Wisconsin Department of Safety and Professional Services
Division of Policy Development
4822 Madison Yards Way
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Tony Evers, Governor
Dan Hereth, Secretary

VIRTUAL/TELECONFERENCE
CONTROLLED SUBSTANCES BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
September 20, 2024

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

10:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. **Adoption of Agenda (1-3)**

B. **Approval of Minutes July 12, 2024 (4-6)**

C. Reminders: Conflicts of Interests, Scheduling Concerns

D. Introductions, Announcements and Recognition

E. Administrative Matters – Discussion and Consideration
   1) Department, Staff, and Board Updates
      a. DSPS Interdisciplinary Advisory Council – Board Appointment of Liaison and Alternate (7)
   2) Board Members – Term Expiration Dates
      a. Barman, Subhadeep – 5/1/2019
      b. Bellay, Yvonne – DATCP Representative
      c. Bloom, Alan – 5/1/2020
      d. Eberhardy, Cullen – AG Representative
      e. Englebert, Doug – DHS Representative
      f. Gundersen, David – Dentistry Examining Board Representative
      g. Kane, Amanda – Board of Nursing Representative
      h. Schmeling, Gregory – Medical Examining Board Representative
      i. Weitekamp, John – Pharmacy Examining Board Representative
   3) Alternates
      a. Alton, Troy – Dentistry Examining Board Representative
      b. Ferguson, Kris – Medical Examining Board Representative
      c. Weinman, Robert – Board of Nursing Representative

F. **10:00 A.M. Public Hearing for Clearinghouse Rule 24-060 on CSB 4, Relating to Mail Delivered Prescriptions (8)**
   1) Review Public Hearing Comments and Respond to Clearinghouse Report **(9-16)**

G. **Administrative Rule Matters – Discussion and Consideration (17)**
   1) Affirmative Action Order:

a. CSB 2.009, Relating Scheduling 2 Synthetic Benzimidazole-Opioids **(18)**

2) Preliminary Rule Draft:
   a. CSB 2.006, Relating to Scheduling 5 Synthetic Cannabinoids **(19-22)**
   b. CSB 2.007, Relating to Scheduling ADB-BUTINACA, α-PiHP,3-MMC **(23-26)**
   c. CSB 2.008, Relating to Scheduling 2-methyl AP-237 **(27-29)**
3) Final Rule Draft:
   a. CSB 2.004, Relating to Scheduling Zuranolone **(30-39)**
   b. CSB 2.005, Relating to Scheduling Nine Fentanyl Related Substances **(40-49)**
4) Pending and Possible Rulemaking Projects
   a. Rule Projects Chart **(50-51)**

H. **Prescription Drug Monitoring Program (PDMP) Updates – Discussion and Consideration (52)**
1) WI ePDMP Operations
   a. CSB PDMP Quarterly Report
   b. Recent and Upcoming Releases **(53-55)**
   c. EHR Integration Status **(56-57)**
   d. Interstate Data Exchange Updates **(58)**
2) WI ePDMP Outreach **(59)**

I. **DSPS Interdisciplinary Advisory Council – Board Appointment of Liaison and Alternate**

J. **Board Member Reports – Discussion and Consideration**
1) Medical Examining Board
2) Dentistry Examining Board
3) Board of Nursing
4) Pharmacy Examining Board

K. Report from the Referral Criteria Work Group – Discussion and Consideration

L. Liaison Reports

M. Deliberation on Special Use Authorizations – Discussion and Consideration

N. Discussion and Consideration of Items Received After Preparation of the Agenda
1) Introductions, Announcements, and Recognition
2) Administrative Matters
3) Election of Officers
4) Appointment of Liaisons and Alternates
5) Delegation of Authorities
6) Informational Items
7) Division of Legal Services and Compliance (DLSC) Matters
8) Education and Examination Matters
9) Credentialing Matters
10) Practice Matters
11) Legislative and Administrative Rule Matters
12) Liaison Reports
13) Public Health Emergencies
14) Appearances from Requests Received or Renewed
15) Speaking Engagements, Travel, or Public Relations Requests, and Reports

16) Consulting with Legal Counsel

O. **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 individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

P. Deliberation on Special Use Authorizations – Discussion and Consideration

Q. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

S. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: NOVEMBER 8, 2024

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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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at https:\\dsps.wi.gov. 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. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

VIRTUAL/TELECONFERENCE
CONTROLLED SUBSTANCES BOARD
MEETING MINUTES
JULY 12, 2024

PRESENT: Subhadeep Barman, Alan Bloom, Cullen Eberhardy, Doug Englebert, David Gundersen, Amanda Kane, Gregory Schmeling, John Weitekamp

EXCUSED: Yvonne Bellay

STAFF: Tom Ryan, Executive Director; Whitney DeVoe, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Tracy Drinkwater, Board Administration Specialist; and other DSPS Staff

CALL TO ORDER

Doug Englebert, Chairperson, called the meeting to order at 10:00 a.m. A quorum was confirmed with eight (8) members present.

ADOPTION OF AGENDA

MOTION: Subhadeep Barman moved, seconded by Cullen Eberhardy, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 10, 2024

MOTION: David Gundersen moved, seconded by Subhadeep Barman, to adopt the Minutes of May 10, 2024, as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Scope Statement:

CSB 2.007, Relating to Scheduling ADB-BUTINACA, α-PiHP,3-MMC
CSB 2.008, Relating to Scheduling 2-methyl AP-237

MOTION: Alan Bloom moved, seconded by Subhadeep Barman, to approve the following Scope Statements for submission to the Department of Administration and Governor's Office and for publication:

- CSB 2.007, Relating to Scheduling ADB-BUTINACA, α-PiHP,3-MMC
- CSB 2.008, Relating to Scheduling 2-methyl AP-237

Additionally, the Board authorizes the Chairperson to approve these Scope Statements for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on these Scope Statements, the Chairperson is authorized to approve the required notices of hearing. Motion carried unanimously.

Preliminary Rule Draft:

CSB 2.004, Relating to Scheduling Zuranolone

MOTION: Subhadeep Barman moved, seconded by David Gundersen, to approve the preliminary rule draft of CSB 2.004, Relating to Scheduling Zuranolone, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CSB 2.005, Relating to Scheduling Nine Fentanyl Related Substances

MOTION: Subhadeep Barman moved, seconded by Alan Bloom, to approve the preliminary rule draft of CSB 2.005, Relating to Scheduling Nine Fentanyl Related Substances, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CSB 4, Relating to Mail Delivered Prescriptions

MOTION: John Weitekamp moved, seconded by Doug Englebert, to approve the preliminary rule draft of CSB 4, Relating to Mail Delivered Prescriptions, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Final Rule Draft:

CSB 2.003, Relating to Transferring Flualprazolam and Scheduling 4 Other Synthetic Benzodiazepine Substances

MOTION: Subhadeep Barman moved, seconded by Cullen Eberhardy, to approve the Legislative Report and Draft for Clearinghouse Rule 24-048 on CSB 2.003, Relating to Transferring Flualprazolam and Scheduling 4 Other Synthetic Benzodiazepine Substances, for submission to the Governor's Office and Legislature. Motion carried unanimously.

Adoption Order:

CSB 2.96, Relating to Scheduling Amineptine
CSB 2.97, Relating to Scheduling Zipeprol

MOTION: Doug Englebert moved, seconded by Subhadeep Barman, to approve the Adoption Orders for the following rules:

- CSB 2.96, Relating to Scheduling Amineptine
- CSB 2.97, Relating to Scheduling Zipeprol

Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 10:41 a.m.

