

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 02-025)

ORDER

An order of the Controlled Substances Board to create CSB 2.28 relating to classifying dichloralphenazone as a schedule IV controlled substance under federal law.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 961.11, 961.16 and 961.19, Wis. Stats.

Statutes interpreted: s. 961.20 (2), Stats.

By final rule of the Drug Enforcement Administration (DEA), adopted effective August 16, 2001, dichloralphenazone was classified as a schedule IV controlled substance under the federal Controlled Substances Act (CSA). Dichloralphenazone has not been so scheduled under the Wisconsin Controlled Substances act in Chapter 961, Wis. Stats. The objective of this rule-making order 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. The DEA administers the CSA. In doing so, it is empowered to schedule a drug as a controlled substance. Schedule IV controlled substances are listed in 21 CFR 1308.14. Section 1308.14 (c) lists chloral hydrate as a depressant. The first sentence of 21 CFR 1308.14 (c) states that the category of schedule IV depressants includes “any material, compound, mixture, or preparation which contains any quantity of” the substances listed in the section. Since dichloralphenazone is a compound containing chloral hydrate, it is likewise a schedule IV depressant. This forms the basis for the DEA action.

TEXT OF RULE

CSB 2.28 Addition of dichloralphenazone to schedule IV. Section 961.20 (2) (cs), Stats., is created to read:

Section 961.20 (2) (cs) Dichloralphenazone;

(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

g:\rules\csb7.doc
7/24/02