

AGENDA

Administration & Rules Committee

Jefferson County Courthouse
311 S. Center Avenue
Jefferson, WI 53549

December 31, 2013

Room 112

8:30 a.m.

Committee Members

Paul Babcock – James Braughler - Jim Mode – John Molinaro, Chair

1. Call to Order
2. Roll Call
3. Certification of Compliance with Open Meeting Law Requirements
4. Review of Agenda
5. Public Comment
6. Approval of the November 26, 2013 Administration & Rules Committee meeting minutes
7. Approval of the December 10, 2013 County Board meeting minutes
8. Communications
9. Discussion and possible action on Jefferson County becoming a member of Wisconsin River Rail Transit Commission (WRRTC)
10. Discussion and possible action on appointment process for representatives to the WRRTC on behalf of Jefferson County
11. Discussion and possible action on resolutions, letters or reports from other governmental agencies
 - a. Outagamie County Resolution "Require individuals to show proper identification when picking up Schedule II or III narcotic/opiate prescription medication"
 - b. Outagamie County Resolution "Allow all levels of EMT's and first responders to be trained to administer naloxone"
 - c. Outagamie County Resolution "Updates state criminal law and state regulatory provisions concerning prescription drugs and controlled substances in order to facilitate the operation of drug disposal programs"
 - d. Outagamie County Resolution "Provide immunity from certain criminal prosecutions for a person who brings another person to an emergency room for medical assistance"
12. Review Administration and County Board Financial Report
13. Discussion and possible action on county-wide transition plan
14. County Administrator's monthly report
15. Convene in closed session pursuant to §19.85 (1)(c) to consider the County Administrator's performance evaluation data
16. Reconvene in open session to take possible action on items discussed in closed session
17. Set December committee date
18. Tentative Future Meeting and Agenda Items

January 29	February 26	March 26	April 30
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All meetings in Room 112 at 8:30 a.m. unless noted.

19. Adjourn

The Committee may discuss and/or take action on any item specifically listed on the agenda

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator 24 hours prior to the meeting at 920-674-7101 so appropriate arrangements can be made.

**JEFFERSON COUNTY BOARD
COMMITTEE MINUTES**

#6

November 26, 2013
Administration & Rules Committee

1. **Call to Order**
Meeting was called to order by Supervisor Molinaro at 8:30 a.m.
2. **Roll Call**
Administration and Rules Committee Members
Members present: John Molinaro, Paul Babcock, James Braughler and Jim Mode.

Others Present: Ben Wehmeier - County Administrator; Tammie Jaeger - Administrative Secretary; Connie Freeberg - Paralegal II; Phil Ristow - Corporation Counsel; Barb Frank - County Clerk.
3. **Certification of compliance with Open Meeting Law Requirements**
Staff certified compliance with the open meeting law.
4. **Review of Agenda**
No changes made.
5. **Public Comment**
None
6. **Approval of October 30, 2013 Administration & Rules Committee meeting minutes**
Motion made by Supervisor Babcock; Second by Supervisor Mode to approve the October 30, 2013 Administration & Rules Committee meeting minutes as printed. (Ayes-All) Motion carried.
7. **Correction and Approval of October 22, 2013 and November 12, 2013 County Board minutes**
Corrections were distributed for the committee members to review.

Motion made by Supervisor Braughler; Second by Supervisor Babcock to approve the October 22, 2013 and November 12, 2013 County Board meeting minutes as corrected. (Ayes-All) Motion carried.
8. **Communications**
None
9. **Discussion and possible action on resolutions, letters or reports from other governmental agencies**
 - a. Outagamie County Resolution "Support legislation changing method by which a municipality may collect the costs of razing a building"

Staff discussed the resolution with the committee members. It may save cost for the county in the future.

Motion made by Supervisor Molinaro; Second by Supervisor Babcock to support the resolution and forward it to County Board for their consideration. (Ayes-All) Motion Carried.
 - b. Outagamie County Resolution "Support legislation requiring any person who officiates at a marriage be at least 18 years old and eliminate the requirement for a letter of sponsorship"

The committee discussed the resolution. The County Clerk supports this resolution.

Motion made by Supervisor Babcock; Second by Supervisor Molinaro to support the resolution and forward it to County Board for their consideration. (Ayes-All) Motion Carried.

- c. Outagamie County Resolution "Support legislation to increase the petitioner fee for an election recount from \$5 to \$25"

The committee discussed the resolution. The County Clerk supports this resolution. No action taken.

- d. Winnebago County Resolution "Requesting local state officials, legislators, and the governor to reexamine the policies which have led to historically high incarceration rates in the State of Wisconsin and to amend State laws so as to result in a substantial reduction in the number of low-risk, non-violent offenders in Wisconsin jails and prisons.

The committee discussed the resolution. This resolution will be forwarded to the Human Services Board and the Law Enforcement and Emergency Management Committee for their recommendation. No action taken.

- e. Taylor County Resolution "Requiring creation of a new nonpartisan procedure for the preparation of legislative and congressional redistricting plans"

The committee discussed the resolution. No action taken.

10. Review Administration and County Board Financial Report.

Financial reports were provided for the committee to review. John Molinaro and Ben Wehmeier commented on their budgets. No action taken.

11. Discussion and possible action on county-wide transition plan

Ben Wehmeier brought the committee up to date on this planning process. Ben has met with most department heads to discuss the SWOT analysis that was completed for each department and those meetings also included discussions on succession planning. Ben will continue to meet with Department Heads quarterly to continue the discussions. No action taken.

12. County Administrator's monthly report

Ben Wehmeier gave a brief monthly report and addressed questions from the Committee.

13. Set December committee date

The committee will meet on December 31st at 8:30 a.m.

