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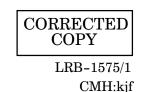
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State of Misconsin 2017 - 2018 LEGISLATURE



2017 ASSEMBLY BILL 306

AN ACT to renumber and amend 961.23 (4), 961.235 (1) and 961.235 (3); to amend 961.235 (2); and to create 961.23 (4) (b), 961.235 (1) (b) and (c) and 961.235 (3m), (4), (5), (7) and (8) of the statutes; relating to: tracking the sale of pseudoephedrine products.

Analysis by the Legislative Reference Bureau

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

SECTION 1. 961.23 (4) of the statutes is renumbered 961.23 (4) (a) and amended to read:

961.23 (4) (a) Any person purchasing such a substance <u>that is not a pseudoephedrine product</u> shall, at the time of purchase, present to the seller that person's correct name, <u>and</u> address, <u>and</u>, if the person is <u>purchasing a pseudoephedrine product</u>, an identification card containing the person's photograph.

SECTION 1

The seller shall record the name and address and the name and quantity of the product sold. The purchaser and either the seller or, if the substance is a pseudoephedrine product and is being sold by a person who is not a registered pharmacist, the pharmacist supervising the seller shall sign the record of this the transaction. The giving of a false name or false address by the purchaser shall be prima facie evidence of a violation of s. 961.43 (1) (a).

Section 2. 961.23 (4) (b) of the statutes is created to read:

961.23 (4) (b) Any person purchasing such a substance that is a pseudoephedrine product shall, at the time of purchase, present to the seller that person's correct name, address, and an identification card containing the person's photograph. The seller shall record the name, date of birth, and address of the purchaser; the name and quantity measured in grams of pseudoephedrine contained in the product purchased; the date and time purchased; the purchaser identification type and number, such as driver's license state and number; and the name of the seller or, if the pseudoephedrine product is being sold by a person who is not a registered pharmacist, the name of the pharmacist supervising the seller. The purchaser shall sign the record of the transaction. The giving of a false name or false address by the purchaser shall be prima facie evidence of a violation of s. 961.43 (1) (a).

SECTION 3. 961.235 (1) of the statutes is renumbered 961.235 (1) (intro.) and amended to read:

961.235 (1) (intro.) In this section, "records:

(a) "Records of pseudoephedrine sales" means records required under s. 961.23(4) (b) with respect to the sale of a pseudoephedrine product.

Section 4. 961.235 (1) (b) and (c) of the statutes are created to read:

nonprescription pseudoephedrine product.

961.235 (1) (b) "Stop sale alert" means a real-time notification to a seller of
pseudoephedrine products that completion of the sale would result in the purchaser
violating the pseudoephedrine quantity limits set forth in s. 961.23 (6).
(c) "System" means the National Precursor Log Exchange (NPLEx) system,
which is an electronic pseudoephedrine sales tracking system that is capable of
generating stop sale alerts, and that is installed, operated, and maintained free of
any one-time or recurring charge to the seller or to the state.
Section 5. 961.235 (2) of the statutes is amended to read:
961.235 (2) Records of pseudoephedrine sales may shall be kept in either a
paper or electronic format and shall be maintained by the pharmacy for at least 2
years. Except as provided in sub. (3) subs. (6) and (7), only a pharmacist may have
access to records of pseudoephedrine sales and information contained in those
records.
SECTION 6. 961.235 (3) of the statutes is renumbered 961.235 (6) and amended
to read:
961.235 (6) A pharmacist shall make records required under s. 961.23 (4) (b)
available to a law enforcement officer who requests them. Law enforcement officers
may make those records available to other persons or redisclose information from
those records to other persons only in connection with a criminal investigation or
prosecution under this chapter.
SECTION 7. 961.235 (3m), (4), (5), (7) and (8) of the statutes are created to read:
961.235 (3m) Except as provided in sub. (4), a seller shall electronically submit
records of pseudoephedrine sales to the system before completing a sale of a

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- (4) If a seller who is attempting to complete a sale of a nonprescription pseudoephedrine product experiences mechanical or electronic failure of the system and is unable to comply with the requirement in sub. (3m), the seller may, subject to the requirement under s. 961.23 (4) (b), complete the sale without complying with the requirement under sub. (3m). The seller shall maintain a written log or an alternative electronic record-keeping mechanism until such time as the seller is able to comply with the requirement.
- (5) A seller may not complete a sale of a nonprescription pseudoephedrine product if the system generates a stop sale alert unless the seller has a reasonable fear of imminent bodily harm if he or she does not complete the sale. The seller may use the system's override function to complete the sale if he or she has a reasonable fear of imminent bodily harm.
- (7) The system shall provide real-time access through an online portal to records of pseudoephedrine sales submitted under sub. (3m) to the department of justice and to law enforcement officers in the state. Law enforcement officers may make those records available to other persons or redisclose information from those records to other persons only in connection with a criminal investigation or prosecution under this chapter.
- (8) Absent negligence, wantonness, recklessness, or deliberate misconduct, any seller utilizing the system in accordance with this section shall not be civilly liable as a result of any act or omission in carrying out the duties required by this section and shall be immune from liability to any third party unless the seller has violated any provision of this section in relation to a claim brought for such a violation.

SECTION 8. Effective date.

1 (1) This act takes effect on the first day of the 6th month beginning after publication.

3 (END)