

**SECTION:** 5.11

**SUBJECT:** Chemical Immobilization Drug Policy and Procedures

**AUTHORITY:** State of Florida Constitution, Article IV, Section 9; Florida Statute 379; Executive Director; Federal Food, Drug, and Cosmetic Act, 21 United States Code ss. 301 et seq.; 52 Stat. 1040 et seq.; Controlled Substance Act, 21 Code of Federal Regulations Part 1300 to end; Florida Drug and Cosmetic Act, Florida Statute Chapter 499; Florida Administrative Code Chapter 61N-1

**Policy:**

The Florida Fish and Wildlife Conservation Commission (FWC) has Constitutional authority to manage Florida's wildlife, which includes regulating exotic and captive wildlife, and providing for public safety. Some management activities conducted by the FWC may require using immobilization drugs to capture and restrain animals. These immobilization drugs are regulated by the United States Department of Justice, Drug Enforcement Administration (DEA) and Florida's Department of Business and Professional Regulations (DBPR), as scheduled drugs.

The purpose of this policy is to ensure compliance with state and federal regulations regarding the safe handling and use of chemical immobilization drugs, and to ensure competency by agency staff authorized to utilize such drugs through training. This policy sets standards that meet or exceed state and federal requirements and establishes agency standards for using chemical immobilization drugs to perform official FWC job duties.

- Contents:**
- 5.11.1 Definitions
  - 5.11.2 Licensing
  - 5.11.3 Training
  - 5.11.4 Drug Recordkeeping and Retention
  - 5.11.5 Drug Storage
  - 5.11.6 Drug Transportation
  - 5.11.7 Drug Acquisition
  - 5.11.8 Drug Quarantine
  - 5.11.9 Drug Disposition
  - 5.11.10 Lost/Stolen Drugs

**Procedure:**

FWC employees will follow the procedures outlined in this policy to ensure the legal and safe use of chemical immobilization drugs.

### 5.11.1 Definitions

- A. Chemical Immobilization** – The use of a scheduled drug, as regulated under the federal Controlled Substance Act and the Florida Comprehensive Drug Abuse Prevention and Control Act to subdue, restrain or immobilize wildlife.
- B. DEA Permit** – Controlled Substance Registration Certificate issued by the DEA authorizing the possession of scheduled drugs as regulated under title 21 Code of Federal Regulations.
- C. Florida Drug Exemption Certificate** – Letter of exemption issued by Florida DBPR authorizing the purchase and possession of scheduled drugs.
- D. Perpetual Drug Log** – An ongoing account of every change in inventory to include acquisition, usage, transfer, disposition or destruction of scheduled drugs as required by state and federal law.
- E. Scheduled Drugs** – Those drugs regulated under the Controlled Substance Act per 21 Code of Federal Regulations and the Florida Comprehensive Drug Abuse Prevention and Control Act per Chapter 893 of Florida Statutes.
- F. Storage Site** - The DEA and DBPR approved location where scheduled drugs are stored.
- G. Controlled Substance Initial Inventory** - When an FWC employee is issued a DEA permit or given authorization to purchase, possess or deploy controlled drugs, the employee is required to take an initial inventory, which is an actual physical count of all controlled drugs in their possession. If there are no stocks of controlled substances on hand, the employee should make a record showing a zero inventory.
- H. Controlled Substance Biennial Inventory** - An inventory of all controlled drugs on hand on a date which is within two years of the previous initial or biennial inventory date.
- I. Significant Loss of Scheduled Drugs** - The loss of scheduled drugs is significant when there is an indication that the loss is due to theft. The breakage or spillage of controlled drugs is not considered a significant loss. Miscounts and clerical errors are not considered a significant loss.

### 5.11.2 Licensing

- A.** All FWC employees who purchase, possess or deploy chemical immobilization drugs will hold a State of Florida Drug Exemption Certificate from DBPR and a DEA permit, or be an agent or employee of an FWC employee who holds a DBPR Drug Exemption Certificate and a DEA permit.
- B.** Renewal applications will be submitted to the DEA and DBPR within 60 days prior to the expiration date of the current permit/exemption certificate.
- C.** A request for modification of the permit is required if the location of the storage site is changed.
- D.** All FWC employees who are applying for a permit/exemption certificate authorizing them to purchase and possess chemical immobilization drugs for official FWC use must have approval from their supervisor. Employees who will be purchasing, possessing or deploying chemical immobilization drugs must have approval from their supervisor.

### 5.11.3 Training

It is the intent of the FWC that employees who possess and deploy chemical immobilization drugs, as required in the performance of their assigned duties and responsibilities, receive training and remain proficient in the safe handling and use of immobilization drugs. Training may be provided by FWC or a third-party vendor. Such training shall contain, at a minimum, the following components: regulations; licensing; record keeping and reporting; drug classifications and dosages; delivery systems; capture kits; safety and animal care.

