

Report From Agency

**STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
CONTROLLED SUBSTANCES : CR 23-020
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:

This rule adds seven (7) synthetic benzimidazole-opioid substances to schedule I under ch. 961, Stats. This rule also amends ss. 961.14 (2) (mm) and (pe), Stats. to add the scientific descriptions for two already scheduled synthetic benzimidazole-opioid substances and renumber them to group them with the seven new substances being added.

The Controlled Substances Board did not receive an objection to similarly treating the following seven (7) synthetic benzimidazole-opioid substances as schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order designating them as controlled substances:

- 2-(2-(4-butoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)-N,N-diethylethan-1- amine (butonitazene),
- 2-(2-(4-ethoxybenzyl)-1Hbenzimidazol-1-yl)-N,N-diethylethan-1- amine (etodesnitazene; etazene),
- N,N-diethyl-2-(2-(4-fluorobenzyl)-5- nitro-1H-benzimidazol-1-yl)ethan-1- amine (flunitazene),
- N,N-diethyl-2-(2-(4- methoxybenzyl)-1H-benzimidazol-1- yl)ethan-1-amine (metodesnitazene),
- N,N-diethyl-2-(2-(4- methoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)ethan-1- amine (metonitazene),
- 2-(4-ethoxybenzyl)-5-nitro-1-(2- (pyrrolidin-1-yl)ethyl)-1Hbenzimidazole (N-pyrrolidino etonitazene; etonitazepyne), and
- N,N-diethyl-2-(5-nitro-2-(4- propoxybenzyl)-1H-benzimidazol-1- yl)ethan-1- amine (protonitazene).

Therefore, pursuant to s. 961.11(4), Stats., the Controlled Substances Board by Affirmative Action similarly treated the seven (7) synthetic benzimidazole-opioid

substances listed above, under chapter 961, Stats and is now following up with a final rule.

The Affirmative Action order, dated July 20, 2022, took effect on July 25, 2022, 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