

2013 DRAFTING REQUEST

Bill

Received: 12/3/2012 Received By: phurley
Wanted: As time permits Same as LRB:
For: Kathleen Vinehout (608) 266-8546 By/Representing:
May Contact: Drafter: phurley
Subject: Criminal Law - drugs Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Vinehout@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Misuse of prescription

Instructions:

using your own schedule II prescription in a way not prescribed maybe a class I felony?

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 1/27/2014	evinz 12/5/2012	rschluet 12/5/2012	_____	sbasford 12/5/2012		Crime
/1		evinz 1/27/2014	jmurphy 1/27/2014	_____	srose 1/27/2014	srose 1/27/2014	Crime

FE Sent For:

<END>

NOT
NEEDED

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FE Sent For: *1 ev*
1/27/14 *Jim*
1/27/14

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(3)

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/P1	phurley	1/1/12 12/4/12					

FE Sent For:

<END>

Hurley, Peggy

From: Sappenfield, Anne
Sent: Monday, December 03, 2012 9:10 AM
To: Hurley, Peggy
Subject: draft language

Hi Peggy,

Florida House Bill 1081 (which died in committee) had the following offense: "Knowingly use in another manner a Schedule II controlled substance intended by the prescriber to be administered orally."

Thanks!
Anne

Anne Sappenfield
Senior Staff Attorney
WI Legislative Council
(608) 267-9485



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

12-4-12

SAJ
xref NA

1 **AN ACT** ^{gen cat}; **relating to:** misuse of a prescribed controlled substance, and ^{creating}

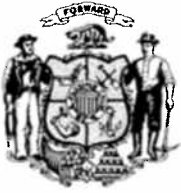
2 a penalty. ^{providing}

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.

C
C
Sp 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 3 years and 6 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



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0673/P1
PJH:eev:rs

other

Mr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1-29-14

egen

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.

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Rose, Stefanie

From: Nilsestuen, Joel
Sent: Monday, January 27, 2014 4:09 PM
To: LRB.Legal
Subject: Draft Review: LRB -0673/1 Topic: Misuse of prescription

Please Jacket LRB -0673/1 for the SENATE.