



## 2003 ASSEMBLY BILL 818

February 5, 2004 - Introduced by Representatives FRISKE, BIES, D. MEYER, GRONEMUS, VAN ROY, PETROWSKI, HUNDERTMARK, MONTGOMERY, AINSWORTH, STONE, MUSSER, HINES, HAHN and ALBERS, cosponsored by Senators WELCH and ROESSLER. Referred to Committee on Criminal Justice.

1     **AN ACT** *to create* 941.317 of the statutes; **relating to:** the use of household  
2             products and nonprescription drugs and providing penalties.

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### *Analysis by the Legislative Reference Bureau*

This bill prohibits a person from intentionally using a household product or nonprescription drug (product) in a manner that is not consistent with the manufacturer's intent in order to impair his or her physical or mental functions. Any person who violates this prohibition is subject to a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

In addition, this bill prohibits a person from intentionally procuring a product for another person if the person who procures the product (procurer) knows or should know that the other person intends to use the product in a manner that is not consistent with the manufacturer's intent in order to impair his or her physical or mental functions. The penalty for procuring the product increases as the harm to the person who used the product (user) increases. If the procurer procures the product for a person who is at least 21 years of age and the use causes no harm to the user, the procurer is subject to a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both. If the use of the product causes bodily harm (physical pain or injury, illness, or any impairment of physical condition) to the user, the procurer is subject to a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both. If the use of the product causes great bodily harm (bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury) to the user, the procurer is subject to a fine not to exceed

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\$10,000 or imprisonment not to exceed nine months, or both. If the use of the product causes death to the user, the procurer is subject to a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

Finally, if the procurer procures a product for another person who is under the age of 21 and the procuring person knows or should know that the other person is under the age of 21 and that the other person intends to use the product in a manner that is not consistent with the manufacturer's intent in order to impair his or her physical or mental functions, the procurer is subject to a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 941.317 of the statutes is created to read:

2           **941.317 Misuse of household products. (1)** In this section:

3           (a) “Altered household product” means a household product that has been  
4 altered in a manner that is not intended by the manufacturer of the household  
5 product and that is intended by the individual who altered the household product to  
6 impair physical or mental functions.

7           (b) “Household product” has the meaning given in s. 941.327 (1) (e).

8           (c) “Misuse” means to use a household product or altered household product,  
9 in a manner that is not intended by the manufacturer of the household product, to  
10 intentionally impair physical or mental functions. “Misuse” includes ingesting,  
11 inhaling, or consuming the household product or altered household product to impair  
12 physical or mental functions.

13           **(2)** Whoever intentionally misuses a household product or altered household  
14 product is guilty of a Class A misdemeanor.

