

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 22-034**

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 Alfaxalone as a Schedule IV controlled substance. The Controlled Substances Board did not receive an objection to similarly treat Alfaxalone as a Schedule IV controlled substance under ch. 961, Stats. within 30 days of the date of publication in the Federal Register of the final order designating Alfaxalone as a controlled substance. Pursuant to s. 961.11 (4), Stats., the Controlled Substances Board took affirmative action to similarly treat Alfaxalone under ch. 961, Stats. by creating the following:

CSB 2.84 Addition of Alfaxalone to schedule IV. Section 961.20 (2) (a), Stats., is renumbered 961.20 (2) (af), Stats.

Section 961.20 (2) (ab), Stats. is created to read: 961.20 (2) (ab) Alfaxalone

The Affirmative Action order, dated July 9, 2021, took effect on July 19, 2021 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:

In response to the Clearinghouse's recommendation, the text of the provision was revised to accurately reflect the Board's intent to renumber and revise s. 961.20 (a), stats. instead of repeal and recreate it as proposed in the preliminary rule draft.

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