

STATE OF WISCONSIN
Controlled Substances Board

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE CONTROLLED
SUBSTANCES BOARD

PROPOSED ORDER OF THE CONTROLLED SUBSTANCES BOARD
ADOPTING RULES
(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Controlled Substances Board to amend CSB 3.04 (6) (a) and (b) and 3.07 (1) (c), relating to measurements of controlled substances for purposes of special use authorizations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.335, Stats.

Statutory authority: s. 961.335(8), Stats.

Explanation of agency authority:

The controlled substances board may promulgate rules relating to the granting of special use permits including, but not limited to, requirements for the keeping and disclosure of records other than those that may be withheld under sub. (7), submissions of protocols, filing of applications and suspension or revocation of permits. s. 961.335(8), Stats.

Related statute or rule: ch. CSB 3

Plain language analysis:

This rule indicates the controlled substances are to be measured in total weight in grams for solid controlled substances and in volume and concentration for liquid controlled substances for purposes of inventory list, records and application purposes.

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

Federal regulations require any person who possess, manufactures, distributes or dispenses any controlled substances to register with the U.S. Department of Justice, Drug Enforcement Administration, Office of Diversion Control.

Comparison with rules in adjacent states:

Illinois: Illinois controlled substance license (other) does not indicate a requirement for total weight or volume of the controlled substances for purposes of inventory list, records or application process.

Iowa: Iowa registration for independent activities does not indicate a requirement for total weight or volume of the controlled substances for purposes of inventory list, records or application process.

Michigan: Michigan licenses for controlled substances do not indicate a requirement for total weight or volume of the controlled substances for purposes of inventory list, records or application process.

Minnesota: Minnesota controlled substance registration does not indicate a requirement for total weight or volume of the controlled substances for purposes of inventory list, records or application process.

Summary of factual data and analytical methodologies:

The current rule indicates weight in grams regardless of the state of the liquid. A more accurate reflection of how the substances are measured includes volume for liquid controlled substances. Therefore, the Board is updating the rule to take into consideration the state of the controlled substance and the method for which each state of matter is measured.

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

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box

8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

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

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on December 1, 2015 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 3.04 (6) (a) and (b) are amended to read:

CSB 3.04 (6) (a) An inventory listing the total weight in grams if solid, or volume and concentration if liquid of each controlled substance in the lab or intended for purchase for the lab.

CSB 3.04 (6) (b) Whenever the lab purchases or otherwise adds to its inventory a new controlled substance or an additional amount of a controlled substance that was not previously authorized in a permit, an amended SUA application that includes the total weight in grams if solid, or volume and concentration if liquid for each such new or additional substance.

SECTION 2. CSB 3.07 (1) (c) is amended to read:

CSB 3.07 (1) (c) The total weight in grams if solid, or volume and concentration if liquid of each controlled substance on hand.

SECTION 3. EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)
