

1981 Senate Bill 604

Date published: April 20, 1982

CHAPTER 206 , Laws of 1981

AN ACT to repeal 161.14 (2) (g) and (4) (k), 161.16 (2) (c) and (d), (3) (em), (4) and (6) and 161.18 (2) and (3) (g); to renumber 161.16 (3) (k) to (p), 161.18 (2m) (d) and 161.20 (2) (a) and (3); to renumber and amend 161.16 (3) (q) to (t) and 161.20 (2) (n); to amend 161.01 (14), 161.14 (2) (intro.), (3) (intro.) and (j), (4) (intro.), (a), (g), (j), (m) and (t) and (5) (intro.), 161.16 (2) (a), 161.16 (3) (intro.), (5) (intro.) and (b) to (d) and (7) (intro.), 161.18 (2m) (intro.), (3) (intro.), (m) and (n) and (5) (intro.) to (f) and (h), 161.20 (2) (intro.), (2m) (intro.) and (4) (intro.), 161.22 (2) (intro.) to (d) and 161.23 (5); to repeal and recreate 161.14 (3) (x) and (4) (n), (s) and (u), 161.16 (2) (intro.) and (b), 161.18 (4) and 161.20 (2) (cp); and to create 161.14 (1) (title), (2) (qs), (xg) and

(xr), (4) (ug) and (ur), (6) and (7), 161.16 (1) (title), (2) (a) 1 to 13, (7) (am), (8) and (9), 161.18 (1) (title) and (6) (title), 161.20 (1) (title), (2) (a), (eo), (er), (n) and (o), (2m) (e), (3) and (5) (title) and 161.22 (1) (title), (2) (f) and (3) of the statutes, relating to revising the schedules of controlled substances.

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

SECTION 1. 161.01 (14) of the statutes is amended to read:

161.01 (14) "Marijuana" means all parts of the plant plants of the genus Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

SECTION 2. 161.14 (1) (title) of the statutes is created to read:

161.14 (1) (title) INCLUDED SUBSTANCES.

SECTION 3. 161.14 (2) (intro.) of the statutes is amended to read:

161.14 (2) (title) OPIATES. (intro.) Any Unless specifically excepted under federal regulations or unless listed in another schedule, any of the following opiates, including or their isomers, esters, ethers, salts and, salts of isomers, esters and or ethers, unless specifically excepted, whenever the existence of these if isomers, esters, ethers and, salts is possible or salts of isomers exist within the specified chemical designation:

SECTION 4. 161.14 (2) (g) of the statutes is repealed.

SECTION 5. 161.14 (2) (qs), (xg) and (xr) of the statutes are created to read:

161.14 (2) (qs) Methylfentanyl;

(xg) Sufentanil;

(xr) Tilidine;

SECTION 6. 161.14 (3) (intro.) and (j) of the statutes are amended to read:

161.14 (3) (title) OPIUM DERIVATIVES. (intro.) Unless specifically excepted or under federal regulations or unless listed in another schedule, any of the following opium derivatives, or their salts, isomers and or salts of isomers whenever the existence of these, if salts, isomers and or salts of isomers is possible exist within the specific chemical designation:

(j) Etorphine, except hydrochloride salts of etorphine;

SECTION 7. 161.14 (3) (x) of the statutes is repealed and recreated to read:

161.14 (3) (x) Pholcodine;

SECTION 8. 161.14 (4) (intro.), (a), (g) and (j) of the statutes are amended to read:

161.14 (4) (title) HALLUCINOGENIC SUBSTANCES. (intro.) Any Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, or their salts, isomers and or salts of isomers, unless specifically excepted, whenever the existence of these if salts, isomers and or salts of isomers is possible exist within the specific chemical designation, in any form including a substance, salt, isomer or salt of an isomer contained in a plant, obtained from a plant or chemically synthesized:

(a) 3,4-methylenedioxy amphetamine, commonly known as "MDA";

(g) 4-methyl-2, 5-dimethoxyamphetamine, commonly known as "STP";

(j) Lysergic acid diethylamide, commonly known as "LSD";

SECTION 9. 161.14 (4) (k) of the statutes is repealed.

SECTION 10. 161.14 (4) (m) of the statutes is amended to read:

161.14 (4) (m) Mescaline, in any form, including mescaline contained in peyote, obtained from peyote or chemically synthesized;

SECTION 11. 161.14 (4) (n) and (s) of the statutes are repealed and recreated to read:

161.14 (4) (n) Phencyclidine, commonly known as "PCP".

