

September 1, 2020

**MEMORANDUM**

TO: Dr. Neil Gray, Dean, College of Arts and Sciences  
Dr. Krist Swimberghe, Interim Dean, Soules College of Business  
Dr. Wes Hickey, Dean, College of Education and Psychology  
Dr. Javier Kypuros, Dean, College of Engineering  
Dr. Yong Tai Wang, Dean, College of Nursing and Health Sciences  
Dr. Lane Brunner, Dean, Fisch College of Pharmacy

FROM: Dr. Amir Mirmiran, Provost and Vice President for Academic Affairs

RE: Annual Notice - Memorandum of Understanding (MOU) on Controlled Substances

In October 1995, The Texas Department of Public Safety and the Texas Higher Education Coordinating Board signed an agreement (a Memorandum of Understanding, MOU) that, in accord with Health and Safety Code, Section 481.062 [b], establishes procedures for maintaining controlled substances, controlled substances analogs, chemical precursors, and chemical laboratory apparatus used in educational or research activities at institutions of higher education. The objective of the MOU is to heighten the awareness regarding the potential problem of the diversion of laboratory chemicals and apparatus to illegal drug operations. The list includes many common pieces of laboratory equipment in addition to possible precursors for the manufacture of illicit drugs.

The procedures required for implementation of this MOU at UT-Tyler are attached. The MOU requires that all doors and windows be locked for any rooms in which controlled substances are used or stored when authorized personnel are not present. These procedures became effective July 1, 1997 and should already be in place in the College of Education and Psychology.

I am asking for your cooperation in the continued implementation of these procedures. **It is mandatory that the information in this letter be distributed on an annual basis to all affected department chairs, principal investigators, faculty, and laboratory personnel working under your supervision.** This program will only succeed if all cognizant personnel cooperate to initiate the security measures included in the attached implementation procedures. The UT-Tyler Police Department has expressed its desire to help with specific details regarding the security of laboratories. For its assistance, call 566-7060.

This program must be followed rigorously. To fail to do so would put you and others individually at risk for possible DEA violations and would put The University at risk for having its exempt status in Subchapter C of the Controlled Substance Act revoked. If revoked, department chairs and principal investigators would be required to keep rigorous auditable individual records of purchases, perform periodic inventories, and cooperate in detailed bookkeeping exercises. I don't believe The University wants to take on this added burden.

If there are any questions concerning these documents, please contact Paula Tate, Director of Environmental Health & Safety at 566-7401.

Thank you for your cooperation.

Attachments  
c: Paula Tate  
Chairs and Directors

# **IMPLEMENTATION PROCEDURES AT THE UNIVERSITY OF TEXAS AT TYLER**

## **FOR THE OCTOBER, 1995 TEXAS HIGHER EDUCATION COORDINATING BOARD MEMORANDUM OF UNDERSTANDING ON CONTROLLED SUBSTANCES**

The objective of these implementation procedures is to define an institutional policy for the use of controlled items (chemical precursors and certain laboratory apparatus) on the campus of The University of Texas at Tyler. These procedures shall become effective July 1, 1997.

In October 1995, the Texas Department of Public Safety and the Texas Higher Education Coordinating Board signed an agreement that, in accord with Health and Safety Code, Sec. 481.0621[b], establishes procedures for maintaining controlled substances, controlled substance analogs, chemical precursors, and chemical laboratory apparatus used in educational or research activities of institutions of higher education. Full compliance with this memorandum is required. The following is a list of the controlled items whose purchase, use, and disposal must be monitored:

### **Precursor Chemicals**

1. Methylamine
2. Ethylamine
3. D-lysergic acid
4. Ergotamine tartrate
5. Diethyl malonate
6. Malonic acid
7. Ethyl malonate
8. Barbituric acid
9. Piperidine
10. N-acetylanthranilic
11. Pyrrolidine
12. Phenylacetic acid
13. Anthranilic acid
14. Hypophosphorus acid
15. Ephedrine
16. Pseudoephedrine
17. Norpseudoephedrine
18. Phenylpropanolamine
19. Red Phosphorus

### **Laboratory Apparatus**

- A. Condensers
- B. Distilling apparatus
- C. Vacuum dryers
- D. Three-necked flasks
- E. Distilling flasks
- F. Tableting machines
- G. Encapsulating machines
- H. Filter funnels, Büchner funnels, and separatory funnels
- I. Erlenmeyer flasks, two-necked flasks, single neck flasks, round bottom flasks, Florence flasks, thermometer flasks, and filtering flasks
- J. Soxhlet extractors
- K. Transformers
- L. Flask heaters
- M. Heating mantles
- N. Adapter tubes

The MOU, which was signed by the Director of the Texas Department of Public Safety (DPS) and the Commissioner of the Texas Higher Education Coordinating Board, commits The University to establishing procedures that specify: (1) personal responsibility for secure use of controlled items; (2) record-keeping requirements for purchases; (3) procedures for disposal of unused controlled items; (4) security procedures governing use of the controlled items; and (5) a liaison between The University and DPS. Full text of the MOU is available from Environmental Health & Safety (566-7401).