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and title of person submitting the request: DSPS		**2) Date when request submitted:** 8/14/2024 **Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting**	
3) Name of Board, Committee, Council, Sections: Controlled Substances Board			
4) Meeting Date: 9/20/2024	**5) Attachments:** ☐ Yes ☒ No	**6) How should the item be titled on the agenda page?** DSPS Interdisciplinary Advisory Council – Appointment of Liaison and Alternate	
7) Place Item in: ☒ Open Session ☐ Closed Session	**8) Is an appearance before the Board being scheduled?** *(If yes, please complete Appearance Request for Non-DSPS Staff)* ☐ Yes ☒ No	**9) Name of Case Advisor(s), if applicable:** N/A	
10) Describe the issue and action that should be addressed: The Board will consider who to appoint as liaison and alternate to the DSPS Interdisciplinary Advisory Council.			
11) **Authorization**			
DSPS		**8/14/2024**	
Signature of person making this request		**Date**	
Supervisor (Only required for post agenda deadline items)		**Date**	
Executive Director signature (Indicates approval for post agenda deadline items)		**Date**	

Directions for including supporting documents:

1. **This form should be saved with any other documents submitted to the Agenda Items folders.**
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
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and title of person submitting the request:	2) Date when request submitted:
Nilajah Hardin **Administrative Rules Coordinator**	**9/9/24** Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting

3) Name of Board, Committee, Council, Sections:

Controlled Substances Board

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
09/20/24	☒ Yes ☐ No	**10:00 A.M. Public Hearing for Clearinghouse Rule 24-060 on CSB 4, Relating to Mail Delivered Prescriptions** 1. **Review Public Hearing Comments and Respond to Clearinghouse Report**

7) Place Item in:	8) Is an appearance before the Board being scheduled? *(If yes, please complete Appearance Request for Non-DSPS Staff)*	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session	☐ Yes ☒ No	**N/A**

10) Describe the issue and action that should be addressed:

The Board will hold a public hearing on this rule as required by the rulemaking process.

11) Authorization

Nilajah D. Hardin — 9/9/24

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 RULEMAKING PROCEEDINGS BEFORE THE CONTROLLED SUBSTANCES BOARD	:	PROPOSED ORDER OF THE CONTROLLED SUBSTANCES BOARD ADOPTING RULES (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Controlled Substances Board to amend CSB 4.04 (2) (p), relating to mail delivered prescriptions.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 450.11 (1b)(f) and 961.385 (2) (b), Stats.

Statutory authority: s. 961.385 (2) (a), Stats.

Explanation of agency authority:
961.385 (2) (a), Stats. states that the board shall establish by rule and have the prescription drug monitoring program "require a pharmacy or a practitioner to generate a record documenting each dispensing of a monitored prescription drug at the pharmacy, or if the monitored prescription drug is not dispensed at the pharmacy, by the practitioner and to submit the record to the board no later than 11:59 p.m. of the next business day after the monitored prescription drug is dispensed…"

Related statute or rule: Wisconsin Administrative Code Chapter Phar 8

Plain language analysis: Wisconsin Administrative Code Chapter CSB 4 currently outlines requirements for what data should be entered into the Wisconsin Prescription Drug Monitoring Program (PDMP) for each reportable prescription. Pursuant to s. 450.11 (1) (f), Stats., the Pharmacy Examining Board has written an exception, outlined in s. Phar 8.06 (2), that applies to the name required under s. CSB 4.04 (2) (p) when the prescription is delivered to the patient via common carrier or delivery services. As currently written, s. CSB 4.04 (2) (p) does not allow for a practitioner to make this exception. Therefore, the Controlled Substances Board has updated the requirement so that this exception can occur without causing data entry issues for the PDMP. Without making changes under the proposed rule, there will continue to be a lack of clarity and around the name that needs to be entered into the PDMP per s. CSB 4.04 (2) (p).

Summary of, and comparison with, existing or proposed federal regulation: None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: The Controlled Substances Board held a Preliminary Hearing on Statement of Scope for this project on March 8, 2024. No public comments were received.

Comparison with rules in adjacent states:

Illinois: The Illinois Prescription Monitoring Program does not specify that the person to whom the drug was dispensed must provide identification and that the name on the identification must be recorded into the system. There also does not appear to be an exception to data entry when a prescription is delivered via mail. However, the recipient's name, address, date of birth, and gender are required for each reportable prescription [720 Illinois Compiled Statutes Chapter 570 Section 316].

Iowa: The Iowa Prescription Monitoring Program does not specify that the person to whom the drug was dispensed must provide identification and that the name on the identification must be recorded into the system. There also does not appear to be an exception to data entry when a prescription is delivered via mail. Outside of the prescriber's name and Drug Enforcement Administration (DEA) registration number, only the patient's name and various pieces of information are required for each reportable prescription [657 Iowa Administrative Code Chapter 37 Section 12].

Michigan: The Michigan Automated Prescription System, the states electronic system for monitoring schedule II to V controlled substances, does not specify that the person to whom the drug was dispensed must provide identification and that the name on the identification must be recorded into the system. There also does not appear to be an exception to data entry when a prescription is delivered via mail. However, there is a provision that allows for the dispensing prescriber to presume that the identification provided by the patient or their representative is correct [Michigan Administrative Rules R 338.3162b].

Minnesota: The Minnesota Prescription Monitoring Program does not specify that the person to whom the drug was dispensed must provide identification and that the name on the identification must be recorded into the system. There is an exception where the dispenser is not required to submit data to the program for a prescription that is mailed or delivered from Minnesota to another state, as long as the data is reported to the prescription drug monitoring program of that state. Various pieces of dispenser, patient, and prescriber data are required for each reportable prescription [Minnesota Statutes Chapter 152 Section 152.126 Subdivision 4].

Summary of factual data and analytical methodologies: The Board reviewed Wisconsin Administrative Code Chapter CSB 4 and made updates as needed based on a recommendation from the Wisconsin Pharmacy Examining Board.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:
The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:
Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:
Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on September 20, 2024, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 4.04 (2) (p) is amended to read:

CSB 4.04 (2) (p) The name recorded under s. 450.11 (1b) (bm), Stats.<u>, unless exempted pursuant to s. Phar 8.06 (2).</u>

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)

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Date
08/09/24

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
CSB 4

4. Subject
Mail Delivered Prescriptions

5. Fund Sources Affected
☐ GPR ☐ FED ☒ PRO ☐ PRS ☐ SEG ☐ SEG-S

6. Chapter 20, Stats. Appropriations Affected
s. 20.165 (1) (hg)

7. Fiscal Effect of Implementing the Rule
☐ No Fiscal Effect ☐ Increase Existing Revenues ☒ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy
☐ Local Government Units
☐ Specific Businesses/Sectors
☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
$0

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
Wisconsin Administrative Code Chapter CSB 4 currently outlines requirements for what data should be entered into the Wisconsin Prescription Drug Monitoring Program (PDMP) for each reportable prescription. Pursuant to s. 450.11 (1) (f), Stats., the Pharmacy Examining Board has written an exception, outlined in s. Phar 8.06 (2), that applies to the name required under s. CSB 4.04 (2) (p) when the prescription is delivered to the patient via common carrier or delivery services. As currently written, s. CSB 4.04 (2) (p) does not allow for a practitioner to make this exception. Therefore, the Controlled Substances Board has updated the requirement so that this exception can occur without causing data entry issues for the PDMP. Without making changes under the proposed rule, there will continue to be a lack of clarity and around the name that needs to be entered into the PDMP per s. CSB 4.04 (2) (p).

12. 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.
The rule was posted on the Department of Safety and Professional Service's (DSPS) website for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
None.

14. 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)
DSPS estimates a total of $3,700 in one time costs. The one-time staff costs support 0.1 limited term employee to undertake such tasks as rule drafting, providing legal counsel and review, updating forms, work guides and providing team training and review updates, as well as provide support the increased demand for customer service in the form of phone calls, chats and emails. The one-time costs cannot be absorbed in the currently appropriated agency budget.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

The benefit of implementing the rule is conformity of requirements in CSB 4.04 (2) (p) and Phar 8.06 (2) regarding mail delivered prescriptions. The alternative to implementing this rule is that there will continue to be a discrepency between two areas of the administrative code.

16. Long Range Implications of Implementing the Rule

The long range implications of implementing the rule are consitent references to an exemption to a statutory requirement in the administrative code.

