



2013 ASSEMBLY BILL 62

March 7, 2013 – Introduced by Representatives BIES, BERCEAU, T. LARSON, SPIROS, THIESFELDT, DOYLE, BERNARD SCHABER, OHNSTAD, A. OTT, KAUFERT, BROOKS, KAHL, J. OTT, CZAJA, SINICKI, KRUG, SWEARINGEN and BALLWEG, cosponsored by Senators TIFFANY, RISSER, LASSA, LASEE, SCHULTZ, LEHMAN and L. TAYLOR. Referred to Committee on State Affairs.

1 **AN ACT to amend** 23.33 (1) (i), 30.50 (4e), 85.53 (1) (c), 350.01 (9), 939.22 (42) and
2 940.225 (5) (ai); and **to create** 23.33 (1) (gb), 30.50 (4c), 85.53 (1) (bg), 340.01
3 (20r), 340.01 (25d), 350.01 (4) and 939.22 (15) of the statutes; **relating to:** the
4 definition of intoxicant.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from operating, or causing injury or death to a person by operating, a vehicle, including an all-terrain vehicle, snowmobile, or boat, while under the influence of an intoxicant. Current law also prohibits a person from causing injury or death to a person by operating a firearm or airgun while under the influence of an intoxicant. Current law defines an “intoxicant” as any alcohol beverage, controlled substance, controlled substance analog or other drug, or any combination thereof.

This bill broadens the definition of “intoxicant” to include a substance that is inhaled, ingested, or otherwise consumed in a manner that is contrary to its intended use or labelling, and that is inhaled, ingested, or otherwise consumed to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

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

ASSEMBLY BILL 62**SECTION 1**

1 **SECTION 1.** 23.33 (1) (gb) of the statutes is created to read:

2 23.33 (1) (gb) “Hazardous inhalant” means a substance that is ingested,
3 inhaled, or otherwise introduced into the human body in a manner that does not
4 comply with any cautionary labeling that is required for the substance under s.
5 100.37 or under federal law, or in a manner that is not intended by the manufacturer
6 of the substance, and that is intended to induce intoxication or elation, to stupefy the
7 central nervous system, or to change the human audio, visual, or mental processes.

8 **SECTION 2.** 23.33 (1) (i) of the statutes is amended to read:

9 23.33 (1) (i) “Intoxicant” means any alcohol beverage, hazardous inhalant,
10 controlled substance, controlled substance analog or other drug, or any combination
11 thereof.

12 **SECTION 3.** 30.50 (4c) of the statutes is created to read:

13 30.50 (4c) “Hazardous inhalant” means a substance that is ingested, inhaled,
14 or otherwise introduced into the human body in a manner that does not comply with
15 any cautionary labeling that is required for the substance under s. 100.37 or under
16 federal law, or in a manner that is not intended by the manufacturer of the substance,
17 and that is intended to induce intoxication or elation, to stupefy the central nervous
18 system, or to change the human audio, visual, or mental processes.

19 **SECTION 4.** 30.50 (4e) of the statutes is amended to read:

20 30.50 (4e) “Intoxicant” means any alcohol beverage, hazardous inhalant,
21 controlled substance, controlled substance analog or other drug, or any combination
22 thereof.

23 **SECTION 5.** 85.53 (1) (bg) of the statutes is created to read:

24 85.53 (1) (bg) “Hazardous inhalant” means a substance that is ingested,
25 inhaled, or otherwise introduced into the human body in a manner that does not

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1 comply with any cautionary labeling that is required for the substance under s.
2 100.37 or under federal law, or in a manner that is not intended by the manufacturer
3 of the substance, and that is intended to induce intoxication or elation, to stupefy the
4 central nervous system, or to change the human audio, visual, or mental processes.

5 **SECTION 6.** 85.53 (1) (c) of the statutes is amended to read:

6 85.53 (1) (c) "Intoxicant" means any alcohol beverage, hazardous inhalant,
7 controlled substance, controlled substance analog or other drug, or any combination
8 thereof.

9 **SECTION 7.** 340.01 (20r) of the statutes is created to read:

10 340.01 (20r) "Hazardous inhalant" means a substance that is ingested,
11 inhaled, or otherwise introduced into the human body in a manner that does not
12 comply with any cautionary labeling that is required for the substance under s.
13 100.37 or under federal law, or in a manner that is not intended by the manufacturer
14 of the substance, and that is intended to induce intoxication or elation, to stupefy the
15 central nervous system, or to change the human audio, visual, or mental processes.

16 **SECTION 8.** 340.01 (25d) of the statutes is created to read:

17 340.01 (25d) "Intoxicant" includes a hazardous inhalant.

18 **SECTION 9.** 350.01 (4) of the statutes is created to read:

19 350.01 (4) "Hazardous inhalant" means a substance that is ingested, inhaled,
20 or otherwise introduced into the human body in a manner that does not comply with
21 any cautionary labeling that is required for the substance under s. 100.37 or under
22 federal law, or in a manner that is not intended by the manufacturer of the substance,
23 and that is intended to induce intoxication or elation, to stupefy the central nervous
24 system, or to change the human audio, visual, or mental processes.

25 **SECTION 10.** 350.01 (9) of the statutes is amended to read:

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SECTION 10

1 350.01 **(9)** "Intoxicant" means any alcohol beverage, hazardous inhalant,
2 controlled substance, controlled substance analog or other drug, or any combination
3 thereof.

4 **SECTION 11.** 939.22 (15) of the statutes is created to read:

5 939.22 **(15)** "Hazardous inhalant" means a substance that is ingested, inhaled,
6 or otherwise introduced into the human body in a manner that does not comply with
7 any cautionary labeling that is required for the substance under s. 100.37 or under
8 federal law, or in a manner that is not intended by the manufacturer of the substance,
9 and that is intended to induce intoxication or elation, to stupefy the central nervous
10 system, or to change the human audio, visual, or mental processes.

11 **SECTION 12.** 939.22 (42) of the statutes is amended to read:

12 939.22 **(42)** "Under the influence of an intoxicant" means that the actor's ability
13 to operate a vehicle or handle a firearm or airgun is materially impaired because of
14 his or her consumption of an alcohol beverage, hazardous inhalant, of a controlled
15 substance or controlled substance analog under ch. 961, of any combination of an
16 alcohol beverage, hazardous inhalant, controlled substance and controlled
17 substance analog, or of any other drug, or of an alcohol beverage and any other drug.

18 **SECTION 13.** 940.225 (5) (ai) of the statutes is amended to read:

19 940.225 **(5)** (ai) "Intoxicant" means any alcohol beverage, hazardous inhalant,
20 controlled substance, controlled substance analog, or other drug, or any combination
21 thereof.

22 (END)