

**Report From Agency**

**STATE OF WISCONSIN  
CONTROLLED SUBSTANCES BOARD**

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
CONTROLLED SUBSTANCES BOARD : CR 18-023**

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS: n/a**

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA is attached.

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

The purpose of the proposed rule is to schedule ortho-fluorofentanyl as a schedule I controlled substance. On October 26, 2017, a final rule was published in the Federal Register placing ortho-fluorofentanyl into schedule I of the federal Controlled Substances Act. The Controlled Substances Board took Affirmative Action on November 30, 2017 to similarly treat ortho-fluorofentanyl under chapter 961, Stats effective on December 4, 2017 and expires upon promulgation of a final rule. It is in the best interest of Wisconsin citizens to schedule drugs which are determined to be controlled substances.

**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:**

This rule does not have an impact on small business.