

State of Wisconsin



2015 Assembly Bill 365

Date of enactment: **March 17, 2016**

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2015 WISCONSIN ACT 268

AN ACT to create 961.37 and 961.385 (2) (i) of the statutes; **relating to:** duty of law enforcement officers to report to the Prescription Drug Monitoring Program controlled-substance violations, opioid-related drug overdoses or deaths, and reports of stolen prescription drugs.

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

SECTION 1. 961.37 of the statutes is created to read:

961.37 Law enforcement duty. (1) A law enforcement officer shall report as provided in sub. (2) if the law enforcement officer, while acting in an official capacity, does any of the following:

(a) Encounters a situation in which the law enforcement officer reasonably suspects that a violation of this chapter involving a monitored prescription drug, as defined in s. 961.385 (1) (ag), is occurring or has occurred.

(b) Encounters an individual who the law enforcement officer believes is undergoing or has immediately prior experienced an opioid-related drug overdose, as defined in s. 256.40 (1) (d), or a deceased individual who the law enforcement officer believes died as a result of using a narcotic drug.

(c) Receives a report of a stolen controlled-substance prescription.

(2) A law enforcement officer under sub. (1) shall report to the law enforcement agency that employs him or her all of the following:

(a) The name and date of birth of all of the following, if applicable:

1. The individual who is suspected of violating this chapter.

2. The individual who experienced an opioid-related drug overdose.

3. The individual who died as a result of using a narcotic drug.

4. The individual who filed the report of a stolen controlled-substance prescription.

5. The individual for whom a prescription drug related to an event under subd. 1., 2., 3., or 4. was prescribed.

(b) The name of the prescribing practitioner, the prescription number, and the name of the drug as it appears on the prescription order or prescription medicine container if a prescription medicine container was in the vicinity of the suspected violation, drug overdose, or death or if a controlled-substance prescription was reported stolen.

(3) (a) The law enforcement agency receiving the report under sub. (2) shall, except as provided under par. (b), submit notice of the suspected violation of this chapter, the opioid-related drug overdose, the death as a result of using a narcotic drug, or the report of a stolen controlled-substance prescription, and the information reported under sub. (2) to the prescription drug monitoring program.

* Section 991.11, WISCONSIN STATUTES: 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."

(b) If a law enforcement agency determines that submitting any information under par. (a) would interfere with an active criminal investigation, the law enforcement agency may postpone the action until the investigation concludes.

SECTION 2. 961.385 (2) (i) of the statutes is created to read:

961.385 (2) (i) Disclose information submitted to the program by a law enforcement agency under s. 961.37 (3) (a) to relevant practitioners, pharmacists, and others to whom the board may make disclosures under par. (c).

