

**UNIVERSITY OF HOUSTON-CLEAR LAKE  
ENVIRONMENTAL, HEALTH AND SAFETY DEPARTMENT**

		<b>Effective Date</b> Aug 8, 2022	<b>Number</b> L 10
<b>Subject</b> Controlled Glassware and Precursor Chemicals			
<b>Reference</b> <a href="#">37 TAC Chapter 13, Subchapter B</a> <a href="#">DPS and THECB MOU</a>		<b>Special Instructions</b> None	
<b>Distribution</b> Laboratory faculty and staff		<b>Reevaluation Date</b> 5 years	<b>No. Pages</b> 5

**I. PURPOSE**

The Texas Controlled Substances Act, written into regulation in [37 TAC Chapter 13, Subchapter B](#), requires controlled substances, precursor chemicals, and laboratory glassware that can be used to make controlled substances be securely maintained, and discarded appropriately to prevent being illegitimately used.

The Texas Department of Public Safety (TxDPS) has oversight of controlled substances, and signed a [Memorandum of Understanding \(MOU\)](#) with the Texas Higher Education Coordinating Board (THECB) to state what higher education institutions must do to satisfy the intent of the law, to qualify under a specific exemption instead of a permit. The MOU states that institutions shall prohibit the sale, furnishing, or transfer of controlled substances, precursors, and associated glassware to any person or entity not holding a DPS permit or specific exemption. Several of the associated glassware are common in a laboratory. Higher Education institutions are required to adopt procedures in compliance with the MOU, whose requirements are specified within.

**II. POLICY**

All faculty, staff, students, and visitors to UHCL must comply with the Texas Controlled Substances Act and the MOU established between the DPS and THECB. This policy and procedures state the requirements for compliance, which mainly applies to teaching and research laboratories on campus.

The MOU commits the University to establish: (1) personal responsibility for secure use of controlled items (including chemical precursors and certain laboratory apparatus), (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. A link to the full text of the MOU is online.

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**III. PROCEDURES**

The following is a list of the controlled items whose purchase, use and disposal must be maintained securely/monitored, and the procedure requirements in accordance with the MOU to do so. The list includes many common pieces of laboratory equipment and some recognized chemicals that are drug precursors.

**A. Chemical Precursors**

Anthranilic acid	Gamma-butyrolactone	Norpseudoephedrine
Barbituric acid	Hypophosphorous acid	Phenylacetic acid
Benzaldehyde	Isosafrole	Phenylpropanolamine
D-lysergic acid	Lithium	Piperidine
Diethyl malonate	Malonic acid	Piperonal
Ephedrine	Methylamine	Pseudoephedrine
Ephedrine compounds	3,4-methylenediosy	Pyrrolidine
Ergotamine tartrate	phenyl-2-propanone	Red phosphorus
Ethyl malonate	N-acetylanthranilic acid	Safrole

**B. Chemical Laboratory Apparatus for Controlled Substances**

Distilling apparatus	Soxhlet extractor
Condenser	Distilling flask
Round-bottom flask	Florence flask
Single-neck flask	Thermometer flask
Two-neck flask	Filtering flask
Three-neck flask	Erlenmeyer flask
Adapter tube	Transformer tube
Filter funnel	Buchner funnel
Separatory funnel	Flask heater
Heating mantle	Vacuum dryer
Encapsulating machine	Tableting machine

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- C. Responsibility:** Any person, herein called the Responsible Party (RP), who wishes to purchase or accept controlled items must bear full responsibility for establishing security measures regarding their purchase, acceptance, use, and ultimate disposal. If the controlled items are to be used in a research program supervised by an individual faculty member, the Principal Investigator (PI) becomes the RP and 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 Head of the department through which the academic course is offered becomes the RP.
- D. Purchase Records:** Maintain all purchase order records, in accordance with the minimum retention requirements established by the Texas State Library and Archives Commission, of the incoming controlled substances, controlled substance analogues, precursor chemicals and laboratory apparatus (including controlled glassware) covered in this MOU that have been purchased or received by UHCL campuses.

Records of receipt for precursor chemicals and laboratory glassware apparatus must be kept for 2 years, and be able to be produced within 2 days upon request or inspection by the Texas DPS. Records of receipt may also help with loss reporting below in H.

