



CONTROLLED SUBSTANCES BOARD

Contact: Dan Williams (608) 266-2112
Room 121A, 1400 East Washington Avenue, Madison
January 12, 2018

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.

AGENDA

9:30 A.M.

OPEN SESSION - CALL TO ORDER – ROLL CALL

- A. **Adoption of Agenda (1-3)**
- B. **Approval of Minutes of December 18, 2017 (4)**
- C. **Special Use Authorizations – Discussion and Consideration (5-38)**
 - 1) Anthony Valenti, Racine County
- D. **Legislation and Rule Matters – Discussion and Consideration (39-92)**
 - 1) CSB 2.50 Relating to Scheduling AB-CHMINACA, AB-PINACA and THJ-2201 **(40-48)**
 - 2) CSB 2.51 Relating to Scheduling MAB-CHMINACA **(49-57)**
 - 3) CSB 2.52 Relating to Scheduling 4-MePPP and a-PBP **(58-66)**
 - 4) CSB 2.55 Relating to Scheduling 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA **(67-76)**
 - 5) CSB 2.56 Related to Scheduling 4-fluororoisobutyl fentanyl **(77-85)**
 - 6) CSB 2.58 Relating to Excluding Naldemedine **(86-87)**
 - 7) CSB 2.59 Relating to Scheduling Ortho-fluorofentanyl **(88-89)**
 - 8) CSB 2.60 Relating to Scheduling FUB-AMB **(90-91)**
 - 9) Scheduling MT-45 **(92)**
 - 10) Scope CSB 4 Relating to Operation of Prescription Drug Monitoring Program
 - 11) Schedule Law Enforcement Hearing to Receive Information on Drug Trends for Future Controlled Substances Scheduling (Executive Order 228)
 - 12) Update on Legislation and Pending and Possible Rulemaking Projects
- E. **Prescription Drug Monitoring Program (PDMP) Update – Discussion and Consideration (93-95)**
 - 1) WI ePDMP Development and Operations Update
 - a. Staff Update
 - b. Statistics

- c. Production Issues
- d. Recent Releases
- e. Upcoming Releases
- 2) Request for De-Identified Data for Researchers
- 3) PDMP EHR Integration Status Update
 - a. Marshfield Clinic Update
- 4) PDMP Data Submission Update
- 5) PDMP Quarterly Report Update
- 6) Discussion of Disclosures of PDMP Data to Relevant Boards Under CSB 4.15(5)

F. Travel Requests, Speaking Engagements, and Public Relations Requests

G. Informational Item(s)

H. Administrative Matters (96-98)

- 1) **Staff Updates**
- 2) **Election of Officers**
- 3) **Appointment of Liaisons and Alternates**
- 4) **Delegation of Authorities**
- 5) Board Members
 - a. Yvonne Bellay – Dept. of Agriculture, Trade, and Consumer Protection Designee
 - b. Alan Bloom – Pharmacologist
 - c. Doug Englebert – Dept. of Health Services Designee
 - d. Philip Trapskin – Pharmacy Examining Board Designee
 - e. Subhadeep Barman – Psychiatrist
 - f. Peter Kallio – Board of Nursing Designee
 - g. Jason Smith – Attorney General Designee
 - h. Leonardo Huck – Dentistry Examining Board Designee
 - i. Timothy Westlake – Medical Examining Board Designee

I. Discussion and Consideration of Items Received After Preparation of the Agenda:

- 1) Introductions, Announcements, and Recognition
- 2) Informational Item(s)
- 3) Disciplinary Matters
- 4) Education Matters
- 5) Credentialing Matters
- 6) Practice Questions
- 7) Legislation and Rule Matters
- 8) Liaison Report(s)
- 9) Speaking Engagement(s), Travel, or Public Relations Request(s)
- 10) Consulting with Legal Counsel

J. 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), 440.205 and 961.385(2)(c) 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. Special Use Authorizations

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

M. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

The next scheduled meeting is March 9, 2018

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED
WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**CONTROLLED SUBSTANCES BOARD
TELECONFERENCE/VIRTUAL MEETING MINUTES
December 18, 2017**

PRESENT: Yvonne Bellay (*via GoToMeeting*), Alan Bloom (*via GoToMeeting*), Doug Englebert, Leonardo Huck (*via GoToMeeting*), Peter Kallio (*via GoToMeeting*), Jason Smith, Philip Trapskin

EXCUSED: Subhadeep Barman, Timothy Westlake

STAFF: Dan Williams – Executive Director, Laura Smith - Bureau Assistant; Sharon Henes - Administrative Rules Coordinator; and other DSPS Staff

CALL TO ORDER

Doug Englebert called the meeting to order at 9:00 a.m. A quorum was confirmed.

ADOPTION OF AGENDA

MOTION: Peter Kallio moved, seconded by Alan Bloom, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 10, 2017

MOTION: Jason Smith moved, seconded by Peter Kallio, to approve the minutes of November 10, 2017 as published. Motion carried unanimously.

LEGISLATION AND RULE MATTERS

CSB 4 Adoption Order Relating to Operation of the Prescription Drug Monitoring Program

MOTION: Peter Kallio moved, seconded by Jason Smith, to adopt CSB 4 relating to the operation of the Prescription Drug Monitoring Program. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 9:03 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: CARMELL LISTENBEE		2) Date When Request Submitted: 12/27/17 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Controlled Substance Board			
4) Meeting Date: 1/12/2018	5) Attachments: <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Anthony Valenti	
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: <p>This individual is applying for a SUA permit. He is the owner of his business and is a sworn deputy with the Racine County Sheriff's Department. He could not get the Walworth County Sheriff to sign off for the responsibility of the drugs. Racine County Sheriff has agreed to take responsibility of the drugs.</p>			
11) Authorization			
Signature of person making this request Carmell Listenbee 12/27/17		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 Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 8935
Madison, WI 53708-8935
FAX #: (608) 261-7083
Phone #: (608) 266-2112

Ship To: 1400 E. Washington Avenue
Madison, WI 53703
E-Mail: dsps@wisconsin.gov
Website: <http://dsps.wi.gov>

CONTROLLED SUBSTANCE BOARD

APPLICATION FOR SPECIAL USE AUTHORIZATION

(Please check only one box.)

☐ NEW ☐ RENEWAL (Refer to prior year's approval letter for SUA # and expiration date.) ☐ AMENDMENT (Refer to prior year's approval letter for SUA # and expiration date.)
SUA # _____ Expiration Date: ____/____/____ SUA # _____ Expiration Date: ____/____/____

TYPE OR PRINT CLEARLY

1. Name of Person Applying for Authorization: ANTHONY MICHAEL VALENTI
Credential Title of Applicant: OWNER
Applicant's Address: W664 KEARNEY RD. BURLINGTON, WI 53105
Applicant's Social Security Number: [REDACTED]
Institution, Research Lab, or Business Facility Represented by or Employing Applicant:
Name: CANINE INITIATIVE GROUP
Physical Address: W664 KEARNEY RD. BURLINGTON, WI 53105
Mailing Address: _____
Email Address: [REDACTED]
Telephone: 262-903-0448 FAX #: 262-758-6324

2. Category of Authorization(s) that apply: *Applications must be accompanied by appropriate checklist.

Analytical Laboratory	<input type="checkbox"/>	Narcotic Dog Training*	<input checked="" type="checkbox"/>
Animal Translocation*	<input type="checkbox"/>	Industrial/Commercial Processing	<input type="checkbox"/>
Humane Society*	<input type="checkbox"/>	Instructional Activities	<input type="checkbox"/>
Research*	<input type="checkbox"/>	Drug Movement for Training Purposes	<input type="checkbox"/>
Law Enforcement Animal Control Officer	<input type="checkbox"/>	Other Special Use	<input type="checkbox"/>

Other Special Uses, specify: _____

3. DEA #:

Check this box if DEA Registration is pending. ☐

APPLICATION FEES: Make check payable to DSPS and attach to this application.

No fee is charged for SUA permits issued to employees of State Agencies or Institutions. (please check applicable box)

☐ Authorization Fee
\$25.00 Total Fee Attached
☐ New ☐ Renewal
☐ Amendment Fee
\$ 5.00 Total Fee Attached

For Receipting Use Only

From: [DSPS CRED Controlled Substances](#)
To: [Valenti, Anthony](#)
Subject: RE: Member Directory – USPCA Region 18
Date: Tuesday, November 28, 2017 4:31:00 PM
Attachments: [REVISED FIRST PAGE 2184.pdf](#)

Good afternoon Anthony.

Your application was reviewed by the board liaison. There are a couple things that need to be corrected before I can send this off for board review. Please complete the requested info & submit to:

dpscredcontrolledsubstances@wisconsin.gov

I will put the info needed below.

- On application 2184, page 6 of 7, since you are applying for a new SUA permit, # 13 needs to also be filled out by you.
- Since you originally applied, we are now requesting applicant address, DOB & SS#. Please fill out the attached form & submit.

Please let me know if I can help you further.
Have a great day! ☺

CARMELL LISTENBEE
License/ Permit Program Associate
DEPT OF SAFETY & PROFESSIONAL SERVICES
Credentialing
(Phone-608-266-2112 Fax: 608-261-7083
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<https://www.surveymonkey.com/s/DSPSHealth>
to evaluate your experience with the DSPS.

From: Valenti, Anthony [mailto:Anthony.Valenti@racinecounty.com]
Sent: Tuesday, November 21, 2017 8:44 PM
To: Listenbee, Carmell - DSPS <Carmell.Listenbee@wisconsin.gov>
Subject: Member Directory – USPCA Region 18

The Link Below shows me on the membership Directory. That is the best I can give you for the USPCA membership.

<https://www.uspca18.com/account/member-directory/?s2-s=Avalenti>

Get [Outlook for Android](#)

Listenbee, Carmell - DSPS

From: Bellay, Yvonne M - DATCP
Sent: Monday, November 27, 2017 11:13 AM
To: DSPS CRED Controlled Substances
Subject: RE: Sharepoint

New Valenti The proof of membership is fine. Since this is a new application he should have signed 13, not 12; needs to complete. The rest looks in order.

#2177 Kind OK to approve.

Yvonne M Bellay, DVM, MS
Animal Welfare Programs Manager/Epidemiologist- Bureau of Animal Disease Control/Division of Animal Health
Wisconsin Department of Agriculture, Trade and Consumer Protection
Phone: (608)-224-4888
Fax: (608) 224-4871
Yvonne.bellay@Wisconsin.gov

Please complete this [brief survey](#) to help us improve our customer service. Thank you for your feedback!

From: DSPS CRED Controlled Substances
Sent: Friday, November 24, 2017 8:59 AM
To: Bellay, Yvonne M - DATCP <Yvonne.Bellay@wisconsin.gov>
Subject: Sharepoint

Good morning Dr.Bellay.

I have added 2 files to sharepoint for you to Review. 1 is Anthony Valenti. This is the applicant who originally applied in December 2016, who is a owner of his facility & didn't have anybody to sign for the responsibility of the controlled substances. He just recently got this letter from a sheriff. He will still need to go before the board. Can you please review his file to make sure it is in order. I was iffy on his USPCA membership. I have also updated Terrance Kind's file as well. Please let me know if you need anything further. They are both located in the November 2017 folder. Thank you.

