

**CONTROLLED SUBSTANCES BOARD
MINUTES
SEPTEMBER 9, 2010**

PRESENT: Yvonne Bellay, DVM; Robert Block; Timothy Boehmer, R.Ph. (via teleconference); Doug Englebert, R.Ph. (via Live Meeting); Cecelia Hillard, Ph.D. (via teleconference); Darold Treffert, MD

STAFF: Nora Wilson, Bureau Director; Michele Miller Hayes, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff

GUESTS: Peter Poppens, Pharm D student (on the phone with Tim Boehmer)

CALL TO ORDER

Darold Treffert, Chair, called the meeting to order at 9:35 a.m. A quorum of six (6) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Under SPECIAL USE AUTHORIZATION PERMIT REPORT, insert the SUA spreadsheet after page 7
- Item C – after page 20, insert the following:
 - Email from Susan Endres, Wisconsin Department of Health Services
 - Email from William Cosh regarding SUPERIOR CONSIDERING BAN OF SYNTHETIC MARIJUANA
 - Article from Worcester Magazine, HARSHING THE BUZZ
 - Article from <http://k2spice.blogspot.com> , WISCONSIN AND K2 HERBAL INCENSE SPICE
 - Article from www.wiscnews.com, DELLS MAY BAN FAKE MARIJUANA
 - Article from www.allbusiness.com, SYNTHETIC DRUG K2 BAN HEADED TOWARD COUNCIL VOTE: STATEWIDE MEASURE LIKELY WHEN LAWMAKERS RETURN
 - Chapter 961

MOTION: Robert Block moved, seconded by Yvonne Bellay, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 17, 2010

Corrections:

- Correct the spelling of Yvonne Belay to Bellay throughout the minutes
- On page 4, under UPDATE ON SATIVEX..., in the second sentence, delete “use” and insert “used”

MOTION: Cecelia Hillard moved, seconded by Robert Block, to approve the minutes of June 17, 2010 as corrected. Motion carried unanimously.

Robert Block updated the Board on the status of the La Crosse County med-drop program. The DEA intervened and La Crosse County can no longer continue with a year-round program. Non-controlled medications can be accepted twice per week, and controlled substances may be collected up to 4 times per year. Nora Wilson will contact either the DEA or the La Crosse County waste disposal office to obtain more information on the med drop program changes. Ms. Wilson will report back to the Board at the December meeting.

Mr. Block also spoke regarding Wisconsin Act 141 relating to Salvinorin A, stating in addition to a fine being imposed for the manufacture, distribution and sale of Salvinorin A, the violator will also be charged with a misdemeanor.

ADMINISTRATIVE REPORT

DRL Staff Updates

Nora Wilson is the new Bureau Director. Ms. Wilson introduced herself to the Board.

Upcoming Trainings: September 30, December 2-3

The Division of Enforcement is offering case advisor training at DRL on September 30.

Training for board chairs, vice chairs and public members will be held at the Concourse Hotel in Madison on December 2-3. The agenda for that training will be available in the near future.

July 2010 Board Member Orientation Results

Comments from the Board Member Orientation were generally positive and the training was well received.

PDMP UPDATE

Michele Miller Hayes reported the grants necessary for the implementation of the PDMP require rules to be in place with specific requirements; however the Wisconsin legislation requires grant monies before the rule-writing process can begin. This conflict puts the PDMP issue at a standstill. The Department is reviewing the legislation and the plan is to have corrective legislation introduced in January in an attempt to resolve the conflict.

ADDING LISDEXAMFETAMINE AS A SCHEDULE II CONTROLLED SUBSTANCE

Michelle Miller Hayes stated that because lisdexamfetamine is already a federally controlled substance, there is no need for a public hearing and the rule can be published. The board has already approved the rule as written and the Department will move forward with the rule-writing process.

SPECIAL USE AUTHORIZATION (SUA) PERMIT REPORT

Yvonne Bellay reviewed a spreadsheet she developed with Kris Hendrickson, Division of Professional Credentialing Processing. One of the issues is a turn-over of personnel in some organizations and lack of communication regarding the SUA. Some organizations use much greater amounts of drugs than approved. The frustration in the Department is that there is no authority to remedy the violations. Michele Miller Hayes recommended the Board consider rule-writing to address these issues.

The Board directed Ms. Miller Hayes to review the current rules and statutes relating to SUA's and to report back to the Board at the December meeting.

MOTION: Yvonne Bellay moved, seconded by Timothy Boehmer, to authorize Nora Wilson to draft a scope statement relating to changes to Wis. Admin. Code §991.335(8) as directed by the Board and to bring the draft to the December meeting. Motion carried unanimously.

PRESENTATION AND REVIEW OF SPECIAL USE AUTHORIZATION APPLICATIONS THAT MAY BE RECEIVED IN THE BURUEA AFTER MAILING OF THE AGENDA

There were no additional applications.

PRACTICE QUESTIONS

None.

BOARD REVIEW AND CONSIDERATION OF K2

The Board reviewed several articles and correspondences regarding K2. K2 is also referred to as synthetic marijuana or synthetic THC; however it does not contain either of these substances. K2 is also often referred to as Spice. Bob Block explained that this substance has never been approved for human consumption and reviewed some of the health concerns. Eight states have now banned the use of K2. K2 is not controlled federally at this time but is under consideration. There are several Wisconsin communities have bans on K2, however there is concern about the enforcement of the local ordinances. Representative Jeff Smith, Eau Claire, and David Cullen, Milwaukee, are considering introducing legislation related to K2 regulation.

MOTION: Robert Block moved, seconded by Timothy Boehmer, to draft a letter to Representatives Jeff Smith and David Cullen to encourage them to introduce legislation relating to the regulation of K2 in the State of Wisconsin due to the seriousness of the issue. The Board will support this legislation and also offers their expertise to assist in the drafting of the legislation. Motion carried unanimously.

Robert Block offered to draft the letter and will forward it to both Dr. Treffert and Nora Wilson for their review and signatures. Dr. Treffert asked Nora Wilson to contact the FDA and the DEA to find out what actions, if any, they are taking in regards to K2 and to report back to the Board in December.

MOTION: Robert Block moved, seconded by Yvonne Bellay, to authorize Michele Miller Hayes, legal counsel, to contact the Attorney General's office to discuss responsibilities of the CSB in order to petition the Attorney General to move forward with an emergency ban on the sale of K2, and to have Ms. Miller Hayes to bring this information to the Board in December. Motion carried unanimously.

INFORMATIONAL ITEMS

The informational items were noted.

CONTROLLED SUBSTANCES THEFT AND LOSS REPORT

The Theft and Loss Report was reviewed.

PUBLIC COMMENTS

None.

ADJOURNMENT

MOTION: Cecelia Hillard moved, seconded by Robert Block, to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 11:43 a.m.