

1969 Senate Bill 280

Date published:  
August 15, 1969

**CHAPTER 141, LAWS OF 1969**

AN ACT to amend 14.526, 151.07 (11), 161.03, 161.04 (1) (intro.) and (3), 161.09 (5), 161.14 (2) to (4) and 161.19; and to create 20.455 (2) (c) of the statutes, relating to responsibilities of the pharmacy examining board and the division of criminal investigation in drugs and narcotics law enforcement and making an appropriation.

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

SECTION 1. DECLARATION OF INTENT. It is the intent of the legislature that the pharmacy examining board and the division of criminal investigation in the department of justice shall have concurrent responsibility to enforce section 151.07 and chapter 161 of the statutes. The pharmacy examining board, its officers, agents, inspectors and representatives shall have primary responsibility to license and regulate activities relating to chapters 151 and 161. The division of criminal investigation in the department of justice shall have primary responsibility to enforce those provisions of section 151.07 and chapter 161 relating to illicit activities.

SECTION 2. 14.526 of the statutes is amended to read:

14.526 (1) ~~There is created within the office of the attorney general the~~ *The division of criminal investigation for the purpose of investigating shall investigate crime which is state-wide in nature, importance or influence, which shall include the responsibilities and authority specified for the division under ss. 151.07 and 161.19.*

(2) Of the assistant attorneys general appointed under s. 14.52, one shall be assigned to initiating and supervising the investigations referred to in sub. (1), and the attorney general shall appoint, under the classified service, ~~not to exceed 5 investigators for said division to achieve the purpose set out in sub. (1) who shall have the same general police powers as are conferred upon peace officers.~~ *As many as is deemed necessary of the investigators so appointed shall be trained in drugs and narcotics law enforcement, or shall receive such training within one year of their appointment, and they shall assist, when appropriate, local law enforcement agencies to help them meet their responsibilities in this area.*

(3) Local district attorneys, sheriffs and chiefs of police ~~are directed to shall cooperate and assist the personnel of the division in the detection of the crimes enumerated herein performance of their duties.~~

Section 3. At the appropriate place in the schedule of section 20.005 of the statutes insert the following amounts for the purposes indicated:

Item  
Veto

20.455	DEPARTMENT OF JUSTICE		1969-70	1970-71
(2)	Law Enforcement			
(c)	Drugs and narcotics enforcement	GPR	A	35,200      33,100

Section 4. 20.455 (2) (c) of the statutes is created to read:

Item  
Veto

20.455 (2) (c) ~~Drugs and narcotics enforcement. The amounts in the schedule necessary to perform the investigatory and enforcement functions under ss. 151.07 (11) and 161.19.~~

SECTION 5. 151.07 (11) of the statutes is amended to read:

151.07 (11) The ~~state board of pharmacy examining board~~ is hereby authorized to promulgate necessary ~~regulations~~ rules for the administration and enforcement of this section. ~~The division of criminal investigation in the department of justice and the pharmacy examining board each shall have authority to promulgate necessary rules for the enforcement of this section. The division and the examining board shall be responsible for the enforcement of this section.~~

SECTION 5m. 161.03 of the statutes is amended to read:

161.03 No person shall manufacture, compound, mix, cultivate, grow or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the ~~state board of health pharmacy examining board~~.

SECTION 5n. 161.04 (1) (intro.) and (3) of the statutes are amended to read:

161.04 (1) (intro.) No license shall be issued under the foregoing section ~~unless~~ and s. 161.03 until the applicant therefor has furnished proof satisfactory to the ~~state board of health pharmacy examining board~~:

(3) The ~~state board of health pharmacy examining board~~ may suspend or revoke any license for cause.

SECTION 5p. 161.09 (5) of the statutes is amended to read:

161.09 (5) The form of records shall be prescribed by the ~~state board of health pharmacy examining board~~. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion morphine, cocaine or ecgonine contained in or producible from crude opium or cocoa leaves received or produced, and the proportion of resin contained in or producible from the plant *Cannabis Sativa L.*, received or produced. The record of all narcotic drugs sold, administered, dispensed or otherwise disposed of, shall show the date of selling, administering or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of 2 years from the date of the transaction recorded. The keeping of a record required by or under the Federal Narcotic Laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction or theft.

SECTION 5q. 161.14 (2) to (4) of the statutes are amended to read:

161.14 (2) Upon written application by the ~~state health officer department of justice~~, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to ~~said state health officer the department of justice~~, for distribution or destruction, as hereinafter provided.

(3) Upon application by any hospital within this state, not operated for private gain, the ~~state health officer department of justice~~ may ~~in his discretion~~ deliver any narcotic drugs that have come into ~~his~~ its custody by authority of this section to the applicant for medicinal use. The ~~state~~

~~health officer~~ *department of justice* may from time to time deliver excess stocks of such narcotic drugs to the ~~United States~~ U.S. commissioner of narcotics, or may destroy the same.

(4) The ~~state health officer~~ *department of justice* shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered and destroyed; and the dates of the receipts, disposal or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws.

SECTION 6. 161.19 of the statutes is amended to read:

161.19 (1) ~~It is the duty of the state board of health and state board of~~ *The division of criminal investigation in the department of justice and the pharmacy examining board*, their officers, agents, inspectors and representatives, ~~and of all peace officers within the state, and of all district attorneys, to~~ shall enforce all provisions of this chapter, except those provisions specifically delegated, and ~~to~~ cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to narcotic drugs.

(2) The clerks of all courts having criminal jurisdiction shall make and transmit to the ~~board of health~~ *crime laboratory division in the department of justice*, on January 1 and July 1 of each year upon forms furnished by the ~~state board of health~~ *department of justice*, reports of the number of persons convicted (upon trial or by plea of guilty or by plea of nolo contendere) of violations of ~~provisions of chapter~~ *chs. 151 and 161*.

SECTION 7. CORRECTIONS. The program responsibilities of the division of criminal investigation of the department of justice are amended to include s. 151.07 and ch. 161.

Approved August 7, 1969.

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