



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 458

Assembly Amendments 1 and 2

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2003 Assembly Bill 458 prohibits a person from operating a motor vehicle, all-terrain vehicle, snowmobile, or motorboat, or operating or going armed with a firearm, with a detectible amount of a “restricted controlled substance” in the person’s bloodstream. “Restricted controlled substance” is defined as: delta-9-tetrahydrocannabinol (the primary active ingredient in marijuana); Schedule 1 controlled substances (for example, heroine, LSD, and PCP); cocaine; and methamphetamine.

The bill provides a defense to a prosecution for having a detectible amount of methamphetamine or delta-9-tetrahydrocannabinol in the bloodstream if the defendant proves by a preponderance of the evidence that at the time of the incident or occurrence he or she had a valid prescription for methamphetamine, or one of its metabolic precursors, or delta-9-tetrahydrocannabinol.

Assembly Amendment 1

Assembly Amendment 1 adds gamma-hydroxybutyric acid (commonly known as “GHB”) to the drugs included in the valid prescription defense, described above. Thus, a person with a valid prescription for GHB will have a defense under the proposal to a prosecution for having a detectible amount of that drug in his or her blood.

Assembly Amendment 1 was offered by Representatives Gundrum and Wasserman. The amendment was adopted by the Assembly on a voice vote.

Assembly Amendment 2

Assembly Amendment 2 adds reference to delta-9-tetrahydrocannabinol (the primary active ingredient in marijuana) to three places in the bill that relate to the valid prescription defense, described above. Reference to the term was inadvertently left out of the provisions in the original proposal that are treated by the amendment; the amendment corrects that oversight.

Assembly Amendment 2 was offered by Representatives Gundrum and Staskunas. The amendment was adopted by the Assembly on a voice vote.

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