

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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| 1. Type of Estimate and Analysis<br><input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected   | 2. Date<br>04/26/23  |
| 3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)<br>CSB 2.94  |  |
| 4. Subject<br>Scheduling seven (7) synthetic benzimidazole-opioid substances   |  |
| 5. Fund Sources Affected<br><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<br>ss. 20.165 (1) (g) and (hg) |
| 7. Fiscal Effect of Implementing the Rule<br><input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs<br><input checked="" 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)<br><input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors<br><input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers<br><input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>  |  |
| 9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).<br>\$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)?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |  |
| 11. Policy Problem Addressed by the Rule<br>On April 12, 2022, the Department of Justice, Drug Enforcement Administration published its temporary scheduling order in the Federal Register placing the following seven (7) synthetic benzimidazole-opioid substances into schedule I of the federal Controlled Substances Act. The scheduling action was effective immediately. <ul style="list-style-type: none"><li>• 2-(2-(4-butoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)-N,N-diethylethan-1- amine (butonitazene),</li><li>• 2-(2-(4-ethoxybenzyl)-1Hbenzimidazol-1-yl)-N,N-diethylethan-1- amine (etodesnitazene; etazene),</li><li>• N,N-diethyl-2-(2-(4-fluorobenzyl)-5- nitro-1H-benzimidazol-1-yl)ethan-1- amine (flunitazene),</li><li>• N,N-diethyl-2-(2-(4- methoxybenzyl)-1H-benzimidazol-1- yl)ethan-1-amine (metodesnitazene),</li><li>• N,N-diethyl-2-(2-(4- methoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)ethan-1-amine (metonitazene),</li><li>• 2-(4-ethoxybenzyl)-5-nitro-1-(2- (pyrrolidin-1-yl)ethyl)-1Hbenzimidazole (N-pyrrolidino etonitazene; etonitazepyne), and</li><li>• N,N-diethyl-2-(5-nitro-2-(4- propoxybenzyl)-1H-benzimidazol-1- yl)ethan-1-amine (protonitazene)</li></ul> |  |
| 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.<br>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.<br>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)<br>The rule will not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole. The Department of Safety and Professional Services estimates a total of \$2,500 in one-time costs. These estimated costs may not be absorbed in the agency budget.   |  |
| 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule  |  |

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The benefit is that the federal and state controlled substances acts will be uniform to avoid confusion.

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**16. Long Range Implications of Implementing the Rule**

The long range implications of implementing the rule are that seven (7) synthetic benzimidazole-opioid substances will be added to Wis. Stat. ch. 961 as a schedule I controlled substances.

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**17. Compare With Approaches Being Used by Federal Government**

The federal government has scheduled these seven (7) synthetic benzimidazole-opioid substances as schedule I controlled substances.

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

**Illinois:** Illinois has not included the seven (7) synthetic benzimidazole-opioid substances listed in this rule as schedule I controlled substances [720 Illinois Compiled Statutes 570/204].

**Iowa:** Iowa has not included the seven (7) synthetic benzimidazole-opioid substances listed in this rule as schedule I controlled substances [Iowa Code 124.204].

**Michigan:** Michigan has not included the seven (7) synthetic benzimidazole-opioid substances listed in this rule as schedule I controlled substances [Michigan Compiled Laws s. 333.7212].

**Minnesota:** Minnesota has not included the seven (7) synthetic benzimidazole-opioid substances listed in this rule as schedule I controlled substances [Minnesota Statutes 152.02 (2)].

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**19. Contact Name**

Nilajah Hardin, Administrative Rules Coordinator

**20. Contact Phone Number**

608-267-7139

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**ATTACHMENT A**

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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)

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

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

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5. Describe the Rule's Enforcement Provisions

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

- Yes    No
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