

Report From Agency

STATE OF WISCONSIN CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
CONTROLLED SUBSTANCES BOARD : CR 24-004

- 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 excludes [¹⁸F]FP-CIT from schedule II. The Controlled Substances Board did not receive an objection to similarly excluding [¹⁸F]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 [¹⁸F]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 [¹⁸F]FP-CIT under ch. 961, Stats. by creating the following:

CSB 2.98 Excluding [¹⁸F]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 [¹⁸F]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.

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

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

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

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