14. Tentative Future Agenda Items and Meeting Dates

- Approval of November 26, 2013 Administration & Rules Committee meeting minutes
- Approval of December 10, 2013 County Board meeting minutes
- Discussion and possible action on resolutions, letters or reports from other governmental agencies
- County Administrator's monthly report

15. Adjourn

Motion made by Supervisor Mode; Second by Supervisor Babcock to adjourn at 9:30 a.m. (Ayes-All) Motion Carried.

Future Tentative Meeting Dates

December 31, 2013	January 29, 2014
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RESOLUTION NO.: 117—2013-14

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Legislation has been proposed which would require individuals to show proper identification
2 when picking up Schedule II or III narcotic/opiate prescription medication. This would not
3 disallow others from picking up these prescriptions but allows for tracking of who is doing
4 so.
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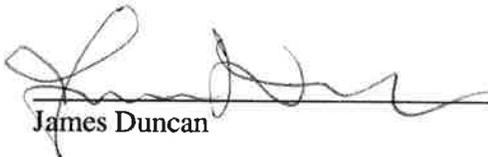
6 NOW THEREFORE, the undersigned members of the Public Safety Committee recommend
7 adoption of the following resolution.

8 BE IT RESOLVED, that the Outagamie County Board of Supervisors support legislation which
9 would require individuals to show proper identification when picking up Schedule II or III
10 narcotic/opiate prescription medication, and

11 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
12 of this resolution to the Outagamie County Lobbyist for distribution to the Legislature and all Wisconsin
13 Counties.

14 Dated this 19th day of November, 2013

Respectfully Submitted,
PUBLIC SAFETY COMMITTEE

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Lee Hammen

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28 Katrin Patience

James Pleuss

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34 Tony Krueger

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Duly and officially adopted by the County Board on: November 19, 2013

Signed: Judith A. Schuette Louise J. Brugh
Board Chairperson County Clerk

Approved: 11 20 13 Vetoed: _____

Signed: [Signature]
County Executive



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3112/2
CMH/MED/MPG:eev&wlj:jf

2013 BILL

1 **AN ACT to amend** 450.19 (2) (b); and **to create** 450.11 (1b) and 450.11 (9) (bm)
2 of the statutes; **relating to:** identification presentation and monitoring for
3 certain prescription drugs.

Analysis by the Legislative Reference Bureau

Under current law, a drug, or controlled substance, is classified in one of five separate schedules. The classification is based on 1) whether there is a currently accepted medical use for the drug; 2) the drug's potential for abuse; and 3) the nature of the dependence that use of the drug may produce. Controlled substances that have a high potential for abuse and no currently accepted medical use are included in Schedule I. Controlled substances that have an accepted medical use and that have the lowest potential for abuse and produce the least dependence when compared with other controlled substances are included in Schedule V. In general, a Schedule I controlled substance may not be dispensed, even with a prescription. A Schedule II, III, or IV controlled substance may be dispensed, but only with a prescription. Any person who dispenses a Schedule II, III, or IV controlled substance without a prescription is guilty of a felony, the level of which depends on the classification of the controlled substance. Under this bill, a Schedule II or III controlled substance may not be dispensed unless the person who is picking up the drug shows his or her identification card. Acceptable forms of identification are a driver's license, a state identification card, a U.S. uniformed service card, or a U.S. passport.

Current law requires the Pharmacy Examining Board (PEB) to establish a program to monitor the dispensing of certain prescription drugs, including Schedule

BILL

II and III controlled substances and other drugs identified by the PEB as having a high potential for abuse. The program requires pharmacists or persons who prescribe prescription drugs to generate records documenting the dispensing of prescription drugs. The bill requires 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.

For further information see the *state* 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:

- 1 **SECTION 1.** 450.11 (1b) of the statutes is created to read:
- 2 **450.11 (1b) IDENTIFICATION CARD REQUIRED FOR CERTAIN CONTROLLED SUBSTANCES.**
- 3 (a) In this subsection, "identification card" means any of the following:
- 4 1. An operator's license issued under ch. 343.
- 5 2. An identification card issued under s. 343.50.
- 6 3. An identification card issued by a U.S. uniformed service.
- 7 4. A U.S. passport.
- 8 (b) Except when administered or dispensed directly to the ultimate user by a
- 9 practitioner, a controlled substance included in schedule II or III of ch. 961 may not
- 10 be dispensed, and may not be delivered to a representative of the ultimate user,
- 11 without an identification card belonging to the person to whom the drug is being
- 12 dispensed or delivered.
- 13 (c) If the person to whom a drug subject to par. (b) is being delivered is not the
- 14 ultimate user of the drug, the person delivering the drug may ask the ultimate user
- 15 of the drug to designate a person who is authorized to pick up the drug on behalf of
- 16 the ultimate user and may inform the person to whom the drug is being delivered
- 17 that his or her identification is being recorded under s. 450.19.

2013 - 2014 Legislature

- 3 -

LRB-3112/2
CMH/MED/MPG:eev&wlj/jf
SECTION 1

BILL

1 (d) A pharmacist is immune from any civil or criminal liability and from
2 discipline under s. 450.10 for any act taken by the pharmacist in reliance on an
3 identification card that the pharmacist reasonably believed was authentic and
4 displayed the name of the person to whom the drug was being delivered if the sale
5 was made in good faith.

6 **SECTION 2.** 450.11 (9) (bm) of the statutes is created to read:

7 450.11 (9) (bm) A violation of sub. (1b) is not punishable under par. (a) or (b).

