



Scott Walker, Governor
Laura Gutiérrez, Secretary

**TELECONFERENCE/VIRTUAL
CONTROLLED SUBSTANCES BOARD
Room N208, 4822 Madison Yards Way, Madison
Contact: Erin Karow (608) 266-2112
August 8, 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

9:00 A.M.

OPEN SESSION - CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of May 11, 2018 (3-4)**
- C. Administrative Matters - Discussion and Consideration**
 - 1. Staff Updates
 - 2. 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. Leonardo Huck – Dentistry Examining Board Designee
 - h. Timothy Westlake – Medical Examining Board Designee
- D. Legislation and Rule Matters – Discussion and Consideration (5-7)**
 - 1. Affirmative Action to Schedule NM2201; 5F-AB-PINACA; 4-CN-CUMYL-BUTINACA; MMB-CHMICA and 5F-CUMYL-P7AICA
 - 2. Update on Legislation and Pending and Possible Rulemaking Projects
- E. Public Comments**

ADJOURNMENT

NEXT MEETING: SEPTEMBER 14, 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 4822 Madison Yards Way, 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
MEETING MINUTES
May 11, 2018**

PRESENT: Subhadeep Barman, Yvonne Bellay, Doug Englebert, Peter Kallio, Philip Trapskin
(*via GoToMeeting/arrived at 9:58 a.m.*), Tina Virgil

EXCUSED: Alan Bloom, Leonardo Huck

STAFF: Dan Williams, Executive Director; Sharon Henes, Administrative Rules Coordinator;
Kimberly Wood, Program Assistant Supervisor-Adv. and other DSPS Staff

CALL TO ORDER

Doug Englebert called the meeting to order at 9:50 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

MOTION: Tina Virgil moved, seconded by Peter Kallio, to approve the minutes of March 9, 2018 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Staff Updates

MOTION: Subhadeep Barman moved, seconded by Yvonne Bellay, to cancel the July 13, 2018 meeting of the Controlled Substances Board. Motion carried unanimously.

(*Philip Trapskin arrived at 9:58 a.m.*)

LEGISLATION AND RULE MATTERS

Adopt CR 17-075 Relating to Scheduling Cyclopropyl

MOTION: Subhadeep Barman moved, seconded by Peter Kallio, to adopt the Adoption Order for Clearinghouse Rule 17-075, relating to scheduling Cyclopropyl. Motion carried unanimously.

CSB 2.54 Relating to Scheduling Oral Dronabinol

MOTION: Subhadeep Barman moved, seconded by Peter Kallio, to adopt the preliminary rule draft of CSB 2.54, relating to scheduling Oral Dronabinol, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CSB 2.58 Relating to Excluding Naldemedine

MOTION: Yvonne Bellay moved, seconded by Subhadeep Barman, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 18-024, relating to excluding Naldemedine, for submission to the Governor's Office and Legislature. Motion carried unanimously.

CSB 2.59 Relating to Scheduling Ortho-Fluorofentanyl

MOTION: Yvonne Bellay moved, seconded by Subhadeep Barman, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 18-023, relating to scheduling Ortho-Fluorofentanyl, for submission to the Governor's Office and Legislature. Motion carried unanimously.

CSB 2.60 Relating to Scheduling FUB-AMB

MOTION: Yvonne Bellay moved, seconded by Subhadeep Barman, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 18-022, relating to scheduling FUB-AMB, for submission to the Governor's Office and Legislature. Motion carried unanimously.

Law Enforcement Hearing to Receive Information on Drug Trends for Future Controlled Substances Scheduling (EO 228)

MOTION: Subhadeep Barman moved, seconded by Yvonne Bellay, to hold the hearing specified in Executive Order 228 at the September 14, 2018 meeting, and to work with Tina Virgil to send out communication to law enforcement. Motion carried unanimously.

CONTROLLED SUBSTANCES BOARD ANNUAL REPORT

MOTION: Peter Kallio moved, seconded by Subhadeep Barman, to designate the Chair to review and approve the 2018 Annual Report. Motion carried unanimously.

ADJOURNMENT

MOTION: Subhadeep Barman moved, seconded by Peter Kallio, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:05 a.m.

**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: 27 July 2018 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Controlled Substances Board			
4) Meeting Date:	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. Affirmative Action to Schedule NM2201; 5F-AB-PINACA; 4-CN-CUMYL-BUTINACA; MMB-CHMICA and 5F-CUMYL-P7AICA	
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: No catch all items on this Agenda. This is the only matter to be considered.			
11) Authorization <div style="text-align: center; font-family: cursive; font-size: 1.2em; margin-top: 20px;"> <i>Sharon Henes</i> </div> <hr/> <div style="display: flex; justify-content: space-between;"> Signature of person making this request Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (if required) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </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.			

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 July 10, 2018, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA into schedule I of the federal Controlled Substances Act. The scheduling action is effective July 10, 2018.
2. The Controlled Substances Board did not receive an objection to similarly treating NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA as schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order designating NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA as controlled substances.
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 rule making, designating NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA as schedule I controlled substances.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA under chapter 961, Stats. by creating the following:

CSB 2.63 Addition of 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA to schedule I. Section 961.14(4) (tb) 44., 45., 46., 47., and 48., Stats., are created to read:

- 961.14(4)(tb) 44. Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, commonly known as NM2201*
- 45. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide, commonly known as 5F-AM-PINACA*
- 46. 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide, commonly known as 4-CN-CUMYL-BUTINACA*
- 47. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate, commonly known as MMB-CHMICA*
- 48. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide, commonly known as 5F-CUMYL-P7AICA*

This order shall take effect on August 13, 2018 to allow for publication in the Administrative Register. The order expires upon promulgation of a final rule.

Dated _____

Doug Englebert, Chair
Controlled Substances Board