City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Legislation Details (With Text)

File #:	131005 **Version:** 1		
Type:	Resolution	**Status:**	Passed
File created:	11/5/2013	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	12/17/2013
Effective date:			
Title:	Substitute resolution relating to support for legislation to amend state laws on the regulation of prescription drugs and controlled substances, disposal of drugs, and the administration of certain prescription drugs.		
Sponsors:	ALD. MURPHY		
Indexes:	DRUGS, DRUGS - REGULATION AND LICENSING, STATE LEGISLATION		
Attachments:	1. Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
11/5/2013	0	COMMON COUNCIL	ASSIGNED TO		
11/12/2013	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
11/12/2013	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
11/13/2013	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
11/18/2013	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
12/2/2013	1	CITY CLERK	DRAFT SUBMITTED		
12/3/2013	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
12/9/2013	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
12/17/2013	1	COMMON COUNCIL	ADOPTED	Pass	14:0
12/23/2013	1	MAYOR	SIGNED		

131005
SUBSTITUE 1

ALD. MURPHY
Substitute resolution relating to support for legislation to amend state laws on the regulation of prescription drugs and controlled substances, disposal of drugs, and the administration of certain prescription drugs.
Legislation has been introduced in the Wisconsin Legislature to amend state statutes related to controlled substances and illicit drugs. The following bills have been sponsored by Wisconsin Assembly Representative John Nygren, Marinette:

1. 2013 Assembly Bill 445 requiring a pharmacist or other person who dispenses a Schedule II or III controlled substance to record the name on the identification card of the person to whom the controlled substance is dispensed.

2. 2013 Assembly Bill 446 providing that certified first responders may administer the drug naloxone if appropriately trained and allowing a law enforcement agency or fire department to enter into a written agreement to affiliate with an ambulance service provider or a physician for the purposes of: 1) obtaining a supply of naloxone; and 2) allowing law enforcement officers and fire fighters to obtain the training necessary to safely and properly administer naloxone to individuals who are undergoing or who are believed to be undergoing an opioid−related drug overdose.

3. 2013 Assembly Bill 447 providing immunity from certain criminal prosecutions for a person who brings another person to an emergency room or other health facility, who summons police or emergency medical assistance, or who administers aid to another person because he or she believes the other person is suffering from an overdose or other adverse reaction to a controlled substance or a controlled substance analog.

4. 2013 Assembly Bill 448 authorizing the Department of Justice (DOJ) to approve the operation of drug disposal programs in this state to receive, for destruction, drugs, including prescription drugs, controlled substances and controlled substance analogs, and certain medical and drug delivery devices (collectively, pharmaceutical items).

This resolution directs the Intergovernmental Relations Division-Department of Administration to support passage of amendments to the proposed legislation and to support passage of the legislation if amended in a manner consistent with this resolution.

The resolution further directs that the state legislative package, attached to Common Council File Number 121009, be amended to reflect the intent of the resolution.
Whereas, Legislation has been introduced in the Wisconsin Legislature by Assembly Representative John Nygren, Marinette - 2013 Assembly Bills 445, 446, 447 and 448, together with companion Senate bills - designed to provide new protections and assistance for persons at great risk from an overdose of prescription and controlled substances such as heroin and reducing unlawful access to prescription and controlled substances; and

Whereas, The Fire Department reports that Emergency Medical Services have experienced a significant increase in emergency calls due to drug overdoses with 2,462 calls for overdoses in 2011, 2,470 in 2012 and 3,534 before the end of October in 2013; and

Whereas, The Milwaukee region has experienced a significant increase in opioid addiction, abuse, overdoses and related deaths involving controlled substances and pharmaceuticals subject to prescription as well as illegal substances including heroin and its analogs; and

Whereas, Wisconsin 2013 Assembly Bill 445 (AB 445) provides new restrictions on dispensing of controlled substances by requiring a pharmacist or other person who dispenses a Schedule II or III controlled substance to record the name on the identification card of the person to whom the controlled substance is dispensed; and

Whereas, Wisconsin 2013 Assembly Bill 446 (AB 446) provides that certified first responders may administer the drug naloxone if appropriately trained and will allow a law enforcement agency or fire department to enter into a written agreement to affiliate with an ambulance service provider or a physician for the purposes of: 1) obtaining a supply of naloxone; and 2) allowing law enforcement officers and fire fighters to obtain the training necessary to safely and properly administer naloxone to

individuals who are undergoing or who are believed to be undergoing an opioid−related drug overdose.; and

Whereas, Wisconsin 2013 Assembly Bill 447 (AB447) provides immunity from certain criminal prosecutions for a person who brings another person to an emergency room or other health facility, who summons police or emergency medical assistance, or who administers aid to another person because he or she believes the other person is suffering from an overdose or other adverse reaction to a controlled substance or a controlled substance analog; and

Whereas, Wisconsin 2013 Assembly Bill 448 (AB 448) authorizes the Department of Justice (DOJ) to approve the operation of drug disposal programs to receive for destruction, drugs, including prescription drugs, controlled substances and controlled substance analogs, and certain pharmaceuticals including medical and drug delivery devices; and

Whereas, Notwithstanding the laudable intent and objectives of these legislative bills, the Common Council finds that AB 446, 447 and 448, and similar legislation, including companion 2013 Senate Bills 350, 351 and 352, should be supported only upon revision or amendment to meet concerns and objections identified by the Police and Fire Departments as identified by the Intergovernmental Relations Division- Department of Administration including:

1) Administration of naloxone for opiate overdoses by law enforcement personnel would require significant training and resources not currently provided in the legislation (AB 446) without which the health and safety needs of the public will be at risk.

2) Administration of naloxone should be an option for provision by Emergency Medical Services (EMS) systems, but availability of the drug and training of all individual EMS providers may make mandatory administration of naloxone dangerous and, in some situations, impossible.

3) The blanket immunity from prosecution provided by AB 447 for persons assisting others to receive medical care for an apparent drug overdose will impede the ability of law enforcement to address violent crime, and the importance of encouraging early medical treatment in these circumstances may be appropriately addressed as a discretionary matter in the criminal justice system.

4) AB 448, as written, provides a trafficker in illicit drugs with a defense to possession that is difficult to disprove (i.e., “I was just transporting drugs for disposal…”); the legislation’s inclusion of written authorizations or permissions for transporting another person’s drugs for disposal creates new burdens on law enforcement for investigation and verification.

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that legislation intended to provide new protections and assistance for persons at great risk from an overdose of prescription and controlled substances such as heroin and to reduce unlawful access to prescription and controlled substances is supported subject to revision and amendment consistent with objections and concerns identified by the Police and Fire Departments; and, be it

Further Resolved, That the Intergovernmental Relations Division-Department of Administration is directed to support legislation consistent with this resolution and subject to revision and amendments

to address the objections and concerns identified by the Police and Fire Departments; and, be it

Further Resolved, That File Number 121009 is amended by inserting the following new item in the document attached to the file and identified as "2013-2014 State Legislative Package Proposals":

Common Council	Crime & Public Safety	Amend chs. 256, 450, 961, Wis. Stats., and related provisions, to protect the health and safety of individuals suffering from overdose or misuse of prescription and controlled substances consistent with CCFN #131005 and objections and concerns identified by the Police and Fire Departments

LRB150171-2.0
Richard L. Withers
11/15/2013