



2005 SENATE BILL 652

March 3, 2006 – Introduced by Senator HARSDORF, cosponsored by Representatives RHOADES and SHERMAN. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1 **AN ACT to amend** 961.23 (6), 961.41 (3j) and 961.453 (1) (a) of the statutes;
2 **relating to:** substances covered by certain criminal statutes relating to the
3 controlled substance pseudoephedrine.

Analysis by the Legislative Reference Bureau

Current law contains a number of provisions that regulate the possession or acquisition of the controlled substance pseudoephedrine. One such provision prohibits the possession of products containing pseudoephedrine (as well as certain other products and materials) with the intent to manufacture the controlled substance methamphetamine. Under that law, a person's possession of more than nine grams of pseudoephedrine, other than pseudoephedrine contained in liquid-filled gelcaps or certain other products, creates a rebuttable presumption that the person intended to manufacture methamphetamine. Whether that presumption applies depends on the weight of the pseudoephedrine itself, as opposed to the weight of the product containing it. The weight of pseudoephedrine products, however, does matter in the context of prohibitions relating to the acquisition of pseudoephedrine. For example, current law prohibits a person from purchasing more than seven and one-half grams of a pseudoephedrine product within a 30-day period, other than by purchasing it in person from a pharmacy or pharmacist.

This bill revises weight-based prohibitions relating to the acquisition of pseudoephedrine (all of which involve a seven and one-half gram threshold) so that they relate to the weight of the pseudoephedrine itself — not the weight of the product containing it. The prohibitions affected are: 1) the prohibition described

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above regarding certain purchases that are not made in person from a pharmacy or pharmacist; 2) the prohibition regarding certain purchases made without the authorization of a physician, dentist, or veterinarian; and 3) the prohibition regarding attempting to acquire pseudoephedrine under certain circumstances by having another person purchase it on his or her behalf.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 961.23 (6) of the statutes, as created by 2005 Wisconsin Act 14, is
2 amended to read:

3 961.23 **(6)** No person other than a physician, dentist, veterinarian, or
4 pharmacist may purchase more than 7.5 grams of ~~a~~ pseudoephedrine product
5 within a 30-day period without the authorization of a physician, dentist, or
6 veterinarian.

7 **SECTION 2.** 961.41 (3j) of the statutes, as created by 2005 Wisconsin Act 14, is
8 amended to read:

9 961.41 **(3j)** PURCHASES OF PSEUDOEPHEDRINE PRODUCTS. Whoever purchases
10 more than 7.5 grams of ~~a~~ pseudoephedrine product within a 30-day period, other
11 than by purchasing the product in person from a pharmacy or pharmacist, is guilty
12 of a Class I felony. This subsection does not apply to a purchase by a physician,
13 dentist, veterinarian, or pharmacist or a purchase that is authorized by a physician,
14 dentist, or veterinarian.

15 **SECTION 3.** 961.453 (1) (a) of the statutes, as created by 2005 Wisconsin Act 14,
16 is amended to read:

