Wisconsin Department of Safety and Professional Services
Division of Policy Development
4822 Madison Yards Way
PO Box 8366
Madison WI 53708-8366

Phone: 608-266-2112
Web: http://dsps.wi.gov
Email: dsps@wisconsin.gov

Tony Evers, Governor
Dan Hereth, Secretary

VIRTUAL/TELECONFERENCE
CONTROLLED SUBSTANCES BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
May 9, 2025

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 March 14, 2025 (4-5)**

C. Reminders: Conflicts of Interests, Scheduling Concerns

D. Introductions, Announcements and Recognition

E. Administrative Matters – Discussion and Consideration
   1) Department, Staff, and Board Updates
   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. Majeed-Haqqi, Lubna – Medical Examining Board Representative
      i. Weitekamp, John – Pharmacy Examining Board Representative
   3) Alternates
      a. Alton, Troy – Dentistry Examining Board Representative
      b. Leuthner, Steven – Medical Examining Board Representative
      c. Weinman, Robert – Board of Nursing Representative

F. **10:00 A.M. Preliminary Hearing on Statement of Scope – SS 016-25 on CSB 2.010 (Renumbered to 2.011), Relating to Scheduling Ethylphenidate (6-9)**
   1) Review Preliminary Hearing Comments

G. **Administrative Rule Matters – Discussion and Consideration (10-55)**
   1) Final Rule Draft:
      a. CSB 2.009, Relating to Scheduling 2 Synthetic Benzimidazole-Opioids **(11-20)**
   2) Adoption Order:
      a. CSB 2.98, Relating to Excluding [18F]FP-CIT **(21-23)**
      b. CSB 2.99, Relating to Scheduling Mesocarb **(24-26)**
      c. CSB 2.001, Relating to Scheduling Methiopropamine **(27-29)**
      d. CSB 2.002, Relating to Excluding Fenfluramine **(30-32)**
      e. CSB 2.003, Relating to Transferring Flualprazolam and Scheduling 4 Other Synthetic Benzodiazepine Substances **(33-36)**
      f. CSB 2.004, Relating to Scheduling Zuranolone **(37-39)**
      g. CSB 2.005, Relating to Scheduling 9 Fentanyl-related Substances **(40-43)**
      h. CSB 4, Relating to National Provider Identifier Requirement **(44-47)**
      i. CSB 4, Relating to Monitored Prescription Drug History Reports **(48-50)**
      j. CSB 4, Relating to Mail Delivered Prescriptions **(51-53)**
   3) Pending or Possible Rulemaking Projects
      a. Rule Projects Chart **(54-55)**

H. **Prescription Drug Monitoring Program (PDMP) Updates – Discussion and Consideration (56-64)**
   1) WI ePDMP Operations **(57-63)**
      a. Recent and Upcoming Releases
      b. EHR Integration Status
   2) WI ePDMP Outreach **(64)**

I. **DSPS Interdisciplinary Advisory Committee Liaison Report – Discussion and Consideration**

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. Speaking Engagements, Travel, or Public Relations Requests, and Reports

N. Deliberation on Special Use Authorizations – Discussion and Consideration

O. 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

P. **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.).

Q. Deliberation on Special Use Authorizations – Discussion and Consideration

R. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: JULY 11, 2025

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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 any agenda item may be changed by the board for the convenience of the parties. The person credentialed by the board has the right to demand that the meeting at which final action may be taken against the credential be held in open session. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer or reach the Meeting Staff by calling 608-267-7213.

VIRTUAL/TELECONFERENCE
CONTROLLED SUBSTANCES BOARD
MEETING MINUTES
MARCH 14, 2025

PRESENT: Subhadeep Barman, Yvonne Bellay, Alan Bloom *(arrived at 10:23),* Cullen Eberhardy, Doug Englebert, David Gundersen *(excused at 10:07),* Amanda Kane, Lubna Majeed-Haqqi, John Weitekamp

STAFF: Tom Ryan, Executive Director; Whitney DeVoe, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Brenda Taylor, Board Services Supervisor; 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

Amendments to the Agenda:

- H. Advisory Committee
- Update CSB 2.011, Relating to Scheduling 5 Fentanyl-related Substances to CSB 2.011, Relating to Scheduling 7 Fentanyl-related Substances *(scrivener's error)*

MOTION: John Weitekamp moved, seconded by Amanda Kane, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 10, 2025

MOTION: Subhadeep Barman moved, seconded by Cullen Eberhardy, to adopt the Minutes of January 10, 2025, as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

MOTION: Subhadeep Barman moved, seconded by Cullen Eberhardy, to recognize and thank Gregory Schmeling, for his dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

MOTION: Subhadeep Barman moved, seconded by Doug Englebert, to recognize and thank Kris Ferguson for his dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Alternative Action Order:

CSB 2.011, Relating to Scheduling 7 Fentanyl-related Substances

MOTION: Subhadeep Barman moved, seconded by Lubna Majeed-Haqqi, to approve the affirmative action order adding Para-chlorofentanyl, Ortho-chlorofentanyl, Meta-fluorofuranyl fentanyl, Ortho-methylcyclopropyl fentanyl, Beta-methylacetyl fentanyl, Tetrahydrothiofuranyl fentanyl, and Para-fluoro valeryl fentanyl as a schedule I controlled substances. The order shall take effect upon publication in the Administrative Register. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 10:39 a.m.

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**	**04/28/25** 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?
05/09/25	☒ Yes ☐ No	**10:00 A.M. Preliminary Hearing on Statement of Scope – SS 016-25 on CSB 2.010 (Renumbered to 2.011), Relating to Scheduling Ethylphenidate** **1. Review Preliminary Hearing Comments**

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 Preliminary Hearing on this scope statement as directed by the Joint Committee for Review of Administrative Rules.

