


Office of Financial Services	Issue Date: August 1, 2018
Title: Purchase of Restricted Items Policy	Submitted by: Procurement Services
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Purchase of Restricted Items Policy

This policy defines restricted items and the guidelines that must be followed for such purchases.

In the course of their work, University staff, faculty and students routinely use a variety of potentially hazardous materials, safety-critical equipment, radioactive materials, vertebrate animals, and controlled substances in research. The University permits these uses, but only with oversight to ensure safety and compliance with relevant restrictions and regulatory requirements. In addition to the rules governing University procurement as defined in the Procurement Policy, the purchase of these items therefore involves special rules. University personnel are responsible for following the appropriate procedures defined by this policy.

Due to their critical nature, restricted items may only be ordered via Purchase Order or by Procurement Services. University procurement cards, personal credit cards, checks, cash or standing orders may not be used to order any of these items.

Purpose

This policy is intended to ensure that individuals and departments needing restricted items at the University have the capability to acquire them in compliance with applicable University, state, and federal requirements.

Items subject to special safety or other regulatory requirements, whose purchase and handling are subject to special procedure are outlined below. For the purpose of this policy, restricted items include certain highly hazardous materials, safety-critical equipment, radioactive materials, vertebrate animals, controlled substances (i.e. scheduled drugs and certain drug precursors), non-taxable ethyl alcohol and select agents, as defined below.

Policy

University staff, faculty and students routinely use a variety of potentially hazardous materials in their work. Safe management of these materials is promoted through training and education programs and periodic safety inspections. A small subset of these materials requires greater scrutiny for regulatory and safety purposes. To ensure that oversight is consistently provided without unreasonably interfering with operations and research, the University requires all individuals and departments with a legitimate need to purchase restricted items to do so in accordance with these procurement procedures.

Hazardous Materials

Definition: Is any item or agent (biological, chemical, radiological and/or physical) which has the potential to cause harm to humans, animals or the environment either by itself or through interaction with other factors. They are materials that present special safety risks during transport, storage, use or disposal.

Examples of hazardous materials requiring pre-order approval include (but not limited to): highly reactive/pyrophoric compounds, toxic compressed gases, highly toxic chemicals, DHS-regulated

chemicals, select agents as defined by CDC/USDA, other human pathogens and other high hazard compounds.

Purchasing: Items considered hazardous materials under this section can pose serious risks of injury or exposure, or require authorization for use prior to acquisition, and therefore may only be ordered and used by groups whose facility, safety equipment, and training so prepare them. Purchases of these items must be made through a Purchase Order to facilitate order tracking and approval.

Safety Critical Equipment

Definition: Equipment, structure or system whose failure could cause or contribute to a major accident, or whose purpose is to prevent or mitigate the effect of a major accident that can present safety hazards to users (e.g., X-ray and laser equipment) as well as equipment used to control exposures to recognized hazards, and whose improper use could subject users to harm (e.g., fume hood).

Purchasing: Purchases of items considered safety critical equipment under this section must be made by Purchase Order with [Environmental Health and Safety \(EHS\)](#) approval. Many of these items require ongoing maintenance, testing, specialized training, and certification. It is the responsibility of the department to ensure that these requirements are fulfilled. Safety critical equipment may require pre-order approval from [Environmental Health and Safety \(EHS\)](#) and will be handled on a case-by-case basis.

Radioactive Materials

Definition: By-product, source, special nuclear, accelerator produced, generally licensed, ore naturally occurring material whose purchase and use is licensed by the US Nuclear Regulatory Commission (NRC) or their designee the Florida Department of Health (FDOH). These radionuclides may emit alpha, beta, gamma, or X-rays, neutrons or other emissions.

Purchasing: The purchase and use of radioactive materials is subject to oversight by the office of [Environmental Health and Safety](#). EHS policies require that only authorized and trained persons may acquire radioactive materials, radioactive sources and X-ray generating equipment. All receipts of such materials or items must be coordinated through EHS. Further, some radioactive materials and sources may be subject to incoming survey and security requirements and thus are only delivered to designated receiving locations. Purchase of radioactive materials must be made by Purchase Orders.

Animals

Definition: Any live, vertebrate animal used or intended for use in teaching, research, research training, experimentation, testing, exhibit, or for related purposes. Examples include, but are not limited to, traditional laboratory animals, wildlife, reptiles, amphibians, birds and fish. USDA-regulated animals are prohibited.

Purchasing: The University permits the use of vertebrate animals in animal-related research, testing, teaching, or training, but the purchase and use of animals is subject to federally mandated approval and oversight under rules defined by the [Institutional Animal Care & Use Committee \(IACUC\)](#). These rules require the IACUC and/or its designee, Office of Research, and the Institutional Official to be integrally involved in the process to order and receive vertebrate animals on or off University campus or used in University activities. Requests for the purchase of animals must be placed through the Procurement Services and each and every purchase must be approved by the IACUC and/or its designee prior to order placement.

Prescription Drugs, Medical Gases, and Controlled Substances

Definition: Prescription drugs and medical gases, and controlled substances covered by this policy are substances used in teaching, research, and testing that are overseen by the Florida Department of Business Regulation (DBPR) and listed by the US Department of Justice (DOJ) and Drug Enforcement Administration (DEA), respectively.

Purchasing: Because it is illegal for individuals to possess prescription drugs and medical gases without a valid prescription from a licensed practitioner, and the Florida law recognizes instances where possession without a prescription is warranted, the FL DBPR issues exemption letters that authorize use by qualified individuals for lawful teaching, research, and testing. Further, due to their potential for misuse and abuse, items listed by the US DOJ and DEA, are subject to federal and state licensing prior to procurement and special procurement, storage, use, disposal, and record keeping procedures.

Since the University cannot, by law, maintain a “blanket” exemption letter for prescription drugs and gases and license for controlled substances, it is the responsibility of individual researchers and other staff using these materials to obtain appropriate exemption letters and licenses. The Office of Research assists with the processing of state/federal prescription drugs and gases exemptions and controlled substance licensing for individual Florida Institute of Technology researchers. Requests for assistance with new or renewal exemptions and licenses must be directed to the Office of Research.

Purchases of prescription drugs, medical gases, and controlled substances for teaching, research, and testing use must be made by Purchase Order. Prior to order processing, vendors require valid exemption/licensing information for the individual responsible for the prescription drugs, medical gases, and/or controlled substances requested.

Non-Taxable Ethyl Alcohol

Definition: Non-Taxable high-proof ethyl alcohol is regulated by the federal Bureau of Alcohol, Tobacco, and Firearms.

Purchasing: The University must maintain records, and report all purchases of non-taxable, high-proof ethyl alcohol. Contract orders for non-taxable ethyl alcohol are managed by the Purchasing Office.

Special Situations/Exceptions

The policy governing the purchase of restricted materials is designed to meet regulatory compliance requirements and ensure the health and safety of the University community. Requests for exceptions, variances, or modifications to these policies should be directed, in writing, to Procurement Services and the office of Environmental Health and Safety or the Institutional Animal Care & Use Committee as appropriate. Any appeals to the decisions should be brought to the attention of the appropriate committee. Questions regarding interpretation of this policy should be forwarded to the Purchasing Manager.

<https://www.fit.edu/compliance-and-risk-management/office-of-environmental-health-and-safety/>