17. Compare With Approaches Being Used by Federal Government

None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: The Illinois Prescription Monitoring Program does not specify that the person to whom the drug was dispensed must provide identification and that the name on the identification must be recorded into the system. There also does not appear to be an exception to data entry when a prescription is delivered via mail. However, the recipient's name, address, date of birth, and gender are required for each reportable prescription [720 Illinois Compiled Statutes Chapter 570 Section 316].

Iowa: The Iowa Prescription Monitoring Program does not specify that the person to whom the drug was dispensed must provide identification and that the name on the identification must be recorded into the system. There also does not appear to be an exception to data entry when a prescription is delivered via mail. Outside of the prescriber's name and Drug Enforcement Administration (DEA) registration number, only the patient's name and various pieces of information are required for each reportable prescription [657 Iowa Administrative Code Chapter 37 Section 12].

Michigan: The Michigan Automated Prescription System, the states electronic system for monitoring schedule II to V controlled substances, does not specify that the person to whom the drug was dispensed must provide identification and that the name on the identification must be recorded into the system. There also does not appear to be an exception to data entry when a prescription is delivered via mail. However, there is a provision that allows for the dispensing prescriber to presume that the identification provided by the patient or their representative is correct [Michigan Administrative Rules R 338.3162b].

Minnesota: The Minnesota Prescription Monitoring Program does not specify that the person to whom the drug was dispensed must provide identification and that the name on the identification must be recorded into the system. There is an exception where the dispenser is not required to submit data to the program for a prescription that is mailed or delivered from Minnesota to another state, as long as the data is reported to the prescription drug monitoring program of that state. Various pieces of dispenser, patient, and prescriber data are required for each reportable prescription [Minnesota Statutes Chapter 152 Section 152.126 Subdivision 4].

19. Contact Name	20. Contact Phone Number
Nilajah Hardin, Administrative Rules Coordinator	(608) 267-7139

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

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
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MADISON, WI 53707-7864
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ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

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

LCRC
FORM 2

Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant 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 **24-060**

AN ORDER to amend CSB 4.04 (2) (p), relating to mail delivered prescriptions.

Submitted by **CONTROLLED SUBSTANCES BOARD**

08-09-2024 RECEIVED BY LEGISLATIVE COUNCIL.
08-15-2024 REPORT SENT TO AGENCY.

MSK: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 ☑

State of Wisconsin
Department of Safety & Professional Services
AGENDA REQUEST FORM

1) Name and title of person submitting the request:	2) Date when request submitted:
Nilajah Hardin **Administrative Rules Coordinator**	**09/09/24** **Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting**

3) Name of Board, Committee, Council, Sections:

Controlled Substances Board

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
09/20/24	☒ Yes ☐ No	**Administrative Rule Matters – Discussion and Consideration** 1. **Affirmative Action Order:** a. **CSB 2.009, Relating Scheduling 2 Synthetic Benzimidazole-Opioids** 2. **Preliminary Rule Draft:** a. **CSB 2.006, Relating to Scheduling 5 Synthetic Cannabinoids** b. **CSB 2.007, Relating to Scheduling ADB-BUTINACA, α-PiHP,3-MMC** c. **CSB 2.008, Relating to Scheduling 2-methyl AP-237** 3. **Final Rule Draft:** a. **CSB 2.004, Relating to Scheduling Zuranolone** b. **CSB 2.005, Relating to Scheduling Nine Fentanyl Related Substances** 4. **Pending or Possible Rulemaking Projects** a. **Rule Projects Chart**

7) Place Item in:	8) Is an appearance before the Board being scheduled? *(If yes, please complete **Appearance Request** for Non-DSPS Staff)*	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session	☐ Yes ☒ No	**N/A**

10) Describe the issue and action that should be addressed:

Review and take action on Affirmative Action Orders, Preliminary Rules Drafts, and Final Rule Drafts.

Attachments:

- Affirmative Action Order – CSB 2.009
- Preliminary Rule Draft – CSB 2.006, 2.007, and 2.008
- Legislative Report, Final Rule Draft, EIA, and Clearinghouse Report – CSB 2.004 and 2.005
- Rule Projects Chart

(All Board Rule Projects can be Viewed Here if Needed: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx)

11) Authorization

Nilajah D. Hardin — 9/9/24

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	:	AFFIRMATIVE ACTION
PROCEEDINGS BEFORE THE	:	ORDER OF THE
CONTROLLED SUBSTANCES BOARD	:	CONTROLLED SUBSTANCES BOARD

FINDINGS

1. On July 29, 2024, the Department of Justice, Drug Enforcement Administration published its temporary scheduling order in the Federal Register adding N-desethyl isotonitazene and N-piperidinyl etonitazene to schedule I of the federal Controlled Substances Act. The scheduling action was effective July 29, 2024.

2. The Controlled Substances Board did not receive an objection to similarly listing N-desethyl isotonitazene and N-piperidinyl etonitazene in schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order listing N-desethyl isotonitazene and N-piperidinyl etonitazene as a schedule I 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. 961.13 and omitting the notice of proposed rulemaking, listing N-desethyl isotonitazene and N-piperidinyl etonitazene as a schedule I controlled substances.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats N-diethyl etonitazene and N-piperidinyl etonitazene under chapter 961, Stats. by creating the following:

CSB 2.008 Addition of 2 Synthetic Benzimidazole-Opioids to Schedule I. Section 961.14 (2) (xm) 7e. and 7m., Stats., are created to read:

961.14 (2) (xm) 7e. N-desethyl isotonitazene (N-ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine).

961.14 (2) (xm) 7m. N-piperidinyl etonitazene also known as etonitazepipne (2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1H-benzimidazole).

This order shall become effective upon publication in the Administrative Register and expires upon promulgation of a final rule.

Dated _____

_____
Doug Englebert, Chair
Controlled Substances Board

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

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

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 2.006, relating to scheduling five synthetic cannabinoids.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.14, Stats.

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

Explanation of agency authority:
Section 961.11 (1), Stats. provides that "[t]he 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."

Section 961.11(4), Stats. provides that "[i]f a substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the controlled substances board, the board by affirmative action shall similarly treat the substance under this chapter after the expiration of 30 days from the date of publication in the federal register of a final order designating the substance as a controlled substance or rescheduling or deleting the substance or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h), unless within that 30−day period, the board or an interested party objects to the treatment of the substance. If no objection is made, the board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21, a final rule, for which notice of proposed rulemaking is omitted, designating, rescheduling, temporarily scheduling or deleting the substance. If an objection is made the board shall publish notice of receipt of the objection and the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall make a determination with respect to the treatment of the substance as provided in subs. (1), (1m), (1r) and (2) and shall publish its decision, which shall be final unless altered by statute. Upon publication of an objection to the treatment by the board, action by the board under this chapter is stayed until the board promulgates a rule under sub. (2)."

Related statute or rule: s. 961.14, Stats.

Summary of, and comparison with, existing or proposed federal regulation:
On December 12, 2023, the Department of Justice, Drug Enforcement Administration published its temporary amendment and scheduling order in the Federal Register adding the following 6 synthetic cannabinoids to schedule I of the federal Controlled Substances Act:

- MDMB-4en-PINACA
- 4F-MDMB-BUTICA or 4F-MDMB-BICA
- ADB-4en-PINACA
- CUMYL-PEGACLONE or SGT-151
- 5F-EDMB-PICA or 5F-EDMB-2201
- MMB-FUBICA

The scheduling action was effective December 12, 2023.