11) Authorization

Nilajah D. Hardin — 04/28/25

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.

From:	Sen.Nass
To:	Hereth, Daniel - DSPS; DSPS; DSPS Admin Rules
Cc:	Tierney, Michael - DSPS; Sen.Nass - LEGIS; Rep.Neylon - LEGIS; Grosz, Scott A - LEGIS; Kauffman, Jill - LEGIS; Duchek, Mike - LEGIS
Subject:	JCRAR Directive to Hold Preliminary Hearing on Scope Statement SS 016-25
Date:	Friday, March 14, 2025 11:08:58 AM

March 14, 2025

Doug Englebert, Chairperson
Controlled Substances Board
Department of Safety & Professional Services
P.O. Box 8366
Madison, WI 53708-8366

RE: SS 016-25 – Scheduling ethylphenidate

Dear Chairperson Englebert:

As co-chairperson of the Joint Committee for Review of Administrative Rules (JCRAR) and pursuant to s. 227.136 (1), Stats., I write to direct the Controlled Substances Board to hold a preliminary public hearing and comment period on Scope Statement SS 016-25, which was published in the Wisconsin Administrative Register on March 10, 2025.

Additionally, pursuant to s. 227.135 (2), Stats., please note that a scope statement may not be approved by the Secretary, the Department of Safety & Professional Services (DSPS), or any of the agencies under DSPS until after the preliminary public hearing and comment period is held by the agency, and accordingly, no activity may be conducted in connection with the drafting of a proposed rule until after such hearing and approval have occurred.

Please confirm receipt of this letter directing a preliminary hearing and comment period on the above scope statement.

Sincerely,

Steve Nass

Senator Steve Nass
Co-Chair, JCRAR

Cc: Dan Hereth, Secretary-designee, DSPS

STATEMENT OF SCOPE

CONTROLLED SUBSTANCES BOARD

Rule No.: CSB 2.010

Relating to: Scheduling Ethylphenidate

Rule Type: Permanent

1. Finding/nature of emergency: N/A

2. Detailed description of the objective of the proposed rule:
The objective of the proposed rule is to add Ethylphenidate to schedule I under ch. 961, Stats.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:
On October 22, 2024, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register adding Ethylphenidate to schedule I of the federal Controlled Substances Act. The scheduling action is effective November 21, 2024. The Controlled Substances Board did not receive an objection to similarly listing Ethylphenidate in schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order listing Ethylpehnidate as a schedule I controlled substance. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats Ethylphenidate under chapter 961, Stats. by creating the following:

CSB 2.010 Addition of Ethylphenidate to Schedule I. Section 961.14 (7) (u), Stats., is created to read:

961.14 (7) (u) Ethyl 2-phenyl-2-(piperidin-2-yl)acetate, commonly known as Ethylphenidate.

The Affirmative Action order, dated November 27, 2024, took effect on December 16, 2024, upon publication in the Administrative Register and expires upon promulgation of a final rule.

4. Detailed explanation of statutory authority for the rule:
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)."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:
Approximately 80 hours.

6. List with description of all entities that may be affected by the proposed rule:
Law enforcement, district attorney offices, Dept of Justice, state courts and the Controlled Substances Board.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:
On October 22, 2024, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register adding Ethylphenidate to schedule I of the federal Controlled Substances Act. The scheduling action is effective November 21, 2024.

8. Anticipated economic impact of implementing the rule: None to minimal.

Contact Person: Nilajah Hardin, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov

Approved for publication:

Douglas Englebert
Authorized Signature

01/14/2025
Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted

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**	**04/28/25** **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?
05/09/25	☒ Yes ☐ No	**Administrative Rule Matters – Discussion and Consideration** **1. Final Rule Draft:** **a. CSB 2.009, Relating to Scheduling 2 Synthetic Benzimidazole-Opioids** **2. Adoption Order:** **a. CSB 2.98, Relating to Excluding [^{18}F]FP-CIT** **b. CSB 2.99, Relating to Scheduling Mesocarb** **c. CSB 2.001, Relating to Scheduling Methiopropamine** **d. CSB 2.002, Relating to Excluding Fenfluramine** **e. CSB 2.003, Relating to Transferring Flualprazolam and Scheduling 4 Other Synthetic Benzodiazepine Substances** **f. CSB 2.004, Relating to Scheduling Zuranolone** **g. CSB 2.005, Relating to Scheduling 9 Fentanyl-related Substances** **h. CSB 4, Relating to National Provider Identifier Requirement** **i. CSB 4, Relating to Monitored Prescription Drug History Reports** **j. CSB 4, Relating to Mail Delivered Prescriptions** **3. 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 Scope Statement, Preliminary Rules Drafts, and Final Rule Drafts.

Attachments:

- Legislative Report, Final Rule Draft, EIA, and Clearinghouse Report – CSB 2.009
- Adoption Order – CSB 2.98-2.005
- 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 — 04/28/25

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.

Revised 03/2021

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULEMAKING	**:**	
PROCEEDINGS BEFORE THE	**:**	**REPORT TO THE LEGISLATURE**
CONTROLLED SUBSTANCES BOARD	**:**	**CR 25-021**

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 N-desethyl isotonitazene and N-piperidinyl etonitazene as a 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 N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats N-desethyl isotonitazene and N-piperidinyl etonitazene under chapter 961, Stats. by creating the following:

CSB 2.009 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).

The Affirmative Action order, dated October 3, 2024, took effect on October 21, 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. No other public comments were received.

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 25-021)

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 2.009, relating to scheduling 2 synthetic benzimidazole-opioids.

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 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.

