

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 22-040
:
:**

- 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 transfers 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile, immediate precursors to phencyclidine, also known as PCP, from schedule I to schedule II of the chapter 961, stats.

The Controlled Substances Board did not receive an objection to similarly listing 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile, immediate precursors to phencyclidine, also known as PCP, as schedule II controlled substances under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order listing 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile, immediate precursors to phencyclidine, also known as PCP, as schedule II controlled substances.

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile, immediate precursors to phencyclidine, also known as PCP, under chapter 961, Stats. by repealing s. 961.14 (6) and creating the following:

CSB 2.90 Transfer of 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile, immediate precursors to phencyclidine, also known as PCP, from Schedule I to schedule II. Section 961.16 (8) (c), Stats. is created to read:

- 961.16 (8) (c) Immediate precursors to phencyclidine, also known as PCP:***
- 1. 1-phenylcyclohexylamine.***
 - 2. 1-piperidinocyclohexanecarbonitrile.***

The Affirmative Action order, dated July 9, 2021, took effect on July 19, 2021, when it was published 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