

# State of Wisconsin



2005 Senate Bill 652

Date of enactment: April 5, 2006  
Date of publication\*: April 19, 2006

## 2005 WISCONSIN ACT 262

AN ACT *to renumber and amend* 961.235; *to amend* 146.81 (4), 961.23 (6), 961.41 (3j) and 961.453 (1) (a); *to repeal and recreate* 961.22 (2m); and *to create* 961.235 (1) and 961.235 (3) of the statutes; **relating to:** substances covered by certain criminal statutes relating to the controlled substance pseudoephedrine and law enforcement officers' access to pharmacy records regarding sales of pseudoephedrine products.

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

**SECTION 1.** 146.81 (4) of the statutes is amended to read:

146.81 (4) "Patient health care records" means all records related to the health of a patient prepared by or under the supervision of a health care provider, including the records required under s. 146.82 (2) (d) and (3) (c), but not those records subject to s. 51.30, reports collected under s. 69.186, records of tests administered under s. 252.15 (2) (a) 7., 343.305, 938.296 (4) or (5) or 968.38 (4) or (5), records related to sales of pseudoephedrine products, as defined in s. 961.01 (20c), that are maintained by pharmacies under s. 961.235, fetal monitor tracings, as defined under s. 146.817 (1), or a pupil's physical health records maintained by a school under s. 118.125. "Patient health care records" also includes health summary forms prepared under s. 302.388 (2).

**SECTION 1m.** 961.22 (2m) of the statutes, as created by 2005 Wisconsin Act 14, is repealed and recreated to read:

961.22 (2m) PSEUDOEPHEDRINE. Pseudoephedrine or any of its salts, isomers, or salts of isomers.

**SECTION 2.** 961.23 (6) of the statutes, as created by 2005 Wisconsin Act 14, is amended to read:

961.23 (6) No person other than a physician, dentist, veterinarian, or pharmacist may purchase more than 7.5 grams of a pseudoephedrine contained in a pseudoephedrine product within a 30-day period without the authorization of a physician, dentist, or veterinarian.

**SECTION 3.** 961.235 of the statutes, as created by 2005 Wisconsin Act 14, is renumbered 961.235 (2) and amended to read:

961.235 (2) Records ~~required under s. 961.23 (4) with respect to the sale of a~~ pseudoephedrine product sales may be kept in either a paper or electronic format and shall be maintained by the pharmacy for at least 2 years. Only Except as provided in sub. (3), only a pharmacist or a law enforcement officer may have access to records of pseudoephedrine sales and information recorded under s. 961.23 (4) with respect to the sale of a pseudoephedrine product contained in those records.

**SECTION 4.** 961.235 (1) of the statutes is created to read:

961.235 (1) In this section, "records of pseudoephedrine sales" means records required under s. 961.23 (4) with respect to the sale of a pseudoephedrine product.

**SECTION 5.** 961.235 (3) of the statutes is created to read:

961.235 (3) A pharmacist shall make records required under s. 961.23 (4) available to a law enforce-

\* Section 991.11, WISCONSIN STATUTES 2003-04 : 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

ment 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 6.** 961.41 (3j) of the statutes, as created by [2005 Wisconsin Act 14](#), is amended to read:

961.41 (3j) PURCHASES OF PSEUDOEPHEDRINE PRODUCTS. Whoever purchases more than 7.5 grams of ~~a~~ 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 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 7.** 961.453 (1) (a) of the statutes, as created by [2005 Wisconsin Act 14](#), is amended to read:

961.453 (1) (a) No person may, with the intent to acquire more than 7.5 grams of ~~a~~ pseudoephedrine contained in a pseudoephedrine product within a 30-day period, knowingly solicit, hire, direct, employ, or use another to purchase a pseudoephedrine product on his or her behalf.

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