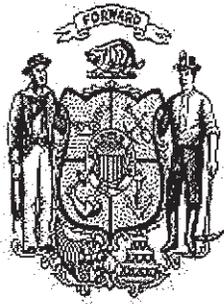
- (2) Making any materially false statement or giving any materially false information in connection with an application for a special use authorization.
- (3) Violating any federal or state statute or rule which substantially relates to the manufacture, obtaining, possessing, distribution, or dispensing of a controlled substance.
- (4) An act which shows the person to be unable to safely use the SUA permit due to alcohol or other substance use.

SECTION 2 EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____
(Member of the Board or Secretary)
(board or department name)



ST. CROIX COUNTY DISTRICT ATTORNEY

St. Croix County Government Center ♦ 1101 Carmichael Rd. ♦ Hudson, WI 54016
Telephone: 715-386-4658 ♦ Facsimile: 715-381-4397

ERIC G. JOHNSON
DISTRICT ATTORNEY

August 30, 2013

Wisconsin Department of Safety and Professional Services
Controlled Substance Board
P.O. Box 8935
1400 E. Washington Avenue
Madison, WI 53708-8935

RE: St. Croix County Case Nos. 2013CF193 & 2013CF192

To Whom it May Concern:

The St. Croix County District Attorney's Office is currently prosecuting two cases related to the possession with intent to deliver substances believed to be analogs of controlled substances listed in Chapter 961 of the Wisconsin Statutes. A substance was sent to the Wisconsin State Crime laboratory in Wausau for analysis and was given lab case number 12-1901. With respect to lab case 12-1901 Analyst Katie Hoffmeyer analyzed the substance and identified the presence of a chemical substance known as 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201) which is not a controlled substance in the state of Wisconsin. Analyst Hoffmeyer found that the chemical structure of AM-2201 is substantially similar to that of 1-pentyl-3-(1-naphthoyl)indole (JWH-018) which is controlled under Wis. Stat. 961.14(4)(tL). (See attached Exhibit 1).

The United States Government has already added AM-2201 to Schedule I of the Federal Controlled Substance Act. (See attached Exhibit 2). At your April 25, 2013 meeting the board approved the scope statement regarding incorporating several substances, including AM-2201, into Wis. Stat. Chapter 961. (See attached Exhibits 3 & 4).

It is my understanding that the district attorney is required to provide information to this board relevant to emergency scheduling of the above-referenced substance. It is intended that this communication satisfy this office's requirements under Wis. Stat. section 961.25, and serve as a request that the Wisconsin Controlled Substance Board

Cathy Halverson
Office Manager
Sharon A. Correll
Assistant District Attorney
Kevin H. Gehler
Assistant District Attorney
Amber L. Hahn
Assistant District Attorney
Alexis S. McKinley
Assistant District Attorney
Michael E. Nieskes
Assistant District Attorney
Kenneth N. Sortedahl
Assistant District Attorney

Pam Bellrichard
Victim/Witness Coordinator
Kärn Winberg
Victim/Witness Specialist
Jill Beskar
Victim/Witness Services Asst.
Selena Peterson
Legal Advocate

Lisa Multhauf
Diversion Program Coordinator

review AM-2201 for emergency scheduling as contemplated under Wis. Stat. section 961.11(4m). Please notify me of the specific procedure that needs to be followed to have this request considered or of any additional information you may require in making your determination.

Sincerely,

A handwritten signature in cursive script that reads "Amber L. Hahn".

Amber L. Hahn
Assistant District Attorney



Wisconsin Department of Justice
Division of Law Enforcement Services
State Crime Laboratory - Wausau
7100 Stewart Avenue
Wausau, WI 54401-8410
(715) 845-8626
FAX (715) 848-5833

Submitting Agency:

Captain Jeffrey J. Frenette
Attn: Heidi King
WI State Patrol Eau Claire Post
5005 Highway 53 South
Eau Claire, WI 54701-8846

Date: December 06, 2012

Lab Case: W12-1901

Agency No.: 12-035359

Laboratory Analyst:

Katie S. Hoffmeyer
Katie S. Hoffmeyer
Controlled Substances Unit

*mmw
12/16/12*

Case Name: Kadinger, Dylan L. (S) / Dominik, Alexandra Morgan (S)

I do hereby certify this document, consisting of 1 page(s), to be a true and correct report of the findings of the State Crime Laboratory on the items examined as shown by this report. This report contains the conclusions of the above signed analyst.