8 **SECTION 3.** 450.19 (2) (b) of the statutes is amended to read:

9 450.19 (2) (b) Identify specific data elements, including the name on any
10 identification card presented under s. 450.11 (1b), to be contained in a record
11 documenting the dispensing of a prescription drug. In identifying specific data
12 elements, the board shall consider data elements identified by similar programs in
13 other states and shall ensure, to the extent possible, that records generated by the
14 program are easily shared with other states.

15 (END)

**OUTAGAMIE COUNTY BOARD MEETING
NOVEMBER 19, 2013**

Resolution No. 117--2013-14

Supervisor Duncan moved, seconded by Supervisor Groat, for adoption.

RESOLUTION NO. 117--2013-2014 IS ADOPTED.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	YES
3 C. SCHMIDT	NO	21 T. THYSSEN	Not Present
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 T. PALTZER	YES
6 J. MAHAN	YES	24 J. PLEUSS	Not Present
7 L. HAMMEN	Not Present	25 J. NOOYEN	Not Present
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	YES
13 L. VAN ASTEN	YES	31 R. THERN	YES
14 D. DE GROOT	YES	32 M. RAHMLow	YES
15 VANDENHEUVEL	YES	33 N. AUSTIN	YES
16 B. LEMANSKI	Not Present	34 D. RETTLER	Not Present
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	Not Present	36 C. ANTHONY	Not Present
Results	Item 11 Passed (27 YES - 1 NO)		Maj

RESOLUTION NO.: 116—2013-14

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Heroin use is on the rise in Wisconsin. Increased heroin usage results in an increased
2 number of heroin overdoses. Naloxone is a drug used to counter the effects of opiate
3 overdose. Current law does not allow basic Emergency Medical Technicians (EMT's) to
4 carry naloxone. Proposed legislation allows all levels of EMT's and first responders to be
5 trained to administer naloxone. The proposed legislation also includes police and fire but
6 uses permissive language, allowing the individual community to decide whether to allow
7 public safety officers the ability to administer naloxone.
8

9 NOW THEREFORE, the undersigned members of the Public Safety Committee recommend
10 adoption of the following resolution.

11 BE IT RESOLVED, that the Outagamie County Board of Supervisors support legislation
12 allowing all levels of EMT's and first responders to be trained to administer naloxone, and

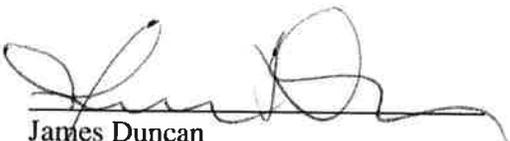
13 BE IT FURTHER RESOLVED, that the Outagamie County Board of Supervisor support legislation
14 including police officers and fire fighters, allowing the individual community to decide whether to
15 allow public safety officers the ability to administer naloxone, and

16 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
17 of this resolution to the Outagamie County Lobbyist for distribution to the Legislature and all Wisconsin
18 Counties.

19 Dated this 19th day of November, 2013

Respectfully Submitted,
PUBLIC SAFETY COMMITTEE

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James Duncan

Lee Hammen

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Katrin Patience

Katrin Patience

James Pleuss

Tony Krueger
Tony Krueger

Duly and officially adopted by the County Board on: November 19, 2013

Signed:

Judith A. Schutte Loring O. Bunker
Board Chairperson County Clerk

Approved:

11 20 13

Vetoed: _____

Signed:

[Signature]
County

Executive



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3274/1
MED:eevjf

2013 BILL

1 **AN ACT to amend 256.15 (8) (e); and to create 256.40 of the statutes; relating**
2 **to: training and agreements for administering the drug naloxone, requiring**
3 **emergency medical technicians to carry naloxone, and immunity for certain**
4 **individuals who administer naloxone.**

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) serves as the lead state agency for emergency medical services and has various duties relating to the provision of emergency medical services, including:

1) Certifying first responders, who are individuals that, as a condition of employment or as members of an organization that provides emergency medical care before hospitalization, provide emergency medical care to sick, disabled, or injured individuals before the arrival of an ambulance. In order to become certified as a first responder, an individual must satisfy certain criteria, including completing a first responder course that meets certain specified criteria. Certified first responders may undertake only certain actions specified under current law, including administering medications that are specified by DHS by rule.

2) Licensing emergency medical technicians (EMTs), who are individuals that may provide emergency medical services ranging from basic life support and patient handling and transportation to emergency cardiac, trauma, and other lifesaving or emergency procedures, depending on the level of EMT licensure. Current law specifies three levels of EMT licensure, known as EMT - basic, EMT - intermediate, and EMT - paramedic (advanced). In order to become licensed as an EMT, an

BILL

individual must satisfy certain criteria, including obtaining training commensurate with the level of EMT licensure that is sought. EMTs may, under current law, undertake only those actions that are authorized in rules promulgated by DHS for their level of licensure.

This bill provides that certified first responders may administer the drug naloxone if they have received training necessary to safely administer naloxone, as determined by DHS. Naloxone is a prescription drug which, when administered to a person undergoing an opioid-related drug overdose, can have the effect of countering the effects of the overdose. The bill also requires that DHS permit EMTs at all levels of licensure to administer naloxone to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose. DHS must, under the bill, require EMTs to undergo any training necessary to safely and properly administer naloxone. The bill also requires each EMT so trained to, at all times when performing his or her duties as an emergency medical technician, carry or have available for administration a supply of naloxone.

In addition, the bill allows 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. The bill provides that a law enforcement officer or fire fighter who, acting in good faith, administers naloxone to an individual whom the officer or fire fighter reasonably believes to be undergoing an opioid-related drug overdose may not be subject to any criminal or civil liability in connection with administering naloxone to the individual, if the law enforcement officer or fire fighter is acting pursuant to a written agreement described above.

