



## 1995 ASSEMBLY BILL 817

January 25, 1996 – Introduced by SPECIAL COMMITTEE ON CONTROLLED SUBSTANCES.  
Referred to Special committee on Controlled Substances.

1     **AN ACT to repeal** 46.60 (1), 46.60 (2) (title), 139.87 (4), 161.01 (3), 161.01 (15) (b),  
2     161.14 (1) (title), 161.16 (1) (title), 161.18 (1) (title), 161.20 (1) (title), 161.20  
3     (3m) (title), 161.22 (1) (title), 161.41 (1p) (a) (intro.) and 161.41 (3p); **to**  
4     **renumber** 46.60 (title), chapter 161 (title), 161.001 (intro.), 161.001 (1),  
5     161.001 (2), 161.001 (3), subchapter I (title) of chapter 161 [precedes 161.01],  
6     161.01 (intro.), 161.01 (5), 161.01 (7), 161.01 (8), 161.01 (10), 161.01 (10m),  
7     161.01 (12), 161.01 (12m), 161.01 (14m), 161.01 (15) (intro.), 161.01 (18), 161.01  
8     (20g), 161.01 (20i), 161.01 (22), subchapter II (title) of chapter 161 [precedes  
9     161.11], 161.11 (title), 161.115, 161.13 (title), 161.14 (title), 161.15 (title),  
10    161.16 (title), 161.17 (title), 161.18 (title), 161.18 (3) (b), 161.18 (3) (d), 161.18  
11    (3) (e), 161.18 (3) (f), 161.18 (3) (h), 161.18 (3) (j), 161.19 (title), 161.20 (title),  
12    161.20 (2m) (a), 161.20 (2m) (d), 161.20 (2m) (e), 161.21 (title), 161.22 (title),  
13    subchapter III (title) of chapter 161 [precedes 161.31], 161.31, 161.32, 161.38  
14    (title), 161.38 (3), 161.38 (5), subchapter IV (title) of chapter 161 [precedes  
15    161.41], 161.41 (title), 161.41 (1p) (a) 1., 161.41 (1p) (a) 2., 161.41 (1x), 161.41  
16    (5), 161.42, 161.438, 161.44, 161.45, 161.455 (title), 161.46 (title), 161.465  
17    (title), 161.465 (3), 161.50, subchapter V (title) of chapter 161 [precedes 161.51],

1 161.51, 161.53, 161.55 (title), 161.55 (4), 161.55 (5), 161.55 (7), 161.56, 161.565,  
2 subchapter VI (title) of chapter 161 [precedes 161.571], 161.573 (title), 161.573  
3 (2), 161.574 (title), 161.574 (2), 161.576, subchapter VII (title) of chapter 161  
4 [precedes 161.61], 161.61 and 161.62; **to renumber and amend** 46.60 (2),  
5 146.0255 (1), 161.01 (1), 161.01 (2), 161.01 (4), 161.01 (6), 161.01 (9), 161.01 (11),  
6 161.01 (13), 161.01 (14), 161.01 (15) (a), 161.01 (15) (c), 161.01 (16), 161.01 (17),  
7 161.01 (19), 161.01 (20), 161.01 (20m), 161.01 (21), 161.11 (1) (intro.), 161.11 (1)  
8 (a) to (h), 161.11 (2), 161.11 (3), 161.11 (4), 161.11 (5), 161.11 (6), 161.12, 161.13,  
9 161.14 (1), 161.14 (2), 161.14 (3), 161.14 (4), 161.14 (5), 161.14 (6), 161.14 (7),  
10 161.15, 161.16 (1), 161.16 (2), 161.16 (2) (a), 161.16 (2) (b), 161.16 (3), 161.16 (5),  
11 161.16 (7), 161.16 (8), 161.16 (10), 161.17, 161.18 (1), 161.18 (2m), 161.18 (3)  
12 (intro.), 161.18 (3) (a), 161.18 (3) (k), 161.18 (3) (km), 161.18 (3) (m), 161.18 (3)  
13 (n), 161.18 (4), 161.18 (5), 161.18 (6), 161.18 (7), 161.19, 161.20 (1), 161.20 (2),  
14 161.20 (2m) (intro.), 161.20 (2m) (ag), 161.20 (2m) (ar), 161.20 (2m) (b), 161.20  
15 (2m) (bm), 161.20 (2m) (c), 161.20 (3), 161.20 (3m), 161.20 (4), 161.20 (5), 161.21,  
16 161.22 (1), 161.22 (1m), 161.22 (2), 161.23, 161.24, 161.335, 161.36, 161.38 (1),  
17 161.38 (2), 161.38 (4), 161.39, 161.41 (1), 161.41 (1m), 161.41 (1p) (b), 161.41  
18 (1q), 161.41 (1r), 161.41 (2), 161.41 (2m), 161.41 (2r) (a), 161.41 (2r) (b), 161.41  
19 (2r) (c), 161.41 (3), 161.41 (3m), 161.41 (3n), 161.41 (3r), 161.41 (4) (a), 161.41  
20 (4) (b), 161.41 (4) (c), 161.43, 161.435, 161.455 (1), 161.455 (2), (3) and (4), 161.46  
21 (1), 161.46 (2), 161.46 (3), 161.465 (1), 161.465 (2), 161.465 (2m), 161.47,  
22 161.472, 161.475, 161.48, 161.49, 161.495, 161.52, 161.54, 161.55 (1), 161.55  
23 (2), 161.55 (3), 161.55 (6), 161.55 (8), 161.555, 161.571, 161.572, 161.573 (1),  
24 161.574 (1), 161.575 and 161.577; **to amend** 16.20 (1) (cg), 20.435 (6) (gb),  
25 20.475 (1) (i), 23.33 (1) (e), 23.33 (1) (i), 23.33 (13) (e), 30.50 (3g), 30.50 (4e), 30.80

