



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2648/1
KP:emw

2017 SENATE BILL 361

July 13, 2017 - Introduced by Senators HARSDORF, OLSEN, BEWLEY, FEYEN, MARKLEIN, L. TAYLOR, VINEHOUT and WIRCH, cosponsored by Representatives BALLWEG, JACQUE, SUBECK, BERCEAU, GANNON, HORLACHER, KLEEFISCH, RIPP, SPIROS, TITTL and GENRICH. Referred to Committee on Health and Human Services.

1 **AN ACT to amend** 450.115 (4) (a), 450.115 (4) (b) and 450.115 (4) (c); and **to create**
2 450.115 (1) (am) and 450.115 (3) (d) of the statutes; **relating to:** hospice staff
3 transferring the controlled substances of deceased persons to drug disposal
4 programs.

Analysis by the Legislative Reference Bureau

This bill authorizes a hospice worker to receive written authorization from a personal representative or trustee of a deceased person's estate or trust, or an adult beneficiary of the estate or trust, to lawfully transfer a controlled substance to a drug disposal program that is authorized under state or federal law. Under the bill, the authorization is valid only if it satisfies certain conditions, including that the authorization describes the controlled substance with reasonable specificity and that the authorization and the controlled substance were obtained by the hospice worker without the payment of money or something else of value.

Under current law, a person may not, and it is often a crime to, deliver, receive, or possess certain controlled substances unless the person is a licensed pharmacist or other licensed practitioner, has a valid prescription for the controlled substance, or lawfully possesses the controlled substance for the purpose of transferring it to a drug disposal program that is authorized under state or federal law.

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

