

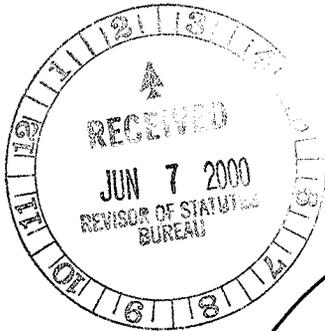
CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

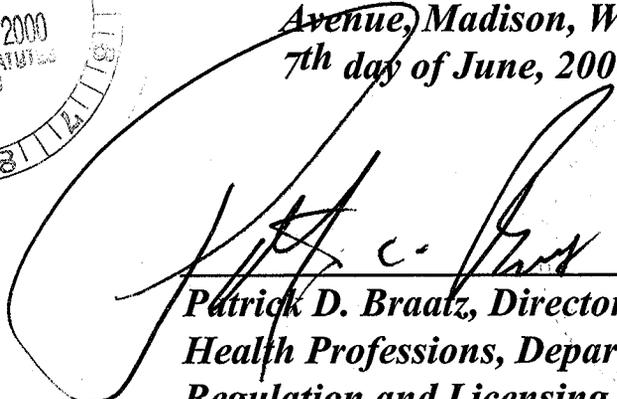
TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Patrick D. Braatz, Director, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Controlled Substances Board, do hereby certify that the annexed rules were duly approved and adopted by the Controlled Substances Board on the 7th day of June, 2000.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 7th day of June, 2000.



Patrick D. Braatz, Director, Bureau of Health Professions, Department of Regulation and Licensing

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 99-125)

ORDER

An order of the Controlled Substances Board to *create* CSB 2.25, relating to the scheduling of certain drugs under chapter 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), 961.15, 961.17 and 961.19, Stats.

Statutes interpreted: ss. 961.16, 961.18 and 961.20, Stats.

This rule-making order of the Controlled Substances Board involves the scheduling of seven drugs under chapter 961, Stats., the Uniform Controlled Substances Act (CSA). A review the federal controlled Substances Act (FCSA) indicates that the federal Drug Enforcement Administration (DEA) has scheduled six drugs under the FCSA that are not currently scheduled in this state. Also, the DEA has changed the scheduling of one drug resulting in its currently being federally classified differently than in this state.

The rule would add Remifentanyl to Schedule II of the CSA, add Fenproporex, Modafinil, Sibutramine, Zaleplon and Zolpidem and to Schedule IV, and transfer Dronabinol from Schedule II to Schedule III. It also corrects the spelling of the Schedule II drug, Carfentanyl.

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 than other drugs that are not so classified. Health care providers are also subject to greater recordkeeping 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 primary agency involved in investigating and evaluating drugs for their abuse and addictive potential is the FDA. In doing so, it utilizes several factors that are counterparts to those listed in s. 961.11 (1m), Stats., including scientific testing and public input in determining whether a drug should be subjected to higher recordkeeping and penalty provisions for controlled substances, and, if so, into which schedule the medication should be placed. The classifications of the drugs under this rule will bring this state's treatment of them into conformity with that accorded at the federal level.

TEXT OF RULE

SECTION 1. CSB 2.25 is created to read:

CSB 2.25 Addition of remifentanyl to schedule II; transfer of dronabinol from schedule II to schedule III; addition of fenproporex, modafinil, sibutramine, zaleplon and zolpidem to schedule IV; spelling correction of carfentanil. (1) Section 961.16 (3) (cm), Stats. is amended to read:

Section 961.16 (3) (cm) ~~Carfentanil~~ Carfentanil;

(2) Section 961.16 (3) (xm), Stats., is created to read:

(xm) Remifentanyl;

(3) Section 961.16 (10) (a), Stats., is repealed.

(4) Section 961.18 (4m), Stats., is created to read:

(4m) HALLUCINOGENIC SUBSTANCES. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. food and drug administration approved drug product. (Other names for dronabinol are (6aR-trans)-6a, 7, 8, 10a-tetrahydro-6, 6. 9-trimethyl-3-pentyl-6H-dibenzo(b, d)pyran-1-ol, and (-)-delta-9-(trans)-tetrahydrocannabinol.)

(5) Section 961.20 (2) (o) and (p), Stats., is created to read:

(o) Zaleplon.

(p) Zolpidem.

(6) Section 961.20 (2m) (at), (bu) and (f), Stats., is created to read:

(at) Fenproporex.

(bu) Modafinil.

(f) Sibutramine.

(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 6/7/00

Agency *Cynthia Berg RPh*
Chairperson
Controlled Substances Board

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5/19/2000



State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE/MEMORANDUM

DATE: June 7, 2000
TO: Gary Poulson
Assistant Revisor of Statutes
FROM: Pamela A. Haack, Paralegal
Department of Regulation and Licensing
Office of Administrative Rules
SUBJECT: Final Order Adopting Rules



Agency: Controlled Substances Board

Clearinghouse Rule 99-125

Attached is a copy and a certified copy of a final order adopting rules relating to the scheduling of certain drugs under chapter 961, Stats., the Uniform Controlled Substances Act.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.