1 (6) (d), 36.11 (21), 38.12 (10), 46.03 (18) (fm), 46.238 (title), 46.715 (1) (intro.),  
2 46.973 (1) (a), 46.973 (2m) (c) 2., 48.02 (1e), 48.02 (2d), 48.17 (2) (c), 48.17 (2) (d),  
3 48.17 (2) (e), 48.18 (1) (a) 1., 48.18 (1) (a) 2., 48.24 (2m) (a) 1., 48.24 (2m) (a) 3.,  
4 48.245 (2) (a) 3., 48.245 (2) (a) 4., 48.295 (1c) (b), 48.295 (1c) (c), 48.295 (1g),  
5 48.31 (4), 48.32 (1g) (intro.), 48.34 (4r) (a), 48.34 (4r) (b), 48.34 (4s) (a) (intro.),  
6 48.34 (4s) (am) (intro.), 48.34 (7m), 48.34 (13) (a), 48.34 (13) (b), 48.343 (10)  
7 (intro.), 48.344 (2e) (a) (intro.), 48.344 (2e) (b), 48.344 (3), 48.345 (13) (a), 48.345  
8 (13) (b), 48.396 (1m), 48.396 (2) (c), 48.396 (7) (b), 48.547 (1), 59.07 (107), 59.20  
9 (5) (b), 59.395 (5), 60.23 (21), 66.051 (1) (bm), 100.182 (4), 100.37 (1) (hm),  
10 101.22 (1m) (g), 102.58, 106.04 (1m) (g), 106.215 (1) (cg), 108.04 (5), 108.04 (6),  
11 111.335 (1) (cs) 1., 111.335 (1) (cs) 2., 111.335 (1) (cs) 3., 111.335 (1) (cs) 4., 111.37  
12 (5) (c), 114.09 (1) (b), 114.103 (1) (a), 114.103 (2) (a), 115.35 (1), 118.01 (2) (d) 2.  
13 c., 118.01 (2) (d) 6., 118.01 (2) (d) 7., 118.257 (1) (a), 118.257 (1) (b), 118.257 (2),  
14 125.12 (2) (ag) 5., 125.12 (2) (ag) 6., 125.12 (4) (ag) 7., 125.12 (4) (ag) 8., 139.34  
15 (1) (c) 3., 139.37 (1) (c) 3., 139.87 (2), 139.87 (5), 139.87 (6), 139.88 (1), 139.88  
16 (1d), 146.0255 (title), 146.0255 (2), 165.70 (1) (b), 165.72 (3), 165.83 (2) (a) 2.,  
17 302.11 (1g) (a) 1., 302.11 (1p), 302.375 (1) (b), 302.375 (4) (a), 304.06 (1) (b),  
18 304.06 (4) (a), 304.071 (2), 340.01 (9m), 343.06 (1) (d), 343.10 (1) (a), 343.10 (5)  
19 (a) 1., 343.10 (5) (b), 343.16 (5) (a), 343.30 (1q) (c) 1. (intro.), 343.30 (1q) (d),  
20 343.30 (5), 343.303, 343.305 (2), 343.305 (3) (am), 343.305 (3) (b), 343.305 (5) (b),  
21 343.305 (5) (d), 343.305 (6) (a), 343.305 (9) (a) 5. a., 343.305 (9) (a) 5. c., 343.305  
22 (9) (am) 5. a., 343.305 (9) (am) 5. c., 343.305 (10) (c) 1. (intro.), 343.305 (10) (d),  
23 343.307 (1) (d), 343.307 (2) (e), 343.31 (1) (am), 343.31 (1) (b), 343.31 (2), 343.31  
24 (3) (b), 343.315 (2) (a) 1., 343.315 (2) (a) 6., 343.315 (2) (e), 343.32 (1m) (b)  
25 (intro.), 343.32 (1m) (c), 346.63 (1) (a), 346.63 (2) (a) 1., 346.63 (2) (b), 346.63 (6)