Please let me know if I can help you further.
Have a great day! ☺

CARMELL LISTENBEE
License/ Permit Program Associate
DEPT OF SAFETY & PROFESSIONAL SERVICES
Credentialing
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to evaluate your experience with the DSPS.

FAX

To: Carmell Listenbee

From: Anthony Valenti

For: SUA Controlled Substance

Comments: Here is a print out of the membership directory for USPCA Region 18. They do not give official Membership Cards unless you are a Judge, Certifier, or part of the Cabinet. I have reached out to the secretary and they advised that if there was is an issues to contact him.

Mike Perron, Secretary

612-207-3825



USPCA Region 18

United States Police Canine Association

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[Membership ▾](#)
[Events](#)
[Account](#)

September 18, 2017 - Meeting

The Member Directory displays a list of 10 members per page in alphabetical order by last name. Use the search function below to search for a member.

Anthony Valenti

Search

avalenti

Full Name	Anthony Valenti
Agency	Racine County Sheriff's Department
Cell Phone	(262) 903-0448
User Email	[REDACTED]
Membership Status	2017 Dues Paid

Account Management

avalenti

[My Submitted Applications](#)

[Member Directory](#)

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[Logout](#)

Meeting Minutes

[September 18, 2017 - Meeting Minutes](#)

[June 27, 2017 - Meeting Minutes](#)

March 25, 2017 – Meeting Minutes

November 15, 2016 – Meeting Minutes

March 14, 2015 – Meeting Minutes

February 10, 2015 – Meeting Minutes

Trial Results

March 25, 2017 – Narcotic Detector

Need Help?

For help with memberships, registrations & events:

Mike Perron, Secretary
mperron@bloomingtonmn.gov
(612) 207-3825

For help with website problems:

Terry Pretzloff, Website Manager
tpretzloff@rochestermn.gov
(507) 328-6800

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<https://www.uspca18.com/account/member-directory/?s2-s=Anthony+Valenti>

From: [Valenti, Anthony](#)
To: [DSPS CRED Controlled Substances](#)
Subject: RE: Member Directory – USPCA Region 18
Date: Wednesday, November 22, 2017 9:51:56 AM

I just faxed you a copy of my membership from the directory. Please read the cover letter.

Get [Outlook for Android](#)

From: DSPS CRED Controlled Substances <DSPSCREDControlledSubstances@wisconsin.gov>
Sent: Wednesday, November 22, 2017 8:56:27 AM
To: Valenti, Anthony
Subject: RE: Member Directory – USPCA Region 18

Good morning Anthony.

I will need a copy of your USPCA membership certificate/card. The login page will not suffice.

Please let me know if I can help you further.
Have a great day! ☺

CARMELL LISTENBEE
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to evaluate your experience with the DSPS.

From: Valenti, Anthony [mailto:Anthony.Valenti@racinecounty.com]
Sent: Tuesday, November 21, 2017 8:44 PM
To: Listenbee, Carmell - DSPS <Carmell.Listenbee@wisconsin.gov>
Subject: Member Directory – USPCA Region 18

The Link Below shows me on the membership Directory. That is the best I can give you for the USPCA membership.

<https://www.uspca18.com/account/member-directory/?s2-s=Avalenti>

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RACINE COUNTY SHERIFF'S OFFICE

717 Wisconsin Avenue, Racine, WI 53403-1237

(262) 886-2300 FAX (262) 637-5279

Waterford (262) 534-5166 Burlington (262) 763-9558

Sheriff Christopher Schmaling

Chief Deputy John C. Hanrahan

November 21, 2017

State of Wisconsin
Controlled Substance Board
1400 E Washington Ave
Madison, WI 53703

To Whom It May Concern:

This letter serves to authorize Deputy Anthony Valenti to possess controlled substances to be used for training canines in the detection of narcotics.

We agree to accept responsibility for Anthony Valenti as a narcotic dog trainer and agree to supervise his storage and use of the controlled substances.

Please feel free to contact me if you have any questions.

Thank you.

A handwritten signature in black ink that reads "Christopher Schmaling".

Christopher Schmaling
Sheriff

"A Tradition Since 1836"

Visit us at www.RacineCounty.com , Facebook, or MobilePatrol

From: [Valenti, Anthony](#)
To: [Listenbee, Carmell - DSPS](#)
Subject: Letter from Sheriff
Date: Tuesday, November 21, 2017 1:16:45 PM
Attachments: [Valenti Narc Ltr.pdf](#)

Here is the letter from my sheriff. This should complete my process. Please let me know the next step to obtain my special use authorization.

Deputy A. Valenti
Canine Initiative Group

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Walworth County Sheriff's Office

1770 County Road NN - Post Office Box 1004 - Elkhorn, Wisconsin 53121-1004
www.co.walworth.wi.us

Kurt Picknell, Sheriff

Kevin Williams, Undersheriff

September 13, 2017

Anthony Valenti
Canine Initiative Group
W664 Kearney Road
Burlington WI 53105

Dear Mr. Valenti;

Pursuant to your request, the Walworth County Sheriff's Office will not authorize the possession of controlled substances and will not accept responsibility for the inspection of narcotics and recordkeeping of controlled substances. Given all of the priority responsibilities, the Sheriff's Office does not have the ability to exercise supervision and control in overseeing the storage of approved controlled substances for the purpose of your canine training. I encourage you to re-contact the Wisconsin Department of Safety & Professional Services requesting a personal appearance to present an alternative storage plan.

The Sheriff's Office will investigate incidents of criminal activity surrounding the narcotics and take appropriate law enforcement action as needed. I wish you success.

Sincerely,

Sheriff Kurt Picknell

/wjw

From: [Anthony Valenti](#)
To: [DSPS CRED Controlled Substances](#)
Subject: Re: FW: SUA for Canine Initiative Group LLC
Date: Thursday, September 14, 2017 10:58:24 AM
Attachments: [Anthony Valenti ltr re canine training 9.13.17.pdf](#)

Here is the letter of why the Sheriff will not take responsibility. Please let me know when a board meeting can be scheduled.

Or what else I need. A hard copy of the letter is being sent to me in the mail. Here is the pdf copy the sheriff sent me.

Anthony Valenti
Canine Initiative Group.

On Aug 15, 2017 8:28 AM, "DSPS CRED Controlled Substances"
<DSPSCREDControlledSubstances@wisconsin.gov> wrote:

Good morning Anthony.

I got a undeliverable message this morning. I accidentally forgot the H in your first name. I apologize. Here is the email from yesterday.

Please let me know if I can help you further.

Have a great day! ☺

CARMELL LISTENBEE

License/ Permit Program Associate

DEPT OF SAFETY & PROFESSIONAL SERVICES

Credentialing

(Phone-[608-266-2112](tel:608-266-2112) Fax: [608-261-7083](tel:608-261-7083)

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to evaluate your experience with the DSPS.

From: DSPS CRED Controlled Substances

From: [DSPS CRED Controlled Substances](#)
To: ["antony.m.valenti@gmail.com"](mailto:antony.m.valenti@gmail.com)
Subject: SUA for Canine Initiative Group LLC
Date: Monday, August 14, 2017 2:11:16 PM

Good afternoon Anthony.

After Speaking with Board counsel & the Liaison, we are still requesting the letter from the Sherriff/Chief. If you would like to be considered for alternate documentation instead of the local law enforcement letter at the board level, you would need to provide evidence that the local law enforcement is refusing to provide the letter and explain why the local law enforcement is specifically objecting. Once this is done, you would need to request that this information be put onto the next agenda for a personal appearance so that you can present the alternative. I will write below specifically what the Letter from the Sheriff/ Chief would need to say.

- The Sheriff/ Chief of police authorizing possession of controlled substances and his/ her willingness to accept responsibility for the controlled substances.

Please let me know if I can help you further.
Have a great day! ☺

CARMELL LISTENBEE
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Listenbee, Carmell - DSPS

From: Magermans, Andrea L - DSPS
Sent: Friday, August 11, 2017 3:25 PM
To: Listenbee, Carmell - DSPS
Subject: RE: SUA-Anthony Valenti-Canine Initiative Group LLC

If he requests a personal appearance at the next Board meeting to present alternate documentation, it would be an agenda request. Do you typically submit them, or do you go through the Board ED?

Andrea Magermans

Prescription Drug Monitoring Program Deputy Managing Director | Wisconsin Dept. of Safety and Professional Services | (608) 261-6546 | Andrea.Magermans@wisconsin.gov

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From: Listenbee, Carmell - DSPS
Sent: Friday, August 11, 2017 3:19 PM
To: Magermans, Andrea L - DSPS
Subject: RE: SUA-Anthony Valenti-Canine Initiative Group LLC

One more question, what would he need to do to make a personal appearance before the board? Would that be just me making an agenda request? or would that be you? Please help me. Thank you.

Please let me know if I can help you further.
Have a great day! ☺

CARMELL LISTENBEE

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to evaluate your experience with the DSPS.

From: Magermans, Andrea L - DSPS
Sent: Friday, August 11, 2017 2:05 PM
To: Listenbee, Carmell - DSPS
Subject: RE: SUA-Anthony Valenti-Canine Initiative Group LLC

Hi Carmell,

After speaking with Board Counsel, I followed up with Board Chair. Here is what he suggested:

For this individual SUA applicant I would recommend that first this applicant be informed that the Board has always required the letter and the SUA liaisons have applied that provision to this application. If the applicant wants to be considered for alternate documentation instead of the local law enforcement letter at the Board level he/she should provide evidence that local law enforcement is refusing to provide the letter and explain why the local law enforcement is specifically objecting. I would also recommend that the applicant also present alternative documentation and request to be on the next agenda for a personal appearance to present their alternative.

I hope this information helps. Thank you!

Andrea Magermans

Prescription Drug Monitoring Program Deputy Managing Director | Wisconsin Dept. of Safety and Professional Services | (608) 261-6546 |

Andrea.Magermans@wisconsin.gov

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From: Listenbee, Carmell - DSPS

Sent: Tuesday, July 25, 2017 2:52 PM

To: Magermans, Andrea L - DSPS

Subject: RE: SUA-Anthony Valenti-Canine Initiative Group LLC

Thank you Andrea ☺

Please let me know if I can help you further.

Have a great day! ☺

CARMELL LISTENBEE

License/ Permit Program Associate

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to evaluate your experience with the DSPS.

From: Magermans, Andrea L - DSPS

Sent: Tuesday, July 25, 2017 2:38 PM

To: Listenbee, Carmell - DSPS

Subject: RE: SUA-Anthony Valenti-Canine Initiative Group LLC

Hi Carmell,

The Board tasked the Department with reviewing the SUA application form to determine whether or not the form still indicates that being formally deputized is a requirement. The Chair may have been looking at an older version of the form. This is actually not related to whether or not Anthony Valenti will be required to provide a letter.

The Board also asked legal counsel to review the rule to determine what "other documentation" could potentially be provided under CSB 3.04(a). That could impact the requirement for the letter. Al Rohmeyer will have to report back to the Board about that. I will follow up with him to see if I can get more information about what will be reported back to the Board at their next meeting so you can follow up with Anthony about whether or not the sheriff/chief letter is still required.

