

State of Misconsin 2009 - 2010 LEGISLATURE

## 2009 ASSEMBLY BILL 186

April 2, 2009 – Introduced by Representatives Cullen, Staskunas, Richards, Gunderson, Berceau, Nass, Kleefisch, Bies and Spanbauer, cosponsored by Senators Plale, Taylor and Lehman. Referred to Committee on Public Health.

1 AN ACT *to create* 941.318 of the statutes; **relating to:** salvinorin A and providing 2 a penalty.

## Analysis by the Legislative Reference Bureau

This bill prohibits manufacturing, distributing, or delivering salvinorin A, a psychotropic ingredient in the plant *Salvia divinorum*, with the intent that it be consumed by a person. However, the prohibition does not apply to manufacturing a form of salvinorin A that is recognized by the U.S. Food and Drug Administration as a homeopathic drug and that may be obtained from a retail store without a prescription, or to distributing or delivering such a form of salvinorin A to a person who is 18 years of age or older. The penalty for violating the prohibition is a fine not to exceed \$10,000.

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

- 3 **SECTION 1.** 941.318 of the statutes is created to read:
- 4 941.318 Salvia divinorum. (1) In this section:
- 5 (a) "Deliver," with respect to salvinorin A, has the same meaning given in s.
- 6 961.01 (6) with respect to a controlled substance or controlled substance analog.

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1	(b) "Distribute," with respect to salvinorin A, has the same meaning given in
2	s. 961.01 (9) with respect to a controlled substance or controlled substance analog.
3	(c) "Manufacture," with respect to salvinorin A, has the same meaning given
4	in s. 961.01 (13) with respect to a controlled substance or controlled substance
5	analog.
6	(2) Except as provided in sub. (3), whoever manufactures, distributes, or
7	delivers salvinorin A with intent that it be consumed by an individual may be fined
8	not more than \$10,000.
9	(3) (a) Subsection (2) does not apply to the manufacture of any dosage form of
10	salvinorin A that may be obtained from a retail establishment without a prescription
11	and that is recognized by the U.S. Food and Drug Administration as a homeopathic
12	drug.
13	(b) Subsection (2) does not apply to the distribution or delivery to an individual
14	who is 18 years of age or older of any dosage form of salvinorin A that may be obtained
15	from a retail establishment without a prescription and that is recognized by the U.S.
16	Food and Drug Administration as a homeopathic drug.
17	(END)