(s) Psilocin;

SECTION 12. 161.14 (4) (t) of the statutes is amended to read:

161.14 (4) (t) Tetrahydrocannabinols, commonly known as "THC", in any form including tetrahydrocannabinols contained in marijuana, obtained from marijuana or chemically synthesized;

SECTION 13. 161.14 (4) (u) of the statutes is repealed and recreated to read:

161.14 (4) (u) 1-[1-(2-thienyl)-cyclohexyl]-piperidine, which is the thiophene analog of phencyclidine;

SECTION 14. 161.14 (4) (ug) and (ur) of the statutes are created to read:

161.14 (4) (ug) N-ethyl-1-phenylcyclohexylamine, which is the ethylamine analog of phencyclidine;

(ur) 1-(1-phenylcyclohexyl)-pyrrolidine, which is the pyrrolidine analog of phencyclidine;

SECTION 15. 161.14 (5) (intro.) of the statutes is amended to read:

161.14 (5) (title) **DEPRESSANTS.** (intro.) Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its or their salts, isomers, and or salts of isomers whenever the existence of such, if salts, isomers and or salts of isomers is possible exist within the specific chemical designation:

SECTION 16. 161.14 (6) of the statutes is created to read:

161.14 (6) **IMMEDIATE PRECURSORS.** Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances or their salts:

(a) Immediate precursors to phencyclidine:

1. 1-phenylcyclohexylamine.
2. 1-piperidinocyclohexanecarbonitrile.

SECTION 16m. 161.14 (7) of the statutes is created to read:

161.14 (7) **STIMULANTS.** Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following stimulants or their salts, isomers or salts of isomers, if salts, isomers or salts of isomers exist within the specific chemical designation:

- (a) Fenethylamine.
- (b) N-ethylamphetamine.

SECTION 17. 161.16 (1) (title) of the statutes is created to read:

161.16 (1) (title) **INCLUDED SUBSTANCES.**

SECTION 18. 161.16 (2) (intro.) of the statutes is repealed and recreated to read:

161.16 (2) (title) SUBSTANCES OF PLANT ORIGIN. (intro.) Unless specifically excepted under federal regulations or unless listed in another schedule, any of the following substances in any form, including a substance contained in a plant, obtained from a plant or chemically synthesized:

SECTION 19. 161.16 (2) (a) of the statutes is amended to read:

161.16 (2) (a) Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate. Apomorphine, dextrorphan, nalbuphine, butorphanol, naloxone and naltrexone and their respective salts and the isoquinoline alkaloids of opium and their respective salts are excluded from this paragraph. The following substances and their salts, isomers and salts of isomers, if salts, isomers or salts of isomers exist under the specific chemical designation, are included in this paragraph:

SECTION 20. 161.16 (2) (a) 1 to 13 of the statutes are created to read:

161.16 (2) (a) 1. Opium, including raw opium, opium extracts, opium fluid extracts, powdered opium, granulated opium and tincture of opium.

2. Opium poppy and poppy straw.

3. Concentrate of poppy straw, which is the crude extract of poppy straw in either liquid, solid or powder form containing the phenanthrene alkaloids of the opium poppy.

4. Codeine.

5. Ethylmorphine.

6. Etorphine hydrochloride.

7. Hydrocodone, also known as dihydrocodeinone.

8. Hydromorphone, also known as dihydromorphinone.

9. Metopon.

10. Morphine.

11. Oxycodone.

12. Oxymorphone.

13. Thebaine.

SECTION 21. 161.16 (2) (b) of the statutes is repealed and recreated to read:

161.16 (2) (b) Coca leaves and any salt, compound, derivative or preparation of coca leaves. Decocainized coca leaves or extractions which do not contain cocaine or ecgonine are excluded from this paragraph. The following substances and their salts, isomers and salts of isomers, if salts, isomers or salts of isomers exist under the specific chemical designation, are included in this paragraph:

1. Cocaine.

2. Ecgonine.

SECTION 22. 161.16 (2) (c) and (d) of the statutes are repealed.

SECTION 23. 161.16 (3) (intro.) of the statutes is amended to read:

161.16 (3) (title) OPIATES. (intro.) Any Unless specifically excepted under federal regulations or unless listed in another schedule, any of the following opiates, including or their isomers, esters, ethers, salts and salts of isomers, whenever the existence of these if isomers, esters, ethers and, salts is possible or salts of isomers exist within the specific chemical designation:

SECTION 24. 161.16 (3) (em) of the statutes is repealed.

SECTION 25. 161.16 (3) (k) to (p) of the statutes are renumbered 161.16 (3) (q) to (t).

