

Chapter CSB 3

SPECIAL USE AUTHORIZATION

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CSB 3.01 Authority. The provisions in this chapter are adopted under the authority in s. 961.335 (8), Stats.

History: CR 12-010: cr. Register October 2012 No. 682, eff. 11-1-12.

CSB 3.02 Definitions. In this chapter:

(1) “Board” means the controlled substances board.

(2) “Controlled substance” has the meaning given in s. 961.01 (4), Stats.

(3) “Humane shelter” means a facility that is intended to provide for and promote the welfare, protection, shelter, and humane treatment of animals, and that is operated by a humane society, animal welfare society, animal rescue group or other non-profit group. “Humane shelter” includes a shelter that provides foster care to animals.

(4) “Special use” means to manufacture, obtain, possess, use, administer, or dispense a controlled substance for purposes that include scientific research, instructional activities, chemical analysis, drug-detecting animal training, and euthanasia in humane shelters.

(5) “Special use authorization” or “SUA” means permission from the board to manufacture, obtain, possess, use, administer, or dispense a controlled substance for a special use.

(6) “SUA permit” means a special use authorization permit granted to an individual by the board.

History: CR 12-010: cr. Register October 2012 No. 682, eff. 11-1-12; CR 19-157: am. (4) Register August 2020 No. 776, eff. 9-1-20.

CSB 3.03 Permits generally. (1) No individual may manufacture, obtain, possess, use, administer, or dispense a controlled substance for a special use without a valid SUA permit for such purpose.

(2) An SUA permit may be issued to an individual only.

(2m) A SUA permit may be issued to an individual who is designated and authorized to receive a SUA permit for a college or university department, research unit, or similar administrative organizational unit. Students, laboratory technicians, research specialists, or chemical analysts under the individual’s supervision, may, without obtaining a SUA permit, possess and use a controlled substance, for the purposes authorized in the permit received for the department or unit.

(3) An SUA permit authorizes the holder to manufacture, obtain, possess, use, administer, or dispense the controlled substances specified in the permit and in the amounts specified in the permit. A permit holder shall use the authorized controlled substances only in the manner delineated in the SUA permit application, and as approved by the board. Any deviation from the permit’s specifications and subsequent amendments shall constitute a violation of the permit, and may result in revocation or suspension of the permit as set forth in s. CSB 3.08 (2).

(4) An SUA permit is valid for one year from the date of issuance. An SUA permit shall not be extended or renewed. A new

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application shall be completed and a new permit shall be granted to continue authorization beyond an existing permit’s expiration date.

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CSB 3.04 SUA permit application. (1) Every applicant for an SUA permit shall:

(a) Submit a completed application. A complete application shall include a detailed description of the anticipated uses for each identified controlled substance in Schedules I to V of ch. 961, Stats., including each identified controlled substance by name and schedule and the protocols for such uses.

Note: Application forms on the department’s website at dps.wi.gov, or by request from the Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708, or by calling (608) 266-2112.

(b) Pay the applicable permit fee of \$25. No fee for an SUA permit may be charged to an employee of a state agency or institution if the permit is necessary to perform employment functions.

(c) Provide an affidavit which states that the applicant intends to file an application for registration with the federal drug enforcement administration.

(d) Provide a plan for maintaining the physical security of the controlled substances identified in the application.

(e) Provide the calculations that led to the amounts requested in the application.

(f) Any individual applying for an SUA permit shall provide any other information or documentation requested by the board.

(g) Appear before the board if requested by the board.

(2) In addition to sub. (1), researchers shall also provide the following:

(a) A detailed one-page description of each research protocol that involves the use of controlled substances.

(b) For research involving animals, verification of Institutional Animal Care and Use Committee approval.

(c) For research involving human subjects, verification of Institutional Review Board approval.

(3) In addition to sub. (1), individuals providing euthanasia at humane shelters shall also provide all of the following:

(a) Estimates as to the number of animals to be euthanized during the one year the SUA permit is in effect and dosage per animal.

