

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

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

FINDINGS

1. On 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.
2. The Controlled Substances Board did not receive an objection to similarly excluding [18 F]FP-CIT as a schedule II controlled substance 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.
3. The Controlled Substances Board will promulgate a final rule, without making the determinations or findings required by ss. 961.11(1), (1m), (1r) and (2) or s. 961.15 and omitting the notice of proposed rulemaking, excluding [18 F]FP-CIT as a schedule II controlled substance pursuant to s. 961.16 (2) (a).

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats [18 F]FP-CIT under chapter 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. [123I]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:

This order shall take effect upon publication in the Administrative Register. The order expires upon promulgation of a final rule.

Dated 02/24/23

Douglas Englebert

Doug Englebert, Chair
Controlled Substances Board