Plain language analysis:
This rule schedules N-desethyl isotonitazene and N-piperidinyl etonitazene as a 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 N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats N-desethyl isotonitazene and N-piperidinyl etonitazene under chapter 961, Stats. by creating the following:

CSB 2.009 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).

The Affirmative Action order, dated October 3, 2024, took effect on October 21, 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 included N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances [720 Illinois Compiled Statutes 570/204].

Iowa: Iowa has not included N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances [Iowa Code 124.204].

Michigan: Michigan has not included N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances [Michigan Compiled Laws s. 333.7212].

Minnesota: Minnesota has not included N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances [Minnesota Statutes 152.02 (2)].

Summary of factual data and analytical methodologies:
The methodology was to schedule N-desethyl isotonitazene and N-piperidinyl etonitazene 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 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.

TEXT OF RULE

SECTION 1. CSB 2.009 is created to read:

CSB 2.009 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).

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
03/13/25

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
CSB 2.009

4. Subject
Scheduling 2 synthetic benzimidazole-opioids

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

6. Chapter 20, Stats. Appropriations Affected
s. 20.165 (1) (g) and (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
This rule schedules N-desethyl isotonitazene and N-piperidinyl etonitazene as a 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 N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances.
The Affirmative Action order, dated October 3, 2024, took effect on October 21, 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 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.

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 $3000.00 in one-time staffing costs to implement the rule. The estimated need for 0.1 limited term employee (LTE) is for rule drafting, legal review, as well as updating website and forms. The one-time estimated costs cannot be absorbed in the currently appropriated agency budget.

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 2 synthetic benzimidazole-opioids will be added to Wis. Stat. ch. 961 as a schedule I controlled substance.

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

17. Compare With Approaches Being Used by Federal Government

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.

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

Illinois: Illinois has not included N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances [720 Illinois Compiled Statutes 570/204].

Iowa: Iowa has not included N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances [Iowa Code 124.204].

Michigan: Michigan has not included N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances [Michigan Compiled Laws s. 333.7212].

Minnesota: Minnesota has not included N-desethyl isotonitazene and N-piperidinyl etonitazene 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.

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

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 **25-021**

AN ORDER to create CSB 2.009, relating to scheduling 2 synthetic benzimidazole-opioids.

Submitted by **CONTROLLED SUBSTANCES BOARD**

03-13-2025 RECEIVED BY LEGISLATIVE COUNCIL.
04-04-2025 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 ☑

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE CONTROLLED SUBSTANCES BOARD	:	ORDER OF THE CONTROLLED SUBSTANCES BOARD ADOPTING RULES (CLEARINGHOUSE RULE 24-004)

ORDER

An order of the Controlled Substances Board to create CSB 2.98, relating to Excluding [18 F]FP-CIT.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.16, 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. 961.16, Stats.

Summary of, and comparison with, existing or proposed federal regulation:
On November 21, 2022, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register removing [^{18} F]FP-CIT from schedule II of the federal Controlled Substances Act. The scheduling action is effective December 21, 2022.

Plain language analysis:
This rule excludes [^{18} F]FP-CIT from schedule II. The Controlled Substances Board did not receive an objection to similarly excluding [^{18} F]FP-CIT from schedule II under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order removing [^{18} F]FP-CIT as a schedule II controlled substance. Pursuant to s. 961.11 (4), Stats., the Controlled Substances Board took affirmative action to similarly treat [^{18} F]FP-CIT under ch. 961, Stats. by creating the following:

CSB 2.98 Excluding [^{18} F]FP-CIT from schedule II. Section 961.16 (2) (b), Stats., is amended to read:

> **961.16 (2) (b)** Coca leaves and any salt, compound, derivative, or preparation of coca leaves. Decocainized coca leaves or extractions which do not contain cocaine or ecgonine are excluded from this paragraph. [^{123}I]Ioflupane ~~is~~ and [^{18} F]FP-CIT are excluded from this paragraph. The following substances and any of their salts, esters, isomers, and salts of esters and isomers that are theoretically possible within the specific chemical designation, are included in this paragraph:

The Affirmative Action order, dated February 24, 2023, took effect on March 6, 2023 to allow for 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 excluded [^{18} F]FP-CIT from their schedule II controlled substances list [720 Illinois Compiled Statutes 570/206].

Iowa: Iowa has not excluded [^{18} F]FP-CIT from their schedule II controlled substances list [Iowa Administrative Code s. 124.206].

Michigan: Michigan has not excluded [^{18} F]FP-CIT from their schedule II controlled substances list [Michigan Compiled Laws s. 333.7214].

Minnesota: Minnesota has not excluded [^{18} F]FP-CIT from their schedule II controlled substances list [Minnesota Statutes 152.02 (3)].

Summary of factual data and analytical methodologies:

This rule excludes [^{18} F]FP-CIT from schedule II 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 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.

TEXT OF RULE

SECTION 1. CSB 2.98 is created to read:

CSB 2.98 Excluding [^{18} F]FP-CIT from schedule II. Section 961.16 (2) (b), Stats., is amended to read:

> **961.16 (2) (b)** Coca leaves and any salt, compound, derivative, or preparation of coca leaves. Decocainized coca leaves or extractions which do not contain cocaine or ecgonine are excluded from this paragraph. [^{123}I]Ioflupane ~~is~~ and [^{18} F]FP-CIT are excluded from this paragraph. The following substances and any of their salts, esters, isomers, and salts of esters and isomers that are theoretically possible within the specific chemical designation, are included in this paragraph:

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

(END OF TEXT OF RULE)

Dated _____ Agency _____

Chairperson
Controlled Substances Board

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE CONTROLLED SUBSTANCES BOARD	:	ORDER OF THE CONTROLLED SUBSTANCES BOARD ADOPTING RULES (CLEARINGHOUSE RULE 24-005)

ORDER

An order of the Controlled Substances Board to create CSB 2.99, relating to scheduling Mesocarb.

