


Appendix A


STATE OF WISCONSIN
LEGISLATIVE REFERENCE BUREAU
BILL HISTORY RESEARCH APPENDIX

 The drafting file for 2015 LRB-4933/P1 (For: Rep. Nygren)
has been transferred to the drafting file for
2017 LRB-1325 (For: Rep. Nygren)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

 Request Made By: MED

 Date: 12/29/2016

2015 DRAFTING REQUEST

Bill

Received: 5/13/2016 Received By: mduchek
For: John Nygren (608) 266-2343 Same as LRB:
May Contact: By/Representing: Jenny
Subject: Occupational Reg. - misc Drafter: mduchek
Addl. Drafters: chanaman

Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Require prescription for codeine cough syrup

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 5/16/2016		_____			
/P1		eweiss 5/19/2016	_____	mbarman 5/19/2016		

FE Sent For:

<END>

Duchek, Michael

From: Duchek, Michael
Sent: Friday, May 13, 2016 1:57 PM
To: Malcore, Jennifer
Subject: RE: Cough syrup with codeine

Sure. This sounds like it will be a simple bill, but can I touch base with Steve since he's already looked at it?

-Mike

From: Malcore, Jennifer
Sent: Friday, May 13, 2016 1:28 PM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: FW: Cough syrup with codeine

Mike,

Read the e-mail below. This office would like a bill draft to state that any cough syrup with codeine requires a prescription.

Let me know if you have any questions.

Thank you,

Jenny

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2343

From: McCarthy, Steven
Sent: Monday, May 02, 2016 5:06 PM
To: Malcore, Jennifer <Jennifer.Malcore@legis.wisconsin.gov>
Subject: RE: Cough syrup with codeine

Jenny,

Below is the response I received from DSPS administrator Elizabeth Hizmi. Section 961.23, stats., covers the dispensing of Schedule V substances (cough syrup with codeine is Schedule V in WI). As stated below, this statute sets out quantity, %, and time frame restrictions and record keeping requirements on dispensing cough syrup with codeine. Additionally, the statute requires that only a registered pharmacist may sell cough syrup with codeine at retail and gives pharmacists discretion to decline to sell cough syrup with codeine OTC.

So, even though cough syrup with codeine can be sold OTC in Wisconsin, pharmacists are not required to sell it. It appears that states differ as to whether a prescription is required for purchase of cough syrup with codeine—Illinois appears to require a prescription, and I'll follow up with info on Iowa and Minnesota.

Your patience is greatly appreciated. Here is information provided from the Chair of the Pharmacy Examining Board:

You can purchase cough syrup containing codeine OTC. There are restrictions on the quantity, %, and time frame. The pharmacy must keep a log, like the one for pseudoephedrine.

Not many pharmacies do this, I provide the syrup from time to time for people who need a cough suppressant and going to urgent care to treat their cough is not practical. This is only after they have reported failing non-codeine cough preparations. I also require that I know the customer.

In terms of other states, they are all different.

For more information, please feel free to look in WI Phar 8 Schedule 5 – codeine.

All the best,
Elizabeth

Elizabeth Hizmi | Administrator | Division of Policy Development | Wisconsin Department of Safety and Professional Services | 608.266.8419

Steve McCarthy
Staff Attorney
Wisconsin Legislative Council
(608) 266-9791
Steven.McCarthy@legis.wisconsin.gov

From: Malcore, Jennifer
Sent: Friday, April 22, 2016 4:07 PM
To: McCarthy, Steven <Steven.McCarthy@legis.wisconsin.gov>
Cc: Matthias, Mary <Mary.Matthias@legis.wisconsin.gov>
Subject: Cough syrup with codeine

Steve and Mary,

I am told that in Wisconsin you can buy cough syrup with codeine without a prescription. Some pharmacists are having issues controlling this with some clients and have asked us to look into requiring a prescription. They state that Iowa, Illinois and Minnesota all require a prescription.

I sent this out to some Dr.'s and here is the response I rec'd....

