

Clearinghouse Rule 06-058

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CONTROLLED SUBSTANCES BOARD
CONTROLLED SUBSTANCES BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 06-)

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 2.31 and 2.32, relating to the scheduling of two schedule I controlled substances, N- benzylpiperazine (BZP) and 2,5 dimethoxy-4-(n)- propylthiophenethylamine (2C-T-7) under chapter 961, Stats., of the Uniform Controlled Substances Act.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Sections 961.11 (1) and 961.14, Stats.

Statutory authority:

Sections 961.11 (1) and 961.14, Stats.

Explanation of agency authority:

The Controlled Substances Board is authorized by s. 961.11 (1) Stats., to add substances to or delete or reschedule substances listed under schedule I, in s. 961.14 Stats., pursuant to the rulemaking procedures of ch. 227, Stats.

Related statute or rule:

21 CFR Sec. 1308.11 (d) (6) and (f) (2)

Plain language analysis:

By final rule of the Drug Enforcement Administration (DEA), adopted effective March 10, 2004, 2,5 dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7) and N-benzylpiperazine (BZP) were classified as schedule I controlled substances under the federal Controlled Substances Act (CSA). Neither 2C-T-7 or BZP have been so scheduled under the Wisconsin Controlled

Substances Act in Chapter 961, Stats. The objective of this proposed rule-making is to bring the treatment of this 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. In its Year 2003 Annual Report, The National Forensic Laboratory Information System (NFLIS) indicates BZP, a substance with effects similar to amphetamines, in 0.18% of total club drugs reported. The DEA has encountered BZP in Wisconsin and reports that it is often sold as MDMA (“Ecstasy”) when combined with TFMPP. Abuse of 2C-T-7, which produces hallucinogenic-like effects, increased in 2000 and has also been encountered at “raves” in Wisconsin. Three deaths have been associated with its consumption. The DEA administers the Controlled Substances Act. This forms the basis for the DEA action.

SECTION 1 schedules 2,5 dimethoxy-4-(n)- propylthiophenethylamine (2C-T-7) into schedule I of the Uniform Controlled Substances Act.

SECTION 2 schedules N- benzylpiperazine (BZP) into schedule I of the Uniform Controlled Substances Act.

Summary of, and comparison with, existing or proposed federal regulation:

21 CFR Sec. 1308.11 (d) (6)- 2,5 dimethoxy-4-(n)- propylthiophenethylamine (2C-T-7).
21 CFR Sec. 1308.11 (f) (2)- N- benzylpiperazine (BZP).

Comparison with rules in adjacent states:

Illinois:

Not scheduled.

Michigan:

Not scheduled.

Minnesota:

Emergency scheduling- schedule I of that state’s controlled substances act. [Both substances]

Iowa:

Not scheduled.

Summary of factual data and analytical methodologies:

The Wisconsin Controlled Substances board reviewed the federal rule summary and supplemental information for the scheduling of these two substances, and agrees with the

conclusions therein regarding the potential for abuse, no current accepted medical use and lack of medical safety for these two substances. The substances are the specific object of abuse by young adults in the “raves” context, specifically, in Wisconsin.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

Since there is no anticipated impact on small business from this rule, no additional compliance, bookkeeping, reporting, recordkeeping or professional skills are required.

Section 227.137, Stats, requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an “agency” in this section.

Entities affected by the rule:

Enforcement agencies; the Wisconsin Department of Justice, local District Attorneys.

Fiscal estimate:

The department finds that the proposed rule will have no significant fiscal impact.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Effect on small business:

These proposed rules will be reviewed by the department’s small business review advisory committee to determine whether they will have any significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email at pamela.haack@drl.state.wi.us. Comments must be received on or before September 7, 2006 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 2.31 is created to read:

CSB 2.31 Addition of 2,5 dimethoxy-4-(n)- propylthiophenethylamine (2C-T-7) to schedule I. (1) Section 961.14 (4) (wh) is created to read:

Section 961.14 (4) (wh) 2,5 dimethoxy-4-(n)- propylthiophenethylamine, commonly known as “2C-T-7”;

SECTION 2. CSB 2.32 is created to read:

CSB 2.32 Addition of N- benzylpiperazine (BZP) to schedule I. (1) Section 961.14 (7) (q) is created to read:

Section 961.14 (7) (q) N- benzylpiperazine, commonly known as “BZP.”

(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

CSB 2.31, 2.32 CR06- (2C-T-7 & BZ) Draft to CH 5-24-06