1 (c), 346.637 (1), 346.637 (2), 346.64 (1), 349.02 (2) (b) 2., 349.13 (5) (b) 5., 350.01  
2 (2), 350.01 (9), 350.11 (3) (d), 351.02 (1) (a) 10., 441.16 (1) (b) 2., 447.07 (3) (L),  
3 448.01 (11), 450.01 (4), 450.01 (20) (b), 450.02 (3) (d), 450.10 (1) (a) 2., 450.10  
4 (3) (b), 450.17, 453.04, 632.32 (6) (b) 4., 753.061 (2), 778.25 (1) (a) 1., 814.60 (2)  
5 (cn), 818.02 (7), 823.113 (1), 885.235 (1) (a) 1., 885.235 (1) (a) 2., 885.235 (5) (b),  
6 895.437 (1) (b), 895.437 (2) (b), 895.437 (3), 895.53 (2), 939.22 (21) (a), 939.22  
7 (42), 939.30 (1), 939.31, 939.62 (2m) (a) 1., 939.625 (1) (a), 939.63 (1) (c), 940.02  
8 (2) (a), 940.02 (2) (b), 941.296 (2) (intro.), 941.38 (1) (b) 1., 946.82 (4), 948.015  
9 (6), 948.07 (6), 948.35 (1) (a), 949.08 (2) (e), 949.08 (2) (em), 951.06, 967.055 (1)  
10 (a), 967.055 (1) (b), 967.055 (2) (a), 967.055 (2) (b), 968.13 (1) (a), 968.28,  
11 970.035, 971.17 (1), 971.365 (1) (a), 971.365 (1) (b), 971.365 (1) (c), 971.365 (2),  
12 973.0135 (1) (b) 1., 973.03 (5) (c), 973.05 (1), 973.06 (1) (am) 1., 973.075 (6),  
13 978.05 (6) (a) and 978.13 (1) (b); **to repeal and recreate** 48.31 (4), 48.547 (1),  
14 304.06 (1) (b), 343.30 (5), 778.25 (1) (a) 1., 938.02 (1p), 938.02 (2d), 938.17 (2)  
15 (c), 938.17 (2) (d), 938.17 (2) (e), 938.18 (1) (a) 1., 938.18 (1) (a) 2., 938.24 (2m)  
16 (a) 1., 938.24 (2m) (a) 3., 938.245 (2) (a) 3., 938.295 (1c) (b), 938.295 (1c) (c),  
17 938.295 (1g), 938.32 (1g) (intro.), 938.34 (6r) (a), 938.34 (6r) (b), 938.34 (6s),  
18 938.34 (14r) (title), 938.34 (14r) (a), 938.34 (14r) (b), 938.34 (14s) (title), 938.34  
19 (14s) (a) (intro.), 938.34 (14s) (am) (intro.), 938.34 (14t), 938.343 (10) (intro.),  
20 938.344 (2e) (a) (intro.), 938.344 (2e) (b), 938.344 (3), 938.396 (1m) (a), 938.396  
21 (2) (c), 938.396 (7) (b), 938.547 (1), 961.573 (2), 961.574 (2), 961.575 (2) and  
22 970.035; and **to create** 23.33 (1) (f), 30.50 (3h), 48.02 (2e), 114.103 (1) (am),  
23 118.257 (1) (am), 139.87 (7), 146.0255 (1) (b), 302.375 (4) (am), 340.01 (9n),  
24 350.01 (2d), 885.235 (5) (bd), 895.437 (1) (bd), 938.02 (2e), 961.001 (1g), 961.001  
25 (1m), 961.01 (4m), 961.01 (11m), 961.01 (12g), 961.01 (15) (bm), 961.01 (15) (d),

1           961.11 (1r), 961.11 (4m), 961.13 (2m), 961.15 (2m), 961.16 (3) (cm), 961.17 (2m),  
2           961.18 (3) (m) 1., 2. and 3., 961.18 (3) (n) 1., 2. and 3., 961.19 (2m), 961.20 (2m)  
3           (ad), 961.20 (2m) (br), 961.21 (2m), 961.22 (3), 961.25, 961.38 (1g), 961.38 (4g),  
4           961.38 (4r), 961.395, 961.41 (1n), 961.41 (1x) (title), 961.41 (4) (title), 961.41 (5)  
5           (title) and 961.49 (3) of the statutes; **relating to:** controlled substances and  
6           providing a penalty.

---

### ***Analysis by the Legislative Reference Bureau***

Current law places various restrictions on the manufacture, distribution and possession of controlled substances (dangerous drugs). The substances are regulated based on their schedule designations. The legislature by law or the controlled substances board (CSB) by rule places a controlled substance in one of 5 possible schedules (numbered I, II, III, IV and V) based on the substance's potential for abuse, the substance's accepted medical usage and whether, and to what extent, the substance will cause physical or psychological dependence. In addition, under current law a substance may be listed as a controlled substance if CSB finds that the substance is an "immediate precursor", which means that: 1) the substance is a principal compound commonly used or produced primarily for use in the manufacture of a controlled substance; and 2) the substance is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance.

This bill makes numerous changes in current law relating to controlled substances. The changes are based in part on the revised uniform controlled substances act drafted by the national conference of commissioners on uniform state laws. The bill updates chemical names in the schedules of controlled substances, makes uniform across all of the schedules general language concerning the substances included in schedules, and reorganizes certain material in current law in a more logical fashion. The bill also makes the following specific changes in current law relating to controlled substances:

#### ***Controlled substance analogs***

This bill provides for the regulation of controlled substance analogs. The bill defines "controlled substance analog" to mean a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in schedule I or II, and which: 1) has a stimulant, depressant, narcotic or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, narcotic or hallucinogenic effect on the central nervous system of a controlled substance included in schedule I or II; or 2) a particular individual represents or intends to have a stimulant, depressant, narcotic or hallucinogenic effect on the central nervous system substantially similar to the stimulant,

depressant, narcotic or hallucinogenic effect on the central nervous system of a controlled substance included in schedule I or II.

