



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Health- Board of Pharmacy

Title of rule and other identifying information: (Describe Subject)

WAC 246-887-280 Approved controlled substances. The Board of Pharmacy (BOP) is considering approving Butorphanol, Midazolam, and Fentanyl for use by authorized individuals of the Washington Department of Fish and Wildlife (WDFW) for wildlife management chemical capture programs.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY (Date) 11/01/2010

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rule will add Butorphanol, Midazolam, and Fentanyl to the list of approved controlled substances authorized for use by WDFW wildlife management programs. The BOP, in consultation with WDFW, has determined that these drugs are appropriate to add to the list of drugs that may be used when individual animals must be immobilized or captured to be moved, treated, examined or other legitimate purpose. Additional housekeeping changes are proposed to increase readability.

Reasons supporting proposal:

Chemical capture methods should be performed using drugs that provide adequate sedation for the safety of the WDFW authorized agent and the welfare of the animal. RCW 69.40.320 authorizes the BOP to add controlled substances to the approved list as needed. The proposed rule makes available new drug combinations and pharmaceuticals that have demonstrated through wildlife research to be more effective in certain circumstances and with certain species, such as marine mammals.

The expedited rulemaking process is appropriate for rules that apply only to internal governmental operations that are not subject to violation by a non-government party under RCW 34.05.353(1)(a).

Statutory authority for adoption: RCW 69.50.320 and RCW 18.64.005

Statute being implemented: RCW 69.50.320

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

DATE July 30, 2010

NAME (TYPE OR PRINT)

Gary G. Harris

SIGNATURE

TITLE

Chair, Board of Pharmacy

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 02, 2010

TIME: 4:29 PM

WSR 10-16-111

Name of proponent: (person or organization)
State Board of Pharmacy

Washington Department of Fish and Wildlife, Washington

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

AMENDATORY SECTION (Amending WSR 05-20-106, filed 10/5/05, effective 11/8/05)

WAC 246-887-280 Approved controlled substances. ~~((1))~~ The following controlled substances are ~~((hereby designated as))~~ approved ~~((controlled substances))~~ for use by officers and biologists of the department of fish and wildlife for chemical capture programs:

~~((a))~~ (1) Butorphanol;

(2) Diazepam (Valium);

(3) Diprenorphine;

(4) Carfentanil (Wildnil);

(5) Fentanyl;

(6) Ketamine;

~~((b))~~ (7) Midazolam; and

(8) Tiletamine and zolazepam (Telazol) (~~(7~~

~~(c) Diazepam (Valium);~~

~~(d) Carfentanil (Wildnil); and~~

~~(e) Diprenorphine.~~

~~(2) Other controlled substances as approved by rule of the board after consultation with the department of fish and wildlife).~~