



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0585/1
CMH:wlj

2015 ASSEMBLY BILL 365

September 25, 2015 – Introduced by Representatives NYGREN, KOLSTE, KITCHENS, VANDERMEER, PETRYK, NOVAK, TAUCHEN, SWEARINGEN, SPIROS, JAGLER, A. OTT, RIPP, KERKMAN, SCHRAA, HORLACHER, MURTHA, EDMING, LOUDENBECK, ALLEN, PETERSEN, KUGLITSCH, KNODL, BALLWEG, TITTL, MURSAU, SANFELIPPO, BORN, SKOWRONSKI, MACCO, J. OTT, JACQUE, JOHNSON, CONSIDINE, JORGENSEN, GOYKE, OHNSTAD, SINICKI, GENRICH, MEYERS, SPREITZER, BARCA, SUBECK, C. TAYLOR and POPE, cosponsored by Senators HARSDORF, GUDEx, COWLES, OLSEN, PETROWSKI, WANGGAARD, HANSEN and DARLING. Referred to Committee on Health.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to create* 961.37 and 961.385 (2) (i) of the statutes; **relating to:** duty of
2 law enforcement officers to report to the Prescription Drug Monitoring Program
3 controlled-substance violations, opioid-related drug overdoses or deaths, and
4 reports of stolen prescription drugs.

Analysis by the Legislative Reference Bureau

Under this bill, if a law enforcement officer encounters a suspected controlled-substance violation involving certain prescription drugs or an opioid-related drug overdose or death, or a law enforcement officer receives a report of a stolen controlled-substance prescription, the officer must report to his or her law enforcement agency the name and birth date of any individual involved in the suspected violation, overdose, or death or from whom the prescription was stolen; the prescribing practitioner; the prescription number; and the name of the prescription drug. The law enforcement agency must then provide that information, as well as notice of the suspected violation, overdose or death, or theft to the Prescription Drug Monitoring Program. The program may disclose information provided by the law enforcement agency to persons such as relevant practitioners and pharmacists.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

ASSEMBLY BILL 365**SECTION 1**

1 **SECTION 1.** 961.37 of the statutes is created to read:

2 **961.37 Law enforcement duty. (1)** A law enforcement officer shall report
3 as provided in sub. (2) if the law enforcement officer, while acting in an official
4 capacity, does any of the following:

5 (a) Encounters a situation in which the law enforcement officer reasonably
6 suspects that a violation of this chapter involving a monitored prescription drug, as
7 defined in s. 961.385 (1) (ag), is occurring or has occurred.

8 (b) Encounters an individual who the law enforcement officer believes is
9 undergoing or has immediately prior experienced an opioid-related drug overdose,
10 as defined in s. 256.40 (1) (d), or a deceased individual who the law enforcement
11 officer believes died as a result of using a narcotic drug.

12 (c) Receives a report of a stolen controlled-substance prescription.

13 **(2)** A law enforcement officer under sub. (1) shall report to the law enforcement
14 agency that employs him or her all of the following:

15 (a) The name and date of birth of all of the following, if applicable:

16 1. The individual who is suspected of violating this chapter.

17 2. The individual who experienced an opioid-related drug overdose.

18 3. The individual who died as a result of using a narcotic drug.

19 4. The individual who filed the report of a stolen controlled-substance
20 prescription.

21 5. The individual for whom a prescription drug related to an event under subd.
22 1., 2., 3., or 4. was prescribed.

23 (b) The name of the prescribing practitioner, the prescription number, and the
24 name of the drug as it appears on the prescription order or prescription medicine
25 container if a prescription medicine container was in the vicinity of the suspected

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1 violation, drug overdose, or death or if a controlled-substance prescription was
2 reported stolen.

3 (3) (a) The law enforcement agency receiving the report under sub. (2) shall,
4 except as provided under par. (b), submit notice of the suspected violation of this
5 chapter, the opioid-related drug overdose, the death as a result of using a narcotic
6 drug, or the report of a stolen controlled-substance prescription, and the information
7 reported under sub. (2) to the prescription drug monitoring program.

8 (b) If a law enforcement agency determines that submitting any information
9 under par. (a) would interfere with an active criminal investigation, the law
10 enforcement agency may postpone the action until the investigation concludes.

11 **SECTION 2.** 961.385 (2) (i) of the statutes is created to read:

12 961.385 (2) (i) Disclose information submitted to the program by a law
13 enforcement agency under s. 961.37 (3) (a) to relevant practitioners, pharmacists,
14 and others to whom the board may make disclosures under par. (c).

15 (END)