Plain language analysis:
The objective of the proposed rule is to add the following five synthetic cannabinoids as a schedule I controlled substance under s. 961.11 (4), Stats:

- MDMB-4en-PINACA
- 4F-MDMB-BUTICA or 4F-MDMB-BICA
- ADB-4en-PINACA
- CUMYL-PEGACLONE or SGT-151
- 5F-EDMB-PICA or 5F-EDMB-2201

The Controlled Substances Board did not receive an objection to similarly listing five of the above synthetic cannabinoids as schedule I controlled substances under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order listing those 5 synthetic cannabinoids as schedule I controlled substances. The remaining synthetic cannabinoid, MMB-FUBICA, is already included in schedule I of ch. 961, Stats. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats the above 5 synthetic cannabinoids under chapter 961, Stats. by creating the following:

CSB 2.006 Adding 5 Synthetic Cannabinoids to Schedule I. (1) Section 961.14 (4) (tb) 54. to 58., Stats., are created to read:

> **961.14 (4) (tb)** 54. Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamido)butanoate, commonly known as MDMB-4en-PINACA.
> 55. Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate**,** commonly known as 4F-MDMB-BUTICA or 4F-MDMB-BICA.
> 56. *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxaminde, commonly known as ADB-4en-PINACA.
> 57. 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one, commonly known as CUMYL-PEGACLONE or SGT-151.
> 58. Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate, commonly known as 5F-EDMB-PICA or 5F-EDMB-2201.

The Affirmative Action order, dated January 24, 2024, took effect on February 5, 2024, upon publication in the Administrative Register and expires upon promulgation of a final rule.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A

Comparison with rules in adjacent states:
Illinois: Illinois has not listed the 5 synthetic cannabinoids in this rule as schedule I controlled substances. However, they do have general requirement to include any synthetic cannabinoid that is not approved by the United States Food and Drug Administration or if approved is not dispensed according to law would be considered a schedule I controlled substance [720 Illinois Compiled Statutes 570/204].

Iowa: Iowa has not included the 5 synthetic cannabinoids listed in this rule as schedule I controlled substances [Iowa Code 124.204].

Michigan: Michigan has not included the 5 synthetic cannabinoids listed in this rule as schedule I controlled substances. However, they do have general requirement to include any synthetic cannabinoid that is not approved by the United States Food and Drug Administration or included in schedules II to V [Michigan Compiled Laws s. 333.7212].

Minnesota: Minnesota has not included the 5 synthetic cannabinoids listed in this rule as schedule I controlled substances [Minnesota Statutes 152.02 (2)].

Summary of factual data and analytical methodologies:
The methodology was to add the 5 synthetic cannabinoids listed in this rule to Schedule I 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:
The rule adds 5 synthetic cannabinoids to Schedule I which will not have any effect on small business.

Fiscal Estimate:
The proposed rule will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:
Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:
Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received by (date) to be included in the record of rulemaking proceedings.

TEXT OF RULE

SECTION 1. CSB 2.006 is created to read:

CSB 2.006 Adding 5 Synthetic Cannabinoids to Schedule I. (1) Section 961.14 (4) (tb) 54. to 58., Stats., are created to read:

> **961.14 (4) (tb)** 54. Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamido)butanoate, commonly known as MDMB-4en-PINACA.
> 55. Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate**,** commonly known as 4F-MDMB-BUTICA or 4F-MDMB-BICA.
> 56. *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxaminde, commonly known as ADB-4en-PINACA.
> 57. 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one, commonly known as CUMYL-PEGACLONE or SGT-151.
> 58. Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate, commonly known as 5F-EDMB-PICA or 5F-EDMB-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)

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

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

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 2.007, relating to scheduling ADB-BUTINACA, α-PiHP, and 3-MMC.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.14, Stats.

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

Explanation of agency authority:
Section 961.11 (1), Stats. provides that "[t]he 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."

Section 961.11(4), Stats. provides that "[i]f a substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the controlled substances board, the board by affirmative action shall similarly treat the substance under this chapter after the expiration of 30 days from the date of publication in the federal register of a final order designating the substance as a controlled substance or rescheduling or deleting the substance or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h), unless within that 30−day period, the board or an interested party objects to the treatment of the substance. If no objection is made, the board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21, a final rule, for which notice of proposed rulemaking is omitted, designating, rescheduling, temporarily scheduling or deleting the substance. If an objection is made the board shall publish notice of receipt of the objection and the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall make a determination with respect to the treatment of the substance as provided in subs. (1), (1m), (1r) and (2) and shall publish its decision, which shall be final unless altered by statute. Upon publication of an objection to the treatment by the board, action by the board under this chapter is stayed until the board promulgates a rule under sub. (2)."

Related statute or rule: s. 961.14, Stats.

Summary of, and comparison with, existing or proposed federal regulation:
On December 13, 2023, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register adding the following three substances to schedule I of the federal Controlled Substances Act:

- ADB-BUTINACA
- α-PiHP or alpha-PiHP
- 3-MMC

The scheduling action is effective December 13, 2023.

Plain language analysis:
This rule schedules ADB-BUTINACA, α-PiHP, and 3-MMC as schedule I controlled substances. 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. 961.13 and omitting the notice of proposed rulemaking, listing ADB-BUTINACA, α-PiHP, and 3-MMC as schedule I controlled substances. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats ADB-BUTINACA, α-PiHP, and 3-MMC under chapter 961, Stats. by creating the following:

CSB 2.007 Addition of ADB-BUTINACA, Alpha-PiHP, and 3-MMC to Schedule I. **(1)** Section 961.14 (4) (tb) 32m. is created to read:

961.14 (4) (tb) 32m. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1*H*-indazole-3-carboxamide, commonly known as ADB-BUTINACA.

(2) Section 961.14 (7) (L) 2m. and 36m. are created to read:

961.14 (7) (L) 2m. 3-methylmethcathinone or 2-(methylamino)-1-(3-methylphenyl)propan-1-one, commonly known as 3-MMC.

36m. 4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one, commonly known as alpha-PiHP.

The Affirmative Action order, dated June 4, 2024, took effect on June 16, 2024, upon publication in the Administrative Register and expires upon promulgation of a final rule.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A

Comparison with rules in adjacent states:
Illinois: Illinois has not listed ADB-BUTINACA, α-PiHP, and 3-MMC as schedule I controlled substances [720 Illinois Compiled Statutes 570/204].

Iowa: Iowa has not listed ADB-BUTINACA, α-PiHP, and 3-MMC as schedule I controlled substances [Iowa Code 124.204].

Michigan: Michigan has not listed ADB-BUTINACA, α-PiHP, and 3-MMC as schedule I controlled substances [Michigan Compiled Laws s. 333.7212].

Minnesota: Minnesota has not listed ADB-BUTINACA, α-PiHP, and 3-MMC as schedule I controlled substances [Minnesota Statutes 152.02 (2)].

Summary of factual data and analytical methodologies:
The methodology was to schedule ADB-BUTINACA, α-PiHP, and 3-MMC 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:
The proposed rule will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

Fiscal Estimate and Economic Impact Analysis:
The fiscal estimate and economic impact analysis will be attached upon completion.

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:
Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:
Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received by (date) to be included in the record of rulemaking proceedings.

TEXT OF RULE

SECTION 1. CSB 2.007 is created to read:

CSB 2.007 Addition of ADB-BUTINACA, Alpha-PiHP, and 3-MMC to Schedule I. (1) Section 961.14 (4) (tb) 32m. is created to read:

961.14 (4) (tb) 32m. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-indazole-3-carboxamide, commonly known as ADB-BUTINACA.

(2) Section 961.14 (7) (L) 2m. and 36m. are created to read:

961.14 (7) (L) 2m. 3-methylmethcathinone or 2-(methylamino)-1-(3-methylphenyl)propan-1-one, commonly known as 3-MMC.

36m. 4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one, commonly known as alpha-PiHP.

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)

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

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

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 2.008, relating to scheduling 2-methyl AP-237.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.14, Stats.

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

Explanation of agency authority:
Section 961.11 (1), Stats. provides that "[t]he 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."