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 November 22, 2022, the Department of Justice, Drug Enforcement Administration published its interim final rule in the Federal Register listing Mesocarb into schedule I of the federal Controlled Substances Act. The scheduling action is effective December 22, 2022.

Plain language analysis:
This rule schedules Mesocarb 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. 961.19 and omitting the notice of proposed rulemaking, listing Mesocarb as a schedule I controlled substance.

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

CSB 2.99 Addition of Mesocarb to schedule I. Section 961.14 (7) (s), Stats., is created to read:

> **961.14 (7) (s)** N-phenyl-N'–(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate, commonly known as Mesocarb.

The Affirmative Action order, dated February 24, 2023, took effect on March 6, 2023, when it was published 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 Mesocarb as a schedule I controlled substance [720 Illinois Compiled Statutes 570/204].

Iowa: Iowa has not listed Mesocarb as a schedule I controlled substance [Iowa Code 124.204].

Michigan: Michigan has not listed Mesocarb as a schedule I controlled substance [Michigan Compiled Laws s. 333.7212].

Minnesota: Minnesota has not listed Mesocarb as a schedule I controlled substance [Minnesota Statutes 152.02 (2)].

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

TEXT OF RULE

SECTION 1. CSB 2.99 is created to read:

CSB 2.99 Addition of Mesocarb to schedule I. Section 961.14 (7) (s), Stats., is created to read:

> **961.14 (7) (s)** N-phenyl-N'–(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate, commonly known as Mesocarb.

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

(END OF TEXT OF RULE)

Dated _____ Agency _____

Chairperson
Controlled Substances Board

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE CONTROLLED SUBSTANCES BOARD	:	ORDER OF THE CONTROLLED SUBSTANCES BOARD ADOPTING RULES (CLEARINGHOUSE RULE 24-023)

ORDER

An order of the Controlled Substances Board to create CSB 2.001, relating to scheduling Methiopropamine.

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 9, 2022, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register adding Methiopropamine to schedule I of the federal Controlled Substances Act. The scheduling action was effective January 9, 2023.

Plain language analysis:
This rule schedules Methiopropamine 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. 961.19 and omitting the notice of proposed rulemaking, listing Methiopropamine as a schedule I controlled substance. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats Methiopropamine under chapter 961, Stats. by creating the following:

> **CSB 2.001 Addition of Methiopropamine to Schedule I**. Section 961.14 (7) (t), Stats., is created to read:
>
> > **961.14 (7) (t)** N-methyl-1-(thiophen-2-yl)propan-2-amine, commonly known as Methiopropamine.

The Affirmative Action order, dated March 24, 2023, took effect on April 3, 2023, when it was published 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 Methiopropamine as a schedule I controlled substance [720 Illinois Compiled Statutes 570/204].

Iowa: Iowa has not listed Methiopropamine as a schedule I controlled substance [Iowa Code 124.204].

Michigan: Michigan has not listed Methiopropamine as a schedule I controlled substance [Michigan Compiled Laws s. 333.7212].

Minnesota: Minnesota has not listed Methiopropamine as a schedule I controlled substance [Minnesota Statutes 152.02 (2)].

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

TEXT OF RULE

SECTION 1. CSB 2.001 is created to read:

CSB 2.001 Addition of Methiopropamine to Schedule I. Section 961.14 (7) (t), Stats., is created to read:

> **961.14 (7) (t)** N-methyl-1-(thiophen-2-yl)propan-2-amine, commonly known as Methiopropamine.

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

(END OF TEXT OF RULE)

Dated _____ Agency _____

Chairperson
Controlled Substances Board

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE CONTROLLED SUBSTANCES BOARD	:	ORDER OF THE CONTROLLED SUBSTANCES BOARD ADOPTING RULES (CLEARINGHOUSE RULE 24-024)

ORDER

An order of the Controlled Substances Board to create CSB 2.002, relating to Excluding Fenfluramine.

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 December 23, 2022, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register removing Fenfluramine from schedule IV of the federal Controlled Substances Act. The scheduling action was effective on December 23, 2022.

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

> **CSB 2.002 Excluding Fenfluramine from schedule IV**. Section 961.20 (4) (am), Stats. is repealed.

The Affirmative Action order, dated April 7, 2023, took effect on April 17, 2023, 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 Fenfluramine listed as a schedule IV controlled substance [720 Illinois Compiled Statutes 570/210 (d) (1)].

Iowa: Iowa has Fenfluramine listed as a schedule IV controlled substance [Iowa Code 124.210 (4)].

Michigan: Michigan has Fenfluramine listed as a schedule IV controlled substance [Michigan Compiled Laws s. 333.7218 (b)].

Minnesota: Minnesota has Fenfluramine listed as a schedule IV controlled substance [Minnesota Statutes 152.02 (5) (d)].

Summary of factual data and analytical methodologies:
The methodology was to remove Fenfluramine from Schedule IV 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 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.

TEXT OF RULE

SECTION 1. CSB 2.002 is created to read:

CSB 2.002 Excluding Fenfluramine from schedule IV. Section 961.20 (4) (am), Stats. is repealed.

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

(END OF TEXT OF RULE)

Dated _____ Agency _____

Chairperson
Controlled Substances Board

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE CONTROLLED SUBSTANCES BOARD	:	ORDER OF THE CONTROLLED SUBSTANCES BOARD ADOPTING RULES (CLEARINGHOUSE RULE 24-048)

ORDER

An order of the Controlled Substances Board to create CSB 2.003 relating to transferring Flualprazolam and scheduling four (4) synthetic benzodiazepine 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 July 26, 2023, the Department of Justice, Drug Enforcement Administration published its temporary amendment and scheduling order in the Federal Register adding the following 5 synthetic benzodiazepine substances to schedule I of the federal Controlled Substances Act:

- Etizolam
- Flualprazolam
- Clonazolam
- Flubromazolam
- Diclazepam

The scheduling action was effective July 26, 2023.