J.B. Van Hollen
ATTORNEY GENERAL

[Signature]
DESIGNEE

<u>Item</u>	<u>Description / Source</u>
A	One sealed paper bag containing 220.78 grams of plant material.

Examinations of the plant material from item A identified the presence of 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201). In the opinion of this controlled substance analyst, the chemical structure of AM-2201 is substantially similar to that of 1-pentyl-3-(1-naphthoyl)indole (JWH-018), which is controlled under Section 961.14(4)(tL) of the Wisconsin Uniform Controlled Substances Act.

AM-2201 is a controlled substance under Schedule I of the Federal Controlled Substances Act as of July 9, 2012.

RECEIVED

DEC 10 2012



WISCONSIN STATE PATROL
DISTRICT NO: 6

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EXHIBIT #1

§ 1308.03

21 CFR Ch. II (4-1-13 Edition)

§ 1308.03 Administration Controlled Substances Code Number.

(a) Each controlled substance, or basic class thereof, has been assigned an "Administration Controlled Substances Code Number" for purposes of identification of the substances or class on certain Certificates of Registration issued by the Administration pursuant to §§1301.35 of this chapter and on certain order forms issued by the Administration pursuant to §1305.05(d) of this chapter. Applicants for procurement and/or individual manufacturing quotas must include the appropriate code number on the application as required in §§1303.12(b) and 1303.22(a) of this chapter. Applicants for import and export permits must include the appropriate code number on the application as required in §§1312.12(a) and 1312.22(a) of this chapter. Authorized registrants who desire to import or export a controlled substance for which an import or export permit is not required must include the appropriate Administration Controlled Substances Code Number beneath or beside the name of each controlled substance listed on the DEA Form 236 (Controlled Substance Import/Export Declaration) which is executed for such importation or exportation as required in §§1312.18(c) and 1312.27(b) of this chapter.

(b) Except as stated in paragraph (a) of this section, no applicant or registrant is required to use the Administration Controlled Substances Code Number for any purpose.

[38 FR 8254, Mar. 30, 1973. Redesignated at 38 FR 26609, Sept. 24, 1973 and amended at 51 FR 15318, Apr. 23, 1986; 62 FR 13968, Mar. 24, 1997]

SCHEDULES

§ 1308.11 Schedule I.

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) *Opiates*. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their 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 (for purposes of paragraph (b)(34) only, the term isomer includes the optical and geometric isomers):

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide)	9815
(2) Acetylmethadol	9601
(3) Allylprodine	9602
(4) Alphacetylmethadol (except levo-alpha-cetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM)	9603
(5) Alphameprodine	9604
(6) Alphamethadol	9605
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenylethyl)-4-piperidinyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine)	9814
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide)	9832
(9) Benzethidine	9606
(10) Betacetylmethadol	9607
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide)	9830
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide)	9831
(13) Betameprodine	9608
(14) Betamethadol	9609
(15) Betaprodine	9611
(16) Clonazepam	9612
(17) Dextromoramide	9613
(18) Diampramide	9615
(19) Diethylthiambutene	9616
(20) Difenoxy	9168
(21) Dimenoxadol	9617
(22) Dimepheptanol	9618
(23) Dimethylthiambutene	9619
(24) Dioxaphetyl butyrate	9621
(25) Dipipanone	9622
(26) Ethylmethylthiambutene	9623
(27) Etonitazepam	9624
(28) Etoxicidine	9625
(29) Furethidine	9626
(30) Hydroxypethidine	9627
(31) Ketobemidone	9628
(32) Levomoramide	9629
(33) Levophenacetylmorphan	9631
(34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidinyl]-N-phenylpropanamide)	9813
(35) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide)	9833
(36) Morpheridine	9632
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine)	9661
(38) Noracetylmethadol	9633
(39) Norlevorphanol	9634
(40) Normethadone	9635
(41) Norpipanone	9636
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide)	9812
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine)	9663
(44) Phenadoxone	9637
(45) Phenampromide	9638
(46) Phenomorphan	9647
(47) Phenoperidine	9641
(48) Pirritamide	9642
(49) Proheptazine	9643
(50) Propoperidine	9644
(51) Propiram	9649
(52) Racemoramide	9645
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide)	9835