Section 961.11(4), Stats. provides that "[i]f a substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the controlled substances board, the board by affirmative action shall similarly treat the substance under this chapter after the expiration of 30 days from the date of publication in the federal register of a final order designating the substance as a controlled substance or rescheduling or deleting the substance or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h), unless within that 30−day period, the board or an interested party objects to the treatment of the substance. If no objection is made, the board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21, a final rule, for which notice of proposed rulemaking is omitted, designating, rescheduling, temporarily scheduling or deleting the substance. If an objection is made the board shall publish notice of receipt of the objection and the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall make a determination with respect to the treatment of the substance as provided in subs. (1), (1m), (1r) and (2) and shall publish its decision, which shall be final unless altered by statute. Upon publication of an objection to the treatment by the board, action by the board under this chapter is stayed until the board promulgates a rule under sub. (2)."

Related statute or rule: s. 961.14, Stats.

Summary of, and comparison with, existing or proposed federal regulation:
On March 15, 2024, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register adding 2-methyl AP-237 to schedule I of the federal Controlled Substances Act. The scheduling action is effective April 15, 2024.

Plain language analysis:
This rule schedules 2-methyl AP-237 as a schedule I controlled substance. 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. 961.13 and omitting the notice of proposed rulemaking, listing 2-methyl AP-237 as a schedule I controlled substance. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats 2-methyl AP-237 under chapter 961, Stats. by creating the following:

CSB 2.008 Addition of 2-Methyl AP-237 to Schedule I. Section 961.14 (2) (qz), Stats., is created to read:

> **961.14 (2) (qz)** 2-methyl AP-237 (1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one).

The Affirmative Action order, dated May 13, 2024, took effect on May 20, 2024, upon publication in the Administrative Register and expires upon promulgation of a final rule.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A

Comparison with rules in adjacent states:
Illinois: Illinois has not listed 2-methyl AP-237 as a schedule I controlled substance [720 Illinois Compiled Statutes 570/204].

Iowa: Iowa has not listed 2-methyl AP-237 as a schedule I controlled substance [Iowa Code 124.204].

Michigan: Michigan has not listed 2-methyl AP-237 as a schedule I controlled substance [Michigan Compiled Laws s. 333.7212].

Minnesota: Minnesota has not listed 2-methyl AP-237 as a schedule I controlled substance [Minnesota Statutes 152.02 (2)].

Summary of factual data and analytical methodologies:
The methodology was to schedule 2-methyl AP-237 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:

The proposed rule will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

Fiscal Estimate and Economic Impact Analysis:
The fiscal estimate and economic impact analysis will be attached upon completion.

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:
Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:
Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received by (date) to be included in the record of rulemaking proceedings.

TEXT OF RULE

SECTION 1. CSB 2.008 is created to read:

CSB 2.008 Addition of 2-Methyl AP-237 to Schedule I. Section 961.14 (2) (qz), Stats., is created to read:

> **961.14 (2) (qz)** 2-methyl AP-237 (1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one).

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)

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULEMAKING	**:**	
PROCEEDINGS BEFORE THE	**:**	**REPORT TO THE LEGISLATURE**
CONTROLLED SUBSTANCES BOARD	**:**	**CR 24-058**

I. THE PROPOSED RULE: The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA: The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

This rule schedules Zuranolone as a schedule IV controlled substance. 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, listing Zuranolone as a schedule IV controlled substance. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats Zuranolone under chapter 961, Stats. by creating the following:

CSB 2.004 Addition of Zuranolone to Schedule IV. Section 961.20 (2) (r), Stats., is created to read:

961.20 (2) (r) Zuranolone.

The Affirmative Action order, dated January 24, 2024, took effect on February 5, 2024, upon publication in the Administrative Register and expires upon promulgation of a final rule.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

Per s. 961.11(4), Stats., if no objection is made, the board shall promulgate a final rule for which notice of proposed rulemaking is omitted. Therefore, the Board did not hold a public hearing.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS: Legislative Council staff did not make any recommendations.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE CONTROLLED SUBSTANCES BOARD	:	PROPOSED ORDER OF THE CONTROLLED SUBSTANCES BOARD ADOPTING RULES (CLEARINGHOUSE RULE 24-058)

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 2.004, relating to scheduling Zuranolone.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.20, Stats.

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

Explanation of agency authority:
Section 961.11 (1), Stats. provides that "[t]he 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."

Section 961.11(4), Stats. provides that "[i]f a substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the controlled substances board, the board by affirmative action shall similarly treat the substance under this chapter after the expiration of 30 days from the date of publication in the federal register of a final order designating the substance as a controlled substance or rescheduling or deleting the substance or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h), unless within that 30−day period, the board or an interested party objects to the treatment of the substance. If no objection is made, the board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21, a final rule, for which notice of proposed rulemaking is omitted, designating, rescheduling, temporarily scheduling or deleting the substance. If an objection is made the board shall publish notice of receipt of the objection and the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall make a determination with respect to the treatment of the substance as provided in subs. (1), (1m), (1r) and (2) and shall publish its decision, which shall be final unless altered by statute. Upon publication of an objection to the treatment by the board, action by the board under this chapter is stayed until the board promulgates a rule under sub. (2)."

Related statute or rule: s. 961.20, Stats.

Summary of, and comparison with, existing or proposed federal regulation:
On October 31, 2023, the Department of Justice, Drug Enforcement Administration published its interim final rule in the Federal Register adding Zuranolone to schedule IV of the federal Controlled Substances Act. The scheduling action was effective October 31, 2023.

Plain language analysis:
This rule schedules Zuranolone as a schedule IV controlled substance. 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, listing Zuranolone as a schedule IV controlled substance. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats Zuranolone under chapter 961, Stats. by creating the following:

> **CSB 2.004 Addition of Zuranolone to Schedule I**V. Section 961.20 (2) (r), Stats., is created to read:
>
> **961.20 (2) (r)** Zuranolone.

The Affirmative Action order, dated January 24, 2024, took effect on February 5, 2024, upon publication in the Administrative Register and expires upon promulgation of a final rule.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A

Comparison with rules in adjacent states:
Illinois: Illinois has not listed Zuranolone as a schedule IV controlled substance [720 Illinois Compiled Statutes 570/210].

Iowa: Iowa has not listed Zuranolone as a schedule IV controlled substance [Iowa Code 124.210].

Michigan: Michigan has not listed Zuranolone as a schedule IV controlled substance [Michigan Compiled Laws s. 333.7218].

Minnesota: Minnesota has not listed Zuranolone as a schedule IV controlled substance [Minnesota Statutes 152.02 (5)].

Summary of factual data and analytical methodologies:
The methodology was to schedule Zuranolone 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:

The proposed rule was posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate:
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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:
Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:
Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received by September 20, 2024, to be included in the record of rulemaking proceedings.

TEXT OF RULE

SECTION 1. CSB 2.004 is created to read:

CSB 2.004 Addition of Zuranolone to Schedule IV. Section 961.20 (2) (r), Stats., is created to read:

961.20 (2) (r) Zuranolone.

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)

This Proposed Order of the Controlled Substances Board is approved for submission to the Governor and Legislature.

Dated _____ Agency _____

Chairperson
Controlled Substances Board

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Date
08/07/24

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
CSB 2.004

4. Subject
Scheduling Zuranolone

5. Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

6. Chapter 20, Stats. Appropriations Affected
s. 20.165 (1) (hg)

7. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy
☐ Local Government Units
☐ Specific Businesses/Sectors
☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
$0

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
This rule schedules Zuranolone as a schedule IV controlled substance. 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, listing Zuranolone as a schedule IV controlled substance. The Affirmative Action order, dated January 24, 2024, took effect on February 5, 2024, upon publication in the Administrative Register and expires upon promulgation of a final rule.

12. 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.
The rule was posted on the Department's website for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
None.

14. 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)
DSPS estimates no one-time or ongoing costs to implementing this rule.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The benefit is that the federal and state controlled substances acts will be uniform to avoid stakeholder confusion.

16. Long Range Implications of Implementing the Rule
The long range implications of implementing the rule are that Zuranolone will be added to Wis. Stat. ch. 961 as a schedule IV controlled substance.

17. Compare With Approaches Being Used by Federal Government

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

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P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

On October 31, 2023, the Department of Justice, Drug Enforcement Administration published its interim final rule in the Federal Register adding Zuranolone to schedule IV of the federal Controlled Substances Act. The scheduling action was effective October 31, 2023.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Illinois has not listed Zuranolone as a schedule IV controlled substance [720 Illinois Compiled Statutes 570/210].