Plain language analysis:
The objective of the proposed rule is to transfer Flualprazolam from schedule IV to schedule I and add Etizolam, Clonazolam, Flubromazolam, and Diclazepam to schedule I of Wis. Stat. ch. 961.

The Controlled Substances Board did not receive an objection to similarly listing the above 5 synthetic benzodiazepine substances 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 the above 5 synthetic benzodiazepine substances as schedule I controlled substances.

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treated the above 5 synthetic benzodiazepine substances under chapter 961, Stats. by creating the following:

CSB 2.003 Transfer of Flualprazolam and Addition of 4 Other Synthetic Benzodiazepine Substances to Schedule I. **(1)** Section 961.20 (2) (ef), Stats. is repealed.

(2) Section 961.14 (5) (aa), (ab), (ac), (ad), and (ae) Stats., are created to read:

961.14 (5) (aa) Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine).

(ab) Diclazepam (7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2*H*-benzo[*e*][1,4]diazepin-2-one).

(ac) Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6*H*-thieno[3,2-*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine).

(ad) Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine).

(ae) Flubromazolam.(8-bromo-6-(2-fluorophenyl)-1-methly-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine).

The Affirmative Action order, dated September 19, 2023, took effect on September 25, 2023, upon publication in the Administrative Register and expires upon promulgation of this 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 specifically included Clonazolam, Flualprazolam, and Etizolam as schedule I controlled substances [720 Illinois Compiled Statutes 570/204].

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

Michigan: Michigan has not included the five (5) synthetic benzodiazepine substances listed in this rule as schedule I controlled substances [Michigan Compiled Laws s. 333.7212].

Minnesota: Minnesota has specifically included Clonazolam, Etizolam, and Flubromazolam as schedule I controlled substances [Minnesota Statutes 152.02 (2)].

Summary of factual data and analytical methodologies:
The methodology was to transfer Flualprazolam and add four other synthetic benzodiazepine substances 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 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.

TEXT OF RULE

SECTION 1. CSB 2.003 is created to read:

CSB 2.003 Transfer of Flualprazolam and Addition of 4 Other Synthetic Benzodiazepine Substances to Schedule I. **(1)** Section 961.20 (2) (ef), Stats. is repealed.

(2) Section 961.14 (5) (aa), (ab), (ac), (ad), and (ae) Stats., are created to read:

961.14 (5) (aa) Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine).

(ab) Diclazepam (7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2*H*-benzo[*e*][1,4]diazepin-2-one).

(ac) Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6*H*-thieno[3,2-*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine).

(ad) Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine).

(ae) Flubromazolam.(8-bromo-6-(2-fluorophenyl)-1-methly-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine).

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

(END OF TEXT OF RULE)

Dated _____ Agency _____

Chairperson
Controlled Substances Board

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

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

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.

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)

Dated _____ Agency _____

Chairperson
Controlled Substances Board

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

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

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.

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)

Dated _____ Agency _____

Chairperson
Controlled Substances Board

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULEMAKING PROCEEDINGS BEFORE THE CONTROLLED SUBSTANCES BOARD	:	ORDER OF THE CONTROLLED SUBSTANCES BOARD ADOPTING RULES (CLEARINGHOUSE RULE 24-013)

ORDER

An order of the Controlled Substances Board to create CSB 4.02 (12s), 4.04 (2) (bm) and (im), and 4.097 (1) (i), and amend CSB 4.04 (2) (b) and (i), 4.05 (1) (b) (Note), 4.06 (3) (b) (Note), 4.07 (2) (Note), and 4.08 (1) (b) (Note), and repeal CSB 4.08 (4), relating to national provider identifier requirement.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 961.385 (2) (b) and (7s), Stats.

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

Explanation of agency authority:
961.385 (2) (b) states that the board shall establish by rule and have the prescription drug monitoring program "Identify specific data elements to be contained in a record documenting the dispensing of a monitored prescription drug, including the method of payment and, subject to sub. (2m), the name recorded under s. 450.44 (1b) (bm). In identifying specific data elements, the board shall consider data elements identified by similar programs in other states and shall ensure, to the extent possible, that records generated by the program are easily shared with other states."

Related statute or rule: None.

Plain language analysis:
The objective of the proposed rule is to add the National Provider Identifier (NPI) for all dispensing and prescribing Prescription Drug Monitoring Program (PDMP) records by creating CSB 4.02 (12s), 4.04 (2) (bm) and (im). Sections CSB 4.04 (2) (b) and (i) were also updated to reflect that a DEA number is only required if applicable. The Board also repealed the exemption requirement under CSB 4.08 (4) that allowed dispensers to be exempt from reporting Gabapentin prescribing if they do not have a DEA number. Section CSB 4.097 (1) (i) was created to reflect that access to the PDMP can be restricted for failure to provide any of the data from CSB 4.04 (2) when required. Updates were also made to the mailing address for the Department in ss CSB 4.05 (1) (b) (Note), 4.06 (3) (b) (Note), 4.07 (2) (Note), and 4.08 (1) (b) (Note).

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: No comments were received.

Comparison with rules in adjacent states:

Illinois: The Illinois Prescription Monitoring Program does not require an NPI number to be reported [720 Illinois Compiled Statutes Chapter 570 Section 316].

Iowa: The Iowa Prescription Monitoring Program does not require an NPI number to be reported [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 require an NPI number to be reported [Michigan Administrative Rules R 338.3162b].