The bill places the same restrictions on the manufacture, distribution and possession of controlled substance analogs that current law places on the manufacture, distribution and possession of controlled substances. Under the bill, the unlawful manufacture, distribution or possession of a controlled substance analog is subject to the same penalties as the unlawful manufacture, distribution or possession of the controlled substance for which it is an analog. Thus, for example, the unlawful possession of an amount of a controlled substance analog of cocaine is subject to the same penalties as the unlawful possession of an identical amount of cocaine. Under the bill a district attorney must, no later than 60 days after starting a prosecution concerning a controlled substance analog, provide CSB with information relevant to the emergency scheduling of the controlled substance analog (see *Scheduling procedure*, below). If CSB determines that the controlled substance analog should not be scheduled as a controlled substance, no prosecution relating to that substance as a controlled substance analog may be started or continued.

In addition, the bill provides that controlled substance analogs are treated in the same way that controlled substances are treated under current law. Thus, for example, under current law a person may not operate a vehicle under the influence of alcohol or a controlled substance or any combination of alcohol or a controlled substance. Under the bill, a person may not operate a vehicle under the influence of alcohol, a controlled substance or a controlled substance analog or any combination of alcohol, a controlled substance and a controlled substance analog.

### ***Scheduling procedure***

Under current law, CSB may add a substance to a schedule, move a scheduled substance to a different schedule or remove a substance from the schedules of controlled substances. In deciding how to treat a substance, CSB must consider all of the following factors: 1) the actual or relative potential for abuse of the substance; 2) the scientific evidence of the substance's pharmacological effect, if known; 3) the state of current scientific knowledge regarding the substance; 4) the history and current pattern of abuse of the substance; 5) the scope, duration and significance of abuse of the substance; 6) the risk of the substance to public health; 7) the potential of the substance to produce psychic or physical dependence; and 8) whether the substance is an immediate precursor. After considering these factors, CSB must make findings concerning the factors and promulgate a rule controlling the substance if it finds the substance has a potential for abuse.

In addition, if a substance is designated, rescheduled or removed as a controlled substance under federal law and notice of the designation, rescheduling or removal is given to CSB, CSB must treat the substance in the same way federal law treats it unless CSB objects to the treatment of the substance by federal law. If CSB objects to the treatment of the substance by federal law, CSB must publish its reasons for objecting and hold a hearing. At the conclusion of the hearing, CSB must publish its decision, which is final unless altered by the legislature by law.

This bill makes the following changes in the procedure for adding, rescheduling or removing a substance as a controlled substance:

1. Under the bill, CSB may, without considering the 8 factors specified above, include a controlled substance analog in schedule I regardless of whether the substance is substantially similar to a controlled substance in schedule I or II if: a) CSB finds that scheduling of the substance on an emergency basis is necessary to avoid an imminent hazard to the public safety; b) the substance is not included in any other schedule or no exemption or approval is in effect for the substance under federal law; and c) CSB begins a standard proceeding for scheduling the substance. In addition, if CSB receives notice from a district attorney that he or she has started a prosecution against a person for the unlawful manufacture, distribution or possession of a controlled substance analog, CSB must initiate emergency scheduling of the controlled substance analog as provided under the bill. The emergency scheduling of a substance under the bill expires one year after the adoption of the scheduling rule or upon the conclusion of the standard proceeding for scheduling the substance.

2. The bill provides that, in addition to CSB, any party interested in the designation, rescheduling or removal of a substance under federal law may object to CSB having to treat that substance in the same way federal law treats it. The bill also specifies that after a hearing on an objection, whether made by CSB or another interested party, CSB must make findings concerning the 8 factors specified above.

3. The bill provides that CSB may add a substance to a schedule without considering the 8 factors specified above if the substance is controlled under that schedule under federal law by a federal agency as the result of an international treaty, convention or protocol.

4. The bill provides that CSB may consider findings of the federal food and drug administration or the drug enforcement administration as sufficient evidence of any of the 8 factors specified above.

5. The bill provides that CSB may, without considering the 8 factors specified above, add an immediate precursor to the same schedule as that of the controlled substance of which it is an immediate precursor or to any other schedule.

### ***Definition of isomer***

Current law refers in various places to isomers of particular controlled substances. (An isomer is a chemical compound that has the same chemical elements in the same proportion as a substance included in a schedule, but which has a different structure than that substance.) Current law does not define "isomer", and the references to isomer in current law include references both to isomers generally, without any specific limitation, and to specific kinds of isomers that have physical or psychological effects that are similar to a substance included in a schedule. This bill defines "isomer" to include only an isomer that merits treatment as a controlled substance because it is structurally similar enough to have physical or psychological effects that are similar to the physical or psychological effects of the controlled substance of which it is an isomer.