## **Responsibility**

Any person (herein called the Responsible Party, RP) with specific authority to purchase or accept controlled items must bear full responsibility for establishing security measures regarding their purchase, acceptance, use, and ultimate disposal. Thus, if the controlled items are to be used in a research program supervised by an individual faculty member, the principle investigator (PI) must assume full responsibility. If the controlled items are to be used in a teaching laboratory or in a demonstration for an organized class, the Chair of the department through which the academic course is offered is the responsible party.

## **Purchase of Controlled Items**

The RP and Laboratory Technician will put in place a report program to identify, highlight and capture purchasing information on controlled items. These reports can be obtained upon request by any state or federal agency so authorized by law. The Laboratory Technician will inform the RP when MOU-specific items are received in order to track distribution to the responsible party.

## **Surplus of Controlled Items**

Any RP wishing to dispose of controlled items should inform Environmental Health & Safety (EH&S). EH&S will confirm these items are included on the MOU-list. All controlled items must be sold only to individuals having the proper permit or the specific authority to purchase or accept the items. The purchaser will be required to provide the RP appropriate documentation of the authority to purchase the controlled items using DPS Form Nar-22. This form is used to report the sale, transfer, or furnishing of the listed precursor chemicals or lab apparatus.

## **Security Procedures Governing Use of Controlled Items**

Controlled item security consists of site security, operational security, inventory monitoring, and loss reporting procedures. The RP is also required to provide means by which the controlled items can be stored and handled in accordance with recommendations of the manufacturer and must also adhere to all applicable state and federal laws.

### Site Security

The UT-Tyler Police Department is available to assist in evaluating and making recommendations regarding site security.

1. Specific locations (e.g. a laboratory or storage area assigned to the RP) should be established where controlled items are utilized and or stored.
2. All doors and windows must be locked when any room containing controlled items (or any room providing access to such a room) is not occupied.
3. Access to rooms containing controlled items must be restricted to personnel so authorized by the RP, and key and/or combination control must be established so that only those so authorized can

have access to the site. The Physical Plant Department can assist the RP in establishing assurance over keyed access to their assigned laboratories or storage areas.

#### Operational Security

1. Procedures must be established by each RP to assure the proper use of controlled items in laboratories and storerooms.
2. Personnel authorized by the RP to use, handle, or store the controlled items must be alert to any unauthorized personnel entering laboratories containing controlled items, and appropriate actions must be taken to assure the security of the controlled items when visitors are present.

#### Inventory and Reporting of Loss

1. Prudent procedures must be established by the RP to monitor qualitatively, the consumption and use of the controlled items.
2. Personnel authorized by the RP to use, handle, or store the controlled items must be alert and attentive to the disappearance of any controlled items and to report losses to the UT-Tyler Police Department immediately (within the next business day) upon the discovery of the loss.

### **Designation of a University Liaison**

The Chief of Police of The University of Texas at Tyler is designated as the liaison between the Department of Public Safety (DPS) and The University, and the DPS has been so informed.

### **Notifications**

All administrative personnel responsible for environmental and safety issues at The University of Texas at Tyler have been informed about the MOU. These parties include the staffs of the Office of the President, the Vice President for Academic Affairs, the Chief Fiscal Officer and the Environmental Health & Safety office.

The Vice President for Academic Affairs has sent a letter to the appropriate Deans and Department Chairs regarding the elements of the MOU. The Department Chairs, PI's, faculty and other laboratory personnel have been informed of their ultimate responsibility for adherence with the MOU. This group has been informed about security procedures, including the specific requirement that doors must be kept locked at all times when a room containing controlled items is not occupied. The letter stresses the need for all personnel to be attentive to the disappearance of any controlled items and to report a loss to the UT-Tyler Police Department immediately upon discovery. The letter stipulates that laboratory personnel be informed, and reminded annually by the RP of the potential problem of diversion of laboratory chemicals and apparatus to illegal drug operation.