



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2005 Wisconsin Act 90**  
[2005 Senate Bill 21]

**County Drug Ordinances**

2005 Wisconsin Act 90 amends the law relating to county ordinances regulating drug paraphernalia or the possession of marijuana.

Under prior law, a county with a population of 500,000 or more could enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana and that ordinance would apply in every municipality within the county. A county having a population of less than 500,000 could enact such an ordinance but the ordinance would not apply in a municipality that had enacted an ordinance prohibiting the possession of marijuana. Further, a county with a population of 500,000 or more could enact an ordinance prohibiting the possession, manufacture, or delivery of drug paraphernalia matching similar prohibitions under state law. The ordinance could be enforced in any municipality within the county.

Wisconsin Act 90 amends the law to provide that any county, regardless of population, may enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana or enact an ordinance to regulate drug paraphernalia to the same extent as state law regulates drug paraphernalia. Such an ordinance may be enforced in any municipality within the county.

**Effective Date:** The act takes effect on January 20, 2006

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January 5, 2006

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.