

1971 Senate Bill 238

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CHAPTER 71, Laws of 1971

AN ACT to amend 161.05 (1) (b), 161.06 (1) (a), 161.07 (1) and (3), 161.09 (1), 161.10 (2), 161.24, 161.26, 161.30 (1) (e) and (9) (d) and 448.10 (1); and to create 161.01 (2m) of the statutes, relating to permitting podiatrists to dispense narcotic drugs, and revising the definition of podiatry.

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

SECTION 1. 161.01 (2m) of the statutes is created to read:

161.01 (2m) "Podiatrist" means a person holding a certificate of registration under s. 448.13.

SECTION 1m. 161.05 (1) (b) of the statutes is amended to read:

161.05 (1) (b) To a physician, dentist ~~or~~ podiatrist or veterinarian.

SECTION 1r. 161.06 (1) (a) of the statutes is amended to read:

161.06 (1) (a) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist ~~or~~ podiatrist or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of 2 years, so as to be readily accessible for inspection by any public officer or employe engaged in the enforcement of this chapter. The prescription shall not be refilled.

SECTION 2. 161.07 (1) and (3) of the statutes are amended to read:

161.07 (1) (title) PHYSICIANS, DENTISTS AND PODIATRISTS. A physician ~~or a~~ dentist or podiatrist, in good faith and in the course of his professional practice only, may prescribe, administer and dispense narcotic drugs, or he may cause the same to be administered by a nurse or intern under his direction and supervision.

(3) Any person who has obtained from a physician, dentist ~~or~~ podiatrist or veterinarian any narcotic drug for administration to a

patient during the absence of such physician, dentist, ~~podiatrist~~ or veterinarian, shall return to such physician, dentist, ~~podiatrist~~ or veterinarian any unused portion of such drug, when it is no longer required by the patient.

SECTION 2f. 161.09 (1) of the statutes is amended to read:

161.09 (1) (title) PHYSICIANS, DENTISTS, PODIATRISTS, VETERINARIANS AND OTHER AUTHORIZED PERSONS. Every physician, dentist, podiatrist, veterinarian or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local applications, shall keep a record of the quantity, character and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients, and no record need be kept of narcotic drugs administered, dispensed or professionally used in the treatment of any one patient, when the amount administered, dispensed or professionally used for that purpose does not exceed in any 48 consecutive hours, ~~(a)~~ 4 grains of opium, or ~~(b)~~ one-half of a grain of morphine or of any of its salts, or ~~(c)~~ 2 grains of codeine or of any of its salts, or ~~(d)~~ one-fourth of a grain of heroin or of any of its salts, or ~~(e)~~ a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

SECTION 2k. 161.10 (2) of the statutes is amended to read:

161.10 (2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, ~~podiatrist~~ or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address and registry number or the name, address and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address and registry number of the physician, dentist, podiatrist or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface or remove any label so affixed.

SECTION 2m. 161.24 of the statutes is amended to read:

161.24 Nothing in this chapter shall authorize the sale, dispensing, prescription, administration or use of drugs of any kind by any person or under any circumstances contrary to any other provision of law; nor shall anything in this chapter be construed to prohibit physicians, dentists, podiatrists or veterinarians from compounding or mixing narcotic drugs in good faith for dispensing or administering in the course of their professional practice.

SECTION 2p. 161.26 of the statutes is amended to read:

161.26 No physician, dentist, ~~podiatrist~~ or veterinarian and no druggist or pharmacist shall solicit by advertisement or otherwise the applications for prescriptions for narcotic drugs, nor shall he advertise any treatment, the principal element of which consists in administering or using a narcotic drug, except that a wholesale druggist or manufacturing pharmacist or sanitarium may advertise in publications intended for circulation among the medical profession and drug trade generally.

SECTION 3. 161.30 (1) (e) and (9) (d) of the statutes are amended to read:

161.30 (1) (e) "Practitioner" means a person licensed or registered by law to prescribe and administer dangerous drugs.

(9) (d) No person shall, for the purpose of obtaining a dangerous drug, falsely assume the title of, or represent himself to be, a licensed drug manufacturer, a licensed drug wholesaler, pharmacist, physician, dentist, podiatrist, veterinarian or other authorized practitioner.

SECTION 4. 448.10 (1) of the statutes is amended to read:

448.10 (1) The practice of podiatry is the diagnosis or mechanical, medical or surgical treatment, or treatment by the use of drugs, of the feet, but does not include ~~major surgery amputations other than digits of the foot~~ or the use of a general anesthetic unless administered by or under the direction of a person licensed to practice medicine and surgery. Diagnosis or treatment shall include no portion of the body above the feet except that the diagnosis and ~~mechanical~~ treatment shall include the tendons and muscles of the lower leg insofar as they shall be involved in the conditions of the feet.

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