Means by which to produce records may be by submitting controlled item purchases to Procurement Management on a purchase requisition form, along with a statement that the item(s) ordered (and highlighted) is/are a controlled item and the location of use or storage of the item(s). Controlled items shall not be obtained with a Purchasing Credit Card.

**E. Security**

Controlled items security consists of campus security, operational security, inventory monitoring, inspections, and loss reporting procedures. Procedures for storage and handling of controlled items must adhere to all applicable state and federal laws and manufacturer's recommendations for safety, and the Texas Commission on Environmental Quality (TCEQ) for proper waste storage and disposal.

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 must be locked when any room containing controlled items (or any rooms providing access to such a room) is not occupied.
3. Access to rooms containing controlled items must be restricted to persons authorized by the RP, and key control for those authorized to have access. The UHCL Police Department lockshop can assist the RP in establishing and maintaining access to their assigned laboratory areas.

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## F. Operational Security

- Written procedures should be established to ensure proper use of controlled items within laboratories and storage areas, and available for inspection by DPS and Safety Office personnel at any time.
- These procedures may be part of the research protocol, grant request, or faculty department research review, to ensure that all work with controlled substances may be confirmed as valid and authorized.
- 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.

## G. Transfer Restrictions on Disposal / Surplus Property

- Sale, transfer, or furnishing of controlled items (chemical substances, precursor chemicals and associated glassware) listed within are prohibited to any person or entity that does not hold a DPS permit or specific exemption. Controlled items may not be donated or given to an individual or company.
- Transfers may only be made to another DPS permitted or exempted entity, such as another University laboratory, and all [records of sale or transfer of controlled items](#), precursors and glassware must be reported to DPS using [form RSD-904](#).
- Controlled items shall be utilized entirely for their intended purpose and discarded only when necessary through the proper venues. Disposal of controlled substances and chemical precursors must be done by an EHS contracted chemical waste vendor. Laboratory apparatus that are no longer needed may not be discarded in regular trash or put in surplus property, but must be destroyed and placed in glass boxes. See [L09 Glass Handling and Disposal](#).

## H. Loss Reporting

1. Each RP must monitor the consumption and use of controlled items under their care. These procedures should be available for inspection by DPS and Safety Office personnel at any time.
2. Personnel authorized by the RP to use, handle, or store the controlled items must be alert and attentive to the disappearance or unacceptable discrepancy of any controlled items.
3. **Any losses** or amounts on hand that cannot reasonably be explained by accidental or normal loss **must be reported to the UHCL Police Department and Environmental Health and Safety Department immediately (within the next business day)** upon the discovery of the loss *so that it can be reported to the DPS within 3 days as required*. The [DPS report form is RSD-905](#).

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- Campus Police is at x.2222 (281-283-2222). Police also has after-hours contact information for lab faculty and EHS.
- EHS is x.2106 (281-283-2106) or [EHS@uhcl.edu](mailto:EHS@uhcl.edu)

## I. Designation of University Liaison

The UHCL Police Department is typically a point of contact with the Texas Department of Public Safety. The Environmental Health and Safety Department is designated as the liaison between the Department of Public Safety and the University for laboratory related chemicals and related apparatus.

## IV. References:

- [Memorandum of Understanding](#) between the Texas Department of Public Safety and the Texas Higher Education Coordinating Board. Retrieved 7/28/22.
- Title 37 Texas Administrative Code (TAC) [Chapter 13](#), Controlled Substances, [Subchapter B, Precursor Chemicals and Laboratory Apparatus](#). Retrieved 7/28/22.
- Texas Department of Public Safety webpages: <https://www.dps.texas.gov/section/precursor-chemical-and-laboratory-apparatus/laws-and-regulations> and <https://www.dps.texas.gov/section/precursor-chemical-and-laboratory-apparatus/precursor-chemical-and-laboratory-apparatus>
- UT Dallas Policy: <https://policy.utdallas.edu/utdpp1041/makepdf>. Retrieved 7/28/22.

## V. APPROVAL

  
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Director of Environmental, Health & Safety

Date: 08/08/2022

## VI. REVISION LOG

Revision Number	Approval Date	Description of Changes
0	08/08/2022	Policy made