SECTION 26. 161.16 (3) (q) to (t) of the statutes are renumbered 161.16 (3) (k), (m), (n) and (p), respectively, and amended to read:

- 161.16 (3) (k) ~~Pethidine Meperidine~~, also known as pethidine;
- (m) ~~Pethidine Meperidine--Intermediate--A~~, 4-cyano-1-methyl-4-phenylpiperidine;
- (n) ~~Pethidine Meperidine--Intermediate--B~~, ethyl-4-phenylpiperidine-4-carboxylate;
- (p) ~~Pethidine Meperidine--Intermediate--C~~, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

SECTION 27. 161.16 (4) of the statutes is repealed.

SECTION 28. 161.16 (5) (intro.) and (b), (c), and (d), as affected by chapter (Senate Bill 98), laws of 1981, of the statutes are amended to read:

161.16 (5) (title) STIMULANTS. (intro.) Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (b) Methamphetamine, its salts, optical isomers, and salts of its optical isomers;
- (c) Phenmetrazine ~~and~~, its salts, isomers and salts of its isomers;
- (d) Methylphenidate, its salts, optical isomers and salts of its optical isomers.

SECTION 29. 161.16 (6) of the statutes is repealed.

SECTION 30. 161.16 (7) (intro.) of the statutes is amended to read:

161.16 (7) (title) DEPRESSANTS. (intro.) Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system or their salts, isomers or salts of isomers, if salts, isomers or salts of isomers exist within the specific chemical designation:

SECTION 31. 161.16 (7) (am) and (8) of the statutes are created to read:

161.16 (7) (am) Methaqualone;

(8) IMMEDIATE PRECURSORS. Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances:

- (a) An immediate precursor to amphetamine or methamphetamine:
 1. Phenylacetone, commonly known as "P2P".

SECTION 31m. 161.16 (9) of the statutes is created to read:

161.16 (9) OTHER SUBSTANCES. Unless specifically excepted by federal regulations or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances or their salts, isomers or salts of isomers, if salts, isomers or salts of isomers exist under the specific chemical designation:

- (a) Pentazocine.

SECTION 32. 161.18 (1) (title) of the statutes is created to read:

161.18 (1) (title) INCLUDED SUBSTANCES.

SECTION 33. 161.18 (2) of the statutes is repealed.

SECTION 34. 161.18 (2m) (intro.) of the statutes is amended to read:

161.18 (2m) (title) STIMULANTS. (intro.) Any Unless specifically excepted by federal regulations or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system or their salts, isomers or salts of isomers, if salts, isomers or salts of isomers exist within the specific chemical designation:

SECTION 34m. 161.18 (2m) (d) of the statutes is renumbered 161.20 (2) (eq).

SECTION 35. 161.18 (3) (intro.) of the statutes is amended to read:

161.18 (3) (title) DEPRESSANTS. (intro.) Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system or their salts, isomers or salts of isomers, if salts, isomers or salts of isomers exist within the specific chemical designation:

SECTION 36. 161.18 (3) (g) of the statutes is repealed.

SECTION 37. 161.18 (3) (m) and (n) of the statutes are amended to read:

161.18 (3) (m) ~~Unless excepted under federal regulations, any~~ Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital ~~or any salt thereof~~ and one or more other active medicinal ingredients which are not listed in any schedule.

(n) ~~Unless excepted under federal regulations, any~~ Any suppository dosage form containing amobarbital, secobarbital, ~~or pentobarbital, or any salt of any of these drugs~~ and approved by the federal food and drug administration for marketing only as a suppository.

SECTION 38. 161.18 (4) of the statutes, as affected by chapter (Senate Bill 98), laws of 1981, is repealed and recreated to read:

161.18 (4) OTHER SUBSTANCES. Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances or their salts, isomers or salts of isomers, if salts, isomers or salts of isomers exist under the specific chemical designation:

(a) Nalorphine.

(b) Not more than 12.5 milligrams per dosage unit of pentazocine with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

SECTION 39. 161.18 (5) (intro.) to (f) and (h) of the statutes are amended to read:

161.18 (5) (title) NARCOTIC DRUGS. (intro.) ~~Any~~ Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture or preparation containing limited quantities of any of the following narcotic drugs, or any their salts thereof, isomers or salts of isomers, calculated as the free anhydrous base or alkaloid, in the following specified quantities:

(a) Not more than 1.8 grams of codeine, ~~or any of its salts,~~ per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine, ~~or any of its salts,~~ per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than 300 milligrams of ~~dihydrocodeinone, or any of its salts,~~ hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with a four-fold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than 300 milligrams of ~~dihydrocodeinone, or any of its salts,~~ hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine, ~~or any of its salts,~~ per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than 300 milligrams of ethylmorphine, ~~or any of its salts~~, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

(h) Not more than 50 milligrams of morphine, ~~or any of its salts~~, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

SECTION 40. 161.18 (6) (title) of the statutes is created to read:

161.18 (6) (title) EXCEPTIONS.

