

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 25-021**

- 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 schedules N-desethyl isotonitazene and N-piperidinyl etonitazene as a 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 N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances. Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats N-desethyl isotonitazene and N-piperidinyl etonitazene under chapter 961, Stats. by creating the following:

CSB 2.009 Addition of 2 Synthetic Benzimidazole-Opioids to Schedule I. Section 961.14 (2) (xm) 7e. and 7m., Stats., are created to read:

961.14 (2) (xm) 7e. N-desethyl isotonitazene (N-ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine).

961.14 (2) (xm) 7m. N-piperidinyl etonitazene also known as etonitazepipne (2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1H-benzimidazole).

The Affirmative Action order, dated October 3, 2024, took effect on October 21, 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**