***Possession of piperidine***

Current law does not explicitly regulate piperidine or its salts. This bill prohibits a person from possessing any quantity of piperidine or its salts with the intent to use the piperidine or its salts in the unlawful manufacture of a controlled substance or controlled substance analog. The bill also prohibits a person from possessing any quantity of piperidine or its salts if he or she knows or has reason to know that the piperidine or its salts will be used in the unlawful manufacture of a controlled substance or controlled substance analog. A person who violates one of these prohibitions may be fined not more than \$250,000 or imprisoned for not more than 10 years or both.

***Test for schedule I substances***

Under current law, a substance is placed in schedule I if the substance has a high potential for abuse and the substance either: 1) has no accepted medical use in this country; or 2) lacks accepted safety for use in treatment under medical supervision. This bill changes this standard by providing that the substance must both: 1) have no currently accepted medical use in this country; and 2) lack accepted safety for use in treatment under medical supervision.

***Addition of substances to schedules II, IV and V***

The bill places carfentanyl in schedule II. The schedule II standard covers substances that have a high potential for abuse and a currently accepted medical use, and abuse of which may lead to severe psychological or physical dependence.

In addition, the bill places cathine and mefenorex in schedule IV. The schedule IV standard covers substances that have a low potential for abuse compared to substances in schedule III and a currently accepted medical use, and abuse of which may lead to limited psychological or physical dependence compared to substances in schedule III.

Finally, the bill places pyrovalerone in schedule V. The schedule V standard covers substances that have a low potential for abuse compared to substances in schedule IV and a currently accepted medical use, and abuse of which may lead to limited psychological or physical dependence compared to substances in schedule IV.

***Prescription of controlled substances***

Current law provides, with certain exceptions, that a controlled substance may be dispensed only directly by, or under the written prescription of, a practitioner (a person permitted to distribute, dispense or administer a controlled substance in the course of professional practice or research, such as a physician, dentist, veterinarian or scientific researcher, or an institution such as a hospital or pharmacy). This bill provides that a practitioner may dispense or deliver a controlled substance to or for an individual or animal only for medical treatment or authorized research in the ordinary course of that practitioner's profession. The bill also provides that a pharmacist is immune from any civil or criminal liability and from discipline by the pharmacy examining board for any act taken by the pharmacist in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.



Also, under current law an advanced practice nurse may be certified by the board of nursing (board) to prescribe drugs if he or she satisfies the education, training and examination requirements established by the board by rule. The board must promulgate rules regulating the prescription of drugs by advanced practice nurses.

This bill provides that an advanced practice nurse who is certified to prescribe drugs may prescribe controlled substances only as permitted by the rules promulgated by the board that regulate the prescription of drugs by advanced practice nurses. The bill also provides that an advanced practice nurse certified to prescribe drugs may deliver a controlled substance to an ultimate user or research subject only by prescribing or administering the controlled substance, unless the rules promulgated by the board that regulate the prescription of drugs by advanced practice nurses permit other ways of delivering a controlled substance. Finally, the bill provides that an advanced practice nurse certified to prescribe drugs must include all of the following with a prescription order that he or she prepares for a controlled substance: 1) a statement that he or she is certified by the board to prescribe drugs; and 2) the indication use of the controlled substance that he or she is prescribing.

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

---

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

1           **SECTION 1.** 16.20 (1) (cg) of the statutes is amended to read:

2           16.20 (1) (cg) “Disability” means a physical or mental impairment that  
3 substantially limits one or more major life activities, a record of having such an  
4 impairment or being regarded as having such an impairment. “Disability” includes  
5 any physical disability or developmental disability, as defined in s. 51.01 (5) (a).  
6 “Disability” does not include the current illegal use of a controlled substance, as  
7 defined in s. ~~161.01~~ 961.01 (4), or a controlled substance analog, as defined in s.  
8 961.01 (4m), unless the individual is participating in a supervised drug  
9 rehabilitation program.

10           **SECTION 2.** 20.435 (6) (gb) of the statutes is amended to read:

1           20.435 (6) (gb) *Alcohol and drug abuse initiatives*. All moneys received from  
2 the state treasurer under s. ~~161.41~~ 961.41 (5) (c), to be expended on programs  
3 providing prevention, intervention and treatment for alcohol and other drug abuse  
4 problems.

5           **SECTION 3.** 20.475 (1) (i) of the statutes, as created by 1995 Wisconsin Act 27,  
6 is amended to read:

7           20.475 (1) (i) *Other employes*. The amounts in the schedule to reimburse  
8 Milwaukee County for the costs of clerks necessary for the prosecution of violent  
9 crime cases under s. 978.13 (1) (c) and clerks providing clerical services under s.  
10 978.13 (1) (b) to prosecutors handling cases involving felony violations under ch. ~~161~~  
11 961. All moneys received under s. 814.635 (1m) shall be credited to this  
12 appropriation account.

13           **SECTION 4.** 23.33 (1) (e) of the statutes is amended to read:

14           23.33 (1) (e) “Controlled substance” has the meaning specified under s. ~~161.01~~  
15 961.01 (4).

16           **SECTION 5.** 23.33 (1) (f) of the statutes is created to read:

17           23.33 (1) (f) “Controlled substance analog” has the meaning given in s. 961.01  
18 (4m).

