AN ACT to renumber and amend 961.41 (3j); and to create 961.41 (3j) (a) 2. of the statutes; relating to: the purchase of pseudoephedrine products and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Under this bill, a person who purchases from a pharmacy or pharmacist more than 7.5 grams of pseudoephedrine contained in a pseudoephedrine product within a 30-day period is guilty of a misdemeanor. The criminal penalty imposed under the bill does not apply to a physician, dentist, veterinarian, or pharmacist.

Under current law, there is no criminal penalty imposed for making such a purchase from a pharmacy or pharmacist, but if a person other than a physician, dentist, veterinarian, or pharmacist makes such a purchase from a source other than a pharmacy or pharmacist, he or she is guilty of a Class I felony. Also under current law, a person who distributes more than 7.5 grams of pseudoephedrine contained in a pseudoephedrine product within a 30-day period to a person, other than a physician, dentist, veterinarian, or pharmacist, without a valid prescription is guilty of a Class I felony.

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

SECTION 1. 961.41 (3j) of the statutes is renumbered 961.41 (3j) (a) (intro.) and amended to read:
Whoever purchases more than 7.5 grams of pseudoephedrine contained in a pseudoephedrine product within a 30-day period, other than by purchasing the product in person from a pharmacy or pharmacist, is guilty of the following:

1. Except as provided in subd. 2., a Class I felony.

This subsection does not apply to a purchase by a physician, dentist, veterinarian, or pharmacist or a purchase that is authorized by a physician, dentist, or veterinarian.

**SECTION 2.** 961.41 (3j) (a) 2. of the statutes is created to read:

961.41 (3j) (a) 2. If the purchase is in person from a pharmacy or a pharmacist, a misdemeanor punishable under s. 939.61.