

State of Misconsin 2017 - 2018 LEGISLATURE

LRB-4928/1 EAW:wlj

2017 SENATE BILL 683

January 4, 2018 – Introduced by Senator MARKLEIN, cosponsored by Representatives NOVAK, E. BROOKS, DUCHOW, EDMING, HORLACHER, KITCHENS, KRUG, RIPP, ROHRKASTE, STEFFEN and TRANEL. Referred to Committee on Judiciary and Public Safety.

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

5 amended to read:

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2017 - 2018 Legislature

SENATE BILL 683

1	961.41 (3j) (a) (intro.) Whoever purchases more than 7.5 grams of
2	pseudoephedrine contained in a pseudoephedrine product within a 30-day period,
3	other than by purchasing the product in person from a pharmacy or pharmacist, is
4	guilty of <u>the following:</u>
5	<u>1. Except as provided in subd. 2.,</u> a Class I felony.
6	(b) This subsection does not apply to a purchase by a physician, dentist,
7	veterinarian, or pharmacist or a purchase that is authorized by a physician, dentist,
8	or veterinarian.
9	SECTION 2. 961.41 (3j) (a) 2. of the statutes is created to read:
10	961.41 (3j) (a) 2. If the purchase is in person from a pharmacy or a pharmacist,
11	a misdemeanor punishable under s. 939.61.
12	(END)

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