I'll let you know what I find out.

Thanks,

Andrea Magermans

Prescription Drug Monitoring Program Analyst | Wisconsin Dept. of Safety and Professional Services | (608) 261-6546 |

Andrea.Magermans@wisconsin.gov

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From: Listenbee, Carmell - DSPS
Sent: Tuesday, July 25, 2017 9:58 AM
To: Magermans, Andrea L - DSPS
Subject: SUA-Anthony Valenti-Canine Initiative Group LLC

Good morning Andrea.

I was looking at the To-do list from last week for Controlled Substances and I was a little bit confused & hoping that you could help me. It says: Reasses SUA form to see if being formally deputized by a sherriff's department is still a) required and b) supported by rule. I'm wondering if this means that Officer Anthony Valenti is still required to provide this letter from the Sherriff/ Chief. Please let me know if you can. Thank you.

Please let me know if I can help you further.
Have a great day! ☺

CARMELL LISTENBEE
License/ Permit Program Associate
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<https://www.surveymonkey.com/s/DSPSHealth>
to evaluate your experience with the DSPS.

From: [Bellay, Yvonne M - DATCP](#)
To: [DSPS CRED Controlled Substances](#)
Subject: RE: Anthony Valenti
Date: Wednesday, January 25, 2017 1:52:41 PM

Yes, the sheriff still has to agree to take responsibility for the drugs.

Yvonne M Bellay, DVM, MS
Animal Welfare Programs Manager/Epidemiologist- Bureau of Animal Disease Control/Division of
Animal Health
Wisconsin Department of Agriculture, Trade and Consumer Protection
Phone: (608)-224-4888
Fax: (608) 224-4871
Yvonne.bellay@Wisconsin.gov

Please complete this [brief survey](#) to help us improve our customer service. Thank you for your feedback!

From: DSPS CRED Controlled Substances
Sent: Wednesday, January 25, 2017 10:28 AM
To: Bellay, Yvonne M - DATCP <Yvonne.Bellay@wisconsin.gov>
Subject: RE: Anthony Valenti

Good morning Dr. Bellay.

So this officer says that he is already a sworn deputy with the Racine County Sheriff's Department. & the SUA is not for the department, it is for his personally owned business. Would he still need the Sheriff's authorization for this?

Please let me know if I can help you further.
Have a great day! ☺

CARMELL LISTENBEE
License/ Permit Program Associate
DEPT OF SAFETY & PROFESSIONAL SERVICES
Credentialing
(Phone-608-266-2112 Fax: 608-261-7083
The DSPS is committed to service excellence. Visit our survey at:
<https://www.surveymonkey.com/s/DSPSHealth>
to evaluate your experience with the DSPS.

From: Bellay, Yvonne M - DATCP
Sent: Tuesday, January 03, 2017 2:48 PM
To: DSPS CRED Controlled Substances
Subject: RE: Anthony Valenti

Yes, he will have to go before the board. He will also have to be deputized and the sheriff will have to agree to take responsibility for him.

Yvonne M Bellay, DVM, MS
Animal Welfare Programs Manager/Epidemiologist- Bureau of Animal Disease Control/Division of

Animal Health
Wisconsin Department of Agriculture, Trade and Consumer Protection
Phone: (608)-224-4888
Fax: (608) 224-4871
Yvonne.bellay@Wisconsin.gov

Please complete this [brief survey](#) to help us improve our customer service. Thank you for your feedback!

From: DSPS CRED Controlled Substances
Sent: Friday, December 23, 2016 8:55 AM
To: Bellay, Yvonne M - DATCP <Yvonne.Bellay@wisconsin.gov>
Subject: Anthony Valenti

Good morning Dr Bellay.

I have a question regarding an application. I haven't officially submitted it to you, because we are still awaiting his membership in a national police dog association verification and also a letter from the sheriff/ chief of police. However he is telling me that he is applying for his personally owned business and not for the department he works for. So does this mean he cannot supply the letter and will have to go to the board? Please let me know. I have attached a copy of his application.

Please let me know if I can help you further.
Have a great day! ☺

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to evaluate your experience with the DSPS.

From: [DSPS CRED Controlled Substances](#)
To: ["Anthony Valenti"](#)
Subject: RE: SUA for Canine Initiative Group LLC.
Date: Wednesday, January 04, 2017 11:31:45 AM

Good morning Anthony.

After sending your application to the liaison for review, there are still some items that we need. I will list below. Please send this information to: DPSCredControlledSubstances@wi.gov or you can fax to: 608-261-7083. Please include your SUA # for reference. Thank You.

- Yes you will have to go before the board. More information to come regarding this.
- You will need to be deputized
- And the sheriff will have to agree to take responsibility for you.

Please let me know if I can help you further.
Have a great day! ☺

CARMELL LISTENBEE
License/ Permit Program Associate
DEPT OF SAFETY & PROFESSIONAL SERVICES
Credentialing
☎ Phone-608-266-2112 Fax: 608-261-7083
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<https://www.surveymonkey.com/s/DSPSHealth>
to evaluate your experience with the DSPS.

From: Anthony Valenti [mailto:anthony.m.valenti@gmail.com]
Sent: Friday, December 23, 2016 8:35 AM
To: DSPS CRED Controlled Substances
Subject: Re: SUA for Canine Initiative Group LLC.

I'm just waiting for my regional office to give me my certificate for my membership.

I'm applying for my personally owned business and not for the department I work for. So I'm assuming I will have to go in front of a board. Please let me know what is the next step for that. Thanks.

On Dec 20, 2016 12:41 PM, "DSPS CRED Controlled Substances"
<DPSCREDControlledSubstances@wisconsin.gov> wrote:
Good afternoon Anthony.

Your application for Special Use Authorization has been received by our department. Before we can send to the Board Liaison for review, there are some items that we need. I will list below. Please send this information to: DPSCredControlledSubstances@wi.gov or you can fax to: [608-261-7083](tel:608-261-7083). Please include your SUA # for reference. Thank You.

- Verification of membership in a national police dog association approved by the board.
~NAPWDA (North American Police Work Dog Association), WLECHA (Wisconsin Law

Enforcement Canine Handler Association) or USPCA (United States Police Canine Association).

- A letter from the sheriff/chief of police authorizing possession of controlled substances and his/her willingness to accept responsibility for the controlled substances.

**Please let me know if I can help you further.
Have a great day! ☺**

**CARMELL LISTENBEE
License/ Permit Program Associate
DEPT OF SAFETY & PROFESSIONAL SERVICES
Credentialing**

☎ Phone-[608-266-2112](tel:608-266-2112) Fax: [608-261-7083](tel:608-261-7083)

**The DSPS is committed to service excellence. Visit our survey at:
<https://www.surveymonkey.com/s/DSPSHealth>
to evaluate your experience with the DSPS.**

From: [Bellay, Yvonne M - DATCP](#)
To: [DSPS CRED Controlled Substances](#)
Subject: RE: Anthony Valenti
Date: Tuesday, January 03, 2017 2:48:00 PM

Yes, he will have to go before the board. He will also have to be deputized and the sheriff will have to agree to take responsibility for him.

Yvonne M Bellay, DVM, MS
Animal Welfare Programs Manager/Epidemiologist- Bureau of Animal Disease Control/Division of Animal Health
Wisconsin Department of Agriculture, Trade and Consumer Protection
Phone: (608)-224-4888
Fax: (608) 224-4871
Yvonne.bellay@Wisconsin.gov

Please complete this [brief survey](#) to help us improve our customer service. Thank you for your feedback!

From: DSPS CRED Controlled Substances
Sent: Friday, December 23, 2016 8:55 AM
To: Bellay, Yvonne M - DATCP <Yvonne.Bellay@wisconsin.gov>
Subject: Anthony Valenti

Good morning Dr Bellay.

I have a question regarding an application. I haven't officially submitted it to you, because we are still awaiting his membership in a national police dog association verification and also a letter from the sheriff/ chief of police. However he is telling me that he is applying for his personally owned business and not for the department he works for. So does this mean he cannot supply the letter and will have to go to the board? Please let me know. I have attached a copy of his application.

Please let me know if I can help you further.
Have a great day! ☺

CARMELL LISTENBEE
License/ Permit Program Associate
DEPT OF SAFETY & PROFESSIONAL SERVICES
Credentialing

☎ Phone-608-266-2112 Fax: 608-261-7083

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<https://www.surveymonkey.com/s/DSPSHealth>
to evaluate your experience with the DSPS.

From: [DSPS CRED Controlled Substances](#)
To: ["anthony.m.valenti@gmail.com"](mailto:anthony.m.valenti@gmail.com)
Subject: SUA for Canine Initiative Group LLC.
Date: Tuesday, December 20, 2016 12:41:15 PM

Good afternoon Anthony.

Your application for Special Use Authorization has been received by our department. Before we can send to the Board Liaison for review, there are some items that we need. I will list below. Please send this information to: DSPSCredControlledSubstances@wi.gov or you can fax to: 608-261-7083. Please include your SUA # for reference. Thank You.

- Verification of membership in a national police dog association approved by the board. ~NAPWDA (North American Police Work Dog Association), WLECHA (Wisconsin Law Enforcement Canine Handler Association) or USPCA (United States Police Canine Association).
- A letter from the sheriff/chief of police authorizing possession of controlled substances and his/her willingness to accept responsibility for the controlled substances.

Please let me know if I can help you further.
Have a great day! 😊

CARMELL LISTENBEE
License/ Permit Program Associate
DEPT OF SAFETY & PROFESSIONAL SERVICES
Credentialing

☎ Phone-608-266-2112 Fax: 608-261-7083

The DSPS is committed to service excellence. Visit our survey at:
<https://www.surveymonkey.com/s/DSPSHealth>
to evaluate your experience with the DSPS.

Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 8935
Madison, WI 53708-8935
FAX #: (608) 261-7083
Phone #: (608) 266-2112

Ship To: 1400 E. Washington Avenue
Madison, WI 53703
E-Mail: dsps@wisconsin.gov
Website: <http://dsps.wi.gov>

CONTROLLED SUBSTANCE BOARD

APPLICATION FOR SPECIAL USE AUTHORIZATION

(Please check only one box.)

<input checked="" type="checkbox"/> NEW	<input type="checkbox"/> RENEWAL (Refer to prior year's approval letter for SUA # and expiration date.)	<input type="checkbox"/> AMENDMENT (Refer to prior year's approval letter for SUA # and expiration date.)	
SUA # _____	Expiration Date: ____/____/____	SUA # _____	Expiration Date: ____/____/____

TYPE OR PRINT CLEARLY

1. Name of Person Applying for Authorization: Anthony Michael Valenti

Credential/Title of Applicant: Racine County Sheriffs Deputy/Full Service Canine Trainer

Institution, Research Lab, or Business Facility Represented by or Employing Applicant:

Name: Canine Initiative Group LLC

Physical Address: W664 Kearney Rd. Burlington, WI 53105

Mailing Address: W664 Kearney Rd. Burlington, WI 53105

Email Address: anthony.m.valenti@gmail.com

Telephone: 2 6 2 - 9 0 3 - 0 4 4 8 FAX #: _____

2. Category of Authorization(s) that apply: ***Applications must be accompanied by appropriate checklist.**

Analytical Laboratory	<input type="checkbox"/>	Narcotic Dog Training*	<input checked="" type="checkbox"/>
Animal Translocation*	<input type="checkbox"/>	Industrial/Commercial Processing	<input type="checkbox"/>
Humane Society*	<input type="checkbox"/>	Instructional Activities	<input type="checkbox"/>
Research*	<input type="checkbox"/>	Drug Movement for Training Purposes	<input type="checkbox"/>
Law Enforcement Animal Control Officer	<input type="checkbox"/>	Other Special Use	<input type="checkbox"/>

Other Special Uses, specify: _____

3. DEA #: _____ Check this box if DEA Registration is pending. ☐

APPLICATION FEES: Make check payable to DSPPS and attach to this application.