Iowa: Iowa has not listed Zuranolone as a schedule IV controlled substance [Iowa Code 124.210].

Michigan: Michigan has not listed Zuranolone as a schedule IV controlled substance [Michigan Compiled Laws s. 333.7218].

Minnesota: Minnesota has not listed Zuranolone as a schedule IV controlled substance [Minnesota Statutes 152.02 (5)].

19. Contact Name	20. Contact Phone Number
Nilajah Hardin, Administrative Rules Coordinator	608-267-7139

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

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

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ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

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

LCRC
FORM 2

Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant 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 **24-058**

AN ORDER to create CSB 2.004, relating to scheduling Zuranolone.

Submitted by **CONTROLLED SUBSTANCES BOARD**

08-07-2024 RECEIVED BY LEGISLATIVE COUNCIL.
08-15-2024 REPORT SENT TO AGENCY.

MSK: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 ☑

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULEMAKING	**:**	
PROCEEDINGS BEFORE THE	**:**	**REPORT TO THE LEGISLATURE**
CONTROLLED SUBSTANCES BOARD	**:**	**CR 24-059**

I. THE PROPOSED RULE: The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA: The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The objective of the proposed rule is to schedule the following nine fentanyl-related substances as a schedule I controlled substance under s. 961.11 (4), Stats:

- *Meta*-fluorofentanyl
- *Meta*-fluoroisobutyryl fentanyl
- *Para*-methoxyfuranyl fentanyl
- 3-furanyl fentanyl
- 2',5'-dimethoxyfentanyl
- Isovaleryl fentanyl
- *Ortho*-fluorofuranyl fentanyl
- *Alpha*'-methyl butyryl fentanyl
- *Para*-methylcyclopropyl fentanyl

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. 961.13 and omitting the notice of proposed rulemaking, listing the above nine fentanyl-related substances as a schedule I controlled substance. The Affirmative Action order, dated January 24, 2024, took effect on February 5, 2024, upon publication in the Administrative Register and expires upon promulgation of a final rule.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

Per s. 961.11(4), Stats., if no objection is made, the board shall promulgate a final rule for which notice of proposed rulemaking is omitted. Therefore, the Board did not hold a public hearing.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS: Legislative Council staff did not make any recommendations.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE CONTROLLED SUBSTANCES BOARD	:	PROPOSED ORDER OF THE CONTROLLED SUBSTANCES BOARD ADOPTING RULES (CLEARINGHOUSE RULE 24-059)

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 2.005, relating to scheduling nine fentanyl-related substances.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.14, Stats.

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

Explanation of agency authority:
Section 961.11 (1), Stats. provides that "[t]he 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."

Section 961.11(4), Stats. provides that "[i]f a substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the controlled substances board, the board by affirmative action shall similarly treat the substance under this chapter after the expiration of 30 days from the date of publication in the federal register of a final order designating the substance as a controlled substance or rescheduling or deleting the substance or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h), unless within that 30−day period, the board or an interested party objects to the treatment of the substance. If no objection is made, the board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21, a final rule, for which notice of proposed rulemaking is omitted, designating, rescheduling, temporarily scheduling or deleting the substance. If an objection is made the board shall publish notice of receipt of the objection and the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall make a determination with respect to the treatment of the substance as provided in subs. (1), (1m), (1r) and (2) and shall publish its decision, which shall be final unless altered by statute. Upon publication of an objection to the treatment by the board, action by the board under this chapter is stayed until the board promulgates a rule under sub. (2)."

Related statute or rule: s. 961.14, Stats.

Summary of, and comparison with, existing or proposed federal regulation:
On December 7, 2023, the Department of Justice, Drug Enforcement Administration published its temporary amendment and scheduling order in the Federal Register adding the nine fentanyl-related substances listed below to schedule I of the federal Controlled Substances Act. The scheduling action was effective December 7, 2023.

Plain language analysis:
The objective of the proposed rule is to schedule the following nine fentanyl-related substances as a schedule I controlled substance under s. 961.11 (4), Stats:

- *Meta*-fluorofentanyl
- *Meta*-fluoroisobutyryl fentanyl
- *Para*-methoxyfuranyl fentanyl
- 3-furanyl fentanyl
- 2',5'-dimethoxyfentanyl
- Isovaleryl fentanyl
- *Ortho*-fluorofuranyl fentanyl
- *Alpha*'-methyl butyryl fentanyl
- *Para*-methylcyclopropyl fentanyl

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. 961.13 and omitting the notice of proposed rulemaking, listing the above nine fentanyl-related substances as a schedule I controlled substance. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats the above nine fentanyl-related substances under chapter 961, Stats. by creating the following:

CSB 2.005 Addition of 9 Fentanyl Related Substances to Schedule I. **(1)** Section 961.14 (2) (nd) 3m., 10m., 11m., 12e., 12m., 12s., 16n., 17g., and 17r., are created to read:

961.14 (2) (nd) 3m. *Alpha*'-methyl butyryl fentanyl (2-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);
10m. 2',5'-dimethoxyfentanyl (*N*-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-*N*-phenylpropionamide);
11m. 3-furanyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-3-carboxamide);
12e. Isovaleryl fentanyl (3-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);
12m. *Meta*-fluorofentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide);
12s. *Meta*-fluoroisobutyryl fentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);
16n. *Ortho*-fluorofuranyl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
17g. *Para*-methoxyfuranyl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
17r. *Para*-methylcyclopropyl fentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide);

The Affirmative Action order, dated January 24, 2024, took effect on February 5, 2024, upon publication in the Administrative Register and expires upon promulgation of a final rule.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A

Comparison with rules in adjacent states:
Illinois: Illinois has not listed the nine fentanyl-related substances included in this rule as schedule I controlled substances [720 Illinois Compiled Statutes 570/204].

Iowa: Iowa has not listed the nine fentanyl-related substances included in this rule as schedule I controlled substances [Iowa Code 124.204].

Michigan: Michigan has not listed the nine fentanyl-related substances included in this rule as schedule I controlled substances [Michigan Compiled Laws s. 333.7212].

Minnesota: Minnesota has not listed the nine fentanyl-related substances included in this rule as schedule I controlled substances [Minnesota Statutes 152.02 (2)].

Summary of factual data and analytical methodologies:
The methodology was to schedule the following nine fentanyl-related substances to conform with the federal Controlled Substances Act:

- *Meta*-fluorofentanyl
- *Meta*-fluoroisobutyryl fentanyl
- *Para*-methoxyfuranyl fentanyl
- 3-furanyl fentanyl
- 2',5'-dimethoxyfentanyl
- Isovaleryl fentanyl
- *Ortho*-fluorofuranyl fentanyl
- *Alpha*'-methyl butyryl fentanyl
- *Para*-methylcyclopropyl fentanyl

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:
The proposed rule was posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:
Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:
Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received by September 20, 2024 to be included in the record of rulemaking proceedings.

TEXT OF RULE

SECTION 1. CSB 2.005 is created to read:

CSB 2.005 Addition of 9 Fentanyl Related Substances to Schedule I. **(1)** Section 961.14 (2) (nd) 3m., 10m., 11m., 12e., 12m., 12s., 16n., 17g., and 17r., are created to read:

961.14 (2) (nd) 3m. *Alpha*'-methyl butyryl fentanyl (2-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);

10m. 2',5'-dimethoxyfentanyl (*N*-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-*N*-phenylpropionamide);

11m. 3-furanyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-3-carboxamide);

12e. Isovaleryl fentanyl (3-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);

12m. *Meta*-fluorofentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide);

12s. *Meta*-fluoroisobutyryl fentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);

16n. *Ortho*-fluorofuranyl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

17g. *Para*-methoxyfuranyl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

17r. *Para*-methylcyclopropyl fentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide);

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)

This Proposed Order of the Controlled Substances Board is approved for submission to the Governor and Legislature.