Drug Enforcement Administration, Justice

§ 1308.11

(54) Tilidine	9750
(55) Trimeperidine	9646

(c) *Opium derivatives.* Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine	9319
(2) Acetyldihydrocodeine	9051
(3) Benzylmorphine	9052
(4) Codeine methylbromide	9070
(5) Codeine-N-Oxide	9053
(6) Cyrenorphine	9054
(7) Desomorphine	9055
(8) Dihydromorphine	9145
(9) Drotebanol	9335
(10) Etorphine (except hydrochloride salt)	9056
(11) Heroin	9200
(12) Hydromorphanol	9301
(13) Methyl-desorphine	9302
(14) Methyl-dihydromorphine	9304
(15) Morphine methylbromide	9305
(16) Morphine methylsulfonate	9306
(17) Morphine-N-Oxide	9307
(18) Myrophine	9308
(19) Nicocodine	9309
(20) Nicomorphine	9312
(21) Normorphine	9313
(22) Pholcodine	9314
(23) Thebacin	9315

(d) *Hallucinogenic substances.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(1) Alpha-ethyltryptamine	7249
Some trade or other names: eryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET.	
(2) 4-bromo-2,5-dimethoxy-amphetamine	7391
Some trade or other names: 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA	
(3) 4-Bromo-2,5-dimethoxyphenethylamine	7392
Some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; α -desmethyl DOB; 2C-B, Nexus.	
(4) 2,5-dimethoxyamphetamine	7396
Some trade or other names: 2,5-dimethoxy- α -methylphenethylamine; 2,5-DMA	
(5) 2,5-dimethoxy-4-ethylamphet-amine	7399
Some trade or other names: DOET	
(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7)	7348
(7) 4-methoxyamphetamine	7411

Some trade or other names: 4-methoxy- α -methylphenethylamine; paramethoxyamphetamine, PMA	
(8) 5-methoxy-3,4-methylenedioxy-amphetamine	7401
(9) 4-methyl-2,5-dimethoxy-amphetamine	7395
Some trade and other names: 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and "STP"	
(10) 3,4-methylenedioxy amphetamine	7400
(11) 3,4-methylenedioxy-methylamphetamine (MDMA)	7405
(12) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl- α -methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA	7404
(13) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy- α -methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA	7402
(14) 3,4,5-trimethoxy amphetamine	7390
(15) 5-methoxy-N,N-dimethyltryptamine Some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT	7431
(16) Alpha-methyltryptamine (other name: AMT)	7432
(17) Bufotenine	7433
Some trade and other names: 3-(β -Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine	
(18) Diethyltryptamine	7434
Some trade and other names: N,N-Diethyltryptamine; DET	
(19) Dimethyltryptamine	7435
Some trade or other names: DMT	
(20) 5-methoxy-N,N-disopropyltryptamine (other name: 5-MeO-DIPT)	7439
(21) Ibogaine	7260
Some trade and other names: 7-Ethyl-6,6 β ,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepino [5,4-b] indole; Tabernanthe iboga	
(22) Lysergic acid diethylamide	7315
(23) Marihuana	7360
(24) Mescaline	7381
(25) Parahexyl—7374; some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.	
(26) Peyote	7415
Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts	
(Interprets 21 USC 812(c), Schedule I(c) (12))	
(27) N-ethyl-3-piperidyl benzilate	7482
(28) N-methyl-3-piperidyl benzilate	7484
(29) Psilocybin	7437
(30) Psilocyn	7438
(31) Tetrahydrocannabinols	7370

Meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

- 1 cis or trans tetrahydrocannabinol, and their optical isomers
 - 6 cis or trans tetrahydrocannabinol, and their optical isomers
 - 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers
- (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)
- (32) Ethylamine analog of phencyclidine 7455
Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE
 - (33) Pyrrolidine analog of phencyclidine 7458
Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP
 - (34) Thiophene analog of phencyclidine 7470
Some trade or other names: 1-[1-(2-thienyl)cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP
 - (35) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine 7473
Some other names: TCPy
 - (36) 4-methylmethcathinone (Mephedrone) 1248
 - (37) 3,4-methylenedioxypropylvalerone (MDPV) 7535
 - (38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E) 7509
 - (39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D) 7508
 - (40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C) 7519
 - (41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I) 7518
 - (42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2) 7385
 - (43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4) 7532
 - (44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H) 7517
 - (45) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N) 7521
 - (46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) 7524

(e) *Depressants*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) gamma-hydroxybutyric acid (some other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate) 2010
- (2) Mecloqualone 2572
- (3) Methaqualone 2565

(f) *Stimulants*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (1) Aminorex (Some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine) 1585
- (2) N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine) 7493
- (3) Cathinone 1235
Some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone
- (4) Fenethylamine 1503
- (5) Methcathinone (Some other names: 2-(methylamino)-propiofenone; alpha-(methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432), its salts, optical isomers and salts of optical isomers 1237
- (6) (±)cis-4-methylaminorex ((±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) 1590
- (7) N-ethylamphetamine 1475
- (8) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine) 1480

(g) *Cannabimimetic agents*. Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) 5-(1,1-dimethylheptyl)-2-[[1R,3S]-3-hydroxycyclohexyl]-phenol (CP-47,497) 7297
- (2) 5-(1,1-dimethyloctyl)-2-[[1R,3S]-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog) 7298
- (3) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678) 7118
- (4) 1-butyl-3-(1-naphthoyl)indole (JWH-073) 7173
- (5) 1-hexyl-3-(1-naphthoyl)indole (JWH-019) 7019
- (6) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200) 7200

(7) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250) 6250

(8) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081) 7081

(9) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122) 7122

(10) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398) 7398

(11) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201) 7201

(12) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694) 7694

(13) 1-pentyl-3-[(4-methoxy)benzoyl]indole (SR-19 and RCS-4) 7104

(14) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole 7008 (SR-18 and RCS-8) 7008

(15) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203) 7203

(7) 3,4-methylenedioxy-N-methylcathinone—7540 (Other names: methylone)

(8) 3,4-methylenedioxypropylvalerone—7535 (Other names: MDPV)

[39 FR 22141, June 20, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1308.11, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 1308.12 Schedule II.

(a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Controlled Substances Code Number set forth opposite it.

(b) *Substances, vegetable origin or chemical synthesis.* Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

(i) Codeine	9050
(ii) Dihydroetorphine	9334
(iii) Ethylmorphine	9190
(iv) Etorphine hydrochloride	9059
(v) Granulated opium	9640
(vi) Hydrocodone	9193
(vii) Hydromorphone	9150
(viii) Metopon	9260
(ix) Morphine	9300
(x) Opium extracts	9610
(xi) Opium fluid	9620
(xii) Oripavine	9330
(xiii) Oxycodone	9143
(xiv) Oxymorphone	9652
(xv) Powdered opium	9639
(xvi) Raw opium	9600
(xvii) Thebaine	9333
(xviii) Tincture of opium	9630

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b) (1) of this section, except that

(h) *Temporary listing of substances subject to emergency scheduling.* Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) 3,4-methylenedioxy-N-methylcathinone (Other names: methylone)—7540

(2) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, its optical, positional, and geometric isomers, salts and salts of isomers—7298 (Other names: cannabicyclohexanol and CP-47,497 C8 homologue)

(3) 1-Butyl-3-(1-naphthoyl)indole, its optical, positional, and geometric isomers, salts and salts of isomers—7173 (Other names: JWH-073)