No fee is charged for SUA permits issued to employees of State Agencies or Institutions. (please check applicable box)

☒ Authorization Fee
\$25.00 Total Fee Attached

☒ New ☐ Renewal

☐ Amendment Fee
\$ 5.00 Total Fee Attached

For Receipting Use Only

Trn# 14648 12/01/2016 01:59 PM
CHECK
CONTROL SUBS 25.00
TOTAL 25.00

Wisconsin Department of Safety and Professional Services

- 4A. CONTROLLED SUBSTANCES previously authorized to have in your possession. The application review process may be delayed if this table is not completed in its entirety. **New Applicants:** Skip this step and continue to 4B. on page 3.

***All drug/substance amounts must be listed in the same unit and given in weight if solid, or volume and concentration if liquid. If a separate list is appended, only list the controlled substances.**

[illegible]

***All drug/substance amounts must be listed in the same unit and given in weight if solid, or volume and concentration if liquid. If a separate list is appended, only list the controlled substances.**

Wisconsin Department of Safety and Professional Services

4B. NEW CONTROLLED SUBSTANCES: Provide justification for any new substances.

Drug/Substance (no name brands)	New Drug Substance Total Amount Requested for Authorization (amounts must be given in the same unit and in weight if solid or in volume and concentration if liquid.)
Marijuana	2 Kilograms
Cocaine	30 grams
Heroin	30 grams
Crack Cocaine	30 grams
Methamphetamine	30 grams

In accordance with federal and state laws, all Special Use Authorization (SUA) holders are only allowed to have drug/substance amounts that have been previously authorized and approved by the Controlled Substances Board. Possession or use of any additional drug/substance amounts that are not authorized by the Controlled Substances Board is a violation of federal and state laws. An SUA may be revoked for this violation.

A Drug Enforcement Administration (DEA) registration pursuant to section 823 of the Controlled Substances Act (the Act) to manufacture, distribute, or dispense a controlled substance or a List I chemical may be suspended or revoked in accordance with section 824(a)(3) of the Act by the Attorney General [of the United States] upon a finding that the registrant has had his/her [State of Wisconsin Controlled Substances Board Special Use Authorization] suspended, revoked or denied by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled substances or List I chemicals or has had the suspension, revocation, or denial of his registration recommended by competent State authority. Suspension or revocation of a DEA registration would entail surrender of the registration certificate, any unused DEA Forms 222, and all controlled substances in the possession of the registrant.

You must contact the Drug Enforcement Administration (DEA) for authorization to destroy or otherwise properly dispose of all controlled substances.

Wisconsin Department of Safety and Professional Services

5. SECURITY:

Where will the controlled substances be stored and who will have access? The recommended procedure is a locked safe with access limited to those individuals shown on your application. If storage and use are at different locations, indicate below. **See Physical Security Requirements for Controlled Substances (Form # 2277).**

Provide storage details below:

At Canine Initiative Group/W664 Kearney Rd. Burlington, WI 53105. In Kennel Building, in maintaine room (locked area inside of locked building). Stored in Floor-bolted lockbox. Building also has cameras and security alarm.

List all individuals who will have access to the controlled substances:

Anthony Michael Valenti

6. From what source will the controlled substances be acquired?

State of WI DEA

7. The applicant must maintain current and accurate records on all receipts and dispositions of controlled substances obtained pursuant to the issuance of this Authorization.
8. Any authorization or amendment to this application expires at the expiration of this permit. **Note the expiration date on the permit.**
9. This Authorization is expressly subject to such regulations and review that may be required by the Controlled Substances Board.
10. DESCRIBE your use for each controlled substance(s) listed on section 4A. and 4B. Please attach a separate sheet if more space is needed.

The controlled substances will be used in Imprinting and training of canines that will be sold and trained for law enforcement agencies in the United States of America.

The controlled substance will also be used for certification of Handlers and Canine teams.

Wisconsin Department of Safety and Professional Services

11. RESEARCH PROTOCOL: (must be completed for each research protocol, please duplicate this sheet if needed.)

PROTOCOL CHART:

Protocol #	Expiration Date	Title of Protocol (a one page description of the protocol must accompany this table.) <u>Do not send full IACUC or IRB applications in lieu of this requirement.</u>

For each individual protocol listed, you must provide the name and concentration of the drug, the dosage used per animal, the weight of the animal, the number of animals and the total amount of drug used.

Example A: $\text{Dose (mg/kg)} \times \text{Weight of Animal} \times \text{Number of Animals} = \text{Amount of Drug required (mg)}$

DRUG DOSAGE INFORMATION:

Drug(s)			
Animal Species			
Total Number of Animals Per Year			
Average Weight (kg)			
Average Total Dose (mg/kg)			
Unit Size if liquid (mg/ml)			
Estimated Amount for Year (ml if liquid, grams if solid)			

Wisconsin Department of Safety and Professional Services

12. List all individuals participating in the functions for which the Authorization was approved. If not previously authorized, have each new person complete item 13 below.

Name: ANTHONY MICHAEL VALENTI Title: OWNER / TRAINER

Please complete (Item 13) for each new authorized individual only. (duplicate page as necessary)

13. ACKNOWLEDGMENT OF PARTICIPATION IN SPECIAL USE AUTHORIZATION #: _____

Name of New Individual: _____

Title: _____

Qualifications: _____

I acknowledge participation in activities authorized under this Special Use Authorization and agree to comply with all Federal and State regulations governing such activities.

Signature of New Individual

_____/_____/_____
Date

14. Under penalty of Wisconsin Statute 961.43,* I declare that the statements contained herein are true and correct to the best of my knowledge and belief; and the authorization herein applied for is to cover only the person(s) indicated at the location specified and only for the controlled substances in the amounts authorized.

IMPORTANT: The applicant must maintain current and accurate records of all receipts and dispositions of controlled substances obtained pursuant to the issuance of the authorization.


Signature of Applicant (person listed in item 1)

11/16/2016
Date

*Under Wisconsin Statute 961.43, all statements must be true and correct:

(1) It is unlawful for any person:

- (a) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;
- (b) Any person who violates this section may be fined not more than \$30,000 or imprisoned not more than four (4) years or both.

Wisconsin Department of Safety and Professional Services

ALL APPLICANTS MUST COMPLETE THIS SECTION:

CERTIFICATION OF LEGAL STATUS:

I declare under penalty of law that I am (check one):

- ☒ A citizen or national of the United States, or
- ☐ A qualified alien or nonimmigrant lawfully present in the United States who is eligible to receive this professional license or credential as defined in the Personal Responsibility and Work Opportunities Reconciliation Act of 1996, as codified in 8 U.S.C. §1601 et. Seq. (PRWORA). For questions concerning PRWORA status, please contact the U.S. Citizenship and Immigration Services in the Department of Homeland Security at 1-800-375-5283 or online at <http://www.uscis.gov>.

Should my legal status change during the application process or after a credential is granted, I understand that I must report this change to the Wisconsin Department of Safety and Professional Services immediately.

CONTINUING DUTY OF DISCLOSURE:

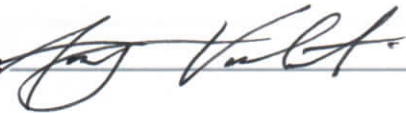
I understand that I have a continuing duty of disclosure during the application process. If information I have provided in this application becomes invalid, incorrect or outdated, I understand that I am obliged to provide any necessary information to ensure the information on my application remains current, valid, and truthful. I understand that Credentialing authorities may view acts of omission as dishonesty and that my duty of disclosure during the application process exists until licensure is granted or denied.

AFFIDAVIT OF APPLICANT

I declare that I am the person referred to on this application and that all answers set forth are each and all strictly true in every respect. I understand that failure to provide requested information, making any materially false statement and/or giving any materially false information in connection with my application for a credential or for renewal or reinstatement of a credential may result in credential application processing delays; denial, revocation, suspension or limitation of my credential; or any combination thereof; or such other penalties as may be provided by law. I further understand that if I am issued a credential, or renewal, or reinstatement thereof, failure to comply with the statutes and/or administrative code provisions of the licensing authority will be cause of disciplinary action.

By signing below, I am signifying that I have read the above statements (Certification of Legal Status, Continuing Duty of Disclosure, and Affidavit of Applicant) and understand the obligation I have as an applicant or credential-holder should information I've provided to the Department of Safety and Professional Services change.

Signature: _____



Date:

1	1
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 /

1	6
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 /

2	0	1	6
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STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

BRAD D. SCHIMEL
ATTORNEY GENERAL

Andrew C. Cook
Deputy Attorney General

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529

September 30, 2016

Mr. Anthony Valenti
Racine County Sheriff's Office
717 Wisconsin Avenue
Racine, WI 53403

Dear Mr. Valenti,

At its September 7, 2016 meeting, the Wisconsin Law Enforcement Standards Board certified you, Anthony M. Valenti, as being qualified to be a Law Enforcement Officer in this state with a certification date of 9/7/2016.

Please accept my sincere congratulations on meeting all the requirements set by the LESB for certification as a Law Enforcement Officer. Certification powers are granted to the Board under Section 165.85(3)(c). The issuance of the Board's certificate indicates that you have met the minimum recruitment and training standards identified in Chapters LES 2 and LES 3, Rules of the Wisconsin Law Enforcement Standards Board.

We expect that your law enforcement career will reflect strict adherence to the highest ethical standards of the profession. We hope that you find the position of Law Enforcement Officer challenging and stimulating. We also hope that you will be motivated to constantly upgrade your professional potential by taking advantage of the multitude of educational and advanced training opportunities available in the law enforcement discipline today.