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:

- 1 **SECTION 1.** 256.15 (8) (e) of the statutes is amended to read:
- 2 256.15 (8) (e) A certified first responder is authorized to use an automated
- 3 external defibrillator, as prescribed for first responders in rules promulgated by the
- 4 department. The rules shall set forth authorization for the use of an automated
- 5 external defibrillator or, for a defibrillator that may be operated in more than one
- 6 mode, use as an automated external defibrillator only. A certified first responder is
- 7 authorized to administer the drug naloxone if the first responder has received

BILL

1 training necessary to safely administer the drug naloxone, as determined by the
2 department. A certified first responder is also authorized to employ other
3 techniques, including the administration of nonvisualized advanced airways, and
4 the administration of medications that are specified by the department by rule. In
5 promulgating the rules under this paragraph, the department shall consult with the
6 state medical director for emergency medical services and the emergency medical
7 services board. The rule shall include those techniques that are specified in the most
8 current guidelines issued by the National Highway Traffic Safety Administration
9 under 23 CFR 1205.3 (a) (5).

10 **SECTION 2.** 256.40 of the statutes is created to read:

11 **256.40 Administration of naloxone in cases of opioid-related drug**
12 **overdose.** (1) In this section:

13 (a) "Fire fighter" means any person employed by the state or any political
14 subdivision as a member or officer of a fire department or a member of a volunteer
15 fire department, including the state fire marshal and deputies.

16 (b) "Law enforcement agency" means an agency of a federally recognized Indian
17 tribe or band or a state or political subdivision of a state, whose purpose is the
18 detection and prevention of crime and enforcement of laws or ordinances.

19 (c) "Law enforcement officer" means any person employed by a law enforcement
20 agency who is authorized to make arrests for violations of the laws or ordinances that
21 the person is employed to enforce.

22 (d) "Opioid-related drug overdose" means a condition including extreme
23 physical illness, decreased level of consciousness, respiratory depression, coma, or
24 the ceasing of respiratory or circulatory function resulting from the consumption or
25 use of an opioid, or another substance with which an opioid was combined.

2013 - 2014 Legislature

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LRB-3274/1

MED:eev:jf

SECTION 2

BILL

1 (2) (a) Subject to par. (b), the department shall permit all emergency medical
2 technicians to administer the drug naloxone to individuals who are undergoing or
3 who are believed to be undergoing an opioid-related drug overdose.

4 (b) The department shall require emergency medical technicians to undergo
5 any training necessary to safely and properly administer the drug naloxone as
6 specified under par. (a).

7 (c) Every emergency medical technician who has obtained the training
8 necessary to safely and properly administer the drug naloxone shall, at all times
9 when performing his or her duties as an emergency medical technician, carry or have
10 available for administration a supply of the drug naloxone.

11 (3) (a) A law enforcement agency or fire department may enter into a written
12 agreement to affiliate with an ambulance service provider or a physician for all of the
13 following purposes:

14 1. Obtaining a supply of the drug naloxone.

15 2. Allowing law enforcement officers and fire fighters to obtain the training
16 necessary to safely and properly administer the drug naloxone to individuals who are
17 undergoing or who are believed to be undergoing an opioid-related drug overdose.

18 (b) A law enforcement officer or fire fighter who, acting in good faith,
19 administers the drug naloxone to an individual whom the officer or fire fighter
20 reasonably believes to be undergoing an opioid-related drug overdose may not be
21 subject to any criminal or civil liability in connection with administering the drug
22 naloxone to the individual, if the law enforcement officer or fire fighter is acting
23 pursuant to an agreement and any training obtained under par. (a).

24

(END)

**OUTAGAMIE COUNTY BOARD MEETING
NOVEMBER 19, 2013**

Resolution No.116 --2013-14

Supervisor Duncan moved, seconded by Supervisor L DeGroot, for adoption.

RESOLUTION NO. 116--2013-2014 IS ADOPTED.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	YES
3 C. SCHMIDT	NO	21 T. THYSSEN	Not Present
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 T. PALTZER	YES
6 J. MAHAN	YES	24 J. PLEUSS	Not Present
7 L. HAMMEN	Not Present	25 J. NOOYEN	Not Present
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	YES
13 L. VAN ASTEN	YES	31 R. THERN	YES
14 D. DE GROOT	YES	32 M. RAHMLow	YES
15 VANDENHEUVEL	YES	33 N. AUSTIN	YES
16 B. LEMANSKI	Not Present	34 D. RETTLER	Not Present
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	Not Present	36 C. ANTHONY	Not Present
Results	Item 10 Passed (27 YES - 1 NO)		Maj

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RESOLUTION NO.: 115—2013-14

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Under current law, a person may not, and it is often a crime to deliver, receive, or possess
 2 certain drugs unless the person is a licensed pharmacist or other licensed practitioner or has
 3 a valid prescription for the drug. Proposed legislation updates state criminal law and state
 4 regulatory provisions concerning prescription drugs and controlled substances in order to
 5 facilitate and encourage the operation of community drug disposal programs and other
 6 similar programs throughout Wisconsin. The Department of Justice (DOJ) may authorize
 7 the operation of drug disposal programs in this state to receive, for destruction, drugs,
 8 including prescription drugs, controlled substance and controlled substance analogs, and
 9 certain medical and drug delivery devices (collectively, pharmaceutical items). DOJ must
 10 approve the policies and procedures before a drug disposal program may begin operation.
 11

12 NOW THEREFORE, the undersigned members of the Public Safety Committee recommend
 13 adoption of the following resolution.