(4) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole, its optical, positional, and geometric isomers, salts and salts of isomers—7200 (Other names: JWH-200)

(5) 1-Pentyl-3-(1-naphthoyl)indole, its optical, positional, and geometric isomers, salts and salts of isomers—7118 (Other names: JWH-018 and AM678)

(6) 4-methyl-N-methylcathinone—1248 (Other names: mephedrone)



STATE OF WISCONSIN
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CONTROLLED SUBSTANCES BOARD
Contact: Dan Williams (608) 266-2112
Room 121A, 1400 E. Washington Avenue, Madison
APRIL 25, 2013

Notice: *The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.*

FULL BOARD MEETING
9:00 P.M.

OPEN SESSION - CALL TO ORDER – ROLL CALL

- A. **Approval of Agenda (1-2)**
- B. **Approval of Meeting Minutes of December 11, 2012 (3-8)**
- C. **Administrative Updates (9-10)**
 - 1) Board Election (11-12)
 - 2) Chair Appointments (11-12)
 - 3) Liaison Authority & Signature Process
 - a. Credentialing (13-14)
 - 4) Paperless Update (15-28)
 - 5) Staff Update
- D. **APPEARANCE 9:10 A.M. – Dr. Joseph Thulin – Discussion and Consideration (29-32)**
- E. **Results on Research Regarding Application Signature Requirements – Discussion and Consideration (33-34)**
- F. **Special Use Authorization (SUA Matters) – Discussion and Consideration (35-36)**
 - 1) **Brown County DA Letter of Request for Emergency Scheduling (37-38)**
 - 2) **Mobile Veterinarians (39-42)**
- G. **Legislative/Administrative Rule Matters – Discussion and Consideration**
 - 1) **CSB 2 Scope Statement (43-44)**
 - 2) **CSB 3 Scope Statement (45-46)**
 - 3) **Executive Order 61 (47-50)**
 - 4) **Right the Rules (51-52)**

- H. Items Received After Preparation of the Agenda:
- 1) Introductions, Announcements and Recognition
 - 2) Presentations of Petition(s) for Summary Suspension
 - 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 4) Presentation of Proposed Final Decision and Order(s)
 - 5) Informational Item(s)
 - 6) Division of Legal Services and Compliance (DLSC) Matters
 - 7) Education and Examination Matters
 - 8) Credentialing Matters
 - 9) Class 1 Hearings
 - 10) Practice Questions/Issues
 - 11) Legislation/Administrative Rule Matters
 - 12) Speaking Engagement(s), Travel, or Public Relation Request(s)

I. Informational Item(s)

J. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)

K. Deliberation of Proposed Stipulations, Final Decisions and Orders including any received after printing of the agenda

L. Deliberation of Items Received After Preparation of the Agenda:

- 1) Deliberation on Class 1 Hearings
- 2) Application Issues and/or Reviews
- 3) Professional Assistance Procedure (PAP)
- 4) Monitoring Matters
- 5) Proposed Stipulations, Final Decisions and Orders
- 6) Administrative Warnings
- 7) Review of Administrative Warning
- 8) Orders Fixing Costs/Matters Related to Costs
- 9) Proposed Final Decisions and Orders
- 10) Petitions for Summary Suspension
- 11) Petitions for Re-hearings
- 12) Education and Examination Matters
- 13) Credential Issues
- 14) Supervisor Approvals
- 15) Appearances from Requests Received or Renewed
- 16) Motions

M. Division of Legal Services and Compliance

- 1) Case Status Report
- 2) Case Closings

N. Legal Counsel Matters

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Voting on Items Considered or Deliberated on in Closed Session, if Voting is Appropriate

ADJOURNMENT

**CONTROLLED SUBSTANCES BOARD
MEETING MINUTES
DECEMBER 11, 2012**

PRESENT: Yvonne Bellay, DVM; Alan Bloom; Doug Englebert, R. Ph.; Martin Koch;
Timothy Boehmer, R.Ph.

