

STATE OF WISCONSIN  
CONTROLLED SUBSTANCES BOARD

---

IN THE MATTER OF RULE-MAKING	:	NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE	:	FOR COMMENTS FOR THE
CONTROLLED SUBSTANCES BOARD	:	ECONOMIC IMPACT ANALYSIS
	:	

---

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Controlled Substances Board relating to exclusion of naloxegol, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Sharon Henes, Administrative Rules Coordinator  
Division of Policy Development  
Department of Safety and Professional Services  
PO Box 8366  
Madison, WI 53708-8935  
[Sharon.Henes@wisconsin.gov](mailto:Sharon.Henes@wisconsin.gov)

The deadline for submitting economic impact comments is September 2, 2015.

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 2.39 relating to exclusion of naloxegol.

Analysis prepared by the Department of Safety and Professional Services.

---

ANALYSIS

**Statutes interpreted:** s. 961.20, Stats.

**Statutory authority:** s. 961.11 (4), Stats.

**Explanation of agency authority:**

**961.11(4)** If a substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the controlled substances board, the board by affirmative action shall similarly treat the substance under this chapter after the expiration of 30 days from the date of publication in the federal register of a final order designating the substance as a controlled substance or rescheduling or deleting the substance or from the date of

issuance of an order of temporary scheduling under 21 USC 811 (h), unless within that 30-day period, the board or an interested party objects to the treatment of the substance. If no objection is made, the board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21, a final rule, for which notice of proposed rulemaking is omitted, designating, rescheduling, temporarily scheduling or deleting the substance. If an objection is made the board shall publish notice of receipt of the objection and the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall make a determination with respect to the treatment of the substance as provided in subs. (1), (1m), (1r) and (2) and shall publish its decision, which shall be final unless altered by statute. Upon publication of an objection to the treatment by the board, action by the board under this chapter is stayed until the board promulgates a rule under sub. (2).

**Related statute or rule:** N/A

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

On January 23, 2015, the United States Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register removing naloxegol from schedule II of the federal Controlled Substances Act. The scheduling action was effective January 23, 2015.

**Plain language analysis:**

The Controlled Substances Board did not receive an objection to excluding naloxegol as a schedule II under ch. 961, Stats. based upon the federal scheduling. The Controlled Substances Board took affirmative action on March 25, 2015 to similarly exclude naloxegol under chapter 961 effective April 1, 2015 to allow for publication in the Administrative Register. The Affirmative Action Order will expire upon promulgation of a final rule.

This rule amends 961.16(2)(a)(intro), Stats. which excludes naloxegol from schedule II.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not exclude naloxegol from scheduling.

**Iowa:** Iowa does not exclude naloxegol from scheduling.

**Michigan:** Michigan does not exclude naloxegol from scheduling.

**Minnesota:** Minnesota has a bill to exclude naloxegol from scheduling.

**Summary of factual data and analytical methodologies:**

The methodology was to remove naloxegol from scheduling to conform with the federal Controlled Substances Act.

**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 department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-2377; email at Sharon.Henes@wisconsin.gov.

---

TEXT OF RULE

SECTION 1. CSB 2.39 is created to read:

**CSB 2.39 Exclusion of naloxegol.** Section 961.16(2)(a)(intro), Stats., is amended to read:

*961.16(2)(a)(intro)Opium and substances derived from opium, and any salt, compound, derivative or preparation of opium or substances derived from opium. Apomorphine, dextrorphan, nalbuphine, butorphanol, nalmefene, naloxegol, naloxone and naltrexone and their respective salts and the isoquinoline alkaloids of opium and their respective salts are excluded from this paragraph. The following substances, and any of their salts, isomers and salts of isomers that are theoretically possible within the specific chemical designation, are included in this paragraph:*

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)

---