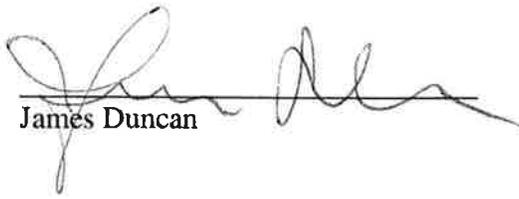
14 BE IT RESOLVED, that the Outagamie County Board of Supervisors support legislation
 15 updating state criminal law and state regulatory provisions concerning prescription drugs and controlled
 16 substances in order to facilitate and encourage the operation of community drug disposal programs and
 17 other similar programs throughout Wisconsin. The Department of Justice (DOJ) may authorize the
 18 operation of drug disposal programs in this state to receive, for destruction, drugs, including prescription
 19 drugs, controlled substance and controlled substance analogs, and certain medical and drug delivery
 20 devices (collectively, pharmaceutical items). DOJ must approve the policies and procedures before a
 21 drug disposal program may begin operation, and

22 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
 23 of this resolution to the Outagamie County Lobbyist for distribution to the Legislature and all Wisconsin
 24 Counties.

25 Dated this 19th day of November, 2013

26 Respectfully Submitted,
 27 PUBLIC SAFETY COMMITTEE
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James Duncan

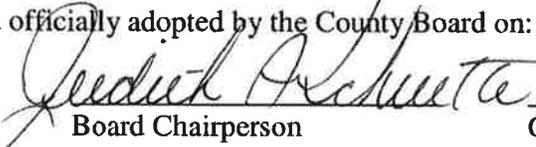
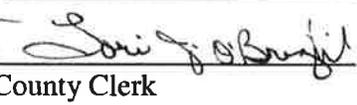
Lee Hammen


Katrin Patience

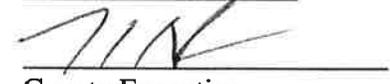
James Pleuss


Tony Krueger

Duly and officially adopted by the County Board on: November 19, 2013

Signed:  Board Chairperson
 County Clerk

Approved: 11 20 13 Vetoed: _____

Signed: 
County Executive



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3348/2
MPG&CMH:kjf/jf

2013 BILL

1 **AN ACT** *to renumber and amend* 961.335 (1); *to amend* subchapter III (title)
2 of chapter 961 [precedes 961.31]; and *to create* 66.0437, 165.65, 450.01 (23) (n),
3 450.01 (23) (o), 450.115, 961.32 (2) (e), 961.335 (1) (c) 1. and 2. and 961.337 of
4 the statutes; **relating to:** programs for the disposal of drugs, including
5 controlled substances, and certain medical or drug-related items, and the
6 regulation of prescription drugs.

Analysis by the Legislative Reference Bureau

Under current law, a person may not, and it is often a crime to, deliver, receive, or possess certain drugs unless the person is a licensed pharmacist or other licensed practitioner or has a valid prescription for the drug.

Under this bill, the Department of Justice (DOJ) may authorize 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). DOJ may authorize a person to operate a drug disposal program if, among other things, the person demonstrates to the satisfaction of DOJ that the program's receipt of pharmaceutical items will comply with federal and state laws applicable to the transportation and delivery of pharmaceutical items. The bill requires a drug disposal program to adopt policies and procedures that describe in detail the place and manner of the program's operation, provide the 24-hour contact information for

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at least one person in this state who is responsible for the program, and ensure compliance with applicable state and federal laws. DOJ must approve the policies and procedures before a drug disposal program may begin operation.

The bill also provides that a city, village, town, or county (political subdivision) may operate or authorize another person to operate a drug disposal program within the political subdivision's borders. A drug disposal program that a political subdivision operates or authorizes must adopt policies and procedures similar to those described above, but the program need not obtain approval from DOJ. However, without DOJ approval, the program may not receive pharmaceutical items except by means of in-person delivery within the political subdivision's borders.

Finally, the bill authorizes a person who lawfully possesses a prescription drug, or the person's guardian, trustee, or personal representative, to grant written authorization to certain other persons to destroy the prescription drug. Under the bill, such a written authorization is only valid if the authorization satisfies certain conditions, including that the authorization describes the prescription drug with reasonable specificity and that the authorization and the prescription drug were obtained by the person authorized to destroy the prescription drug without the payment of money or something else of value.

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:

1 **SECTION 1.** 66.0437 of the statutes is created to read:

2 **66.0437 Drug disposal programs.** (1) In this section, "political subdivision"
3 has the meaning given in s. 165.65 (1) (e).

4 (2) A political subdivision may operate or authorize a person to operate a drug
5 disposal program as provided under s. 165.65 (3).

6 **SECTION 2.** 165.65 of the statutes is created to read:

7 **165.65 Drug disposal program.** (1) **DEFINITIONS.** In this section:

8 (a) "Authorized under federal law" means permitted under 21 USC 801 to 971
9 or 21 CFR 1300 to 1321.

10 (am) "Controlled substance" has the meaning given in s. 961.01 (4).

11 (b) "Controlled substance analog" has the meaning given in s. 961.01 (4m).

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1 (c) "Drug disposal program" means a program to receive pharmaceutical items
2 and to recycle, destroy, or otherwise dispose of those items.

3 (d) "Pharmaceutical item" means a drug, as defined in s. 450.01 (10); a
4 prescription drug, as defined in s. 450.01 (20); a controlled substance or controlled
5 substance analog; a device, as defined in 450.01 (6); or a hypodermic syringe, needle,
6 or other object used for administering a drug.

7 (e) "Political subdivision" means a city, village, town, or county.

8 **(2) DEPARTMENT OF JUSTICE AUTHORIZATION TO OPERATE A DRUG DISPOSAL PROGRAM.**

9 (a) Except as provided under sub. (3), no person may receive pharmaceutical items
10 pursuant to a drug disposal program unless the department of justice grants written
11 authorization for that program under par. (b) or the program is authorized under
12 federal law.

