

2011 DRAFTING REQUEST

Bill

Received: **04/20/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Andy Jorgensen (608) 266-3790**

By/Representing: **Becky Sweeney**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - drugs**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Jorgensen@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Remove pharmacy exception from purchase of pseudoephedine products

Instructions:

See attached

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>
/?	chanaman 04/21/2011	csicilia 04/21/2011		_____			
/1			mduchek 04/21/2011	_____	lparisi 04/21/2011	lparisi 04/22/2011	

FE Sent For:

None

<END>

2011 DRAFTING REQUEST

Bill

Received: **04/20/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Andy Jorgensen (608) 266-3790**

By/Representing: **Becky Sweeney**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - drugs**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Jorgensen@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Remove pharmacy exception from purchase of pseudoephedine products

Instructions:

See attached

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>
/?	chanaman 04/21/2011	csicilia 04/21/2011		_____			
/1			mduchek 04/21/2011	_____	lparisi 04/21/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 04/20/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Andy Jorgensen (608) 266-3790**

By/Representing: **Becky Sweeney**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - drugs**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Jorgensen@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Remove pharmacy exception from purchase of pseudoephedine products

Instructions:

See attached

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>
/?	chanaman	Tijs 4/21 V		_____	_____		

FE Sent For:

<END>

Bucky Sweeney:

ADA -- hard to prosecute

people buy from Walgreens

remove pharm exception

ADA in town tomorrow -

will finish tomorrow



Noon
please

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

g3

Gen Cat
H. Cat

1

AN ACT ...; relating to: pseudoephedrine purchases.

Analysis by the Legislative Reference Bureau

Under current law, a drug, or controlled substance, is classified in one of five separate schedules. The classification is based on: 1) whether there is a currently accepted medical use for the drug; 2) the drug's potential for being abused; and 3) the nature of the psychological or physical dependence that use of the drug may produce. Controlled substances that have a high potential for abuse and no currently accepted medical use are included in schedule I. Controlled substances that have an accepted medical use and that have the lowest potential for abuse and produce the least dependence when compared with other controlled substances are included in schedule V. In general, a schedule I controlled substance may not be dispensed, even with a prescription. A schedule II, III, or IV controlled substance may be dispensed, but only with a prescription. A schedule V controlled substance may be dispensed without a prescription, but only a registered pharmacist or, with regard to pseudoephedrine, a person working under the direction of a registered pharmacist, may sell it at retail. In addition, the pharmacist must record the name and address of the purchaser of a schedule V controlled substance and the quantity of the product sold.

Pseudoephedrine products are classified as schedule V controlled substances and current law imposes restrictions on the sale of pseudoephedrine products. One restriction prohibits a person, except a physician, dentist, veterinarian, or pharmacist, from purchasing, without authorization from a physician, dentist, or veterinarian, more than seven and a half grams of a pseudoephedrine product within a 30-day period other than by purchasing it in person from a pharmacy or

pseudoephedrine in
pseudoephedrine m

pharmacist. This bill eliminates the exception for purchasing it from a pharmacy or pharmacist. A person who violates this prohibition is guilty of a felony and is subject to a fine of not more than \$10,000 or imprisonment for not longer than three years and six months, or both.

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

1 SECTION 1. 961.41 (3j) of the statutes is amended to read:

2 961.41 (3j) PURCHASES OF PSEUDOEPHEDRINE PRODUCTS. Whoever purchases
3 more than 7.5 grams of pseudoephedrine contained in a pseudoephedrine product
4 within a 30-day period, ~~other than by purchasing the product in person from a~~
5 ~~pharmacy or pharmacist~~, is guilty of a Class I felony. This subsection does not apply
6 to a purchase by a physician, dentist, veterinarian, or pharmacist or a purchase that
7 is authorized by a physician, 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, 467 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, 262; 2007 a. 20; 2009 a. 28, 180.

8 SECTION 2. Initial applicability.

9 (1) This act first applies to purchases ~~made~~ on the effective date of this
10 subsection.

11 (END)

within the 30-day period
made beginning

Parisi, Lori

From: Sweeney, Rebekah
Sent: Friday, April 22, 2011 9:10 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-1964/1 Topic: Remove pharmacy exception from purchase of pseudoephedine products

Please Jacket LRB 11-1964/1 for the ASSEMBLY.