Codeine is kind of unique; its DEA schedule depends on its formulation. Codeine alone is Schedule II, Tylenol with codeine is Schedule III, and Robitussin with codeine is Schedule V.
http://www.deadiversion.usdoj.gov/schedules/orangebook/c_cs_alpha.pdf

Dextromethorphan is chemically related to opioids (I think of it as a "cousin"). It has weak pain-relieving properties, reduces cough like opioids, and has NMDA blocking effects like methadone, Savella, ketamine, and several other medicines (a different kind of pain benefit). It is somewhat hallucinogenic, particularly when taken with antihistamine-containing cough medicines in very high doses (antihistamines can also cause hallucinogens in high doses). Coricidin D seems to be the OTC drug of choice for joy-riding high school kids. Dextromethorphan is not a scheduled drug, however.

All that being said, given that Robitussin with codeine is a scheduled opioid, I would strongly advocate that it be considered against the law for it to be dispensed without a prescription, assuming that it already is not.

Could you see if we really are the only state around that still distributes this without a prescription?

Thank you,

Jenny

Jennifer Malcore

Office of State Representative John Nygren

Co-Chair , Joint Committee on Finance

89th Assembly District

309 East, State Capitol

608.266.2343



State of Wisconsin
2015 - 2016 LEGISLATURE

In 5-16
Due 5-23

LRB-4933/P1
MED&CMH:...

emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

S.A. ✓
XREF ✓

Gen ✓

1 AN ACT ...; relating to: prohibiting certain schedule V controlled substances from
2 being dispensed without a prescription. ✓

Analysis by the Legislative Reference Bureau

Under current law, certain substances are classified as controlled substances, and various requirements, limitations, and prohibitions apply to a controlled substance depending on which of five schedules in which it is included. The strictest restrictions apply to substances included in schedule I, while substances included in schedule V are subject to the least restrictions. Under current law, schedule II, III, and IV controlled substances may not be dispensed (provided) without a prescription. A schedule V controlled substance may be dispensed to a patient without a prescription, subject to various requirements and limitations. ✓

This bill provides that schedule V controlled substances containing the opioid codeine may not be dispensed without a prescription.

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

3 SECTION 1. 961.23 (2) of the statutes is amended to read:
4 961.23 (2) They may be sold at retail only by a registered pharmacist or, if the
5 substance is a pseudoephedrine product, by a person who is working under the

1 direction of a registered pharmacist when sold in a retail establishment. This
2 subsection does not apply to a substance governed by s. 961.38 (4) (b).

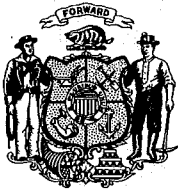
3 History: 1971 c. 219; 1973 c. 12 s. 37; 1981 c. 206; 1993 a. 482; 1995 a. 448 s. 228; Stats. 1995 s. 961.23; 2005 a. 14, 262; 2011 a. 146.

3 **SECTION 2.** ~~961.38 (4)~~ of the statutes is renumbered 961.38 (4) (a).

4 **SECTION 3.** 961.38 (4) (b) of the statutes is created to read:

5 961.38 (4) (b) Except when dispensed directly by a practitioner, other than a
6 pharmacy, to an ultimate user, a substance specified in s. 961.22 (2) (a) shall not be
7 dispensed without a written, oral, or electronic prescription of a practitioner.

8 (END)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4933/P1
MED&CMH:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber* 961.38 (4); *to amend* 961.23 (2); and *to create* 961.38 (4)
2 (b) of the statutes; **relating to:** prohibiting certain schedule V controlled
3 substances from being dispensed without a prescription.

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Under current law, certain substances are classified as controlled substances, and various requirements, limitations, and prohibitions apply to a controlled substance depending on which of five schedules in which it is included. The strictest restrictions apply to substances included in schedule I, while substances included in schedule V are subject to the least restrictions. Under current law, schedule II, III, and IV controlled substances may not be dispensed (provided) without a prescription. A schedule V controlled substance may be dispensed to a patient without a prescription, subject to various requirements and limitations.

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SECTION 1

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