13 (b) The department of justice may, without a hearing, grant written
14 authorization to a person to operate a drug disposal program if all of the following
15 conditions are satisfied:

16 1. The person adopts written policies and procedures that comply with sub. (5).
17 The department of justice shall review and either approve or disapprove in writing
18 those policies and procedures. The department of justice shall approve the policies
19 and procedures if the department of justice determines that the policies and
20 procedures do not violate the requirements of this section or any other applicable
21 federal or state law, and shall disapprove them otherwise. If the department of
22 justice disapproves the policies and procedures, the department of justice shall state
23 the reasons for that disapproval in writing to the person. At any time, the person may
24 resubmit revised policies and procedures to the department of justice for its review
25 and approval under this subdivision.

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1 2. If the drug disposal program will receive pharmaceutical items in any
2 manner other than the transfer of a pharmaceutical item in person to the program
3 by a person that lawfully possesses the pharmaceutical item, the person
4 demonstrates to the satisfaction of the department of justice that those transfers will
5 comply with any federal or state law applicable to the transportation and delivery
6 of pharmaceutical items.

7 (c) A person may not revise policies and procedures approved by the
8 department of justice under par. (b) 1. unless the department of justice approves the
9 revisions under par. (b) 1.

10 (d) Any determination or action by the department of justice under par. (b) or
11 (c) is not subject to judicial review.

12 **(3) AUTHORIZATION BY A POLITICAL SUBDIVISION TO OPERATE A DRUG DISPOSAL**
13 **PROGRAM.** A political subdivision may operate or the governing body of a political
14 subdivision may grant written authorization for a person to operate a drug disposal
15 program only if all of the following apply:

16 (a) The political subdivision or the authorized person operates the drug
17 disposal program only within the boundaries of the political subdivision, except as
18 provided under sub. (4).

19 (b) The applicable requirements under sub. (5) are satisfied.

20 (c) The drug disposal program receives pharmaceutical items only by means
21 of delivery in person by a person that lawfully possesses the pharmaceutical item,
22 unless the drug disposal program is authorized under federal law to receive
23 pharmaceutical items by other means.

24 **(4) MULTIJURISDICTIONAL DRUG DISPOSAL PROGRAM.** A drug disposal program may
25 operate within more than one political subdivision if the department of justice

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1 authorizes that program under sub. (2), all political subdivisions within which the
2 drug disposal program operates authorize that program under sub. (3), or the
3 program is authorized under federal law.

4 (5) OPERATION OF A DRUG DISPOSAL PROGRAM. (a) A person that operates a drug
5 disposal program, except a drug disposal program that is authorized under federal
6 law, shall establish and promptly update as appropriate written policies and
7 procedures that do all of the following:

8 1. Describe in detail the manner in which the program operates, including an
9 identification of the kinds of pharmaceutical items that may be received under the
10 program, whether the program may receive controlled substances and controlled
11 substance analogs, whether pharmaceutical items will be transferred by mail under
12 the program, and the locations at which pharmaceutical items may be transferred
13 in person under the program.

14 2. List the name, address, telephone number, and 24-hour contact information
15 for one or more persons in this state who are responsible for the operation of the
16 program.

17 3. Ensure compliance with chs. 450 and 961; with any applicable provision
18 under chs. 287, 289, and 291 and s. 299.51 relating to medical waste, solid waste, or
19 hazardous waste; and with any other applicable federal or state law.

20 (b) 1. The policies and procedures for a drug disposal program authorized under
21 sub. (2) and any changes to those policies and procedures are subject to review and
22 approval under sub. (2) (b) 1.

23 2. Legal counsel for the political subdivision, or, at the discretion of the political
24 subdivision, the department of justice if the political subdivision's legal counsel is not
25 an employee of the political subdivision, shall review and either approve or

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1 disapprove the policies and procedures for a drug disposal program implemented or
2 authorized under sub. (3) and any changes to those policies and procedures. Legal
3 counsel, or the department of justice if appropriate, shall approve the policies and
4 procedures or changes if it determines that the policies and procedures or changes
5 do not violate the requirements of this section or any other applicable federal or state
6 law, and shall disapprove them otherwise. Any approval under this subdivision shall
7 be in writing. The political subdivision shall provide a copy of the approval and a copy
8 of the policies and procedures or changes to the policies and procedures to the
9 department of justice.

10 (c) The operation of a drug disposal program, including a drug disposal program
11 that is authorized under federal law, shall immediately cease if a law enforcement
12 officer, as defined in s. 165.85 (2) (c), a federal law enforcement officer, as defined in
13 s. 175.40 (7) (a) 1., the department of justice, or another federal or state agency
14 notifies a designated contact person for the program that the program is in violation
15 of any federal or state law enforceable by the officer, department of justice, or other
16 agency. That notification is not subject to judicial review. The program may resume
17 operation only upon the program's receipt of written notice from the officer,
18 department of justice, or other agency that the program is no longer in violation of
19 the federal or state law.

20 (6) TRANSFER AND RECEIPT OF PHARMACEUTICAL ITEMS. (a) Notwithstanding ss.
21 450.03 (1) and 450.11 (7) (g) and (h) and (9) (b), a person that lawfully possesses a
22 pharmaceutical item may transfer, and it is not a crime for such a person to transfer,
23 the pharmaceutical item to a drug disposal program if the program is authorized
24 under sub. (2) or (3) or is authorized under federal law.

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1 (b) Notwithstanding s. 450.11 (7) (g) and (h) and (9) (b), a person may receive,
2 and it is not a crime for a person to possess, a pharmaceutical item pursuant to a drug
3 disposal program if the receipt or possession is within the scope of the program and
4 the program is authorized under sub. (2) or (3) or is authorized under federal law or,
5 if the receipt or possession is not within the scope of the program, the receipt or
6 possession is inadvertent and the program promptly notifies an appropriate law
7 enforcement officer of the receipt or possession and complies with any instructions
8 the law enforcement officer provides.