- A. Before FWC employees are allowed to independently possess and deploy chemical immobilization drugs they will receive training in the safe handling and use of immobilization drugs. This requirement shall be satisfied by completing an FWC Initial Chemical Immobilization Course or an equivalent course offered by a third party vendor.
- B. FWC employees possessing and deploying drugs prior to the establish date of this policy will have 6 months from the date this policy is established to complete an approved FWC Chemical Immobilization Refresher Course or an equivalent course offered by a third party vendor; or provide documentation the employee completed such training within the previous 12 month period.
- C. All FWC employees authorized to possess and deploy chemical immobilization drugs will complete an approved FWC Chemical Immobilization Refresher Course or an equivalent course offered by a third party vendor every 4 years to maintain proficiency.
- D. It will be the responsibility of the FWC Training Coordinator to track employee compliance with the training requirements of this section and maintain records of the employee's successful completion of such training.
- E. Due to the safety risks associated with accidental exposure to immobilization drugs, all FWC employees deploying these drugs must retain emergency information sheets for human exposure to the chemical immobilization drugs and the phone number of Florida Poison Information Center in their capture kit.

### 5.11.4 Drug Recordkeeping and Retention

- A. FWC employees who purchase, possess or deploy chemical immobilization drugs will maintain all federally required records as defined in the *United States Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Pharmacist's Manual*; and all records required by Chapter 499, Fla. Stat., and Chapter 61N-1, Fla. Admin. Code. A list of DEA permittees and their authorized agents and employees will be maintained on the FWC Chemical Capture Intranet Portal (Portal). The following records will be maintained at the site where the drugs are stored and also maintained electronically on the Portal:
  - 1. Controlled Substance Initial Inventory (**FWC form – TBD**).
  - 2. Controlled Substance Perpetual Log (**FWC form – TBD**).
  - 3. Receipts or invoices of drug purchases which will be stored with and referenced on the Perpetual Drug Log.

4. Chemical Immobilization Record (**FWC form – TBD**), which will be stored with and referenced on the Perpetual Drug Log.
  5. Transfer of Controlled Substances (**FWC form – TBD**), which will be stored with and referenced on the Perpetual Drug Log.
  6. Controlled Substance Biennial (every two years) Inventory (**FWC form – TBD**).
  7. Report of Theft or Loss of Controlled Substances (**DEA Form – 106**), which will be stored with and referenced on the Perpetual Drug Log. Each instance of stolen/lost drugs will be reported to DEA, Office of Diversion Control on line at <https://www.deadiversion.usdoj.gov/webforms/dtlLogin.jsp> by entering information for DEA Form – 106.
  8. Registrants Inventory of Drugs Surrendered (**DEA Form – 41**), which will be stored with and referenced on the Perpetual Drug Log.
  9. Receipts or records documenting the destruction of the drugs, which will be stored with and referenced on the Perpetual Drug Log.
- B.** All records and forms will be kept current and shall be readily available at the Portal.
- C.** Required documentation will be maintained for a minimum period of 2 years following disposition of the drugs or 3 years after the creation of the records, whichever period is longer.
- D.** FWC staff using chemical immobilization drugs will upload their Perpetual Drug Log annually by January 31<sup>st</sup> to the FWC Chemical Capture Intranet Portal.
- E.** Upon separation of employment from FWC, all drug records held by personnel will be submitted to their direct supervisor and any remaining unused drugs will be transferred to a DEA permitted FWC employee.
- F.** Each Regional Commander or designee shall have access to and knowledge of the list of agency staff within the region approved to possess chemical immobilization drugs.

#### 5.11.5 Drug Storage

FWC establishes the following immobilization drug storage protocols to ensure compliance with state and federal requirements. Regional DEA Administrators have the authority to determine what constitutes substantial compliance with the physical security controls outlined in DEA rules. The following protocols have been determined in the past to be in substantial compliance with DEA requirements. However that determination is subject to change and FWC will be required to comply with any new or different requirements imposed by the DEA.

All DEA permittees and their agents and employees will store unused chemical immobilization drugs by one of the following methods:

- A. FWC Facilities Approved by the DEA and DBPR**
1. Safe or steel cabinet
  2. Vault
  3. Secured steel cage

**B. Mobile Storage**

1. Mounted lock box

**C. Private Residence**

1. Employees will obtain supervisor's approval to store drugs at a private residence or home office.
2. The storage of scheduled drugs at an employee's residence must be approved by the DEA. The DEA will consider approval on a case-by-case basis. A physical inspection of the residence or home office for safety and floor plans may be required.

