

**2005 DRAFTING REQUEST**

**Bill**

Received: **02/23/2006**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Sheila Harsdorf (608) 266-7745**

By/Representing: **Chris**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Adtl. Drafters:

Subject: **Criminal Law - drugs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Harsdorf@legis.state.wi.us**

Carbon copy (CC:) to: **cathlene.hanaman@legis.state.wi.us**  
**robin.ryan@legis.state.wi.us**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Measuring weight of pseudoephedrine

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**Instructions:**

Change references to 7.5 grams of pseudoephedrine product to 7.5 grams of pseudoephedrine

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 02/27/2006	jdyer 03/01/2006		_____			
/1			rschluet 03/01/2006	_____	sbasford 03/01/2006	sbasford 03/02/2006	

FE Sent For:

↳ Not Needed

<END>

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**Topic:**

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**Instructions:**

Change references to 7.5 grams of pseudoephedrine product to 7.5 grams of pseudoephedrine; amend 961.41(1r) to account for changes

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/?	mdsida	13/1 jld					

FE Sent For:

<END>



jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

TODAY

Gen

- 1 AN ACT ...; relating to: substances covered by certain criminal statutes relating
- 2 to the 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 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 within  
5 a 30-day period without the authorization of a physician, dentist, or veterinarian.

History: 1971 c. 219; 1973 c. 12 s. 37; 1981 c. 206; 1993 a. 482; 1995 a. 448 s. 228; Stats. 1995 s. 961.23; 2005 a. 14.

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

8 961.41 (3j) PURCHASES OF PSEUDOEPHEDRINE PRODUCTS. Whoever purchases  
9 more than 7.5 grams of a pseudoephedrine product within a 30-day period, other  
10 than by purchasing the product in person from a pharmacy or pharmacist, is guilty  
11 of a Class I felony. This subsection does not apply to a purchase by a physician,  
12 dentist, veterinarian, or pharmacist or a purchase that is authorized by a physician,  
13 dentist, or veterinarian.

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16, 109; 2003 a. 33, 49, 139, 320, 325, 327; 2005 a. 14, 25, 52.

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

16 961.453 (1) (a) No person may, with the intent to acquire more than 7.5 grams  
17 of a pseudoephedrine product within a 30-day period, knowingly solicit, hire, direct,  
18 employ, or use another to purchase a pseudoephedrine product on his or her behalf.

History: 2005 a. 14.

**Northrop, Lori**

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**From:** Schneider, Christian  
**Sent:** Wednesday, March 01, 2006 2:35 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 05-4724/1 Topic: Measuring weight of pseudoephedrine

Please Jacket LRB 05-4724/1 for the SENATE.