State of Wisconsin

Date of enactment: **March 28, 2018**

2017 Assembly Bill 681

Date of publication*: **March 29, 2018**

2017 WISCONSIN ACT 160

AN ACT *to create* 134.91 of the statutes; **relating to:** prohibiting the sale of dextromethorphan without a prescription to persons under 18 and providing a penalty.

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

SECTION 1. 134.91 of the statutes is created to read:

134.91 Sale of dextromethorphan to a minor without prescription prohibited. (1) DEFINITIONS. In this section:

(a) "Drug" has the meaning given in s. 450.01 (10).

(b) "Prescription order" has the meaning given in s. 450.01 (21).

(2) PROHIBITIONS. (a) No person may sell at retail a drug containing dextromethorphan to a person who is under 18 years of age, unless the sale is pursuant to a prescription order.

(b) No person may sell at retail a drug containing dextromethorphan unless the person making the sale receives from the purchaser, at the time of purchase, a form of identification from which the age of the purchaser can be determined, or unless based upon the outward appearance of the purchaser, the person making the sale reasonably presumes that the purchaser is 25 years of age or older.

(c) A person who is under 18 years of age may not purchase a drug containing dextromethorphan unless pursuant to a prescription order.

(3) PENALTIES. (a) A person who violates sub. (2) (a) or (b) is subject to a civil forfeiture of not more than $250 for each violation.

(b) A person who violates sub. (2) (c) is subject to a civil forfeiture of $50 for each violation.

SECTION 2. **Effective date.**

(1) This act takes effect on the first day of the 13th month beginning after publication.