STAFF: Dan Williams, Executive Director; Sharon Henes, Paralegal, Matthew Niehaus,
Bureau Assistant

CALL TO ORDER

Doug Englebert, Chair, called the meeting to order at 12:01 p.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda

- Item "S" (closed session) **ADD** the agenda item titled "S-2: Application Review – Dodge County Humane Society"

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 27, 2012

MOTION: Tim Boehmer moved, seconded by Dr. Bellay, to approve the minutes of February 27, 2012 as published. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 21, 2012

MOTION: Dr. Bloom moved, seconded by Tim Boehmer, to approve the minutes of September 21, 2012 as published. Motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALAN BLOOM INQUIRY

MOTION: Dr. Bellay moved, seconded by Tim Boehmer, to request that DSPS staff draft a letter for Joseph D. Thulin to see if he would want to pursue his request for action from the Board regarding dispensing controlled substances for medical treatment of lab animals at the next meeting. Motion carried unanimously.

DISCUSSION AND CONSIDERATION OF EAU CLAIRE POLICE DEPARTMENT INQUIRY

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to request that DSPS staff draft a letter, approved by Dr. Bellay, to Eau Claire Police Department clarifying the Board's position with regard to their regarding the November 5, 2012 inquiry regarding immobilization of animals. Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to request that DSPS staff create a Scope Statement to address chemical immobilizing or tranquilizing of animals for transport for treatment and that Dr. Bellay – with Doug Engleburt as a second - is authorized to approve this Scope Statement for submission and approval after publication for implementation by the Chair. Motion carried unanimously.

DISCUSSION AND CONSIDERATION OF A MOTION RELATED TO DELEGATING AUTHORITY TO THE SUA LIAISONS/REVIEWERS AND THE EXTENT OF THAT AUTHORITY; A DISCUSSION, BOARD-APPROVAL, OR MOTION RELATED TO EUTHANASIA INJECTION COURSES

MOTION: Tim Boehmer moved, seconded by Martin Koch, to authorize Dr. Bellay and Alan Bloom as SUA liaisons and reviewers to approve and deny SUA applications. Furthermore, the Board authorizes DSPS staff to sign SUA permits on behalf of the Board. Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Martin Koch, to authorize Dr. Bellay and Alan Bloom to approve required training or credentialing on behalf of the Board. Motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF SCOPE STATEMENT AS TO THE
EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES**

MOTION: Tim Boehmer moved, seconded by Dr. Bellay, to request DSPS staff create a Scope Statement to incorporate the following substances into the Uniform Controlled Substances Act, Chapter 961 and to designate Martin Koch and Doug Englebert to approve this Scope Statement for submission and approval after publication for implementation by the Chair:

JWH-019

JWH-122

JWH-398

AM2201

AM694

SR-19 and RCS-4

SR-18 and RCS-8

JWH-203

2C-E

2C-D

2C-C

2C-I

2C-T-2

2C-T-4

2C-H

2C-N

2C-P

ANPP

Oripavine

Ezogabine or any of its salts, isomers, or salts of isomers

Carisoprodol

Tapentadol

19-Nor-4,9(10)-androstadienedione

Desoxymethyltestosterone

Boldione

Zopiclone

Pregabalin or any of its salts, isomers, or salts of isomers

Methylone, 3,4-methylenedioxy-N-methylcathinone, bk-MDMA

Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to table the discussion and consideration of a scope statement as to the emergency scheduling of controlled substances related to UR-144 and XLR-11 until further information is made available to the Board. Motion carried unanimously.

REPORT ON PRESENTATION AT THE WISCONSIN FEDERATED HUMANE SOCIETIES BADGER STATES CONFERENCE

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to request DSPS staff place Dr. Bellay's PowerPoint from the Wisconsin Federated Humane Societies Badger States Conference on the DSPS website. Motion carried unanimously.

NEW BUSINESS

MOTION: Dr. Bellay moved, seconded by Tim Boehmer, to request that DSPS staff recreate the dog trainer application form to be consistent with CSB3.05. Motion carried unanimously.