Very truly yours,

Brad D. Schimel
Attorney General

Cc: Administrative Officer
Racine County Sheriff's Office

Racine County
Sheriff's Office



DEPUTY

Anthony



Valenti

This is to certify that the person whose picture appears on the reverse side of this card is a duly appointed Deputy Sheriff of Racine County, Wisconsin, and as such has the authority and is charged with the duties of that office

Christopher Schmaling, Sheriff

DRIVER LICENSE
REGULAR

WISCONSIN USA NOT FOR FEDERAL PURPOSES

46 [REDACTED] 9 CLASS **DM**

1 **VALENTI**
2 **ANTHONY MICHAEL**

8 **W664 KEARNEY RD**
BURLINGTON, WI 53105

15 SEX **M** 16 HGT **6'-00"**
17 WGT [REDACTED] 18 EYES **BRO**
19 HAIR **BLK** 4a ISS [REDACTED] 4b EXP [REDACTED] 4c DONOR [REDACTED]

3 DOB [REDACTED] 5 DD **07EZS2016080916221557**

9a END **NONE**

JUL 88

ANTHONY VALENTI

Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 8935
Madison, WI 53708-8935
FAX #: (608) 261-7083
Phone #: (608) 266-2112

Ship To: 1400 E. Washington Avenue
Madison, WI 53703
E-Mail: dsps@wisconsin.gov
Website: <http://dsps.wi.gov>

CONTROLLED SUBSTANCE

SPECIAL USE AUTHORIZATION (SUA) FOR CONTROLLED SUBSTANCES CHECKLIST FOR DOG TRAINING

Check each as confirmation of understanding.

Wisconsin Statutes 961.335

- ☒ An SUA must be obtained if controlled substances are to be used for the training of dogs.
- ☒ The SUA is obtained from the Controlled Substances Board.
- ☒ The SUA is valid for one year from the date of issue.
- ☒ The SUA cost is \$25.00 annually. (State agencies/Universities are exempt.)
- ☒ The individual granted this special use authorization is responsible for all activities under this authorization.
- ☒ The SUA will specify the name and address of the applicant, the nature of the use, all individuals approved, and amounts of controlled substances to be used, see application (Form #2184).
- ☐ This SUA is limited to those authorized individuals and controlled substances specified on the permit. Upon renewal, a valid permit may be amended.
- ☒ The amount of drug approved is the total amount of drug that may be purchased or possessed for the entire year of this authorization. The amount of drug in inventory plus the amount of drug purchased may not exceed the total amount of drug approved for the year authorized by this approval.
- ☒ Persons who possess a valid SUA issued under this section are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.
- ☒ The Controlled Substances Board may suspend or revoke an SUA upon a finding that there is a violation of the rules of the Board.

Controlled Substances Board Policies and Procedures

Initial each item as confirmation of compliance.

- ☒ Complete the Application for Controlled Substances Special Use Authorization (Form #2184).
- ☒ Only dog handlers or persons trained and qualified in the business of training dogs will be issued an SUA.
- ☒ The authorized individual must be a member of North American Police Work Dog Association (NAPWDA) or Wisconsin Law Enforcement Canine Handler Association (WLECHA), United States Police Canine Association (USPCA). (Submit copy of current membership.)
- ☒ Only dog trainers affiliated with Law Enforcement will be issued an SUA without a personal appearance before the Board.
- ☒ **Private dog trainers wishing to obtain an SUA must submit evidence of being sworn or un sworn as a deputy for a law enforcement agency. The law enforcement agency must indicate in writing, that the agency accepts responsibility and exercises supervision and control in overseeing the deputy's storage and use of the approved controlled substances for the purpose of canine training only. A personal appearance before the Board from the private dog trainer is required.**
- ☒ The authorized individual must submit a current letter of approval to the CSB from the police agency Chief or Sheriff stating that the Chief or Sheriff takes responsibility for the controlled substances.
- ☒ You must obtain a Drug Enforcement Administration (DEA) Registration Number.
- ☒ Maximum amounts of drugs permitted include: (list on application)
 - 2 kilograms of marijuana (The marijuana will require periodic replacement because of spoilage. Total use per year must be requested. Amounts in excess of one pound "on hand" will also need approval and explanation.)
 - 30 grams of cocaine
 - 30 grams of heroin
 - Up to 30 grams of cocaine base, i.e. crack cocaine
 - Up to 30 grams of methamphetamine

Other controlled substances or greater amounts of the drugs previously authorized may be requested with appropriate justification.

Wisconsin Department of Safety and Professional Services

- ☒ Bolted lock box in transportation vehicle.
- ☒ The source of acquisition of controlled substances must be listed, see application (**Form #2184**). (The Wisconsin Crime Lab does not sell controlled substances.)
- ☒ DEA 222 forms must be retained in your records.
- ☒ Copies of current dog handler's certification must be on file with the Controlled Substances Board.
- ☒ All records of receipt and disposition of controlled substances must be retained.
- ☒ Storage of controlled substances must be in a secure, locked safe, see Physical Security Requirements (**Form #2277**).
- ☒ Access to the controlled substances is limited to those persons listed on the application.
- ☒ The DEA must be contacted for authorization to destroy or dispose any controlled substances.
- ☒ Controlled substances must be destroyed in an appropriate manner, as authorized by DEA.

***Law enforcement agencies should also be aware that they can request law enforcement exemption from the U.S. Department of Justice, Drug Enforcement Administration to use limited quantities of drugs for refresher training. This is available for trained dogs in police agencies without a regular animal training program. Contact the DEA office listed below if you have questions regarding this provision.**

Wisconsin Controlled Substances Board
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
(608) 266-2112

DEA Diversion Group
4725 W. Electric Avenue
West Milwaukee, WI 53219

Signature: _____

Date: _____

08/26/2016

Custom Canine Unlimited

This is to certify that

Anthony Michael Valenti



*has attended successfully completed 320 Hours of K-9
Training and met all requirements as set by Custom
Canine Unlimited, LLC for listed course.*

This team has completed training on

8th Day of September 2014
(2014-08)

We Do Approve Successful Completion

Full Service Trainer Course

Obedience, Drug Detection, Tracking, and Aggression


Course Coordinator


Director of Operations

08/14/11

**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: 20 December 2017 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date: ■ 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Controlled Substances Board			
4) Meeting Date: 12 January 2018	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. CSB 2.50 Relating to Scheduling AB-CHMINACA, AB-PINACA and THJ-2201 2. CSB 2.51 Relating to Scheduling MAB-CHMINACA 3. CSB 2.52 Relating to Scheduling 4-MePPP and a-PBP 4. CSB 2.55 Relating to Scheduling 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA 5. CSB 2.56 relating to Scheduling 4-fluororoisobutyl fentanyl 6. CSB 2.58 Relating to Excluding Naldemedine 7. CSB 2.59 Relating to Scheduling Ortho-fluorofentanyl 8. CSB 2.60 Relating to Scheduling FUB-AMB 9. Scheduling MT-45 10. Scope CSB 4 Relating to Operation of Prescription Drug Monitoring Program 11. Scope CSB 3 Relating to Special Use Authorizations 12. Schedule Law Enforcement Hearing to Receive Information on Drug Trends for Future Controlled Substances Scheduling (Executive Order 228)	
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? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed:			
11) Authorization <div style="text-align: center; font-family: cursive; font-size: 1.2em; margin-top: 20px;">Sharon Henes</div>			
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 Policy Development Executive 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 2.50 relating to scheduling of AB-CHMINACA, AB-PINACA and THJ-2201.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.14, Stats.

Statutory authority: ss. 961.11(1) and (4), Stats.

Explanation of agency authority:

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). [s. 961.11(4), Stats.]

Related statute or rule: s. 961.14, Stats.

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

On January 30, 2015, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing AB-CHMINACA, AB-PINACA and THJ-2201 into Schedule I of the federal Controlled Substances Act.

Plain language analysis:

The Controlled Substances Board did not receive an objection to treating AB-CHMINACA, AB-PINACA and THJ-2201 as schedule I controlled substances under ch. 961, Stats. based upon the federal scheduling. The Controlled Substances Board took affirmative action on March 23, 2017 to similarly treat AB-CHMINACA, AB-PINACA and THJ-2201 under chapter 961 effective March 27, 2017 to allow for publication in the Administrative Register. The Affirmative Action Order will expire upon promulgation of a final rule.

This rule creates s. 961.14 (4) (tb) 34., 35. and 36., Stats. which adds AB-CHMINACA, AB-PINACA and THJ-2201 to schedule I.

Comparison with rules in adjacent states:

Illinois: Illinois scheduled AB-CHMINACA, AB-PINACA and THJ-2201 as schedule I controlled substances.

Iowa: Iowa scheduled AB-CHMINACA, AB-PINACA and THJ-2201 as schedule I controlled substances.

Michigan: Michigan has not scheduled these substances.

Minnesota: Minnesota scheduled AB-CHMINACA, AB-PINACA and THJ-2201 as schedule I controlled substances.

Summary of factual data and analytical methodologies:

The methodology was to schedule AB-CHMINACA, AB-PINACA and THJ-2201 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:

This rule schedules drugs and does not have an effect on small business.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

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 608-261-2377; email at DSPSAdminRules@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 Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received by January 11, 2018 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 2.50 is created to read:

CSB 2.50 Addition of AB-CHMINACA, AB-PINACA and THJ-2201 to schedule I.

Sections 961.14(4)(b)34., 35. and 36., Stats., are created to read:

961.14(4)(b)34. *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide, commonly known as AB-CHMINACA.

35. *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide, commonly known as AB-PINACA.

36. [1-(5-fluoropentyl)-1*H*-indazol-3-yl](naphthalen-1-yl)methanone, commonly known as THJ-2201.

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)

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected		
2. Administrative Rule Chapter, Title and Number CSB 2.50		
3. Subject Scheduling AB-CHMINACA, AB-PINACA and THJ-2201		
4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		5. Chapter 20, Stats. Appropriations Affected s. 20.165(1)(g)
6. Fiscal Effect of Implementing the Rule <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Indeterminate </div> <div> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div> <input type="checkbox"/> Increase Costs <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost </div> </div>		
7. The Rule Will Impact the Following (Check All That Apply) <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> State's Economy <input type="checkbox"/> Local Government Units </div> <div> <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A) </div> </div>		
8. Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
9. Policy Problem Addressed by the Rule The United States Department of Justice, Drug Enforcement Administration scheduled AB-CHMINACA, AB-PINACA and THJ-2201 as schedule I controlled substances effective January 30, 2015. The Wisconsin Controlled Substances Board took affirmative action on March 23, 2017 to similarly treat AB-CHMINACA, AB-PINACA and THJ-2201 as schedule I controlled substances effective March 27, 2017. The Board is currently promulgating a final rule.		
10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments. This rule was posted for economic comments and none were received.		
11. Identify the local governmental units that participated in the development of this EIA. None		
12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule will not have a fiscal or economic impact.		
13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit is for the federal and state controlled substances acts to be in conformity and alleviate confusion. In addition, it is in the best interest of Wisconsin citizens to schedule AB-CHMINACA, AB-PINACA and THJ-2201 as controlled substances.		
14. Long Range Implications of Implementing the Rule AB-CHMINACA, AB-PINACA and THJ-2201 will be treated as schedule I controlled substances.		
15. Compare With Approaches Being Used by Federal Government The federal government has scheduled AB-CHMINACA, AB-PINACA and THJ-2201 as schedule I controlled substance.		
16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Illinois, Iowa and Minnesota have scheduled AB-CHMINACA, AB-PINACA and THJ-2201 as controlled substances. Michigan has not scheduled these drugs.		

17. Contact Name Sharon Henes	18. Contact Phone Number (608) 261-2377
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This document can be made available in alternate formats to individuals with disabilities upon request.