**D. Employee Access to Scheduled Drugs**

The following employees shall not have access to scheduled drugs:

- any person who has been convicted of a felony relating to scheduled drugs, or who, at any time, has had an application for a DEA permit denied, revoked, or surrendered for cause. "For cause" means surrendering a permit in lieu of, or as a consequence of, any federal or state administrative, civil, or criminal action resulting from an investigation of the individual's handling of scheduled drugs.

**5.11.6 Drug Transportation**

Although the DEA has no drug transportation requirements in the Code of Federal Regulations, some Regional DEA Administrators require specific security measures during transport. FWC employees will adhere to the following security measures when transporting scheduled drugs in a vehicle:

- A.** The DEA permittee or their agent or employee must be present during the transport of their scheduled drugs.
- B.** The scheduled drugs must be secured in a mounted lock box as stated in IMPP 5.11.5 (B) during transport.
- C.** All scheduled drugs will be kept out of public view as much as possible.
- D.** All unused scheduled drugs will be returned to the mounted lock box as soon as possible after deployment. The unused scheduled drugs will be stored in compliance with 5.11.5 by the end of the employee's shift.

**5.11.7 Drug Acquisition**

- A.** Authorized FWC employees are allowed to purchase approved immobilization drugs in accordance with State Purchasing Guidelines and Rules.
- B.** Scheduled drugs must be ordered from a vendor that holds a current, active permit from the DEA and the DBPR, Division of Drugs, Devices and Cosmetics, authorizing the vendor to sell and distribute drugs in the State of Florida.
- C.** Scheduled drugs must be ordered from vendors who are registered with MyFloridaMarketPlace.
- D.** Scheduled drugs received from the vendor shall be visually inspected for adulteration upon receipt. Any adulterated scheduled drugs will be quarantined as required in IMPP 5.11.8 and disposed of in a manner authorized in IMPP 5.11.9.
- E.** Receipts or invoices of drug purchases will be maintained with the Perpetual

Drug Log. The following information must be contained in the receipt or invoice, missing information will be added to the record:

1. The name and address of the supplier of the substance.
2. The registration number of the supplier of the substance.
3. The date the order was received.
4. A confirmation that the order is accurate.
5. The name of each controlled substance.
6. The finished form of the substance (e.g., 10 milligram tablet).
7. The number of dosage units of finished form in each commercial container (e.g., four 100 tablet bottles).
8. The number of commercial containers ordered and received.

#### **5.11.8 Drug Quarantine**

- A. Scheduled drugs that are outdated, damaged, deteriorated, misbranded or adulterated will be quarantined and physically separated from other scheduled drugs until they are destroyed or returned to the supplier. A quarantine section must be separate and apart from other sections where scheduled drugs are stored so that scheduled drugs in this section are not confused with usable scheduled drugs. The quarantine section will be labeled as the quarantine section.
- B. Scheduled drugs will be examined at least every 12 months, and expired scheduled drugs will be removed and quarantined, and then disposed of in a manner authorized in IMPP 5.11.9. The date of examination and disposal of any drugs will be noted in the Perpetual Drug Log.

#### **5.11.9 Drug Disposition**

Drug disposition must be done in accordance with 21 Code of Federal Regulations sections 1304.21, 1317.05, 1317.90 and 1317.95. FWC employees will utilize the following acceptable methods of disposal only:

- A. The use of a vendor that holds a current, active permit from the DBPR, Division of Drugs, Devices and Cosmetics, authorizing the vendor for reverse distribution and/or to destroy the drugs.
- B. Return any unused drugs to the supplier.
- C. FWC Division of Law Enforcement controlled substance destruction conducted pursuant to General Order.
- D. Surrendered to the DEA. **DEA Form-41** must accompany drugs surrendered to the DEA.

#### **5.11.10 Lost/Stolen Scheduled Drugs**

- A. Upon discovery of the theft or significant loss of scheduled drugs, the FWC employee will immediately notify the regional communications center, their immediate supervisor, the local law enforcement agency and the FWC Inspector General's Office.
- B. Each incident of theft or significant loss of drugs will be reported by the DEA permittee to the DEA within 1 business day. Reporting to the DEA can be completed online at the DEA webpage or by submitting **DEA Form-106**.

- C. All thefts and losses will be indicated on the Perpetual Drug Log, even those losses which are not considered significant. Spillage, breakage, miscounts and clerical errors will also be indicated on the Perpetual Drug Log.

History: Est. 01/06/2016

**APPROVED:**

**Eric Sutton**  
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Executive Director or Designee

**January 6, 2016**  
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Date