Minnesota: The Minnesota Prescription Monitoring Program requires the NPI number of the prescriber and the NPI number of the dispenser to be reported for all controlled substances dispensed in the state [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 in consultation with Wisconsin Prescription Drug Monitoring Program staff to determine where the NPI number requirement can be added and if updates to other sections in the chapter were needed.

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.

TEXT OF RULE

SECTION 1. CSB 4.02 (12s) is created to read:

CSB 4.02 (12s) "NPI number" means national provider identifier number, the unique number issued by the National Plan and Provider Enumeration System of the federal Centers for Medicare and Medicaid Services used in the U.S. to identify each health care provider.

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

CSB 4.04 (2) (b) The dispenser's DEA registration number, if applicable.

SECTION 3. CSB 4.04 (2) (bm) is created to read:

CSB 4.04 (2) (bm) Beginning December 1, 2025, the dispenser's NPI number.

SECTION 4. CSB 4.04 (2) (i) is amended to read:

CSB 4.04 (2) (i) The practitioner's DEA registration number, if applicable.

SECTION 5. CSB 4.04 (2) (im) is created to read:

CSB 4.04 (2) (im) Beginning December 1, 2025, the prescriber's NPI number.

SECTION 6. CSB 4.05 (1) (b) (Note), 4.06 (3) (b) (Note), 4.07 (2) (Note), and 4.08 (1) (b) (Note) are amended to read:

CSB 4.05 (1) (b) (Note) The guide for dispensers which specifies the data standards in version 4 release 2 of the ASAP implementation guide for prescription monitoring programs and other electronic formats identified by the board may be obtained online at https://pdmp.wi.gov or obtained at no charge from the Department of Safety and Professional Services, ~~1400 East Washington Avenue~~4822 Madison Yards Way, P.O. Box 8366, Madison, WI ~~53708~~53705.

CSB 4.06 (3) (b) (Note) The application for an emergency waiver may be obtained online at www.dsps.wi.gov or obtained at no charge from the Department of Safety and Professional Services, ~~1400 East Washington Avenue~~4822 Madison Yards Way, P.O. Box 8366, Madison, WI ~~53708~~53705.

CSB 4.07 (2) (Note) The written notice to the board may be submitted through an account with the board, sent by electronic mail or sent by U.S. mail to the Department of Safety and Professional Services ~~1400 East Washington Avenue~~,4822 Madison Yards Way, P.O. Box 8366, Madison, WI ~~53708~~53705.

CSB 4.08 (1) (b) (Note) The application for an exemption may be obtained online at www.dsps.wi.gov or at no charge from the Department of Safety and Professional Services ~~1400 East Washington Avenue~~,4822 Madison Yards Way, P.O. Box 8366, Madison, WI ~~53708~~53705. A dispenser who is already exempt can renew his or her exemption as part of the licensure renewal process.

SECTION 7. CSB 4.08 (4) is repealed.

SECTION 8. CSB 4.097 (1) (i) is created to read:

CSB 4.097 (1) (i) Beginning December 1, 2025, the board may temporarily suspend access to monitored prescription drug history reports when the healthcare professional fails to enter any of the data under s. CSB 4.04 (2) where required.

SECTION 9. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____ Agency _____

Chairperson
Controlled Substances Board

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULEMAKING PROCEEDINGS BEFORE THE CONTROLLED SUBSTANCES BOARD	:	ORDER OF THE CONTROLLED SUBSTANCES BOARD ADOPTING RULES (CLEARINGHOUSE RULE 24-033)

ORDER

An order of the Controlled Substances Board to amend CSB 4.11 (2) (a) and (c), relating to monitored prescription drug history reports.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss 146.82 and 961.385 (2) (c), Stats.

Statutory authority: ss. 146.82 and 961.385 (2) (c), Stats.

Explanation of agency authority:
Section 146.82 of Wisconsin Statutes includes the requirements for confidentiality of patient health records, while section 961.385 (2) (c), Stats., states that the board shall establish by rule and have the prescription drug monitoring program "specify the persons whom a record may be disclosed and the circumstances under which the disclosure may occur. Except as otherwise provided under this section, the rule promulgated under this paragraph shall comply with s. 146.82." Therefore, the Controlled Substances Board has the authority to specify who has access to reports from the prescription drug monitoring program as long as those reports and the restrictions specified comply with the confidentiality of patient heath care records under s. 146.82, Stats.

Related statute or rule: None.

Plain language analysis: Wisconsin Administrative Code Chapter CSB 4 currently outlines requirements for methods of obtaining monitored prescription drug history reports. Patients are allowed to request their own history reports either in person at the Department of Safety and Professional Services or via a mailed request on a form provided by the Board. A person authorized by the patient may only request copies of those same reports in person. Without making changes under the proposed rule, a person authorized by the patient will continue to only be able to make such requests in person at the Department.

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: N/A

Comparison with rules in adjacent states:

Illinois: The Illinois Prescription Monitoring Program allows patients access to their personal prescription history based on a validation process established by administrative rules [720 Illinois Compiled Statutes Chapter 570 Section 318 (m)]. The administrative rules governing patient access to their prescription history require that the patient, parent, or guardian complete a notarized request for a personal information report of a patient's prescription history, and submit it by mail to the Illinois Prescription Monitoring Program [Illinois Administrative Code Title 77 Chapter X Subchapter e Part 2050 Section 2080.190 (a)].

Iowa: The Iowa Prescription Monitoring Program allows patients or a patient's agent to request that patient's own prescription history report by submitting a request form. Request forms may be submitted in-person with a government issued photo identification or via mail if the request form is notarized and sent with a certified copy of the patient's government issued identification. A patient's agent may sign the request form in lieu of the patient if a copy the legal document establishing the agency relationship is provided. The patient's agent must also present a government issued identification for in-person requests or a certified copy of a government issued identification for mailed requests. [657 Iowa Administrative Code Chapter 37 Section 37.16 (7)].

