

**WISCONSIN****PRODUCTS:**

- All single entity and combination pseudoephedrine (PSE) products and liquid or liquid gelcap products that the Controlled Substances Board (CSB) has determined by regulation can be readily used in the manufacture of methamphetamine. (W.S.A. 961.01 (20c)) unless exempted.

**PRODUCT EXEMPTIONS:**

- Liquid or liquid filled PSE gelcaps (except those determined via regulation by CSB as readily usable in the manufacture of methamphetamine) are exempt from C-V designation (W.S.A. 961.01 (20c));
- Any PSE product determined by CSB regulation as unable to be readily used in the manufacture or methamphetamine is exempt from C-V designation (W.S.A. 961.01 (20c));
- Non-exempt PSE products obtained pursuant to the authorization of a physician, dentist or veterinarian may be purchased in excess of 7.5 g per 30 day limit. (W.S.A. 961.23 (6))

**SALES LIMITS:**

- May not sell more than 4 ounces per 48 hours of a product containing PSE in combination with another C-V substance. (W.S.A. 961.23 (5))

**PURCHASE / POSSESSION LIMITS:**

- No person (except for physician, dentist, veterinarian or pharmacist) may possess more than 4 ounces of a product containing PSE in combination with another C-V substance (W.S.A. 961.23 (5));
- No person (other than a physician, dentist, veterinarian or pharmacist) may purchase more than 7.5 g of a nonexempt PSE product within a 30 day period without the authorization of a physician, dentist or veterinarian (W.S.A. 961.23 (6));
- No person may with the intent to acquire more than 7.5 g of a nonexempt PSE product within a 30 day period may knowingly solicit, hire, direct, employ or use another person to purchase on his or her behalf (W.S.A. 961.453)

**SALES RESTRICTIONS:**

- Designates nonexempt PSE products as C-V (W.S.A. 961.22 (2m));
- Nonexempt C-V PSE products may only be dispensed and sold in good faith as a medicine (W.S.A. 961.23 (1));
- Nonexempt C-V PSE products may only be sold by a registered pharmacist or by a person working under the direction of the registered pharmacist (when working in a retail establishment) (W.S.A. 961.23 (2));

- Nonexempt C-V PSE products when sold in a retail establishment must have the name and address of the retail establishment where purchased on the immediate container of the preparation (W.S.A. 961.23 (3));
- No person may sell nonexempt C-V PSE products to persons under 18 years. No person under 18 years may purchase nonexempt C-V products. (W.S.A. 961.23 (8))

**ID REQUIREMENTS:**

- At time of sale, purchaser must present seller with photo ID and provide correct name and address. (W.S.A. 961.23 (4))

**RECORDKEEPING REQUIREMENTS:**

- Seller (either pharmacist or person under the supervision of a pharmacist) must record purchaser name, address and product name and quantity sold. The record of transaction must be signed by purchaser and pharmacist supervising the seller; however, it may only be signed by the pharmacist and not an employee under the pharmacist's immediate supervision (W.S.A. 961.23 (4));
- Records may be kept in either paper or electronic format and be maintained in the pharmacy for at least 2 years (W.S.A. 961.235);
- Only a pharmacist or law enforcement officer may access information in the PSE transaction records. (W.S.A. 961.235)

**PENALTIES:**

- Purchasers giving false name or address to seller is prima facie evidence of attempting to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge (W.S.A. 961.23 (4));
- Violation of individual purchase limit is a class I felony (W.S.A. 961.41 (3j));
- Those found guilty of using another person to violate purchase limit are guilty of Class I felony if person used is 18 years or older, or a class H felony if person used is under 18 years old (W.S.A. 961.235);
- Persons violating purchase limit on another persons behalf are guilty of a class I felony (W.S.A. 961.235).

**RETAILER LIABILITY EXEMPTION:**

- Seller who proves that they did not knowingly or recklessly violate any sales restrictions, limits, ID or record requirements; that the acts and omissions were of one or more of the persons employees; and that they have provided training to each of those employees regarding the restrictions imposed on the delivery of nonexempt PSE products... has a defense to prosecution for violating laws relating to C-V substances (which are considered a class I felony) (W.S.A. 961.452);
- Seller who proves that the purchaser presented an ID card indicating that purchaser was at least 18 years old; that the appearance of purchaser indicated

that he or she was at least 18 years old; and that the sale was made in good faith, in reasonable reliance on the ID card and appearance of the purchaser, and with the belief that the purchaser was at least 18 years old... has a defense to prosecution for violating laws relating to selling to minors. (W.S.A. 961.452)

**WHOLESALE DISTRIBUTION REQUIREMENTS:**

- Rules adopted by the Pharmacy Examining Board may not impose requirements regarding the storage C-V PSE products in a safe, a steel cabinet, a vault, or any other secure storage compartment, area, room or building. (W.S.A. 450.07 (4)(b))

**OTHER:**

- CBS may promulgate rules regarding the exemption or not of certain PSE products with respect to C-V designation. (W.S.A. 961.11 (6)(a))

**RESOURCES:**

- Numerous resources are available on the Pharmacy Society of Wisconsin's website: <http://www.pswi.org/>

**OTHER NOTABLE IMPLICATIONS DUE TO C-V DESIGNATION:**

- Registration
  - Persons registered under federal law to distribute or dispense controlled substances may distribute and dispense those substances in Wisconsin to the extent authorized by the federal registration.
  - W.S.A. 961.32
- Inventory
  - A complete and accurate biennial physical inventory of all schedule II-V controlled substances on hand must be made in conformance with all applicable federal and state laws.
  - Phar 8.02
- Dispensing Non-Prescription C-V
  - C-V substances dispensed without a prescription must be recorded per 961.23 in a bound register at the time of transaction
  - Phar 8.02
- Theft / Loss Reporting
  - Must notify the regional DEA Diversion Office, the local police and the pharmacy examining board upon discovery of theft or loss
  - Phar 8.02