

Report From Agency

**STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
CONTROLLED SUBSTANCES : CR 22-054
BOARD :**

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 12, 2021, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register listing 4,4'-Dimethylaminorex into schedule I of the federal Controlled Substances Act. The scheduling action is effective September 13, 2021. The Controlled Substances Board did not receive an objection to similarly listing 4,4'-Dimethylaminorex as a schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order listing 4,4'-Dimethylaminorex as a schedule I controlled substance. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats 4,4'-Dimethylaminorex under chapter 961, Stats. by creating the following:

CSB 2.91 Addition of 4,4'-Dimethylaminorex to schedule I. Section 961.14 (7) (cm), Stats., is created to read: 961.14 (7) (cm) *4,4'-Dimethylaminorex*.

The Affirmative Action order, dated September 16, 2021, took effect on September 27, 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:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

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