

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 20-051**

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:

On August 16, 2019, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing noroxymorphone into Schedule II of the federal Controlled Substances Act.

The Controlled Substances Board did not receive an objection to treating noroxymorphone as a schedule II controlled substance under ch. 961, Stats., based upon the federal scheduling. The Controlled Substances Board took affirmative action on November 4, 2019 to similarly treat noroxymorphone under chapter 961 effective November 11 2019. The Affirmative Action Order will expire 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.