SECTION 41. 161.20 (1) (title) of the statutes is created to read:

161.20 (1) (title) INCLUDED SUBSTANCES.

SECTION 42. 161.20 (2) (intro.) of the statutes is amended to read:

161.20 (2) (title) DEPRESSANTS. (intro.) Any Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system or their salts, isomers or salts of isomers, if salts, isomers or salts of isomers exist under the specific chemical designation:

SECTION 42g. 161.20 (2) (a) of the statutes is renumbered 161.20 (2) (am).

SECTION 42r. 161.20 (2) (a) of the statutes is created to read:

161.20 (2) (a) Alprazolam;

SECTION 43. 161.20 (2) (cp) of the statutes is repealed and recreated to read:

161.20 (2) (cp) Clorazepate;

SECTION 43m. 161.20 (2) (eo) of the statutes is created to read:

161.20 (2) (eo) Halazepam;

SECTION 44. 161.20 (2) (er) of the statutes is created to read:

161.20 (2) (er) Lorazepam;

SECTION 45. 161.20 (2) (n) of the statutes is renumbered 161.20 (2) (ew) and amended to read:

161.20 (2) (ew) Mebutamate;

SECTION 46. 161.20 (2) (n) and (o) of the statutes are created to read:

161.20 (2) (n) Temazepam;

(o) N,N'-dimethyl-1, 2-diphenylethylamine, commonly known as "SPA".

SECTION 47. 161.20 (2m) (intro.) of the statutes is amended to read:

161.20 (2m) (title) STIMULANTS. (intro.) Any Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system or their salts, isomers or salts of isomers, if salts, isomers or salts of isomers exist under the specific chemical designation:

SECTION 48. 161.20 (2m) (e) of the statutes is created to read:

161.20 (2m) (e) Pipradrol.

SECTION 49. 161.20 (3) of the statutes is renumbered 161.20 (5).

SECTION 50. 161.20 (3) of the statutes is created to read:

161.20 (3) NARCOTIC DRUGS CONTAINING NONNARCOTIC ACTIVE MEDICINAL INGREDIENTS. Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs or their salts, isomers or salts of isomers, calculated as the

free anhydrous base or alkaloid, which also contains one or more nonnarcotic, active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than 1.0 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

SECTION 51. 161.20 (4) (intro.) of the statutes is amended to read:

161.20 (4) (title) OTHER SUBSTANCES. (intro.) ~~Other substances.~~ Unless specifically excepted under federal regulations or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its or their salts:

SECTION 52. 161.20 (5) (title) of the statutes is created to read:

161.20 (5) (title) EXCEPTIONS.

SECTION 53. 161.22 (1) (title) of the statutes is created to read:

161.22 (1) (title) INCLUDED SUBSTANCES.

SECTION 54. 161.22 (2) (intro.) to (d) of the statutes are amended to read:

161.22 (2) (title) NARCOTIC DRUGS CONTAINING NONNARCOTIC ACTIVE MEDICINAL INGREDIENTS. (intro.) Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs or their salts, isomers or salts of isomers, calculated as the free anhydrous base or alkaloid, which also contains one or more nonnarcotic, active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than 200 milligrams of codeine, ~~or any of its salts~~, per 100 milliliters or per 100 grams;

(b) Not more than 100 milligrams of dihydrocodeine, ~~or any of its salts~~, per 100 milliliters or per 100 grams;

(c) Not more than 100 milligrams of ethylmorphine, ~~or any of its salts~~, per 100 milliliters or per 100 grams;

(d) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

SECTION 55. 161.22 (2) (f) and (3) of the statutes are created to read:

161.22 (2) (f) Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(3) OTHER SUBSTANCES. Unless specifically excepted under federal regulations or unless listed in another schedule, any quantity of the following substances or their salts, isomers or salts of isomers, if salts, isomers or salts of isomers exist under the specific chemical designation:

(a) Loperamide.

SECTION 56. 161.23 (5) of the statutes is amended to read:

161.23 (5) That no person may purchase more than 4 8 ounces of such a substance product containing opium or more than 4 ounces of a product containing any other schedule V substance within a 48-hour period without the authorization of a physician, dentist or veterinarian nor may more than 4 8 ounces of a product containing opium or more than 4 ounces of a product containing any other schedule V substance be in the possession of any person other than a physician, dentist, veterinarian or pharmacist at any time without the authorization of a physician, dentist or veterinarian.

SECTION 57. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

Statute Sections	Old Cross-References	New Cross-References
161.18 (6)	sub. (2) or (3)	sub. (3)
