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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 19-157

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

- a. In the relating clause, after the phrase “and to create”, insert “CSB” before “3.03 (2m)”.
- b. The department should proofread the analysis section. There are a number of grammatical errors and lists that do not use a parallel sentence structure. For example:
  - (1) Paragraph 2 of the plain language analysis, on page 1, should state that SECTIONS 2 and 3 of the rule “separate” CSB 3.03 (2) into two subsections. The second sentence of that paragraph should begin “If a permit is issued to...”.
  - (2) In paragraphs 4 and 7 of the plain language analysis, on page 2, the word “that” should be added after the word “clarifies”.
  - (3) In paragraph 6 of the plain language analysis, on page 2, there should be a period rather than a comma after the words “steel cabinet”. The department should proofread the remaining text of paragraph 6 to place the list into a parallel sentence structure.
  - (4) The description of Illinois law should be revised for clarity regarding the extent to which a person is prohibited from proposing to do the listed activities, and the text should be revised to use a parallel sentence structure. At the top of page 3, the comma preceding the word “Registration” should be replaced with a period.

- (5) In the description of Michigan law, it appears that line 3 should state that a license is required for the purpose of buying, possessing, “or” administering the described substances. This change would clarify that a license is required if the person is doing any of the listed activities.
  - (6) As appropriate, the department should make the same changes in the fiscal estimate and economic impact analysis.
- c. The department should consider adding citations to the federal and state laws described in the analysis section.
  - d. Sections CSB 3.03 (2m) and 3.045 refer to special use authorizations (SUA) granted by the board but should actually refer to SUA permits granted by the board. This change would be consistent with s. 961.335 (1), Stats., which states that the board may authorize special use of controlled substances by issuing a permit. More specifically, the board should make the following changes:
    - (1) Amend the second sentence of proposed s. CSB 3.03 (2m) to state that those acting under supervision may possess and use a controlled substance without obtaining a SUA permit.
    - (2) Amend the current language in s. CSB 3.045 to state that the board may grant a limited SUA permit or deny a SUA permit under the listed circumstances.
  - e. For consistency, the board should use the acronym “SUA” throughout ch. CSB 3 rather than using the full term “special use authorization” in some parts of the rule and not others. [See ss. CSB 3.06 (2), 3.07 (2), and 3.08 (2).]
  - f. The board should review ch. CSB 3 generally to use the defined term “SUA permit” rather than referring simply to a “permit”. [See ss. CSB 3.06 (1) and 3.07 (1).]
  - g. In the note to s. CSB 3.04 (1) (a), the internet site should be listed as “dsps.wi.gov” and the subsequent text should state “or by calling” the listed number.
  - h. In s. CSB 3.04 (1) (c), add the words “which states” after the word “affidavit”.
  - i. Consider amending the current language in s. CSB 3.04 (3) (a) for clarity. That paragraph requires humane shelters to provide estimates as to the number of animals and dosage per animal. This language raises a number of questions. Should the number reported include all animals housed at the humane shelter or just those euthanized? What medications must be reported? Over what time period should the number of animals be counted?
  - j. In SECTION 6 of the proposed rule, revise proposed s. CSB 3.04 (1) (g) so that it forms a complete sentence when read with the introduction. The paragraph could be revised to state “Appear before the board, if requested by the board”.
  - k. Revise s. CSB 3.042 (1) so that each paragraph forms a complete sentence when read with the introduction.
  - l. Make the following additional changes in s. CSB 3.042:

- (1) Move the language from sub. (1) (d) to sub. (2) because it creates an exception to the general requirement to store controlled substances in a safe or steel cabinet or box similar to the existing text in sub. (2).
- (2) In sub. (1) (c), clarify what is meant by the term “common tools”.
- (3) In sub. (2), insert the phrase “in which the controlled substances are” before the word “stored”.
- (4) In sub. (3), delete the word “up” after the word “locked”.
- (5) In sub. (3), review the use of the term “direct supervision”. This language is inconsistent with s. CSB 3.03 (2m), which authorizes certain individuals to possess and use controlled substances under the “supervision” of the individual who holds the institution’s SUA permit. It does not make sense to authorize the possession and use of a substance under supervision while also requiring that the substances be locked unless the person is under direct supervision. The board should choose one common standard. In addition, consider defining the term. Under the proposed rule, neither “supervision” nor “direct supervision” is defined.