

## State of Misconsin 2017 - 2018 LEGISLATURE

LRB-4750/1 EAW:wlj

## 2017 ASSEMBLY BILL 764

December 19, 2017 - Introduced by Representatives Novak, E. Brooks, Duchow, Edming, Horlacher, Kitchens, Krug, Ripp, Rohrkaste, Steffen and Tranel, cosponsored by Senator Marklein. Referred to Committee on Criminal Justice and Public Safety.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

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

### **ASSEMBLY BILL 764**

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

(END)