Michigan: The administrative rules that govern the Michigan Automated Prescription System, the state's electronic system for monitoring schedule II to V controlled substances, does not specify whether a report of a patient's prescription history can be disclosed, nor how a report may be obtained by a patient. [Michigan Administrative Rules R 338.3162b].

Minnesota: The Minnesota Prescription Monitoring Program allows a patient who has been prescribed a controlled substance to access the program's database to obtain information on users who have access to that patient's data records. A patient may submit a request for this information on a notarized form from the Minnesota State Board of Pharmacy's website.[Minnesota Statutes Chapter 152 Section 152.126 Subdivision 11].

Summary of factual data and analytical methodologies: The Board reviewed Wisconsin Administrative Code Chapter CSB 4 and made updates as needed.

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.

TEXT OF RULE

SECTION 1. CSB 4.11 (2) (a) and (c) are amended to read:

CSB 4.11 (2) (a) Appears in person at the department with two forms of valid proof of identity, one of which is a valid government-issued photographic identification or mails to the department copies of two forms of valid proof of identity, one of which is a valid government-issued photographic identification.

(c) Makes a request for the monitored prescription drug history report on a form provided by the board. If the request is mailed, the form shall be notarized.

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

(END OF TEXT OF RULE)

Dated _____ Agency _____

Chairperson
Controlled Substances Board

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULEMAKING PROCEEDINGS BEFORE THE CONTROLLED SUBSTANCES BOARD	:	ORDER OF THE CONTROLLED SUBSTANCES BOARD ADOPTING RULES (CLEARINGHOUSE RULE 24-060)

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.

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., unless exempted pursuant to s. Phar 8.06 (2).

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

(END OF TEXT OF RULE)

Dated _____ Agency _____

Chairperson
Controlled Substances Board

Controlled Substances Board
Rule Projects (updated 04/28/25)

CH Rule Number	Scope Number	Scope Expiration Date	Code Chapter Affected	Relating Clause	Stage of Rule Process	Next Step
24-004	053-23	02/07/2026	CSB 2.98	Excluding [^{18} F] FP-CIT	Adoption Order Reviewed at 05/09/25 Meeting	Submission for Publication; 07/01/25 Anticipated Effective Date
24-005	054-23	02/07/2026	CSB 2.99	Scheduling Mesocarb	Adoption Order Reviewed at 05/09/25 Meeting	Submission for Publication; 07/01/25 Anticipated Effective Date
24-023	078-23	04/23/2026	CSB 2.001	Scheduling Methiopropamine	Adoption Order Reviewed at 05/09/25 Meeting	Submission for Publication; 07/01/25 Anticipated Effective Date
24-024	079-23	04/23/2026	CSB 2.002	Excluding Fenfluramine	Adoption Order Reviewed at 05/09/25 Meeting	Submission for Publication; 07/01/25 Anticipated Effective Date
24-048	001-24	07/02/2026	CSB 2.003	Transferring Flualprazolam and Scheduling 4 Other Synthetic Benzodiazepine Substances	Adoption Order Reviewed at 05/09/25 Meeting	Submission for Publication; 07/01/25 Anticipated Effective Date
24-058	048-24	11/13/2026	CSB 2.004	Scheduling Zuranolone	Adoption Order Reviewed at 05/09/25 Meeting	Submission for Publication; 07/01/25 Anticipated Effective Date
24-059	049-24	11/13/2026	CSB 2.005	Scheduling 9 Fentanyl Related Substances	Adoption Order Reviewed at 05/09/25 Meeting	Submission for Publication; 07/01/25 Anticipated Effective Date
24-083	086-24	02/05/2027	CSB 2.006	Scheduling 5 Synthetic Cannabinoids	Legislative Review	Board Review and Approval of Adoption Order
24-084	087-24	02/05/2027	CSB 2.007	Scheduling ADB-BUTINANCA, α-PiHP, and 3- MMC	Legislative Review	Board Review and Approval of Adoption Order
24-085	088-24	02/05/2027	CSB 2.008	Scheduling 2-methyl AP-237	Legislative Review	Board Review and Approval of Adoption Order
25-021	113-24	06/02/2027	CSB 2.009	Scheduling 2 Synthetic Benzimidazole-Opioids	Final Rule Draft Reviewed at 05/09/25 Meeting	Submission for Governor Approval and Legislative Review

Controlled Substances Board
Rule Projects (updated 04/28/25)

CH Rule Number	Scope Number	Scope Expiration Date	Code Chapter Affected	Relating Clause	Stage of Rule Process	Next Step
Not Assigned Yet	016-25	09/10/2027	CSB 2.010 (Renumbered to 2.011)	Scheduling Ethylphenidate	Preliminary Public Hearing on Statement of Scope Held at 05/09/25 Meeting	Scope Implementation
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	CSB 2.011 (Renumbered to 2.012)	Scheduling 7 Fentanyl-related Substances	Affirmative Action Order Published on 03/31/25	Scope Statement Anticipated for 07/11/25 Meeting
24-013	095-22	05/21/2025	CSB 4	National Provider Identifier Requirement	Adoption Order Reviewed at 05/09/25 Meeting	Submission for Publication; 07/01/25 Anticipated Effective Date
24-033	055-23	02/07/2026	CSB 4	Monitored Prescription Drug History Reports	Adoption Order Reviewed at 05/09/25 Meeting	Submission for Publication; 07/01/25 Anticipated Effective Date
24-060	072-24	08/12/2026	CSB 4	Mail Delivered Prescriptions	Adoption Order Reviewed at 05/09/25 Meeting	Submission for Publication; 07/01/25 Anticipated Effective Date

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	04/29/2025 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?
05/09/2025	☒ 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. Recent and Upcoming Releases
    b. EHR Integration Status
2. WI PDMP Outreach

11) Authorization

Marjorie Liu — 4/29/2025

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.

