

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 24-048**

- 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:**
The objective of the proposed rule is to transfer Flualprazolam from schedule IV to schedule I and add Etizolam, Clonazolam, Flubromazolam, and Diclazepam to schedule I of Wis. Stat. ch. 961.

The Controlled Substances Board did not receive an objection to similarly listing the above 5 synthetic benzodiazepine substances as schedule I controlled substances under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order listing the above 5 synthetic benzodiazepine substances as schedule I controlled substances.

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treated the above 5 synthetic benzodiazepine substances under chapter 961, Stats. by creating the following:

CSB 2.003 Transfer of Flualprazolam and Addition of 4 Other Synthetic Benzodiazepine Substances to Schedule I. (1) Section 961.20 (2) (ef), Stats. is repealed.

(2) Section 961.14 (5) (aa), (ab), (ac), (ad), and (ae) Stats., are created to read:

961.14 (5) (aa) Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine).

(ab) Diclazepam (7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2*H*-benzo[*e*][1,4]diazepin-2-one).

(ac) Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6*H*-thieno[3,2-*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine).

(ad) Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine).

(ae) Flubromazolam.(8-bromo-6-(2-fluorophenyl)-1-methly-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine).

The Affirmative Action order, dated September 19, 2023, took effect on September 25, 2023, upon publication in the Administrative Register and expires upon promulgation of this 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.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: The supplementary information for the federal rule lists an “alternate chemical name” for flubromazolam in addition to the name listed in the proposed rule. Should the alternate chemical name also be identified in the summary or text of the proposed rule?

Response: In reviewing the federal rule and creating the Affirmative Action Order, the Controlled Substances Board determined that it was not necessary to include the alternate chemical name for Flubromazolam. This decision was carried over to the permanent rule.

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