



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.

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***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.

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***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)