

Report From Agency

**STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD**

IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : **REPORT TO THE LEGISLATURE**
CONTROLLED SUBSTANCES BOARD : **CR 20-075**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: n/a

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

On March 10, 2020, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing cenobamate into Schedule V of the federal Controlled Substances Act.

The Controlled Substances Board did not receive an objection to treating cenobamate as a schedule V controlled substance under ch. 961, Stats., based upon the federal scheduling. The Controlled Substances Board took affirmative action on May 8, 2020 to similarly treat cenobamate under chapter 961 effective May 18, 2020 to allow for publication in the Administrative Register. The Affirmative Action Order will expire upon promulgation of a final rule.

This rule creates s. 961.22 (9), Stats., which adds cenobamate to schedule V.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

Per s. 961.11(4), Stats., if no objection is made, the board shall promulgate a final rule for which notice of proposed rulemaking is omitted. Therefore, the Board did not hold a public hearing.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All clearinghouse report recommendations have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A