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CERTIFICATE

STATE OF WISCONSIN)
)SS
CONTROLLED SUBSTANCES BOARD)

I, the Chairperson of the controlled substances board and custodian of the official records, certify that the annexed rule relating to the classification of MDMA in schedule I of chapter 161, the uniform controlled substances act, was duly approved and adopted by this board on July 15, 1987. I further certify that this copy has been compared by me with the original on file in this board and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at the State Capitol in the city of Madison, this 15th day of July, 1987.

June L. Dahl
June L. Dahl, Ph.D.

10-1-87

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ORDER OF
THE CONTROLLED SUBSTANCES BOARD
CREATING CSB 2.18, WIS. ADM. CODE

Relating to classification of 3, 4-methylenedioxy-methamphetamine, also known as MDMA and "Ecstasy," as a schedule I controlled substance in chapter 161, the uniform controlled substances act.

Analysis prepared by the controlled substances board:

The controlled substances board has proposed classification of 3, 4-methylenedioxymethamphetamine, also known as MDMA, or "Ecstasy" as a schedule I controlled substance to conform Wisconsin law to federal law.

According to state law, s.161.11(4), stats., if any substance is controlled under federal law, the controlled substances board shall take similar action to control the substance, unless it objects. The controlled substances board is in receipt of a federal register final rule 50 FR 23118 dated May 31, 1985, by the U.S. drug enforcement administration placing MDMA into federal schedule I. DEA took this action pursuant to the authority of the U.S. attorney general to temporarily place a substance into schedule I of the federal controlled substances act if it is found that such action is necessary to avoid an imminent hazard to the public safety. The drug enforcement administration provided documentation of unapproved, so-called therapeutic use of MDMA, unregulated and uncontrolled production in many sections of the country, and open promotion of MDMA as a legal euphoriant. DEA concluded that clandestine production, distribution and abuse of MDMA is not only nationwide, but appears to be escalating. Further, the agency reported an immediate health hazard, including recent animal research which suggests that MDMA may be neurotoxic to humans.

This action of the U.S. drug enforcement administration was taken during a traditional rulemaking procedure to place MDMA in schedule I, as announced in the federal register at 40 FR 30210, dated July 27, 1984.

The controlled substances board did not object to control of MDMA in schedule I under Wisconsin law. In addition, the board has received reports from local law enforcement and drug abuse treatment personnel indicating that MDMA has recently become available in Wisconsin.

On February 19, 1986, the board reviewed and concurred with the federal findings, and found that MDMA meets the statutory tests for schedule I, having a high potential for abuse and no accepted medical use in treatment in the U.S. Consequently, the board voted to place MDMA in schedule I in order to apply the sanctions of state law to this substance.

Control of MDMA in schedule I means it may not be possessed or distributed unless for bonafide research, which must receive federal and state approval.

Authority: Section 161.11(4), stats.

Statute interpreted: Section 161.14, stats.

Initial regulatory flexibility analysis: CSB 2.18 Wis. adm. code will not have a significant economic impact on small businesses in Wisconsin.

Fiscal estimate: None.

Therefore, pursuant to the authority vested in the controlled substances board by s.161.11(4), stats., the board is creating CSB 2.18, Wis. Adm. code relating to 3, 4-methylenedioxymethamphetamine:

Section 1. CSB 2.18 is created as follows:

CSB 2.18 New paragraph (am) of s.161.14(4), stats. is created to read:

(am) 3, 4-methylenedioxymethamphetamine, commonly known as "MDMA";

This rule shall take effect on the first day of the month following its publication in the Wisconsin administrative register.

Dated: July 15, 1987

Agency: Controlled Substances Board
June L. Dahl, Ph.D., Chairperson

June L. Dahl



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES

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CONTROLLED SUBSTANCES BOARD
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July 21, 1987

Gary L. Poulson
Assistant Revisor
Revisor of Statutes Bureau
Suite 904
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Mr. Poulson:

On behalf of the Controlled Substances Board, I am submitting the enclosed Order of the Controlled Substances Board Rules (CSB 2.18) for publication in the next Wisconsin Administrative Register.

It is my understanding that the effective date is the first day of the month following publication in the Register.

Thank you for your assistance.

Sincerely,

David E. Joranson
Controlled Substances Policy Specialist
Staff, Controlled Substances Board
Bureau of Community Programs

Enclosure