

State of Wisconsin



2005 Assembly Bill 214

Date of enactment: **October 13, 2005**

Date of publication*: **October 27, 2005**

2005 WISCONSIN ACT 44

AN ACT *to create* 941.316 of the statutes; **relating to:** abuse of hazardous substances and providing penalties.

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

SECTION 1. 941.316 of the statutes is created to read:
941.316 Abuse of hazardous substance. (1) In this section:

(a) "Abuse" means to ingest, inhale, or otherwise introduce into the human body a hazardous substance in a manner that does not comply with any cautionary labeling that is required for the hazardous substance under s. 100.37 or under federal law, or in a manner that is not intended by the manufacturer of the hazardous substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

(b) "Distribute" means to transfer a hazardous substance from one person to another.

(c) "Hazardous substance" has the meaning given in s. 100.37 (1) (c). "Hazardous substance" also includes any substance or mixture of substances that has the capacity to produce personal injury or illness to a person

who abuses the substance and includes any household product, as defined in s. 941.327 (1) (e), or any mixture of household products, as defined in s. 941.327 (1) (e).

(2) Whoever does any of the following is guilty of a Class A misdemeanor:

(a) Possesses a hazardous substance with the intent to abuse the hazardous substance.

(b) Intentionally abuses a hazardous substance.

(3) Whoever distributes, or possesses with intent to distribute, a hazardous substance, knowing or having reason to know that the hazardous substance will be abused, is guilty of a Class I felony.

(4) Subsection (2) does not apply to a person who possesses or uses the hazardous substance if the substance is obtained from, or pursuant to a valid prescription or order of, a practitioner, as defined in s. 961.01 (19), while acting in the course of professional practice.

(5) Subsection (3) does not apply to a person who distributes a hazardous substance in an ordinary course of business.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].