9 **SECTION 3.** 450.01 (23) (n) of the statutes is created to read:

10 450.01 (23) (n) The operation or implementation of a drug disposal program
11 that is authorized under s. 165.65 (2) or (3) or is authorized under federal law, as
12 defined in s. 165.65 (1) (a), or the possession or delivery of a pharmaceutical item, as
13 defined in s. 165.65 (1) (d), within the scope of a drug disposal program that is
14 authorized under s. 165.65 (2) or (3) or is authorized under federal law.

15 **SECTION 4.** 450.01 (23) (o) of the statutes is created to read:

16 450.01 (23) (o) The possession or delivery of a prescription drug within the
17 scope of a written authorization under s. 450.115 (3).

18 **SECTION 5.** 450.115 of the statutes is created to read:

19 **450.115 Drug disposal programs and authorizations. (1)** In this section:

20 (a) "Guardian" means the person named by the court under ch. 880, 2003 stats.,
21 or ch. 48 or 54 that has the duty and authority of guardianship.

22 (b) "Personal representative" means an executor, administrator, or special
23 administrator of a decedent's estate, a person legally authorized to perform
24 substantially the same functions, or a successor to any of those persons.

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1 (c) "Trustee" means a person that holds in trust title to or power over property.
2 "Trustee" includes an original, added, or successor trustee.

3 (d) "Ward" means a person for whom a guardian has been appointed.

4 (2) Nothing in this chapter, or rules promulgated under this chapter, prohibits
5 any of the following:

6 (a) The direct operation or implementation of a drug disposal program that is
7 authorized under s. 165.65 (2) or (3) or is authorized under federal law, as defined
8 in s. 165.65 (1) (a).

9 (b) The transfer of a prescription drug by a person that lawfully possesses the
10 prescription drug to a drug disposal program that is authorized under s. 165.65 (2)
11 or (3) or is authorized under federal law, as defined in s. 165.65 (1) (a), and that
12 accepts the prescription drug.

13 (c) Subject to sub. (4), the possession of a prescription drug under a written
14 authorization described in sub. (3).

15 (3) (a) A guardian may grant written authorization to an adult who is related
16 to the guardian's ward by blood, marriage, or adoption within the 3rd degree of
17 kinship as computed under s. 990.001 (16), or to a domestic partner of the ward under
18 ch. 770, for the disposal of a prescription drug that belongs to the ward.

19 (b) A personal representative or a trustee may grant written authorization to
20 an adult beneficiary, as defined in s. 701.20 (2) (b), of the estate or trust for the
21 disposal of a prescription drug that belongs to the estate or trust.

22 (c) A person who is a competent adult may grant written authorization to that
23 person's domestic partner under ch. 770 or to another adult who is related to that
24 person by blood, marriage, or adoption within the 3rd degree of kinship as computed

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1 under s. 990.001 (16), for the disposal of a prescription drug that lawfully belongs to
2 that person.

3 (4) A written authorization under sub. (3) is valid only to the extent permitted
4 under federal law and only if all of the following conditions are satisfied:

5 (a) The authorization describes with reasonable specificity each prescription
6 drug that is to be disposed of.

7 (b) The authorization is in the physical possession of the person authorized to
8 dispose of the prescription drug and each prescription drug described in the
9 authorization is, within 24 hours after the authorization is signed by the person
10 granting the authorization, transferred to a drug disposal program under s. 165.65
11 or otherwise lawfully disposed of.

12 (c) The authorization and each prescription drug to be disposed of were
13 obtained without consideration.

14 **SECTION 6.** Subchapter III (title) of chapter 961 [precedes 961.31] of the
15 statutes is amended to read:

16 **CHAPTER 961**

17 **SUBCHAPTER III**

18 **REGULATION OF MANUFACTURE,**

19 **DISTRIBUTION AND, DISPENSING,**

20 **AND POSSESSION OF CONTROLLED**

21 **SUBSTANCES**

22 **SECTION 7.** 961.32 (2) (e) of the statutes is created to read:

23 961.32 (2) (e) A person actively engaged in the direct operation or
24 implementation of a drug disposal program that is authorized under s. 165.65 (2) or
25 (3) or is authorized under federal law, as defined in s. 165.65 (1) (a).

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1 **SECTION 8.** 961.335 (1) of the statutes is renumbered 961.335 (1) (a) and
2 amended to read:

3 961.335 (1) (a) Upon application the controlled substances board may issue a
4 permit authorizing a person to manufacture, obtain, possess, use, administer, or
5 dispense a controlled substance for purposes of scientific research, instructional
6 activities, chemical analysis, or other special uses, without restriction because of
7 enumeration. No

8 ~~(b) Except as provide in par. (c), no person shall may engage in any such activity~~
9 ~~described under par. (a) without a permit issued under this section, except that an,~~

10 (c) 3. An individual may be who is designated and authorized to receive the a
11 permit under this section for a college or university department, research unit, or
12 similar administrative organizational unit, and students, laboratory technicians,
13 research specialists, or chemical analysts under his or her supervision, may be
14 ~~permitted possession and use of controlled substances for these purposes,~~ without
15 ~~obtaining an individual additional permit issued under this section, possess and use~~
16 ~~a controlled substance, for the purposes authorized in the permit received for the~~
17 ~~department or unit.~~

18 **SECTION 9.** 961.335 (1) (c) 1. and 2. of the statutes are created to read:

19 961.335 (1) (c) 1. A person who is actively engaged in the direct operation or
20 implementation of a drug disposal program that is authorized under s. 165.65 (2) or
21 (3) or is authorized under federal law, as defined in s. 165.65 (1) (a), may, without a
22 permit issued under this section, obtain or possess a controlled substance for the
23 purposes of operating and implementing the drug disposal program.

