

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 24-083

- 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:**
The objective of the proposed rule is to add the following five synthetic cannabinoids as a schedule I controlled substance under s. 961.11 (4), Stats:
- MDMB-4en-PINACA
 - 4F-MDMB-BUTICA or 4F-MDMB-BICA
 - ADB-4en-PINACA
 - CUMYL-PEGACLONE or SGT-151
 - 5F-EDMB-PICA or 5F-EDMB-2201

The Controlled Substances Board did not receive an objection to similarly listing five of the above synthetic cannabinoids as schedule I controlled substances under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order listing those 5 synthetic cannabinoids as schedule I controlled substances. The remaining synthetic cannabinoid, MMB-FUBICA, is already included in schedule I of ch. 961, Stats. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats the above 5 synthetic cannabinoids under chapter 961, Stats. by creating the following:

CSB 2.006 Adding 5 Synthetic Cannabinoids to Schedule I. (1) Section 961.14 (4) (tb) 54. to 58., Stats., are created to read:

- 961.14 (4) (tb) 54.** Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamido)butanoate, commonly known as MDMB-4en-PINACA.
- 55.** Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethylbutanoate, commonly known as 4F-MDMB-BUTICA or 4F-MDMB-BICA.
- 56.** *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamide, commonly known as ADB-4en-PINACA.
- 57.** 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-*b*]indol-1-one, commonly known as CUMYL-PEGACLONE or SGT-151.

58. Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate, commonly known as 5F-EDMB-PICA or 5F-EDMB-2201.

The Affirmative Action order, dated January 24, 2024, took effect on February 5, 2024, upon 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. No other public comments were received.

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