

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 11/20/24
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) CSB 2.007	
4. Subject Scheduling ADB-BUTINACA, α -PiHP, and 3-MMC	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s. 20.165 (1) (g) and (hg)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule This rule schedules ADB-BUTINACA, α -PiHP, and 3-MMC as schedule I controlled substances. The Controlled Substances Board will promulgate a final rule, without making the determinations or findings required by ss. 961.11(1), (1m), (1r) and (2) or s. 961.13 and omitting the notice of proposed rulemaking, listing ADB-BUTINACA, α -PiHP, and 3-MMC as schedule I controlled substances. The Affirmative Action order, dated June 4, 2024, took effect on June 16, 2024, upon publication in the Administrative Register and expires upon promulgation of a final rule.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule was posted on the Department's website for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$3,455.00 in one-time costs for implementing this rule. The estimated funds support the equivalent of 0.1 limited term employee to undertake tasks such as rule drafting, legal research and review, preparation for prosecution/informational resolution, and investigation of CSB referrals. The one-time costs cannot be absorbed in the currently appropriated agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit is that the federal and state controlled substances acts will be uniform to avoid stakeholder confusion.	
16. Long Range Implications of Implementing the Rule The long range implications of implementing the rule are that the following will be Schedule I controlled substances in Wisconsin: <ul style="list-style-type: none">• ADB-BUTINACA• α-PiHP or alpha-PiHP	

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- 3-MMC

17. Compare With Approaches Being Used by Federal Government

On December 13, 2023, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register adding the following three substances to schedule I of the federal Controlled Substances Act:

- ADB-BUTINACA
- α -PiHP or alpha-PiHP
- 3-MMC

The scheduling action is effective December 13, 2023.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Illinois has not listed ADB-BUTINACA, α -PiHP, and 3-MMC as schedule I controlled substances [720 Illinois Compiled Statutes 570/204].

Iowa: Iowa has not listed ADB-BUTINACA, α -PiHP, and 3-MMC as schedule I controlled substances [Iowa Code 124.204].

Michigan: Michigan has not listed ADB-BUTINACA, α -PiHP, and 3-MMC as schedule I controlled substances [Michigan Compiled Laws s. 333.7212].

Minnesota: Minnesota has not listed ADB-BUTINACA, α -PiHP, and 3-MMC as schedule I controlled substances [Minnesota Statutes 152.02 (2)].

19. Contact Name

Nilajah Hardin, Administrative Rules Coordinator

20. Contact Phone Number

608-267-7139

This document can be made available in alternate formats to individuals with disabilities upon request.

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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