19           **SECTION 6.** 23.33 (1) (i) of the statutes is amended to read:

20           23.33 (1) (i) “Intoxicant” means any alcohol beverage, controlled substance,  
21 controlled substance analog or other drug or any combination thereof.

22           **SECTION 7.** 23.33 (13) (e) of the statutes is amended to read:

23           23.33 (13) (e) (title) *Alcohol or controlled substances or controlled substance*  
24 analogs; assessment. In addition to any other penalty or order, a person who violates  
25 sub. (4c) (a) or (b) or (4p) (e) or who violates s. 940.09 or 940.25 if the violation involves

1 the operation of an all-terrain vehicle, shall be ordered by the court to submit to and  
2 comply with an assessment by an approved public treatment facility for an  
3 examination of the person's use of alcohol ~~or~~, controlled substances or controlled  
4 substance analogs. The assessment order shall comply with s. 343.30 (1q) (c) 1. a.  
5 to c. Intentional failure to comply with an assessment ordered under this paragraph  
6 constitutes contempt of court, punishable under ch. 785.

7 **SECTION 8.** 30.50 (3g) of the statutes is amended to read:

8 30.50 (3g) "Controlled substance" has the meaning specified under s. 161.01  
9 961.01 (4).

10 **SECTION 9.** 30.50 (3h) of the statutes is created to read:

11 30.50 (3h) "Controlled substance analog" has the meaning given in s. 961.01  
12 (4m).

13 **SECTION 10.** 30.50 (4e) of the statutes is amended to read:

14 30.50 (4e) "Intoxicant" means any alcohol beverage, controlled substance,  
15 controlled substance analog or other drug or any combination thereof.

16 **SECTION 11.** 30.80 (6) (d) of the statutes is amended to read:

17 30.80 (6) (d) (title) *Alcohol ~~or~~, controlled substances or controlled substance*  
18 *analogs; examination*. In addition to any other penalty or order, a person who  
19 violates s. 30.681 (1) or (2) or 30.684 (5) or who violates s. 940.09 or 940.25 if the  
20 violation involves the operation of a motorboat, shall be ordered by the court to  
21 submit to and comply with an assessment by an approved public treatment facility  
22 for an examination of the person's use of alcohol ~~or~~, controlled substances or  
23 controlled substance analogs. Intentional failure to comply with an assessment  
24 ordered under this paragraph constitutes contempt of court, punishable under ch.  
25 785.

1           **SECTION 12.** 36.11 (21) of the statutes is amended to read:

2           36.11 **(21)** (title) CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCE ANALOGS;  
3 DISCIPLINE. Any student who engages in an activity, on campus or at an event  
4 sponsored by a center or institution or by the system, that constitutes a violation of  
5 ch. ~~161 961~~ is subject to nonacademic misconduct disciplinary sanctions, as provided  
6 by the board by rule. In determining the appropriate sanction, the board or its  
7 designee shall consider those penalties, including suspension and expulsion, that  
8 will contribute most effectively to maintaining a system environment that is free  
9 from controlled substances, as defined in s. ~~161.01 961.01~~ (4), and controlled  
10 substance analogs, as defined in s. 961.01 (4m).

11           **SECTION 13.** 38.12 (10) of the statutes is amended to read:

12           38.12 **(10)** (title) CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCE ANALOGS;  
13 DISCIPLINE. Each district board shall adopt rules providing nonacademic misconduct  
14 disciplinary sanctions for any student who engages in an activity, on district  
15 premises or at a district-sponsored event, that constitutes a violation of ch. ~~161 961~~.  
16 In determining the appropriate sanction, the district board or its designee shall  
17 consider those penalties, including suspension and expulsion, that will contribute  
18 most effectively to maintaining a school environment free from controlled  
19 substances, as defined in s. ~~161.01 961.01~~ (4), and controlled substance analogs, as  
20 defined in s. 961.01 (4m).

21           **SECTION 14.** 46.03 (18) (fm) of the statutes is amended to read:

22           46.03 **(18)** (fm) Notwithstanding par. (a), any person who submits to an  
23 assessment under s. ~~161.472 961.472~~ shall pay a fee to the appropriate county  
24 department under s. 51.42. The department of health and social services shall set  
25 fees for each county department under s. 51.42 designed to offset all the costs to the

1 county in providing the assessment program. The department of health and social  
2 services shall provide for the reduction or waiver of the fee for persons who are unable  
3 to pay the complete fee.

4 **SECTION 15.** 46.238 (title) of the statutes is amended to read:

5 **46.238** (title) **Infants whose mothers abuse controlled substances or**  
6 **controlled substance analogs.**

7 **SECTION 16.** 46.60 (title) of the statutes is renumbered 961.34 (title).

8 **SECTION 17.** 46.60 (1) of the statutes is repealed.

9 **SECTION 18.** 46.60 (2) (title) of the statutes is repealed.

