

**2015 DRAFTING REQUEST**

**Bill**

Received: 12/21/2015 Received By: chanaman  
For: Sheila Harsdorf (608) 266-7745 Same as LRB:  
May Contact: By/Representing: Terri  
Subject: Criminal Law - drugs Drafter: chanaman  
Justice - criminal Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Harsdorf@legis.wisconsin.gov  
Carbon copy (CC) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Special use authorization permits for crime laboratories

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 1/8/2016	anienaja 1/8/2016	_____	mbarman 12/23/2015		
/1			_____	sbasford 1/8/2016	lparisi 1/11/2016	

FE Sent For:

↳ Not  
Neede

<END>

## Hanaman, Cathlene

---

**From:** LRB.Legal  
**Sent:** Monday, December 21, 2015 8:24 AM  
**To:** Hurley, Peggy; Hanaman, Cathlene  
**Subject:** FW: Updated draft request From Sen. Harsdorf  
**Attachments:** memo 961 335 SUA proposed edit.pdf

---

**From:** Griffiths, Terri  
**Sent:** Monday, December 21, 2015 8:22 AM  
**To:** LRB.Legal <lrblegal@legis.wisconsin.gov>  
**Subject:** Updated draft request From Sen. Harsdorf

Friday, December 18, I submitted a request on behalf of Sen. Harsdorf, and I have additional material for the assigned drafter attached. Below is what was originally sent for your reference.

Thank you.  
Terri Griffiths

---

Sen. Harsdorf would like to have drafted a modification to s.961.335 (4) (c) as indicated below.

The problem is the current law requires an individual permit for each substances that is to be tested. Substances have been found to be easily changed enough to change the make-up of the compound and therefore the need for another permit. This proposal will allow for a relaxing of the permitting process for controlled substances while still requiring the testing thereof.

Please also refer to the background material at the bottom of this email request.

If you have questions regarding this request, please contact me.

Terri Griffiths  
Chief of Staff  
State Senator Sheila Harsdorf  
266-7745

**“961.335 (4)(c): Upon application the controlled substances board may issue a permit authorizing a person to manufacture, obtain, possess, use, administer or dispense a controlled substance for purposes of scientific research, instructional activities, chemical analysis or other special uses, without restriction because of enumeration. No person shall engage in any such activity without a permit issued under this section, except that an individual may be designated and authorized to receive the permit for a college or university department, research unit or similar administrative organizational unit and students, laboratory technicians, research specialists or chemical analysts under his or her supervision may be permitted possession and use of controlled substances for these purposes without obtaining an individual permit.”**



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

Brad D. Schimel  
ATTORNEY GENERAL

Andrew C. Cook  
Deputy Attorney General

Division of Law Enforcement Services  
State Crime Laboratory - Milwaukee

1578 South 11th Street  
Milwaukee, Wisconsin 53204-2860  
414/382-7500  
FAX 414/382-7507

MEMORANDUM

TO: Mike Austin

FROM: Sandy Koresch

RE: Proposed language change to 961.335 Special Use Authorization

The publication of 2013 Wisconsin Act 351 added many new controlled substances and their structural classes to Chapter 961 of the Wisconsin State Statute. Within the last year the Crime Laboratory has seen several of these new compounds which require the purchase of analytical standards for complete identification. Currently as provided by *Wisconsin Statute 961.335 Special use authorization*, substances that are previously not listed on the SUA permit require an amendment to be filed with the Controlled Substances Board prior to purchase. This process, in the past, has taken 6-8 weeks for approval and has greatly delayed analysis on priority cases. Although the Crime Laboratory is permitted to list any substances we intend to purchase in the future on the application, the control of structural class compounds makes it impossible to list all possible controlled substances. This will require us to continually file amendments throughout the year in order to purchase the necessary analytical standards. We are therefore seeking options that would allow the Crime Laboratory to be exempt from this process.

Below is a suggested edit to 961.335 (4)(c). The intent of this language is to allow the Crime Laboratory to include all controlled substances under Chapter 961 on the permit without having to list them individually and therefore not requiring amendments to our permit each time a new analytical standard is purchased. Per CSB Administrative Code (specifically CSB 3.04), the Crime Laboratory would still be required to supply an inventory of current controlled substances in house for annual application. Further language edits to the CSB Administrative Code may be needed to incorporate new language from 961.335.

**961.335**

**961.335 Special use authorization. (1)** Upon application the controlled substances board may issue a permit authorizing a person to manufacture, obtain, possess, use, administer or dispense a controlled substance for purposes of scientific research, instructional activities, chemical analysis or other special uses, without restriction because of enumeration. No person shall engage in any such activity without a permit issued under this section, except that an individual may be designated and authorized to receive the permit for a college or university department, research unit or similar administrative organizational unit and students, laboratory technicians, research specialists or chemical analysts under his or her supervision may be permitted possession and use of controlled substances for these purposes without obtaining an individual permit.

(2) A permit issued under this section shall be valid for one year from the date of issue.

