

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 22-016
:
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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:

This rule schedules Brorphine as a Schedule I controlled substance.

The Controlled Substances Board did not receive an objection to similarly treat Brorphine as a Schedule I controlled substance under ch. 961, Stats. within 30 days of the date of publication in the Federal Register of the final order designating Brorphine as a controlled substance.

Pursuant to s. 961.11 (4), Stats., the Controlled Substances Board took affirmative action to similarly treat Brorphine under ch. 961, Stats. by creating the following:

961.14 (2) (et) Brorphine.

The Affirmative Action order, dated April 16, 2021, took effect on May 3, 2021 to allow for publication in the Administrative Register and expires upon promulgation of a final rule.

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.

The Board received a public comment from Charles Mollien on February 7, 2022. Their comment was that Michigan has scheduled Brorphine as a Schedule I controlled substance effective January 6, 2022.

The Board updated the Comparison with Rules in Adjacent States section of the rule analysis to reflect that Michigan has scheduled Brorphine based on the public comment above.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Legislative Council staff did not make any recommendations.

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