10 **SECTION 19.** 46.60 (2) of the statutes is renumbered 961.34 and amended to  
11 read:

12 961.34 Upon the request of any practitioner, the controlled substances board  
13 shall aid the practitioner in applying for and processing an investigational drug  
14 permit for marijuana under 21 USC 355 (i). If the federal food and drug  
15 administration issues an investigational drug permit, the controlled substances  
16 board shall approve which pharmacies can distribute the marijuana to patients upon  
17 written prescription. Only pharmacies located within hospitals are eligible to  
18 receive the marijuana for distribution. The controlled substances board shall also  
19 approve which practitioners can write prescriptions for the marijuana.

20 **SECTION 20.** 46.715 (1) (intro.) of the statutes is amended to read:

21 46.715 (1) (intro.) Within the limits of the availability of federal funds, the  
22 department shall, from the appropriation under s. 20.435 (7) (mb), award not more  
23 than \$1,200,000 in each fiscal year to fund programs to limit violence and abuse of  
24 controlled substances and controlled substance analogs in neighborhoods, including  
25 funding for the creation of Wisconsin against drug environments centers and for the

1 use of neighborhood organizers, culturally representative alcohol and other drug  
2 abuse trainers, community speakers and persons to monitor certain court actions,  
3 as grants to any of the following applying entities:

4 **SECTION 21.** 46.973 (1) (a) of the statutes is amended to read:

5 46.973 (1) (a) “Drug” means a controlled substance, as defined in s. ~~161.01~~  
6 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

7 **SECTION 22.** 46.973 (2m) (c) 2. of the statutes is amended to read:

8 46.973 (2m) (c) 2. The use and abuse of each controlled ~~substances~~ substance  
9 or controlled substance analog specified in ch. ~~161~~ 961.

10 **SECTION 23.** 48.02 (1e) of the statutes is amended to read:

11 48.02 (1e) “Alcohol and other drug abuse impairment” means a condition of a  
12 person which is exhibited by characteristics of habitual lack of self-control in the use  
13 of alcohol beverages ~~or~~, controlled substances or controlled substance analogs to the  
14 extent that the person’s health is substantially affected or endangered or the person’s  
15 social or economic functioning is substantially disrupted.

16 **SECTION 24.** 48.02 (2d) of the statutes is amended to read:

17 48.02 (2d) “Controlled substance” has the meaning given in s. ~~161.01~~ 961.01 (4).

18 **SECTION 25.** 48.02 (2e) of the statutes is created to read:

19 48.02 (2e) “Controlled substance analog” has the meaning given in s. 961.01  
20 (4m).

21 **SECTION 26.** 48.17 (2) (c) of the statutes is amended to read:

22 48.17 (2) (c) The citation procedures described in ch. 800 shall govern  
23 proceedings involving children in municipal court, except that this chapter shall  
24 govern the taking and holding of a child in custody. When a child is before the court  
25 assigned to exercise jurisdiction under this chapter upon a citation alleging the child

**SECTION 26**

1 to have violated a civil law or municipal ordinance, the procedures specified in s.  
2 48.237 shall apply. If a citation is issued to a child, the issuing agency shall notify  
3 the child's parent or guardian within 7 days. The agency issuing a citation to a child  
4 who is 12 to 15 years of age for a violation of s. 125.07 (4) (a) or (b), 125.085 (3) (b),  
5 125.09 (2), ~~161.573 (2), 161.574 (2) or 161.575 (2)~~ 961.573 (2), 961.574 (2) or 961.575  
6 (2) or an ordinance conforming to one of those statutes shall send a copy to an intake  
7 worker under s. 48.24 for informational purposes only.

8 **SECTION 27.** 48.17 (2) (d) of the statutes is amended to read:

9 48.17 (2) (d) If a municipal court finds that the child violated a municipal  
10 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that  
11 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), ~~161.573 (2), 161.574 (2)~~  
12 ~~or 161.575 (2)~~ 961.573 (2), 961.574 (2) or 961.575 (2), the court shall enter any of the  
13 dispositional orders permitted under s. 48.343 (1), (2), (4), (5), (6), (7) or (8). If a child  
14 fails to pay the forfeiture imposed by the municipal court, the court shall not impose  
15 a jail sentence but may suspend any license issued under ch. 29 for not less than 30  
16 nor more than 90 days, or suspend the child's operating privilege, as defined in s.  
17 340.01 (40), for not less than 30 nor more than 90 days. If a court suspends a license  
18 or privilege under this section, the court shall immediately take possession of the  
19 applicable license and forward it to the department that issued the license, together  
20 with the notice of suspension clearly stating that the suspension is for failure to pay  
21 a forfeiture imposed by the court. If the forfeiture is paid during the period of  
22 suspension, the court shall immediately notify the department, which shall  
23 thereupon return the license to the person.

24 **SECTION 28.** 48.17 (2) (e) of the statutes is amended to read:

1           48.17 **(2)** (e) If a municipal court finds that a child violated a municipal  
2 ordinance that conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), ~~161.573~~  
3 ~~(2)~~, ~~161.574 (2)~~ or ~~161.575 (2)~~ 961.573 (2), 961.574 (2) or 961.575 (2), the court shall  
4 enter a dispositional order under s. 48.344.

