



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 44
[2005 Assembly Bill 214]

Abuse of Hazardous Substances

Act 44 provides that it is a Class A misdemeanor to possess a hazardous substance with the intent to abuse the hazardous substance or to intentionally abuse a hazardous substance. A Class A misdemeanor is punishable by a fine not to exceed \$10,000 or imprisonment of not more than nine months in county jail, or both. Also under the Act, it is a Class I felony to distribute, or possess with intent to distribute, a hazardous substance, knowing or having reason to know that the hazardous substance will be abused. A Class I felony is punishable by a fine not to exceed \$10,000 and imprisonment (a combined term of confinement in prison and extended supervision) not to exceed three and one-half years.

The term “hazardous substance” includes any substance that is toxic, corrosive, an irritant, a strong sensitizer, or flammable or combustible if the substance may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use. “Hazardous substance” also includes household products, under the Act.

The Act defines “abuse” as to ingest, inhale, or otherwise introduce into the human body a hazardous substance in a manner that does not comply with any cautionary labeling 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.

Effective Date: Act 44 takes effect on October 28, 2005.

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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/>.