**OUTAGAMIE COUNTY BOARD MEETING
NOVEMBER 19, 2013**

Resolution No.115--2013-14

Supervisor Trentlage moved, seconded by Supervisor Duncan, for adoption.

RESOLUTION NO. 115--2013-2014 IS ADOPTED.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	YES
3 C. SCHMIDT	ABSTAIN	21 T. THYSSEN	Not Present
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 T. PALTZER	YES
6 J. MAHAN	YES	24 J. PLEUSS	Not Present
7 L. HAMMEN	Not Present	25 J. NOOYEN	Not Present
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	YES
13 L. VAN ASTEN	YES	31 R. THERN	YES
14 D. DE GROOT	YES	32 M. RAHMLow	YES
15 VANDENHEUVEL	YES	33 N. AUSTIN	YES
16 B. LEMANSKI	Not Present	34 D. RETTLER	Not Present
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	Not Present	36 C. ANTHONY	Not Present
Results	Item 9 Passed (27 YES - 0 NO)		Maj

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James Duncan

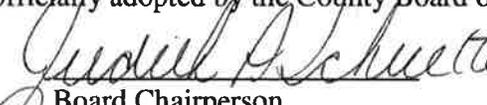
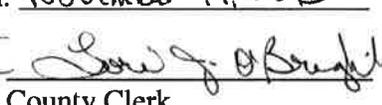
Lee Hammen


Katrin Patience

James Pleuss


Tony Krueger

Duly and officially adopted by the County Board on: November 19, 2013

Signed:  Board Chairperson
 County Clerk

Approved: 11 20 13 Vetoed: _____

Signed: 
County Executive



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3164/1
PJH:jldjm

2013 BILL

1 **AN ACT to create 961.443 and 961.447 of the statutes; relating to:** granting
2 immunity from certain criminal prosecutions for offenses relating to a
3 controlled substance or a controlled substance analog.

Analysis by the Legislative Reference Bureau

This bill provides immunity from certain criminal prosecutions for a person (aider) 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 the aider believes the other person is suffering from an overdose or other adverse reaction to a controlled substance or a controlled substance analog.

Under the bill, the aider may not be prosecuted for possession of a controlled substance or a controlled substance analog under the circumstances that led him or her to summon or provide emergency assistance.

Under the bill, a person may not be prosecuted for possessing naloxone or for administering or delivering naloxone to another person if he or she administered naloxone to the other person with the good faith belief that the other person was suffering from an overdose or an adverse reaction to a controlled substance or a controlled substance analog and that it was necessary to deliver or administer the naloxone in order to save the other person's life.

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

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1 **SECTION 1.** 961.443 of the statutes is created to read:

2 **961.443 Immunity from criminal prosecution; possession. (1)**

3 **DEFINITIONS.** In this section, "aider" means a person who does any of the following:

4 (a) Brings another person to an emergency room, hospital, fire station, or other
5 health care facility if the other person is, or the person believes him or her to be,
6 suffering from an overdose of, or other adverse reaction to, any controlled substance
7 or controlled substance analog.

8 (b) Summons a law enforcement officer, ambulance, emergency medical
9 technician, or other health care provider, to assist another person if the other person
10 is, or the person believes him or her to be, suffering from an overdose of, or other
11 adverse reaction to, any controlled substance or controlled substance analog.

12 (c) Dials the telephone number "911" or, in an area in which the telephone
13 number "911" is not available, the number for an emergency medical service
14 provider, to obtain assistance for another person if the other person is, or the person
15 believes him or her to be, suffering from an overdose of, or other adverse reaction to,
16 any controlled substance or controlled substance analog.

17 **(2) IMMUNITY FROM CRIMINAL PROSECUTION.** An aider is immune from prosecution
18 under s. 961.41 (3g) for the possession of a controlled substance or a controlled
19 substance analog, under the circumstances surrounding or leading to his or her
20 commission of an act described in sub. (1).

21 **SECTION 2.** 961.447 of the statutes is created to read:

22 **961.447 Immunity from criminal prosecution; emergency**
23 **administration.** A person is immune from criminal prosecution for possessing
24 naloxone or for administering or delivering naloxone to another person if he or she
25 administered or delivered the naloxone to another person because he or she believed,

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1 in good faith, that the other person was suffering from an overdose or adverse
2 reaction to a controlled substance or controlled substance analog and believed, in
3 good faith, that delivering or administering naloxone to the person was necessary to
4 save the life of the other person.

5 (END)

**OUTAGAMIE COUNTY BOARD MEETING
NOVEMBER 19, 2013**

Resolution No.114 --2013-14

Supervisor Duncan moved, seconded by Supervisor Krueger, for adoption.

RESOLUTION NO. 114--2013-2014 IS ADOPTED.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	YES
3 C. SCHMIDT	YES	21 T. THYSSEN	Not Present
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 T. PALTZER	YES
6 J. MAHAN	YES	24 J. PLEUSS	Not Present
7 L. HAMMEN	Not Present	25 J. NOOYEN	Not Present
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	YES
13 L. VAN ASTEN	YES	31 R. THERN	YES
14 D. DE GROOT	YES	32 M. RAHMLow	YES
15 VANDENHEUVEL	YES	33 N. AUSTIN	YES
16 B. LEMANSKI	Not Present	34 D. RETTLER	Not Present
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	Not Present	36 C. ANTHONY	Not Present
Results	Item 8 Passed (28 YES - 0 NO)		Maj