2023-2025 Development and Release Summary

Updated 4.28.2025

Release Date	Description
Completed	
R33.18 **April 2025**	Website Administration: • On-going Formatting and Calculation cleanups for automated Reports • NPI data field added to reports User Portal: NPI field added to search screen (for law enforcement, prosecutorial, and regulatory agencies)
R33.17 **March 2025**	User Portal: • Additional DEA fields in Prescribers account profile • NPI field added in Pharmacy account profile
R33.16 **February 2025**	Data Analytics Updates: • MME Conversion Factors updates • Buprenorphine exclusion rules applied to automated reporting of prescribing reports User Interface Updates • Healthcare Professionals - MME Calculator & Addiction Resource Updates • Investigators - Dispenser Report Request via User Accounts Administrative workflow updates - NPI added to Pending Account Registration Review Webpage Language Updates: Registration Page, Dashboard charts
R33.15.1 **February 2025**	Emergency Release to fix errors for out of state queries connecting via PMPi hub
R33.15 **January 2025**	Data Analytics Updates: • New admin tool of adding additional DEA numbers to automate Detailed Prescriber Monitoring Report • Formatting updates on Opioid Practice Summary Report User Interface Updates: • Pharmacy Account data revise/edit screen now with multiple DEAs dropdown selection
R33.14 **January 2025**	Updates to online form “Report Suspected Errors in WI ePDMP Date” PDF Pharmacy additional DEA display Increased License Number Character Limits from 7 to 8 File Processing Updates - Skipping Duplicate Files
R33.13 **December 2024**	User Interface: • Updated Text on the Delegate Management Screen • Updated Calculations for Daily Prescribing Volume Ranking for Opioids • License Number is no Longer a Required Field for a Medical Coordinator Account Admin Portal Updates:

	• Added Submission Date to Prescriber Alerts Table • NDC of Dispensed Medications displayed in the prescriber Report • Updated the Prescriber Query Compliance Report
R33.12 **November 2024**	ePDMP Webpage Updates: Contact Us info & user registration screen for Medical Coordinator and Researcher Analytics and Reports Updates- • Prescriber Monitoring Report Charts Readability • Prescriber Address populated on Dispensing History Details Administrative Workflow Enhancement: Alert reviewing screen updates
R33.11 **September 2024**	Non – HCP Alert Displays on Requested Reports Detailed Prescriber Monitoring Report Rework Updated Quarterly CSB Reports Prescriber Address Visible on Patient Report Table
R33.10 **August 2024**	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
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

WI ePDMP Integration Services Summary

Current as of 4.28.25

Pending Health Systems and EHR Platforms	Status			Notes
Internal Medicine Associates	In discussion			
MECFS Clinic MN	In discussion			
Oak Leaf	In discussion			
CareATC	**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	**Y**	05/01/2025		
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	National Medical Groups
Associated Mental Health Consultants	Nova Integrated Care LLC
Behavioral Health Svcs of Racine Co.	Oak Medical
Benjamin S. Gozon MDSC D/B/A Capitol Rehabilitation Clinic	Oral Surgery Associates of Milwaukee
Christian Family Solutions	Orthopedic Hospital of Wisconsin
Door County Memorial Hospital	Pain Management and Treatment Center
Dr. Colleen Worth, DNP, APNP	Pediatrics Associates
Empower Recovery	Reka Furedi MD
Envision ADHD Clinic	Red Oak Counseling
FAMILY PSYCHIATRIC CARE, LLC	Regional Medical Center
Fort Healthcare	Richland Hospital
GI Associates LLC	Rogers Memorial Hospital
Heartland Hospice	Sauk Prairie Memorial Hospital
Jonathan Hoerl PMHNP	Shorewood Behavioral Health
Kelly Pickens	Third Eye Health
Lake Superior Community Health Center	Watertown Rainbow Hospice
Linc Health Clinic	Wauwatosa Children's Clinic
Lifestance Health WI	Watertown Regional Medical Center

Madison Recovery Center	
Marshfield Clinic Health System	
Mental Health Specialty Group PA	
Mile Bluff Medical Center	
Milwaukee Medical Associate, SC	
Mindful Healing and Wellness LLC	

2025 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	1/9/2025	Virtual; Quarterly Meeting
February				
March	Bi-Annual RxCheck Governance Board Meeting	Board Member-Participant; Interstate PDMP data exchange discussion	3/18-3/19/2025	San Diego, CA
April	Overdose Fatality Review (OFR) Local Community Meeting	PDMP Presentation; Portage County OFR Team Meeting	4/1/2025	Virtual
	Overdose Fatality Review (OFR) State Advisory Group	DSPS Representative; inter-agency advisory board for OFR participating local sites	4/10/2025	Virtual; Quarterly Meeting
May	Opioids, Stimulants, and Trauma Summit	Information Booth	5/6-5/8/2025	Wisconsin Dells
June	PMP InterConnect Steering Committee Meeting	Participant; Annual national meeting for PDMP administrators organized by National Association of Boards of Pharmacy (NABP)	6/23-6/24/2025	Mount Prospect, IL
July	Overdose Fatality Review (OFR) State Advisory Group	DSPS Representative; inter-agency advisory board for OFR participating local sites	7/10/2025	Virtual; Quarterly Meeting
August				
September				
October	Overdose Fatality Review (OFR) State Advisory Group	DSPS Representative; inter-agency advisory board for OFR participating local sites	10/9/2025	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	10/20-10/23/2025	New Orleans, LA
November				
December				