(b) Documentation of the individual’s completion of a board-approved euthanasia by injection course.

(4) In addition to sub. (1), narcotic dog trainers shall also provide the following:

(a) A letter from the sheriff or chief of police, in the jurisdiction where the controlled substances are stored, that includes all of the following for dog training purposes:

1. Authorizing possession of controlled substances.
2. Accepting responsibility for the narcotic dog trainer.
3. Agreeing to supervise the narcotic dog trainer's storage and use of controlled substances.

(b) Verification of membership in a board-approved national or Wisconsin police dog association for each narcotic dog trainer.

(c) For private narcotic dog trainers, an appearance before the board shall be required.

(5) In addition to sub. (1), municipal law enforcement animal control shall also provide all of the following:

(a) A letter from the sheriff or chief of police, in the jurisdiction where the controlled substances are stored, that includes all of the following for euthanasia purposes:

1. Authorizing possession of controlled substances.
2. Accepting responsibility for the animal control officer.
3. Agreeing to supervise the animal control officer's storage and use of controlled substances.

(b) Documentation of completion of a board-approved euthanasia course by the officer performing euthanasia.

(6) In addition to sub. (1), analytical labs shall also provide all of the following:

(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.

(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.

(c) A detailed description of standard operating procedures relating to the use of controlled substances that includes the receipt, use, and disposition of controlled substances.

History: CR 12-010: cr. Register October 2012 No. 682, eff. 11-1-12; CR 15-083: am. (6) (a), (b) Register August 2016 No. 728, eff. 9-1-16; CR 19-157: am. (1) (a) to (d), (3), (4) (a) (intro.), (5) (a) (intro.), renum. (7) to (1) (g) and am. Register August 2020 No. 776, eff. 9-1-20; correction in (3) (a) made under s. 35.17, Stats., Register August 2020 No. 776.

CSB 3.042 Storage. (1) Individuals holding a SUA permit shall store controlled substances in a safe or steel cabinet or box that meets all of the following requirements:

(a) Bolted or cemented to the floor or wall in such a way that it cannot be readily removed if the safe or steel cabinet or box weighs less than 750 pounds.

(b) Is able to withstand attempts at forced entry by individuals using common tools for a period of 10 minutes or lock manipulation for 20 hours. Fire resistance is not required.

(c) Is housed in a room which is locked during non-use hours.

(2) Notwithstanding sub. (1), a central safe used for other security purposes may be used if the controlled substances are locked in metal boxes sufficient to prevent casual access by others authorized to use the safe. Other secure storage areas may be approved by the board in the manner in which the controlled substances are stored will protect the controlled substances from theft and unauthorized use.

(3) Controlled substances shall be kept locked except when they are in active use by the authorized individual or under the supervision of an authorized individual under s. CSB 3.03 (2m).

History: CR 19-157: cr. Register August 2020 No. 776, eff. 9-1-20.

CSB 3.045 Limited special use authorization. The board may grant a limited SUA permit or deny a SUA permit

based upon consideration of public health and safety including any of the following reasons:

(1) An act constituting a violation under s. CSB 3.08 (1).

(2) Making any materially false statement or giving any materially false information in connection with an application for a SUA.

(3) Violating any federal or state statute or rule which substantially relates to the ability to manufacture, obtain, possess, use, administer, or dispense a controlled substance for a special use.

(4) An act which shows the person to be unable to safely use the SUA permit due to alcohol or other substance use.

History: CR 14-009: cr. Register July 2014 No. 703, eff. 8-1-14; correction in (title) made under s. 13.92 (4) (b) 2., Stats., Register July 2014 No. 703; CR 19-157: am. (intro.) Register August 2020 No. 776, eff. 9-1-20.