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
 - ☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
 - ☐ Consolidation or Simplification of Reporting Requirements
 - ☐ Establishment of performance standards in lieu of Design or Operational Standards
 - ☐ Exemption of Small Businesses from some or all requirements
 - ☐ Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- ☐ Yes ☐ No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **17-085**

AN ORDER to create CSB 2.50, relating to scheduling of AB-CHMINACA, AB-PINACA, and THJ-2201

Submitted by **CONTROLLED SUBSTANCES BOARD**

12-01-2017 RECEIVED BY LEGISLATIVE COUNCIL.

12-21-2017 REPORT SENT TO AGENCY.

SG:SM

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES ☐ NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES ☒ NO ☐

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES ☐ NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES ☐ NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES ☐ NO ☒

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES ☐ NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES ☐ NO ☒



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 17-085

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

In SECTION 1 of the proposed rule, use of bold and italicized text referring to s. 961.14 (4) (tb) 34., 35., and 36., Stats., should be reviewed for consistency with the style of similar references in current statutes and other recent rule promulgations. Similarly, use of italicized letters in reference to particular substances should be reviewed for consistency.

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 2.51 relating to scheduling of MAB-CHMINACA.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.14, Stats.

Statutory authority: ss. 961.11 (1) and (4), Stats.

Explanation of agency authority:

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). [s. 961.11(4), Stats.]

Related statute or rule: s. 961.14, Stats.

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

On February 5, 2016, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing MAB-CHMINACA into Schedule I of the federal Controlled Substances Act.

Plain language analysis:

The Controlled Substances Board did not receive an objection to treating MAB-CHMINACA as a schedule I controlled substance under ch. 961, Stats. based upon the federal scheduling. The Controlled Substances Board took affirmative action on March 23, 2017 to similarly treat MAB-CHMINACA under chapter 961 effective March 27, 2017 to allow for publication in the Administrative Register. The Affirmative Action Order will expire upon promulgation of a final rule.

This rule creates s. 961.14 (4) (tb) 37., Stats. which adds MAB-CHMINACA to schedule I.

Comparison with rules in adjacent states:

Illinois: Illinois has not scheduled MAB-CHMINACA.

Iowa: Iowa scheduled MAB-CHMINACA as a schedule I controlled substance.

Michigan: Michigan has not scheduled MAB-CHMINACA.

Minnesota: Minnesota scheduled MAB-CHMINACA as a schedule I controlled substance.

Summary of factual data and analytical methodologies:

The methodology was to schedule MAB-CHMINACA 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:

This rule schedules a drug and does not have an effect on small business.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

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 608-261-2377; email at DSPSAdminRules@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 Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received by January 11, 2018 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 2.51 is created to read:

CSB 2.51 Addition of MAB-CHMINACA to schedule I. Section 961.14(4)(tb)37., Stats., is created to read:

961.14(4)(tb)37. *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide, commonly known as MAB-CHMINACA or ADB-CHMINACA.

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)

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	
2. Administrative Rule Chapter, Title and Number CSB 2.51	
3. Subject Scheduling MAB-CHMINACA	
4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected s. 20.165(1)(g)
6. Fiscal Effect of Implementing the Rule <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Indeterminate </div> <div> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div> <input type="checkbox"/> Increase Costs <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost </div> </div>	
7. The Rule Will Impact the Following (Check All That Apply) <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> State's Economy <input type="checkbox"/> Local Government Units </div> <div> <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A) </div> </div>	
8. Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. Policy Problem Addressed by the Rule The United States Department of Justice, Drug Enforcement Administration scheduled MAB-CHMINACA as a schedule I controlled substance effective February 5, 2016. The Wisconsin Controlled Substances Board took affirmative action on March 23, 2017 to similarly treat MAB-CHMINACA as a schedule I controlled substance effective March 27, 2017. <u>The Board is currently promulgating a final rule.</u>	
10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments. This rule was posted for economic comments and none were received.	
11. Identify the local governmental units that participated in the development of this EIA. None	
12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule will not have a fiscal or economic impact.	
13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit is for the federal and state controlled substances acts to be in conformity and alleviate confusion. In addition, it is in the best interest of Wisconsin citizens to schedule MAB-CHMINACA drugs as a controlled substance.	
14. Long Range Implications of Implementing the Rule MAB-CHMINACA will be treated as a schedule I controlled substance.	
15. Compare With Approaches Being Used by Federal Government The federal government has scheduled MAB-CHMINACA as a schedule I controlled substance.	
16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Iowa has scheduled MAB-CHMINACA as a schedule I controlled substance. Illinois, Michigan and Minnesota have not scheduled this drug.	
17. Contact Name	18. Contact Phone Number

This document can be made available in alternate formats to individuals with disabilities upon request.

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
 - ☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
 - ☐ Consolidation or Simplification of Reporting Requirements
 - ☐ Establishment of performance standards in lieu of Design or Operational Standards
 - ☐ Exemption of Small Businesses from some or all requirements
 - ☐ Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- ☐ Yes ☐ No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **17-086**

AN ORDER to create CSB 2.51, relating to scheduling MAB-CHMINACA

Submitted by **CONTROLLED SUBSTANCES BOARD**

12-01-2017 RECEIVED BY LEGISLATIVE COUNCIL.

12-21-2017 REPORT SENT TO AGENCY.

MSK:JN

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES ☐ NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES ☐ NO ☒

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES ☐ NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES ☐ NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES ☒ NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES ☐ NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES ☐ NO ☒



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 17-086

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

In the scientific name for the controlled substance, a capital “N” and a capital “H” are italicized, even though the rest of the term is not italicized. It appears the font should be revised for consistency.

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 2.52 relating to scheduling of 4-MePPP and a-PBP.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.14, Stats.

Statutory authority: ss. 961.11 (1) and (4), Stats.

Explanation of agency authority:

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). [s. 961.11(4), Stats.]

Related statute or rule: s. 961.14, Stats.

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

On March 1, 2017, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing 4-MePPP and a-PBP into Schedule I of the federal Controlled Substances Act.

Plain language analysis:

The Controlled Substances Board did not receive an objection to treating 4-MePPP and a-PBP as schedule I controlled substances under ch. 961, Stats. based upon the federal scheduling. The Controlled Substances Board took affirmative action on April 4, 2017 to similarly treat 4-MePPP and a-PBP under chapter 961 effective April 10, 2017 to allow for publication in the Administrative Register. The Affirmative Action Order will expire upon promulgation of a final rule.

This rule creates s. 961.14 (7) (L) 32. and 33., Stats. which adds 4-MePPP and a-PBP to schedule I.

Comparison with rules in adjacent states:

Illinois: Illinois scheduled 4-MePPP and a-PBP as schedule I controlled substances.

Iowa: Iowa scheduled 4-MePPP and a-PBP as schedule I controlled substances.

Michigan: Michigan has not scheduled these substances.

Minnesota: Minnesota scheduled 4-MePPP as a schedule I controlled substance. Minnesota has not scheduled a-PBP.

Summary of factual data and analytical methodologies:

The methodology was to schedule 4-MePPP and a-PBP 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:

This rule schedules drugs and does not have an effect on small business.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

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 608-261-2377; email at DSPSAdminRules@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 Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received by January 11, 2018 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 2.52 is created to read:

CSB 2.52 Addition of 4-MePPP and a-PBP to schedule I. Section 961.14(7)(L)32. and 33., Stats., is created to read:

961.14(7)(L)32. 4-methyl-alpha-pyrrolidinopropiophenone, commonly known as 4-MePPP.
33. Alpha-pyrrolidinobutiophenone, commonly known as a-PBP.

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)

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	
2. Administrative Rule Chapter, Title and Number CSB 2.52	
3. Subject Scheduling	
4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected s. 20.165(1)(g)
6. Fiscal Effect of Implementing the Rule <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Indeterminate </div> <div> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div> <input type="checkbox"/> Increase Costs <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost </div> </div>	
7. The Rule Will Impact the Following (Check All That Apply) <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> State's Economy <input type="checkbox"/> Local Government Units </div> <div> <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A) </div> </div>	
8. Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. Policy Problem Addressed by the Rule The United States Department of Justice, Drug Enforcement Administration scheduled 4-MePPP and a-PBP as schedule I controlled substances effective March 1, 2017. The Wisconsin Controlled Substances Board took affirmative action on April 4, 2017 to similarly treat 4-MePPP and a-PBP as schedule I controlled substances effective April 10, 2017. The Board is currently promulgating a final rule.	
10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments. This rule was posted for economic comments and none were received.	
11. Identify the local governmental units that participated in the development of this EIA. None	
12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule will not have a fiscal or economic impact.	
13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit is for the federal and state controlled substances acts to be in conformity and alleviate confusion. In addition, it is in the best interest of Wisconsin citizens to schedule 4-MePPP and a-PBP as controlled substances.	
14. Long Range Implications of Implementing the Rule 4-MePPP and a-PBP will be treated as schedule I controlled substances.	
15. Compare With Approaches Being Used by Federal Government The federal government has scheduled 4-MePPP and a-PBP as schedule I controlled substance.	
16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Illinois and Iowa have scheduled 4-MePPP and a-PBP as schedule I controlled substances. Minnesota has scheduled 4-MePPP as a schedule I controlled substance but has not scheduled a-PBP. Michigan has not scheduled these drugs.	

17. Contact Name Sharon Henes	18. Contact Phone Number (608) 261-2377
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This document can be made available in alternate formats to individuals with disabilities upon request.

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
 - ☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
 - ☐ Consolidation or Simplification of Reporting Requirements
 - ☐ Establishment of performance standards in lieu of Design or Operational Standards
 - ☐ Exemption of Small Businesses from some or all requirements
 - ☐ Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- ☐ Yes ☐ No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **17-087**

AN ORDER to create CSB 2.52, relating to scheduling 4-MePPP and a-PBP

Submitted by **CONTROLLED SUBSTANCES BOARD**

12-01-2017 RECEIVED BY LEGISLATIVE COUNCIL.

12-21-2017 REPORT SENT TO AGENCY.

SG:SM

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES ☐ NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES ☒ NO ☐

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES ☐ NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES ☐ NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES ☐ NO ☒

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES ☐ NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES ☐ NO ☒



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 17-087

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

In SECTION 1 of the proposed rule, the board should use bold font for the phrase “4-MePPP and a-PBP” in the title of the section, “CSB 2.52 Addition of 4-MePPP and a-PBP to schedule I”.

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 2.55 relating to scheduling of 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.14, Stats.

Statutory authority: ss. 961.11 (1) and (4), Stats.

Explanation of agency authority:

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). [s. 961.11(4), Stats.]

Related statute or rule: s. 961.14, Stats.

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

On April 10, 2017, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA into Schedule I of the federal Controlled Substances Act.

Plain language analysis:

The Controlled Substances Board did not receive an objection to treating 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA as schedule I controlled substances under ch. 961, Stats. based upon the federal scheduling. The Controlled Substances Board took affirmative action on May 12, 2017 to similarly treat 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA under chapter 961 effective May 15, 2017 to allow for publication in the Administrative Register. The Affirmative Action Order will expire upon promulgation of a final rule.

This rule creates s. 961.14 (4) (tb) 38., 39., 40., 41., and 42., Stats. which adds 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA to schedule I controlled substances.

