



State of Wisconsin
2017 - 2018 LEGISLATURE

January 2017 Special Session

LRB-1325/1
MED&CMH:amn

ASSEMBLY BILL 4

February 17, 2017 - Introduced by COMMITTEE ON ASSEMBLY ORGANIZATION, Representatives NYGREN, BERNIER, KRUG, VANDERMEER, NOVAK, QUINN, RIPP, PETRYK, BALLWEG, MURPHY, FELZKOWSKI, KREMER, KLEEFISCH, MURSAU, TITTL, ROHRKASTE, E. BROOKS, BILLINGS, ZEPNICK, SINICKI, EDMING, DOYLE, PETERSEN, KOLSTE, SUBECK, FIELDS, SWEARINGEN, WACHS, BROSTOFF, VRUWINK, POPE, SKOWRONSKI, KULP, SARGENT, ALLEN and KNODL, cosponsored by Senators PETROWSKI, DARLING, HARS DORF, VUKMIR, OLSEN, COWLES, TESTIN, WANGGAARD, STROEBEL, WIRCH and CARPENTER, by request of Governor Scott Walker. Referred to Committee on Health.

- 1 **AN ACT** *to renumber* 961.38 (4); *to amend* 961.23 (2); and *to create* 961.38 (4)
2 (b) of the statutes; **relating to:** prohibiting certain schedule V controlled
3 substances from being dispensed without a prescription.

Analysis by the Legislative Reference Bureau

Under current law, certain substances are classified as controlled substances, and various requirements, limitations, and prohibitions apply to a controlled substance depending on which of five schedules in which it is included. The strictest restrictions apply to substances included in schedule I, while substances included in schedule V are subject to the least restrictions. Under current law, schedule II, III, and IV controlled substances may not be dispensed (provided) without a prescription. A schedule V controlled substance may be dispensed to a patient without a prescription, subject to various requirements and limitations.

This bill provides that schedule V controlled substances containing the opioid codeine may not be dispensed without a prescription.

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

- 4 **SECTION 1.** 961.23 (2) of the statutes is amended to read:
5 961.23 (2) They may be sold at retail only by a registered pharmacist or, if the
6 substance is a pseudoephedrine product, by a person who is working under the

1 direction of a registered pharmacist when sold in a retail establishment. This
2 subsection does not apply to a substance governed by s. 961.38 (4) (b).

3 **SECTION 2.** 961.38 (4) of the statutes is renumbered 961.38 (4) (a).

4 **SECTION 3.** 961.38 (4) (b) of the statutes is created to read:

5 961.38 (4) (b) Except when dispensed directly by a practitioner, other than a
6 pharmacy, to an ultimate user, a substance specified in s. 961.22 (2) (a) shall not be
7 dispensed without a written, oral, or electronic prescription of a practitioner.

8 (END)