



State of Wisconsin
2017 - 2018 LEGISLATURE

January 2017 Special Session

LRB-1325/1
MED&CMH:amn

BILL

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)