Comparison with rules in adjacent states:

Illinois: Illinois has not scheduled these substances.

Iowa: Iowa has not scheduled these substances.

Michigan: Michigan has not scheduled these substances.

Minnesota: Minnesota has not scheduled these substances.

Summary of factual data and analytical methodologies:

The methodology was to schedule 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA 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:

This rule schedules drugs and does not have an effect on small business.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

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 608-261-2377; email at DSPSAdminRules@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 Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received by January 11, 2018 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 2.55 is created to read:

CSB 2.55 Addition of 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA to schedule I. Section 961.14 (4) (tb) 38., 39., 40., 41., and 42., Stats., is created to read:

961.14 (4) (tb) 38. Methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate, commonly known as 5F-ADB.

39. Methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate, commonly known as 5F-AMB.

40. *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide, commonly known as ADB-FUBINACA.

41. Methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate commonly known as MDMB-CHMICA.

42. Methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate, commonly known as MDMB-FUBINACA.

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)

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	
2. Administrative Rule Chapter, Title and Number CSB 2.55	
3. Subject Scheduling 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA	
4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected s. 20.165(1)(g)
6. Fiscal Effect of Implementing the Rule <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Indeterminate </div> <div> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div> <input type="checkbox"/> Increase Costs <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost </div> </div>	
7. The Rule Will Impact the Following (Check All That Apply) <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> State's Economy <input type="checkbox"/> Local Government Units </div> <div> <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A) </div> </div>	
8. Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. Policy Problem Addressed by the Rule The United States Department of Justice, Drug Enforcement Administration scheduled 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA as schedule I controlled substances effective April 10, 2017. The Wisconsin Controlled Substances Board took affirmative action on May 12, 2017 to similarly treat 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA as schedule I controlled substances effective May 15, 2017. The Board is currently promulgating a final rule.	
10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments. This rule was posted for economic comments and none were received.	
11. Identify the local governmental units that participated in the development of this EIA. None	
12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule will not have a fiscal or economic impact.	
13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit is for the federal and state controlled substances acts to be in conformity and alleviate confusion. In addition, it is in the best interest of Wisconsin citizens to schedule these drugs as controlled substances.	
14. Long Range Implications of Implementing the Rule 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA will be treated as schedule I controlled substances.	
15. Compare With Approaches Being Used by Federal Government The federal government has scheduled 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA as a schedule I controlled substances.	
16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)	

The surrounding states have not scheduled these drugs.

17. Contact Name Sharon Henes	18. Contact Phone Number (608) 261-2377
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This document can be made available in alternate formats to individuals with disabilities upon request.

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
 - ☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
 - ☐ Consolidation or Simplification of Reporting Requirements
 - ☐ Establishment of performance standards in lieu of Design or Operational Standards
 - ☐ Exemption of Small Businesses from some or all requirements
 - ☐ Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- ☐ Yes ☐ No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **17-088**

AN ORDER to create CSB 2.55, relating to scheduling 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA, and MDMB-FUBINACA

Submitted by **CONTROLLED SUBSTANCES BOARD**

12-01-2017 RECEIVED BY LEGISLATIVE COUNCIL.

12-21-2017 REPORT SENT TO AGENCY.

MSK:JN

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES ☐ NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES ☐ NO ☒

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES ☐ NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES ☐ NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES ☒ NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES ☐ NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES ☐ NO ☒



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 17-088

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the text of the rule, the identification of subd. 40. should be shown in regular font, rather than italicized.

b. In the scientific names for the controlled substances, the board on occasion uses regular font when using the term “1H” and sometimes italicizes the letter so the term reads “1*H*”. The letter “N” is also italicized, as it appears after the identification of subd. 40. It appears the font should be revised for consistency.

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 2.56 relating to scheduling of 4-Fluoroisobutyl fentanyl.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.14, Stats.

Statutory authority: ss. 961.11 (1) and (4), Stats.

Explanation of agency authority:

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). [s. 961.11(4), Stats.]

Related statute or rule: s. 961.14, Stats.

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

On May 3, 2017, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing 4-Fluoroisobutyryl fentanyl into Schedule I of the federal Controlled Substances Act.

Plain language analysis:

The Controlled Substances Board did not receive an objection to treating 4-Fluoroisobutyryl fentanyl as a schedule I controlled substance under ch. 961, Stats. based upon the federal scheduling. The Controlled Substances Board took affirmative action on June 5, 2017 to similarly treat 4-Fluoroisobutyryl fentanyl under chapter 961 effective June 12, 2017 to allow for publication in the Administrative Register. The Affirmative Action Order will expire upon promulgation of a final rule.

This rule creates s. 961.14 (2) (nc), Stats. which adds 4-Fluoroisobutyryl fentanyl to schedule I.

Comparison with rules in adjacent states:

Illinois: Illinois has not scheduled 4-Fluoroisobutyryl fentanyl.

Iowa: Iowa has not scheduled 4-Fluoroisobutyryl fentanyl.

Michigan: Michigan has not scheduled 4-Fluoroisobutyryl fentanyl.

Minnesota: Minnesota has not scheduled 4-Fluoroisobutyryl fentanyl.

Summary of factual data and analytical methodologies:

The methodology was to schedule 4-Fluoroisobutyryl fentanyl 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:

This rule schedules a drug and does not have an effect on small business.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

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 608-261-2377; email at DSPSAdminRules@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 Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received by January 11, 2018 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 2.56 is created to read:

CSB 2.56 Addition of 4-fluoroisobutyryl fentanyl to schedule I. Section 961.14(2)(nc), Stats., is created to read:

961.14(2)(nc) 4-fluoroisobutyryl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);

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)

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	
2. Administrative Rule Chapter, Title and Number CSB 2.56	
3. Subject Scheduling 4-Fluoroisobutyryl fentanyl	
4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected s. 20.165(1)(g)
6. Fiscal Effect of Implementing the Rule <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Indeterminate </div> <div> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div> <input type="checkbox"/> Increase Costs <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost </div> </div>	
7. The Rule Will Impact the Following (Check All That Apply) <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> State's Economy <input type="checkbox"/> Local Government Units </div> <div> <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A) </div> </div>	
8. Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. Policy Problem Addressed by the Rule The United States Department of Justice, Drug Enforcement Administration scheduled 4-Fluoroisobutyryl fentanyl as a schedule I controlled substance effective May 3, 2017. The Wisconsin Controlled Substances Board took affirmative action on June 5, 2017 to similarly treat 4-Fluoroisobutyryl fentanyl as a schedule I controlled substance effective June 12, 2017. The Board is currently promulgating a final rule.	
10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments. This rule was posted for economic comments and none were received.	
11. Identify the local governmental units that participated in the development of this EIA. None	
12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule will not have a fiscal or economic impact.	
13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit is for the federal and state controlled substances acts to be in conformity and alleviate confusion. In addition, it is in the best interest of Wisconsin citizens to schedule opiate drugs as controlled substances.	
14. Long Range Implications of Implementing the Rule 4-Fluoroisobutyryl fentanyl will be treated as a schedule I controlled substance.	
15. Compare With Approaches Being Used by Federal Government The federal government has scheduled 4-Fluoroisobutyryl fentanyl as a schedule I controlled substance.	
16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) The neighboring states have not scheduled 4-Fluoroisobutyryl fentanyl.	
17. Contact Name	18. Contact Phone Number

This document can be made available in alternate formats to individuals with disabilities upon request.

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
 - ☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
 - ☐ Consolidation or Simplification of Reporting Requirements
 - ☐ Establishment of performance standards in lieu of Design or Operational Standards
 - ☐ Exemption of Small Businesses from some or all requirements
 - ☐ Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- ☐ Yes ☐ No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **17-089**

AN ORDER to create CSB 2.56, relating to scheduling 4-Fluoroisobutyl fentanyl

Submitted by **CONTROLLED SUBSTANCES BOARD**

12-01-2017 RECEIVED BY LEGISLATIVE COUNCIL.

12-21-2017 REPORT SENT TO AGENCY.

SG:BL

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES ☐ NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES ☐ NO ☒

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES ☐ NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES ☒ NO ☐

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES ☐ NO ☒

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES ☐ NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES ☐ NO ☒



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 17-089

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

4. Adequacy of References to Related Statutes, Rules and Forms

The rule follows an affirmative action order, issued in June, that created s. 961.14 (2) (nc), Stats., adding “4-Fluoroisobutyryl fentanyl” as a Schedule 1 controlled substance. The affirmative action order will expire upon promulgation of the rule. Subsequently, under 2017 Wisconsin Act 60, the paragraph was renumbered and became s. 961.14 (2) (nd) 10t., Stats. Therefore, even though the affirmative action order placed 4-Fluoroisobutyryl fentanyl in the correct location on Schedule 1, as of the date the order was issued, the rule should be modified to place 4-Fluoroisobutyryl fentanyl in the location to which it was moved under Act 60: s. 961.14 (2) (nd) 10t., Stats.

STATEMENT OF SCOPE

Controlled Substances Board

Rule No.: CSB 2.58

Relating to: Exclusion of naldemedine from scheduling

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 of the rule is to exclude naldemedine from the schedules of controlled substances. The Controlled Substances Board determines the exclusion of naldemedine from scheduling as a controlled substance is in the best interest of the citizens of Wisconsin.

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:

On September 29, 2017, the United States Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register removing naldemedine from the federal Controlled Substances Act. The scheduling action was effective September 29, 2017. The Controlled Substances Board did not receive an objection to similarly treat naldemedine under ch. 961, Stats within 30 days of the date of publication in the Federal Register of the final order removing naldemedine from the federal Controlled Substances Act.

Pursuant to s. 961.11 (4), Stats., the Controlled Substances Board took affirmative action to similarly treat naldemedine under ch. 961, Stats. by creating the following:

CSB 2.58 Exclusion of naldemedine. 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, naldemedine, nalmeferene, 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:

The Affirmative Action order, dated November 10, 2017, took effect on November 20, 2017 to allow for publication in the Administrative Register and expires upon promulgation of a final rule.

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

961.11 (1) 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 of ch. 227.

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).

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

25 hours

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

Law enforcement, district attorney offices, Dept of Justice, state courts 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:

On September 29, 2017, the United States Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register removing naldemedine from the federal Controlled Substances Act. The scheduling action was effective on September 29, 2017.

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. It is not likely to have a significant economic impact on small businesses.

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

Authorized Signature

Date Submitted

STATEMENT OF SCOPE

Controlled Substances Board

Rule No.: CSB 2.59

Relating to: Scheduling of ortho-fluorofentanyl

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 of the rule is to schedule ortho-fluorofentanyl as Schedule I controlled substance. The Controlled Substances Board determines the scheduling of ortho-fluorofentanyl as a Schedule I controlled substance is in the best interest of the citizens of Wisconsin.

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:

On October 26, 2017 the United States Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing ortho-fluorofentanyl into Schedule I of the federal Controlled Substances Act. The scheduling action was effective October 26, 2017. The Controlled Substances Board did not receive an objection to similarly treat ortho-fluorofentanyl as a Schedule I controlled substance under ch. 961, Stats. within 30 days of the date of publication in the Federal Register of the final order designating ortho-fluorofentanyl as a controlled substance.