CSB 3.05 Limitations on narcotic dog trainer drugs and drug quantities. (1) Narcotic dog trainers shall be limited to having possession of the following drugs and quantities at any given time during the permit period:

(a) Up to 2 kilograms of marijuana. Marijuana may require periodic replacement during the permit period. Total use per year, taking into account replacement, shall be requested.

(b) Up to 30 grams of cocaine.

(c) Up to 30 grams of cocaine base, commonly known as crack cocaine.

(d) Up to 30 grams of heroin.

(e) Up to 30 grams of methamphetamine.

(2) A trainer may request, and the board may approve, with appropriate justification by the trainer, other controlled substances or different quantities of controlled substances.

History: CR 12-010: cr. Register October 2012 No. 682, eff. 11-1-12.

CSB 3.06 Amendment. (1) A SUA permit shall be effective only for the individual, substances, and project specified on its face and for additional projects which derive directly from the state project. An individual holding a valid SUA permit may apply for an amendment to the permit by filing a written request with the board indicating the justification for the amendment and by paying a \$5 fee. The board may approve a request to amend a permit for any of the following reasons:

(a) A change to the original SUA permit holder.

(b) The addition of new individuals to the SUA permit who are participating in the functions for which the authorization was approved.

(c) An increase in the amount of a previously authorized controlled substance.

(d) The addition of specific controlled substances or schedules not previously authorized.

(e) The addition of further activity in accordance with s. 961.335 (5), Stats.

(2) An application for an amendment shall be submitted to the department and approved by the board prior to a SUA permit holder operating under the terms of the amendment.

(3) Individuals applying for an amendment shall provide any other information or documentation requested by the board including information and documentation related to previous SUA permits.

History: CR 12-010: cr. Register October 2012 No. 682, eff. 11-1-12; CR 19-157: am. (1) (intro.), (a), (b), (2), (3) Register August 2020 No. 776, eff. 9-1-20.

CSB 3.07 Record-keeping; records retention; disclosure. (1) A SUA permit holder shall maintain updated and accurate records of all of the following:

(a) The purchase of controlled substances pursuant to the SUA permit, including receipts.

(b) The disbursement, use, and disposition of all controlled substances authorized by the SUA permit.

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

(d) Documentation related to any discrepancies in a controlled substance inventory and usage, and all documentation related to investigation of such discrepancies.

(2) A SUA permit holder shall retain the records described in sub. (1) for 4 years after the expiration of the SUA permit.

(3) A SUA permit holder shall provide copies of the original records upon request of the board or the department of safety and professional services, except for those that are protected from disclosure by s. 961.335 (7), Stats.

History: CR 12-010: cr. Register October 2012 No. 682, eff. 11-1-12; CR 15-083: am. (1) (c) Register August 2016 No. 728, eff. 9-1-16; CR 19-157: am. (1) (intro.), (a), (b), (2), (3) Register August 2020 No. 776, eff. 9-1-20.

CSB 3.08 Violations. (1) The following acts shall constitute a violation of an SUA permit:

(a) Any deviation from the SUA permit's specifications re-

lated to controlled substances, schedules of drugs, or amounts authorized.

(b) Failure to comply with this chapter or s. 961.335, Stats.

(c) Failure to maintain physical security requirements for controlled substances as required by state and federal law.

(d) Failure to comply with board-approved euthanasia standards.

Note: The board considers the most current version of the euthanasia standards as stated in the American Veterinary Medical Association (AVMA) panel on euthanasia available at <http://www.avma.org>.

(e) Failure to notify the board of the revocation or limitation of a drug enforcement administration registration, within 3 business days of the revocation or limitation.

(f) Failure to obtain a drug enforcement administration registration.

(g) A violation of state or federal law relating to controlled substances.

(2) Any violation of a special use authorization permit may, in the board's discretion, result in the suspension or revocation of the SUA permit.

History: CR 12-010: cr. Register October 2012 No. 682, eff. 11-1-12; CR 19-157: am. (1) (a), cr. (1) (f), (g), am. (2) Register August 2020 No. 776, eff. 9-1-20.