

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : CONTROLLED SUBSTANCES BOARD
CONTROLLED SUBSTANCES BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 01-071)

ORDER

An order of the Controlled Substances Board to create CSB 2.26, relating to the scheduling of Dihydroetorphine under ch. 961, Stats., the Uniform Controlled Substances Act.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 961.11 (1) and (2) and 961.15, Stats.

Statutes interpreted: s. 961.16, Stats.

By final rule of the Drug Enforcement Administration (DEA), adopted effective November 17, 2000, Dihydroetorphine was classified as a schedule II controlled substance under the federal Controlled Substances Act (CSA). Dihydroetorphine has not been so scheduled under the Wisconsin Controlled Substances Act in Chapter 961, Stats. The objective of the rule is to bring the treatment of the drug into conformity with that at the federal level.

Drugs that are classified as “controlled substances” under federal and state laws are subject to higher civil and criminal penalties for their illicit possession, distribution and use. Health care providers are also subject to greater record keeping requirements respecting their obtaining, prescribing and dispensing of such drugs. This is due to the fact that certain drugs have a greater likelihood of abuse, addiction and adverse consequences to patient health if utilized inappropriately, than do other drugs. The DEA administers the CSA. In doing so, it is empowered to schedule a drug as a controlled substance. International control of Dihydroetorphine in Schedule I of the Single Convention on Narcotic Drugs, 1953, as amended in 1954, 1955, 1956, 1957, 1958, 1961 and 1963, forms the basis for the DEA action. Dihydroetorphine is a derivative of thebaine, a natural constituent of opium and thus a controlled substance under 21 U.S.C. 812 and 21 CFR Part 1308.12 (b) (1) (16).

TEXT OF RULE

SECTION 1. CSB 2.26 is created to read:

CSB 2.26 Addition of dihydroetorphine to schedule II. (1) Section 961.16 (2) (a) 4r., Stats., is created to read:

Section 961.16 (2) (a) 4r. Dihydroetorphine.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Controlled Substances Board

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