PUBLIC COMMENTS

2:58 p.m. appearance by Nate Peterman

CLOSED SESSION

MOTION: Tim Boehmer moved, seconded by Dr. Bellay, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Roll Call Vote: Yvonne Bellay, DVM-yes; Alan Bloom-yes; Doug Englebert, R.Ph.-yes; Martin Koch-yes; and Timothy Boehmer, R.Ph.-yes. Motion carried unanimously.

The Board convened into Closed Session at 3:05 p.m.

RECONVENE TO OPEN SESSION

MOTION: Dr. Bloom moved, seconded by Martin Koch, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:48 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Dr. Bellay moved, seconded by Martin Koch, to affirm all motions made in closed session. Motion carried unanimously.

APPLICATION ISSUES AND/OR REVIEWS

Application Review – Dodge County Humane Society

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to deny the application of Dodge County Humane Society. **REASON FOR DENIAL:** Applicant failed to apply for an amendment per CSB3.06(1) to their previous SUA to request additional drugs and their new applications calculated amounts are not consistent with historical levels. In the event Dodge County Humane Society wishes to apply for a new SUA, they must appear before the Board. Furthermore, the Board directs DSPS staff to draft a letter to Dodge County Humane Society informing them that they may not exercise the privileges of their expired SUA permit. The DEA will be sent a copy of this letter. Motion carried unanimously.

ADJOURNMENT

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:48 p.m.

STATEMENT OF SCOPE

CONTROLLED SUBSTANCES BOARD

Rule No.: CSB 2

Relating to: Additions to schedules in chapter 961

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective is to bring the Wisconsin Controlled Substances Act in Chapter 961, Wis. Stats into conformity with the federal Controlled Substances Act.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Currently Wisconsin has not scheduled include the following substances:

Schedule I: 2C-C; 2C-D; 2C-E; 2C-H; 2C-I; 2C-N; 2C-P; 2C-T-2; 2C-T-4; AM2201; AM694; JWH-019; JWH-122; JWH-203; JWH-398; SR-18 and RCS-8; SR-19 and RCS-4; and Methylone, 3,4-methylenedioxy-N-methylcathinone, bk-MDMA.

Schedule II: 4-Anilino-N-phenethyl-4-piperidine (also known as ANPP); Oripavine; and Tapentadol.

Schedule III: 19-Nor-4,9(10)-androstadienedione; Boldione; and Desoxymethyltestosterone.

Schedule IV: Carisoprodol and Zopiclone.

Schedule V: Ezogabine or any of its salts, isomers or salts of isomers; and Pregabalin or any of its salts, isomers or salts of isomers.

The addition of these substances in the Wisconsin Controlled Substances Act will create conformity with the federal Controlled Substances Act.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

961.11(1), Wis Stats. The controlled substances board shall administer this subchapter and may add substances to or delete or reschedule all substances listed in the schedules in ss. 961.14, 961.16, 961.18, 961.20 and 961.22 pursuant to the rule-making procedures in ch. 227.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

75 hours

6. List with description of all entities that may be affected by the proposed rule:

Police, state courts, pharmacies, and the Controlled Substances Board

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The Drug Enforcement Administration (DEA) has scheduled these substances under the federal Controlled Substances Act.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal

Contact Person: Sharon Henes, (608) 261-2377

Board Chair Signature

Date Submitted

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: WISCONSIN CONTROLLED SUBSTANCES BOARD			
4) Meeting Date: 12/10/13	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Board Goals – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <ul style="list-style-type: none"> ○ Emergency and permanent scope for emergency scheduling of UR-144, AKB48, and XLR11 ○ CSB 2 ○ CSB 3 – Limited SUA Permit ○ CSB 3 – Rejection of SUA Requests 			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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**State of Wisconsin
Department of Safety & Professional Services**

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3) Name of Board, Committee, Council, Sections: WISCONSIN CONTROLLED SUBSTANCES BOARD			
4) Meeting Date: 12/10/13	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Informational items – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> 1. New hydrocodone product schedule II 2. FDA and DEA moving to make all hydrocodone products schedule II 			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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