



2013 SENATE BILL 607

February 17, 2014 – Introduced by Senators VINEHOUT and LASSA, cosponsored by Representatives BERCEAU and T. LARSON. Referred to Committee on Health and Human Services.

1 **AN ACT** *to create* 961.41 (3h) of the statutes; **relating to:** misuse of a prescribed
2 controlled substance and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a drug, or controlled substance, is classified into 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. Under current law, a schedule II, III, or IV controlled substance may be dispensed, but only with a prescription.

This bill prohibits a person from intentionally using a schedule II controlled substance that is prescribed to him or her for oral ingestion in a manner that is inconsistent with the prescribed usage. Under the bill, a person who does so is guilty of a Class I felony and subject to a fine not to exceed \$10,000, imprisonment not to exceed three years and six months, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

