



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 54 [2003 Senate Bill 56]	Dispensing of Prescription Drugs by Prison Pharmacies
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 54 allows a state prison pharmacy to dispense returned prescription drugs if certain conditions are met.

Under rules of the Pharmacy Examining Board, no health items, as defined in the rules, may be returned after they are taken from a pharmacy where they are sold, distributed, or dispensed, with certain exceptions. One of the exceptions allows for return of health items from an inpatient health care facility, provided they are in their original containers and the pharmacist determines that the contents are not adulterated or misbranded. Under the Pharmacy Examining Board's rules, the term "inpatient health care facility" includes such facilities as hospitals and nursing homes, but explicitly excludes prisons. [s. Phar 7.04, Wis. Adm. Code.] [A note to the rule indicates that the Drug Enforcement Administration (DEA) does not permit the return of controlled substances to a pharmacy from a non-DEA registrant under any circumstances.]

Act 54 creates a new statute relating to prescription drugs that are returned to prison pharmacies. The Act provides that a prescription drug that is returned to a pharmacy that primarily serves patients confined in a state prison may be dispensed to any patient in any state prison if all of the following conditions are satisfied: (1) the prescription drug was never in the possession of the patient to whom it was originally prescribed; (2) the prescription drug is returned in its original container; and (3) a pharmacist determines that the prescription drug has not been adulterated or misbranded.

Effective Date: 2003 Wisconsin Act 54 takes effect on September 5, 2003.

Prepared by: Richard Sweet, Senior Staff Attorney

September 15, 2003

RNS;jal:tlu;ksm

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.