(3) The fee for a permit under this section shall be an amount determined by the controlled substances board but shall not exceed \$25. No fee may be charged for permits issued to employees of state agencies or institutions.

(4) Permits issued under this section shall be effective only for and shall specify:

(a) The name and address of the permittee.

(b) The nature of the project authorized by the permit.

(c) 1. The controlled substances to be used in the project, by name if included in schedule I, and by name or schedule if included in any other schedule except as provided by par. (c) 2.

2. For any Crime Laboratory operating under the Wisconsin Department of Justice, the permit is understood to include any controlled substances under Chapter 961 whether specifically listed or not.

(d) Whether dispensing to human subjects is authorized.

(5) A permit shall be effective only for the person, substances and project specified on its face and for additional projects which derive directly from the stated project. Upon application, a valid permit may be amended to add a further activity or to add further substances or schedules to the project permitted thereunder. The fee for such amendment shall be determined by the controlled substances board but shall not exceed \$5.

(6) Persons who possess a valid permit issued under this section are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.

(7) The controlled substances board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative or other proceeding to identify or to identify to the board the individuals who are the subjects of research for which the authorization was obtained.

(8) 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.

~~Cross-reference:~~ See also ch. CSB 3, Wis. adm. code.

(9) The controlled substances board may suspend or revoke a permit upon a finding that there is a violation of the rules of the board.



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-4171/P1  
CMH:...  
Amn

*Wed if possible please*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*JA  
xref*

*Gen.*

- 1 **AN ACT ...; relating to:** permits issued to a state crime laboratory to possess,
- 2 manufacture, or use a controlled substance.

***Analysis by the Legislative Reference Bureau***

Under this bill, a permit issued to a state crime laboratory may authorize the laboratory to possess, manufacture, or use a controlled substance without specifying the name or schedule assignment of the controlled substance. Under current law, a permit to possess, manufacture, or use is effective only for a schedule I controlled substance specified by name on the permit or for a controlled substance that is lower than a schedule I controlled substance that is specified by name or schedule on the permit.

*that is*  
***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 3 **SECTION 1.** 961.335 (4) (c) of the statutes is amended to read:
- 4 961.335 (4) (c) The controlled substances to be used in the project, by name if
- 5 included in schedule I, and by name or schedule if included in any other schedule,
- 6 except that, for any permit issued to a state crime laboratory, the permit is effective
- 7 for any controlled substance whether or not the name or schedule is specified.

1            **SECTION 2.** 961.335 (5) of the statutes is amended to read:

2            961.335 (5) A permit shall be effective only for the person, ~~substances and~~  
3            ~~project, and, except as provided in sub. (4) (c), substances~~ specified on its face and for  
4            additional projects which derive directly from the stated project. Upon application,  
5            a valid permit may be amended to add a further activity or to add further substances  
6            or schedules to the project permitted thereunder. The fee for such amendment shall  
7            be determined by the controlled substances board but shall not exceed \$5.

8            **History:** 1971 c. 219; 1975 c. 110, 199; 1977 c. 26; 1995 a. 448 s. 233; Stats. 1995 s. 961.335; 2013 a. 198.

**(END)**



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-4171/P1  
CMH:amn

today  
please  
no changes

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA ✓

1 **AN ACT to amend** 961.335 (4) (c) and 961.335 (5) of the statutes; **relating to:**  
2 permits issued to a state crime laboratory to possess, manufacture, or use a  
3 controlled substance.

---

***Analysis by the Legislative Reference Bureau***

Under this bill, a permit issued to a state crime laboratory may authorize the laboratory to possess, manufacture, or use a controlled substance without specifying the name or schedule assignment of the controlled substance. Under current law, a permit to possess, manufacture, or use is effective only for a schedule I controlled substance that is specified by name on the permit or for a controlled substance lower than a schedule I controlled substance that is specified by name or schedule on the permit.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

4 **SECTION 1.** 961.335 (4) (c) of the statutes is amended to read:  
5 961.335 (4) (c) The controlled substances to be used in the project, by name if  
6 included in schedule I, and by name or schedule if included in any other schedule,

1 except that, for any permit issued to a state crime laboratory, the permit is effective  
2 for any controlled substance whether or not the name or schedule is specified.

3 **SECTION 2.** 961.335 (5) of the statutes is amended to read:

4 961.335 (5) A permit shall be effective only for the person, ~~substances and~~  
5 project, and, except as provided in sub. (4) (c), substances specified on its face and for  
6 additional projects which derive directly from the stated project. Upon application,  
7 a valid permit may be amended to add a further activity or to add further substances  
8 or schedules to the project permitted thereunder. The fee for such amendment shall  
9 be determined by the controlled substances board but shall not exceed \$5.

10

(END)



**Basford, Sarah**

---

**From:** Vigue, Brian  
**Sent:** Friday, January 08, 2016 3:12 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2532/2

Please Jacket LRB -2532/2 for the ASSEMBLY.

**Parisi, Lori**

---

**From:** Sen.Harsdorf  
**Sent:** Friday, January 08, 2016 4:31 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -4171/1

Please Jacket LRB -4171/1 for the SENATE.