Pursuant to s. 961.11 (4), Stats., the Controlled Substances Board took affirmative action to similarly treat ortho-fluorofentanyl under ch. 961, Stats. by creating the following:

CSB 2.59 Addition of ortho-fluorofentanyl to schedule I. Section 961.14 (2) (nd) 16m., Stats., is created to read:

961.14 (2) (nd) 16m. Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide)

The Affirmative Action order, dated November 30, 2017, took effect on December 4, 2017 to allow for publication in the Administrative Register and expires upon promulgation of a final rule.

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

961.11 (1) 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 of ch. 227.

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).

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

25 hours

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

Law enforcement, district attorney offices, Dept of Justice, state courts 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:

On October 26, 2017 the United States Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing ortho-fluorofentanyl into Schedule I of the federal Controlled Substances Act. The scheduling action was effective on October 26, 2017.

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. It is not likely to have a significant economic impact on small businesses.

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

Authorized Signature

Date Submitted

STATEMENT OF SCOPE

Controlled Substances Board

Rule No.: CSB 2.60

Relating to: Scheduling of FUB-AMB

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 of the rule is to schedule FUB-AMB as Schedule I controlled substance. The Controlled Substances Board determines the scheduling of FUB-AMB as a Schedule I controlled substance is in the best interest of the citizens of Wisconsin.

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:

On November 3, 2017, the United States Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing FUB-AMB into Schedule I of the federal Controlled Substances Act. The scheduling action was effective November 3, 2017. The Controlled Substances Board did not receive an objection to similarly treat FUB-AMB as Schedule I controlled substance under ch. 961, Stats within 30 days of the date of publication in the Federal Register of the final order designating FUB-AMB as a controlled substance.

Pursuant to s. 961.11 (4), Stats., the Controlled Substances Board took affirmative action to similarly treat FUB-AMB under ch. 961, Stats. by creating the following:

CSB 2.60 Addition of FUB-AMB to schedule I. Section 961.14 (4) (tb) 43., Stats., is created to read:

961.14 (4) (tb) 43. methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, commonly known as FUB-AMB, MMB-FUBINACA or AMB-FUBINACA.

The Affirmative Action order, dated December 6, 2017, took effect on December 11, 2017 to allow for publication in the Administrative Register and expires upon promulgation of a final rule.

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

961.11 (1) 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 of ch. 227.

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).

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

25 hours

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

Law enforcement, district attorney offices, Dept of Justice, state courts 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:

On November 3, 2017, the United States Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing FUB-AMB into Schedule I of the federal Controlled Substances Act. The scheduling action was effective on November 3, 2017.

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. It is not likely to have a significant economic impact on small businesses.

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

Authorized Signature

Date Submitted

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING	:	AFFIRMATIVE ACTION
PROCEEDINGS BEFORE THE	:	ORDER OF THE
CONTROLLED SUBSTANCES BOARD	:	CONTROLLED SUBSTANCES BOARD

FINDINGS

1. On December 13, 2017, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing MT-45 into schedule I of the federal Controlled Substances Act. The scheduling action is effective January 12, 2018.
2. The Controlled Substances Board did not receive an objection to similarly treating MT-45 as a schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order designating MT-45 as a controlled substance.
3. The Controlled Substances Board will promulgate a final rule, without making the determinations or findings required by ss. 961.11(1), (1m), (1r) and (2) or s. 961.19 and omitting the notice of proposed rulemaking, designating MT-45 as a schedule I controlled substance.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats MT-45 under chapter 961, Stats. by creating the following:

CSB 2.61 Addition of MT-45 to schedule I. Section 961.14 (2) (rk) Stats., is created to read:

961.14 (2) (rk) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine)

This order shall take effect on January 22, 201 to allow for publication in the Administrative Register. The order expires upon promulgation of a final rule.

Dated _____

Doug Englebert, Chair
Controlled Substances Board

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Andrea Magermans		2) Date When Request Submitted: 1/2/2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>																
3) Name of Board, Committee, Council, Sections: Controlled Substances Board																		
4) Meeting Date: 11/10/2017	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Prescription Drug Monitoring Program (PDMP) Update – Discussion and Consideration																
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:															
10) Describe the issue and action that should be addressed: <div style="margin-left: 40px;"> 1) WI ePDMP Development and Operations Updates <ul style="list-style-type: none"> a. Staff Update b. Statistics c. Production Issues d. Recent Releases e. Upcoming Releases </div> <div style="margin-left: 40px;"> 2) Request for De-Identified Data for Researchers </div> <div style="margin-left: 40px;"> 3) PDMP EHR Integration Status Update <ul style="list-style-type: none"> a. Marshfield Clinic Update </div> <div style="margin-left: 40px;"> 4) PDMP Data Submissions Update </div> <div style="margin-left: 40px;"> 5) PDMP Quarterly Report Update </div> <div style="margin-left: 40px;"> 6) Discussion of disclosures of PDMP data to relevant boards under CSB 4.15(5) </div>																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">11)</td> <td style="width: 20%; text-align: center;">Authorization</td> <td style="width: 40%; text-align: right;">Date</td> </tr> <tr> <td colspan="3"> Signature of person making this request Andrea Magermans 1/2/18 </td> </tr> <tr> <td colspan="2"> Supervisor (if required) </td> <td style="text-align: right;">Date</td> </tr> <tr> <td colspan="3" style="height: 40px;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </td> </tr> <tr> <td colspan="3" style="text-align: right;">Date</td> </tr> </table>				11)	Authorization	Date	Signature of person making this request Andrea Magermans 1/2/18			Supervisor (if required)		Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda)			Date		
11)	Authorization	Date																
Signature of person making this request Andrea Magermans 1/2/18																		
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 Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.																		

Account Information

Account Type **Researcher**

First Name **Keegan**

Last Name **Kyle**

Registration Information

Email Address **kkyle@gannett.com**

Username **keegankyle**

Organization Name **USA TODAY NETWORK-Wisconsin**

Account Created Date **2017-10-25T18:33:03.917**

Magermans, Andrea L - DSPS

From: Kyle, Keegan <keegan.kyle@gannettwisconsin.com>
Sent: Tuesday, October 31, 2017 10:59 AM
To: Magermans, Andrea L - DSPS; DSPS PDMP
Subject: Re: WI ePDMP Researcher Account

Hello, Andrea:

Thank you for the opportunity to provide additional information about my request.

I'm an investigative reporter and data specialist for USA TODAY NETWORK-Wisconsin, which operates newsrooms in Appleton, Fond du Lac, Green Bay, Manitowoc, Marshfield, Oshkosh, Sheboygan, Stevens Point, Wausau and Wisconsin Rapids. Our parent company, Gannett, owns USA TODAY, the Milwaukee Journal Sentinel and more than a hundred local newspapers nationwide, in addition to other media properties.

I am requesting a PDMP researcher account to assist with research of prescription trends involving opioids, psychotropic drugs, Hepatitis C treatments and possibly other drugs. With opioids, I hope to better understand what types of opioids are being prescribed, in which communities they are being prescribed at high/low rates and whether prescription rates have moved following changes in state policy. Some aggregate PDMP data is published online but this data lacks geographic detail beyond the county level and summarizes only the most popular opioid prescriptions. In particular, I hope to research opioid prescription rates in rural vs. urban communities and prescriptions for fentanyl, a powerful painkiller that has been linked with a rising number of opioid-related overdoses statewide. Fentanyl isn't a commonly prescribed drug so no information about it is published online with the PDMP's aggregate data. With psychotropic drugs, I hope to better understand how often they are prescribed to children and how often they are prescribed in combination with other drugs, which can be risky to a child's health. State health authorities made it a goal several years ago to reduce psychotropic drug use and polydrug use among children. As part of USA TODAY NETWORK-Wisconsin's ongoing Kids in Crisis series about children's mental health services in Wisconsin, I hope to measure whether state health authorities are making strides in their goals to reduce youth psychotropic drug use and learn more about the circumstances around continuing use of psychotropic drugs, such as age range of patients, geographic density of patients and polydrug use. With Hepatitis C treatments, I hope to better understand prescription rates in the general state population versus those in the state's prison population. I have previously reported that prescriptions for Hepatitis C treatments in state prisons are now costing taxpayers millions every year, in part due to expanded treatments but also possibly due to rising diagnoses of Hepatitis C linked with increased drug use. I hope that better understanding Hepatitis C treatments in the general population may provide insight for state corrections officials responding to a high-risk population or to state health officials responding to increased drug use in the general population.

I hope this information is helpful in considering my request.

Sincerely,
Keegan

Keegan Kyle

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Laura Smith, Bureau Assistant, on behalf of Dan Williams, Executive Director		2) Date When Request Submitted: 11/24/17 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Controlled Substances Board			
4) Meeting Date: 1/12/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters/Updates 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) Delegation of Authorities	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A
10) Describe the issue and action that should be addressed: 1) The Board should conduct Election of its Officers for 2018 2) The new Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider continuation or modification of previously delegated authorities			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <i>Laura Smith</i> <hr/> Signature of person making this request </div> <div style="width: 35%; text-align: right;"> 11/24/2017 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;"> <hr/> Supervisor (if required) </div> <div style="width: 35%; text-align: right;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 70%;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 30%; text-align: right;"> <hr/> Date </div> </div>			
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 Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Controlled Substances Board

January 13, 2017

2017 OFFICER ELECTION RESULTS	
Board Chair	Doug Englebert
Vice Chair	Alan Bloom
Secretary	Yvonne Bellay

Appointment of Liaisons

2017 LIAISON APPOINTMENTS	
SUA Liaison(s)	Alan Bloom, Yvonne Bellay
SCOADA Liaison	Subhadeep Barman
Legislative Liaison	Timothy Westlake Alternate – Doug Englebert
PDMP Liaison	Timothy Westlake Alternate – Wendy Pietz (resigned from CSB 6/13/17)

Delegation of Authority

MOTION: Timothy Westlake moved, seconded by Franklin LaDien, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

MOTION: Timothy Westlake moved, seconded by Yvonne Bellay, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

MOTION: Franklin LaDien moved, seconded by Subhadeep Barman, to authorize the Special Use Authorization (SUA) liaison(s) to review and make approval decisions regarding SUA applications and approve required training or credentialing on behalf of the Board. Furthermore, the Board authorizes DSPS staff to sign SUA permits on behalf of the Board. Motion carried unanimously.

MOTION: Alan Bloom moved, seconded by Yvonne Bellay, to delegate authority to the Legislative Liaison(s) to address Board issues related to legislative matters excluding media requests. Motion carried unanimously.

MOTION: Timothy Westlake moved, seconded by Subhadeep Barman, to authorize the SCAODA liaison to vote on behalf of the Board at the State Council on Alcohol and Other Drug Abuse meetings. Motion carried unanimously.

MOTION: Yvonne Bellay moved, seconded by Alan Bloom, to authorize PDMP Liaisons to make individual decisions on behalf of the Board when waiting for a Board meeting would unreasonably delay the development, testing, deployment, or operation of the PDMP. The Board also grants the PDMP liaison the authority to suspend access to the PDMP pursuant to CSB § 4.09 (3). Motion carried unanimously.