



1995 ASSEMBLY BILL 687

November 21, 1995 - Introduced by Representatives OTTE, GROTHMAN, HUBER, GREEN, PROSSER, BALDWIN, GOETSCH, OWENS, KUNICKI and CULLEN, cosponsored by Senators BUETTNER, HUELSMAN, ZIEN and A. LASEE. Referred to Special committee on Controlled Substances.

1 **AN ACT to renumber and amend** 15.195 (2); **to amend** 161.36 (title); and **to**
2 **create** 161.36 (1m) of the statutes; **relating to:** transferring the controlled
3 substances board from the department of health and family services to the
4 department of regulation and licensing.

Analysis by the Legislative Reference Bureau

Under current law, the controlled substances board (board) is attached to the department of health and social services, which is renamed the department of health and family services (DHFS) effective July 1, 1996. The board is made up of the following members: the attorney general, the secretary of health and social services and the secretary of agriculture, trade and consumer protection, or their designees; the chairperson of the pharmacy examining board or a designee; and one psychiatrist and one pharmacologist appointed by the governor for 3-year terms. The board has the authority to promulgate rules that add substances to or delete substances from the schedules of controlled substances. The board may also issue permits authorizing the manufacture, possession, use, administration or dispensing of a controlled substance for purposes of scientific research, instructional activities, chemical analysis or other special uses. Finally, the board promotes and monitors coordination and cooperation between agencies responsible for compliance with the controlled substances law.

This bill transfers the board from DHFS to the department of regulation and licensing (DORL). The bill does not change the membership of the board or the current authority and duties of the board, except that under the bill the board, in addition to its current duties, is required to provide, upon request, advice and assistance in matters related to the controlled substances law to DORL or a board, examining board or affiliated credentialing board in DORL.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 15.195 (2) of the statutes is renumbered 15.405 (5g) and amended
2 to read:

3 15.405 (**5g**) CONTROLLED SUBSTANCES BOARD. There is created in the department
4 of ~~health and family services~~ regulation and licensing a controlled substances board
5 consisting of the attorney general, the secretary of health and family services and the
6 secretary of agriculture, trade and consumer protection, or their designees; the
7 chairperson of the pharmacy examining board or a designee; and one psychiatrist
8 and one pharmacologist appointed for 3-year terms.

9 **SECTION 2.** 161.36 (title) of the statutes is amended to read:

10 **161.36** (title) ~~Diversions~~ Controlled substances board duties relating to
11 diversion control and prevention, compliance with controlled substances
12 law and advice and assistance.

13 **SECTION 3.** 161.36 (1m) of the statutes is created to read:

14 161.36 (**1m**) At the request of the department of regulation and licensing or a
15 board, examining board or affiliated credentialing board in the department of
16 regulation and licensing, the controlled substances board shall provide advice and
17 assistance in matters related to the controlled substances law to the department or
18 to the board, examining board or affiliated credentialing board in the department
19 making the request for advice or assistance.

20 **SECTION 4. Nonstatutory provisions.**

1 (1) TRANSFER OF CONTROLLED SUBSTANCES BOARD TO DEPARTMENT OF REGULATION
2 AND LICENSING.

3 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets
4 and liabilities of the department of health and family services that are primarily
5 related to the functions of the controlled substances board, as determined jointly by
6 the secretary of health and family services and the secretary of regulation and
7 licensing, shall become the assets and liabilities of the department of regulation and
8 licensing.

9 (b) *Tangible personal property.* On the effective date of this paragraph, all
10 tangible personal property, including records, of the department of health and family
11 services that is primarily related to the functions of the controlled substances board,
12 as determined jointly by the secretary of health and family services and the secretary
13 of regulation and licensing, is transferred to the department of regulation and
14 licensing.

15 (c) *Contracts.*

16 1. All contracts entered into by the controlled substances board in effect on the
17 effective date of this subdivision remain in effect. The controlled substances board
18 shall carry out the obligations of any such contract until modified or rescinded by the
19 controlled substances board to the extent allowed under the contract.

20 2. All contracts entered into by the department of health and family services
21 in effect on the effective date of this subdivision that are primarily related to the
22 functions of the controlled substances board, as determined jointly by the secretary
23 of health and family services and the secretary of regulation and licensing, remain
24 in effect and are transferred to the department of regulation and licensing. The
25 department of regulation and licensing shall carry out the obligations of any such

1 contract until modified or rescinded by the department of regulation and licensing
2 to the extent allowed under the contract.

3 (d) *Rules and orders.* All rules promulgated by the controlled substances board
4 that are in effect on the effective date of this paragraph remain in effect until their
5 specified expiration date or until amended or repealed by the controlled substances
6 board. All orders issued by the controlled substances board that are in effect on the
7 effective date of this paragraph remain in effect until their specified expiration date
8 or until modified or rescinded by the controlled substances board.

9 **SECTION 5. Effective date.**

10 (1) TRANSFER OF CONTROLLED SUBSTANCES BOARD. This act takes effect on July 1,
11 1996, or on the day after publication, whichever is later.

12 (END)