

STATE OF WISCONSIN
Controlled Substances Board

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE
CONTROLLED SUBSTANCES BOARD

AFFIRMATIVE ACTION ORDER OF THE CONTROLLED SUBSTANCES BOARD

FINDINGS

1. On September 11, 2015, the United States Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register removing [¹²³I]ioflupane from schedule II of the federal Controlled Substances Act. The scheduling action is effective September 11, 2015.
2. The Controlled Substances Board did not receive an objection to similarly removing [¹²³I]ioflupane from schedule II under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order removing [¹²³I]ioflupane as a controlled substance.
3. 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. 961.16 and omitting the notice of proposed rule making, excluding [¹²³I]ioflupane as a controlled substance.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats [¹²³I]ioflupane under chapter 961, Stats. by creating the following:

CSB 2.40 Exclusion of [¹²³I]ioflupane. Section 961.16(2)(b), Stats., is amended to read:
(b) Coca leaves and any salt, compound, derivative or preparation of coca leaves. Decocainized coca leaves or extractions which do not contain cocaine or ecgonine are excluded from this paragraph. [¹²³I]ioflupane is excluded from this paragraph. The following substances and any of their salts, esters, isomers and salts of esters and isomers that are theoretically possible within the specific chemical designation, are included in this paragraph:

This order shall take effect on October 19, 2015 to allow for publication in the Administrative Register. The order expires upon promulgation of a final rule.