

State of Misconsin 2011 - 2012 LEGISLATURE



## **2011 ASSEMBLY BILL 203**

July 20, 2011 – Introduced by Representatives JORGENSEN, PASCH, BIES, DOYLE and BEWLEY, cosponsored by Senators HANSEN, LASSA and SCHULTZ. Referred to Committee on Criminal Justice and Corrections.

1 AN ACT to amend 961.41 (3j) of the statutes; relating to: pseudoephedrine

purchases.

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## Analysis by the Legislative Reference Bureau

Under current law, a drug, or controlled substance, is classified in one of five separate schedules. The classification is based on: 1) whether there is a currently accepted medical use for the drug; 2) the drug's potential for being abused; and 3) the nature of the psychological or physical dependence that use of the drug may produce. Controlled substances that have a high potential for abuse and no currently accepted medical use are included in schedule I. Controlled substances that have an accepted medical use and that have the lowest potential for abuse and produce the least dependence when compared with other controlled substances are included in schedule V. In general, a schedule I controlled substance may not be dispensed, even with a prescription. A schedule II, III, or IV controlled substance may be dispensed, but only with a prescription. A schedule V controlled substance may be dispensed without a prescription, but only a registered pharmacist or, with regard to pseudoephedrine, a person working under the direction of a registered pharmacist, may sell it at retail. In addition, the pharmacist must record the name and address of the purchaser of a schedule V controlled substance and the quantity of the product sold.

Pseudoephedrine products are classified as schedule V controlled substances and current law imposes restrictions on the sale of of pseudoephedrine products. One restriction prohibits a person, except a physician, dentist, veterinarian, or pharmacist, from purchasing, without authorization from a physician, dentist, or

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veterinarian, more than seven and a half grams of pseudoephedrine in a pseudoephedrine product within a 30-day period other than by purchasing it in person from a pharmacy or pharmacist. This bill eliminates the exception for purchasing it from a pharmacy or pharmacist. A person who violates this prohibition is guilty of a felony and is subject to a fine of not more than \$10,000 or imprisonment for not longer than three years and six months, or both.

## 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 amended to read: 1
- $\mathbf{2}$ 961.41 (3j) PURCHASES OF PSEUDOEPHEDRINE PRODUCTS. Whoever purchases
- 3 more than 7.5 grams of pseudoephedrine contained in a pseudoephedrine product
- 4 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  $\mathbf{5}$
- 6 to a purchase by a physician, dentist, veterinarian, or pharmacist or a purchase that
- 7 is authorized by a physician, dentist, or veterinarian.
- 8
  - **SECTION 2. Initial applicability.**
- 9 (1) This act first applies to purchases made within the 30-day period beginning
- on the effective date of this subsection. 10
- 11

(END)