Dated _____ Agency _____

Chairperson
Controlled Substances Board

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
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MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis	2. Date
☒ Original ☐ Updated ☐ Corrected	08/07/24

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
CSB 2.005

4. Subject
Scheduling 9 Fentanyl-Related Substances

5. Fund Sources Affected	6. Chapter 20, Stats. Appropriations Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S	s. 20.165 (1) (hg)

7. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy ☐ Specific Businesses/Sectors
☐ Local Government Units ☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
$0

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
The objective of the proposed rule is to schedule the following nine fentanyl-related substances as a schedule I controlled substance under s. 961.11 (4), Stats:

- Meta-fluorofentanyl
- Meta-fluoroisobutyryl fentanyl
- Para-methoxyfuranyl fentanyl
- 3-furanyl fentanyl
- 2',5'-dimethoxyfentanyl
- Isovaleryl fentanyl
- Ortho-fluorofuranyl fentanyl
- Alpha'-methyl butyryl fentanyl
- Para-methylcyclopropyl fentanyl

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. 961.13 and omitting the notice of proposed rulemaking, listing the above nine fentanyl-related substances as a schedule I controlled substance. The Affirmative Action order, dated January 24, 2024, took effect on February 5, 2024, upon publication in the Administrative Register and expires upon promulgation of a final rule.

12. 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.
The rule was posted on the Department's website for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
None.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

14. 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)

DSPS estimates no one-time or ongoing costs to implementing this rule.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit is that the federal and state controlled substances acts will be uniform to avoid stakholder confusion.

16. Long Range Implications of Implementing the Rule

The long range implications of implementing the rule are that the following will be Schedule I controlled substance in Wisconsin:

- Meta-fluorofentanyl
- Meta-fluoroisobutyryl fentanyl
- Para-methoxyfuranyl fentanyl
- 3-furanyl fentanyl
- 2',5'-dimethoxyfentanyl
- Isovaleryl fentanyl
- Ortho-fluorofuranyl fentanyl
- Alpha'-methyl butyryl fentanyl
- Para-methylcyclopropyl fentanyl.

17. Compare With Approaches Being Used by Federal Government

On December 7, 2023, the Department of Justice, Drug Enforcement Administration published its temporary amendment and scheduling order in the Federal Register adding the nine fentanyl-related substances listed above to schedule I of the federal Controlled Substances Act. The scheduling action was effective December 7, 2023.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Illinois has not listed the nine fentanyl-related substances included in this rule as schedule I controlled substances [720 Illinois Compiled Statutes 570/204].

Iowa: Iowa has not listed the nine fentanyl-related substances included in this rule as schedule I controlled substances [Iowa Code 124.204].

Michigan: Michigan has not listed the nine fentanyl-related substances included in this rule as schedule I controlled substances [Michigan Compiled Laws s. 333.7212].

Minnesota: Minnesota has not listed the nine fentanyl-related substances included in this rule as schedule I controlled substances [Minnesota Statutes 152.02 (2)].

19. Contact Name	20. Contact Phone Number
Nilajah Hardin, Administrative Rules Coordinator	608-267-7139

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

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Fiscal Estimate & Economic Impact Analysis

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

LCRC
FORM 2

Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant 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 **24-059**

AN ORDER to create CSB 2.005, relating to scheduling nine fentanyl-related substances.

Submitted by **CONTROLLED SUBSTANCES BOARD**

08-07-2024 RECEIVED BY LEGISLATIVE COUNCIL.
08-16-2024 REPORT SENT TO AGENCY.

SG:KAM

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 ☑

Controlled Substances Board
Rule Projects (updated 09/09/24)

CH Rule Number	Scope Number	Scope Expiration Date	Code Chapter Affected	Relating Clause	Stage of Rule Process	Next Step
23-068	051-23	02/07/2026	CSB 2.96	Scheduling Amineptine	Rule Effective 9/1/24	N/A
23-069	052-23	02/07/2026	CSB 2.97	Scheduling Zipeprol	Rule Effective 9/1/24	N/A
24-004	053-23	02/07/2026	CSB 2.98	Excluding [^{18} F] FP-CIT	Legislative Review	Adoption Order Review at a Future Meeting
24-005	054-23	02/07/2026	CSB 2.99	Scheduling Mesocarb	Legislative Review	Adoption Order Review at a Future Meeting
24-023	078-23	04/23/2026	CSB 2.001	Scheduling Methiopropamine	Legislative Review	Adoption Order Review at a Future Meeting
24-024	079-23	04/23/2026	CSB 2.002	Excluding Fenfluramine	Legislative Review	Adoption Order Review at a Future Meeting
24-048	001-24	07/02/2026	CSB 2.003	Transferring Flualprazolam and Scheduling 4 Other Synthetic Benzodiazepine Substances	Legislative Review	Adoption Order Review at a Future Meeting
Not Assigned Yet	048-24	11/13/2026	CSB 2.004	Scheduling Zuranolone	Final Rule Draft Reviewed at 9/20/24 Meeting	Submission for Governor Approval and Legislative Review
Not Assigned Yet	049-24	11/13/2026	CSB 2.005	Scheduling 9 Fentanyl Related Substances	Final Rule Draft Reviewed at 9/20/24 Meeting	Submission for Governor Approval and Legislative Review
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	CSB 2.006	Scheduling 5 Synthetic Cannabinoids	Preliminary Rule Draft Reviewed at 9/20/24 Meeting	Posting for EIA Comment and Clearinghouse Review
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	CSB 2.007	Scheduling ADB-BUTINANCA, α-PiHP, and 3- MMC	Preliminary Rule Draft Reviewed at 9/20/24 Meeting	Posting for EIA Comment and Clearinghouse Review

Controlled Substances Board
Rule Projects (updated 09/09/24)

CH Rule Number	Scope Number	Scope Expiration Date	Code Chapter Affected	Relating Clause	Stage of Rule Process	Next Step
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	CSB 2.008	Scheduling 2-methyl AP-237	Preliminary Rule Draft Reviewed at 9/20/24 Meeting	Posting for EIA Comment and Clearinghouse Review
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	CSB 2.009	Scheduling 2 Synthetic Benzimidazole-Opioids	Affirmative Action Order Reviewed at 9/20/24	Affirmative Action Order Published; Drafting Scope Statement
24-013	095-22	05/21/2025	CSB 4	National Provider Identifier Requirement	Legislative Review	Adoption Order Review at a Future Meeting
24-033	055-23	02/07/2026	CSB 4	Monitored Prescription Drug History Reports	Legislative Review	Adoption Order Review at a Future Meeting
Not Assigned Yet	072-24	08/12/2026	CSB 4	Mail Delivered Prescriptions	Public Hearing Held at 9/20/24 Meeting	Drafting Final Rule and Legislative Report

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and title of person submitting the request:	2) Date when request submitted:
Marjorie Liu Program Lead, PDMP	09/11/2024 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting

3) Name of Board, Committee, Council, Sections:

Controlled Substances Board

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
09/20/2024	☒ Yes ☐ No	Prescription Drug Monitoring Program (PDMP) Updates – Discussion and Consideration

7) Place Item in:	8) Is an appearance before the Board being scheduled? *(If yes, please complete Appearance Request for Non-DSPS Staff)*	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session	☐ Yes ☒ No	

10) Describe the issue and action that should be addressed:

1. WI ePDMP Operations
    a. CSB PDMP Quarterly Report
    b. Recent and Upcoming Releases
    c. EHR Integration Status
    d. Interstate Data Exchange Updates
2. WI PDMP Outreach

11) Authorization

MC Marjorie Liu — 09/11/2024

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.

