

State of Wisconsin



1995 Assembly Bill 687

Date of enactment: **May 1, 1996**
Date of publication*: **May 15, 1996**

1995 WISCONSIN ACT 305

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

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

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

15.405 (5g) CONTROLLED SUBSTANCES BOARD. There is created in the department of ~~health and family services~~ regulation and licensing a controlled substances board consisting of the attorney general, the secretary of health and family 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 for 3-year terms.

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

161.36 (title) ~~Diversion~~ Controlled substances board duties relating to diversion control and prevention, compliance with controlled substances law and advice and assistance.

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

161.36 (1m) At the request of the department of regulation and licensing or a board, examining board or affiliated credentialing board in the department of regulation and licensing, the controlled substances board shall provide advice and assistance in matters related to the con-

trolled substances law to the department or to the board, examining board or affiliated credentialing board in the department making the request for advice or assistance.

SECTION 4. Nonstatutory provisions.

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

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

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

(c) *Contracts.*

1. All contracts entered into by the controlled substances board in effect on the effective date of this subdivision remain in effect. The controlled substances board shall carry out the obligations of any such contract until

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

modified or rescinded by the controlled substances board to the extent allowed under the contract.

2. All contracts entered into by the department of health and family services in effect on the effective date of this subdivision that are primarily related to the functions of the controlled substances board, as determined jointly by the secretary of health and family services and the secretary of regulation and licensing, remain in effect and are transferred to the department of regulation and licensing. The department of regulation and licensing shall carry out the obligations of any such contract until modified or rescinded by the department of regulation and licensing to the extent allowed under the contract.

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

SECTION 5. Effective date.

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