2022-2024 Development and Release Summary

Updated 09.06.2024

Release Date	Description
Pending	
R33.10	Automation of Reports: • Opioid Prescribing Practice Summary Report Review • Quarterly Statistics for CSB Report Review • Detailed Prescriber Monitoring Report Review • Prescriber Address Populated on UI EHR Support Partial Refill Review
Completed	
R33.9 **July 2024**	Opioid Prescribing Practice Summary Report Review Text Updates in UI Updates to notification emails Prescriber Query Compliance Report update
R33.8 **June 2024**	Opioid Prescribing Practice Summary Report Review Quarterly CSB Report Review Compound Drug UI Statistic utilization optimizations Addition of email address to non-HCP query requests
R33.7 **May 2024**	Dispenser Compliance Report Review Submitter/Dispenser Report Review
R33.6 **April 2024**	System Updates • Pending Account Changes UI language • UAT email notification links • Controlled Substance UI language Updated error messages for Submitters RXCheck 3.1 Update and Patch Statistics Dashboard populate counties' logic EHR Support
R33.5 **March 2024**	Statistics reporting updates EHR/Epic OAuth Support File Submission Queue processing
R33.4 **February 2024**	DEA File Updates LicenseE Update – State License Validation Training Materials Update File Processing support

	EHR support
R33.3 **January 2024**	LicenseE Update – New User Registration LicenseE Update – User Login Validation PDMP UI Page Text Updates • Home Page • Contact Us • Patient History Detail File Processing Support EHR Support
R33.2 **January 2024**	Pharmacy Users fixes • Zero reports • Revise/Correct/Void File Processing support EHR support
R33.1 **November 2023**	Utilization page updates PMPi States Admin Manage Alerts Timeout Patient Matching Updates
R33.0 **November 2023**	Geocoding Address2 Line rejection Updated Submitter Guide
R32.5 **October 2023**	File processing support
R32.4 **October 2023**	EHR Support
R32.3 **October 2023**	EHR Support
R32.2 **October 2023**	EHR Support

R32.1 **October 2023**	Iframe support Epic
R32 **October 2023**	HRG 2020 Grant Release
R31 **March 2023**	Iframe support Epic
R30 **February 2023**	Iframe support Prescriber Practice Metric UI Text updates Maintenance Updates
R29 **October 2022**	Updated mapping tool Adjusted language for expired temporary licenses Modified file processing
R28 **July 2022**	Adding language related to Buprenorphine Alert Override • Minor text changes to submission error emails • Minor language changes around alert messaging Maintenance Updates
Harold Rogers Grant 2021 **Promotional Materials** **May 2022**	Promotional Materials for free EHR Integrations Maintenance Updates
R26 **April 2022**	Buprenorphine Alert Override • Ability to override prescriber facing alerts, metrics, and MME calculations for certain drugs. Maintenance Updates RxCheck 3.0 Upgrades

WI ePDMP Integration Services Summary

Current as of 09.06.2024

Pending Health Systems and EHR Platforms	Status			Notes
Internal Medicine Associates	In discussion			
MECFS Clinic MN	In discussion			
Connected Health Systems (61% of monthly patient queries)	**Free Pricing Model**	**Implementation Date**	**Est. Total # of Users**	**Notes**
Advent Health		03/05/2023	15	
Allina Health	Y	09/18/2023	100	
Ascension Wisconsin				
Aspirus Health Care				
Aurora Health Care	Y	05/08/2024	12,000	
Children's Hospital of Wisconsin	Y	09/01/2022	300	
Clark County	Y			
Clean Slate	Y	09/01/2022	26	
CompuGroup Medical	Y		50	Internal Go-Live in Process
DrFirst				
Froedtert & the Medical College of Wisconsin			100	Pending signed Free agreement
GHC of South Central Wisconsin	Y			
Gundersen Health System			800	Pending signed Free agreement
HealthPartners				
HSHS / Prevea Health	Y	01/01/2023	500	
M Health Fairview	Y	08/01/2022	30	
Marshfield Clinic	Y	09/01/2022	100	
Mayo Clinic				
Mercy Health	Y	08/01/2022	766	
Monroe Clinic				
NOVO Health Technology Group	Y	02/01/2023		

Ochin	Y	12/21/2022	100	
ProHealth Care				
QuadMed, LLC	Y		40	
SSM Health				
Thedacare				Pending signed Free agreement
UnityPoint				
UW Health			4000	
Wisconsin Statewide Health Information Network	Y	09/01/2022	3500	

DrFirst Facilities	
Alay Health Team	Oak Medical
Associated Mental Health Consultants	Oral Surgery Associates of Milwaukee
Behavioral Health Svcs of Racine Co.	Orthopedic Hospital of Wisconsin
Benjamin S. Gozon MDSC D/B/A Capitol Rehabilitation Clinic	Pain Management and Treatment Center
Door County Memorial Hospital	Pediatrics Associates
Dr. Colleen Worth, DNP, APNP	Reka Furedi MD
FAMILY PSYCHIATRIC CARE, LLC	Richland Hospital
Fort Healthcare	Red Oak Counseling
GI Associates LLC	Regional Medical Center
Heartland Hospice	Rogers Memorial Hospital
Jonathan Hoerl PMHNP	Sauk Prairie Memorial Hospital
Lake Superior Community Health Center	Synergy Medical Services, LLC
Linc Health Clinic	Third Eye Health
Lifestance Health WI	Watertown Rainbow Hospice
Madison Recovery Center	Wauwatosa Children's Clinic
Marshfield Clinic Health System	Watertown Regional Medical Center
Mental Health Specialty Group PA	
Mile Bluff Medical Center	
Milwaukee Medical Associate, SC	
Mindful Healing and Wellness LLC	
National Medical Groups	

Interstate Data Sharing

RxCheck/EHR	PMPi
In Progress	
TX	
Connected	
IL, KY, MD, NE, PA, UT, WA, ME	AL, AZ, CO, DE, FL, HI, IA, ID, IN, MI, MN, MT, NC, ND, NM, NV, NY, OH, PR, SC, SD, TN, WV, Military Health System, Veterans Health Administration

2024 WI PDMP Outreach Calendar

MONTH	EVENT	DESCRIPTION	DATES	NOTES
January	Overdose Fatality Review (OFR) State Advisory Group	DSPS Representative; inter-agency advisory board for OFR participating local sites	1/11/2024	Virtual; Quarterly Meeting
February				
March				
April	Overdose Fatality Review (OFR) State Advisory Group	DSPS Representative; inter-agency advisory board for OFR participating local sites	4/11/2024	Virtual; Quarterly Meeting
May	PDMP Administrators' National Conference	Presenter; First national meeting for PDMP administrators; organized by the Bureau of Justice Assistance-TTAC.	5/7-5/9/2024	San Antonio, TX
June	2024 PMP InterConnect Steering Committee Meeting	Participant; Annual national meeting for PDMP administrators organized by National Association of Boards of Pharmacy (NABP)	6/24-6/25/2024	Mount Prospect, IL
July	Overdose Fatality Review (OFR) State Advisory Group	DSPS Representative; inter-agency advisory board for OFR participating local sites	7/11/2024	Virtual; Quarterly Meeting
August	2024 Harold Rogers PDMP National Conference	Awardee- Participant; Sponsored by the Bureau of Justice Assistance (BJA), which funds the Harold Rogers PDMP grants	8/13-8/15/2024	Washington DC
	PDMP Outreach &Training	Presenter; Utilizing PDMP Data to Inform Investigation	8/27/2024	Virtual; Division of Community Corrections, DOC
September	Bi-Annual RxCheck Governance Board Meeting	Board Member-Participant; Interstate PDMP data exchange discussion	9/24-9/25/2024	Virtual
	Sauk County Overdose Fatality Review Team Meeting	Presenter; PDMP overview, updates, and utilization for Overdose Fatality Review	9/25/2024	Virtual
October	Overdose Fatality Review (OFR) State Advisory Group	DSPS Representative; inter-agency advisory board for OFR participating local sites	10/10/2024	Virtual; Quarterly Meeting
	NASCSA Conference (National Association of State Controlled Substances Authorities)	Participant; annual national meeting organized by NASCSA for government controlled substances authority, PDMP and healthcare professionals	10/28-10/31/2024	Greenville, South Carolina
November				
December				