5           **SECTION 29.** 48.18 (1) (a) 1. of the statutes is amended to read:

6           48.18 **(1)** (a) 1. If the child is alleged to have attempted to violate s. 940.01 on  
7 or after the child's 14th birthday or is alleged to have violated s. ~~161.41 (1)~~, 940.01,  
8 940.02, 940.05, 940.06, 940.225 (1), 940.305, 940.31 or, 943.10 (2) or 961.41 (1) on or  
9 after the child's 14th birthday.

10          **SECTION 30.** 48.18 (1) (a) 2. of the statutes is amended to read:

11          48.18 **(1)** (a) 2. If the child is alleged to have committed, on or after the child's  
12 14th birthday, a violation, at the request of or for the benefit of a criminal gang, as  
13 defined in s. 939.22 (9), that would constitute a felony under ~~ch. 161~~ or under chs. 939  
14 to 948 or 961 if committed by an adult.

15          **SECTION 31.** 48.24 (2m) (a) 1. of the statutes is amended to read:

16          48.24 **(2m)** (a) 1. Any child alleged to have committed a violation specified  
17 under ch. ~~161~~ 961.

18          **SECTION 32.** 48.24 (2m) (a) 3. of the statutes is amended to read:

19          48.24 **(2m)** (a) 3. Any child alleged to have committed any offense which  
20 appears to the intake worker to be directly motivated by the child's need to purchase  
21 or otherwise obtain alcohol beverages or, controlled substances or controlled  
22 substance analogs.

23          **SECTION 33.** 48.245 (2) (a) 3. of the statutes is amended to read:

24          48.245 **(2)** (a) 3. That the child submit to an alcohol and other drug abuse  
25 assessment that conforms to the criteria specified under s. 48.547 (4) and that is



1 conducted by an approved treatment facility for an examination of the child's use of  
2 alcohol beverages ~~or~~, controlled substances or controlled substance analogs and any  
3 medical, personal, family or social effects caused by its use, if the multidisciplinary  
4 screen conducted under s. 48.24 (2) shows that the child is at risk of having needs and  
5 problems related to the use of alcohol beverages ~~or~~, controlled substances or  
6 controlled substance analogs and its medical, personal, family or social effects.

7 **SECTION 34.** 48.245 (2) (a) 4. of the statutes is amended to read:

8 48.245 (2) (a) 4. That the child participate in an alcohol and other drug abuse  
9 outpatient treatment program or an education program relating to the abuse of  
10 alcohol beverages ~~or~~, controlled substances or controlled substance analogs, if an  
11 alcohol and other drug abuse assessment conducted under subd. 3. recommends  
12 outpatient treatment or education.

13 **SECTION 35.** 48.295 (1c) (b) of the statutes is amended to read:

14 48.295 (1c) (b) The child was adjudicated delinquent on the basis of an offense  
15 specified in ch. 161 961.

16 **SECTION 36.** 48.295 (1c) (c) of the statutes is amended to read:

17 48.295 (1c) (c) The greater weight of the evidence at a fact-finding hearing  
18 indicates that any offense which formed the basis for the adjudication was motivated  
19 by the child's need to purchase or otherwise obtain alcohol beverages ~~or~~, controlled  
20 substances or controlled substance analogs.

21 **SECTION 37.** 48.295 (1g) of the statutes is amended to read:

22 48.295 (1g) If the court orders an alcohol or other drug abuse assessment under  
23 sub. (1), the approved treatment facility shall, within 14 days after the court order,  
24 report the results of the assessment to the court, except that, upon request by the  
25 approved treatment facility and if the child is not held in secure or nonsecure custody,

1 the court may extend the period for assessment for not more than 20 additional  
2 working days. The report shall include a recommendation as to whether the child  
3 is in need of treatment for abuse of alcohol beverages ~~or~~, controlled substances or  
4 controlled substance analogs or education relating to the use of alcohol beverages  
5 ~~and~~, controlled substances and controlled substance analogs and, if so, shall  
6 recommend a service plan and an appropriate treatment, from an approved  
7 treatment facility, or a court-approved education program.

8 **SECTION 38.** 48.31 (4) of the statutes is amended to read:

9 48.31 (4) The court or jury shall make findings of fact and the court shall make  
10 conclusions of law relating to the allegations of a petition filed under s. 48.13 (1) to  
11 (11m). In cases alleging a child to be in need of protection or services under s. 48.13  
12 (11), the court shall not find that the child is suffering serious emotional damage  
13 unless a licensed physician specializing in psychiatry or a licensed psychologist  
14 appointed by the court to examine the child has testified at the hearing that in his  
15 or her opinion the condition exists, and adequate opportunity for the  
16 cross-examination of the physician or psychologist has been afforded. The judge  
17 may use the written reports if the right to have testimony presented is voluntarily,  
18 knowingly and intelligently waived by the guardian ad litem or legal counsel for the  
19 child and the parent or guardian. In cases alleging a child to be in need of protection  
20 and services under s. 48.13 (11m), the court shall not find that the child is in need  
21 of treatment and education for needs and problems related to the use or abuse of  
22 alcohol beverages ~~or~~, controlled substances or controlled substance analogs and its  
23 medical, personal, family or social effects unless an assessment for alcohol and other  
24 drug abuse that conforms to the criteria specified under s. 48.547 (4) has been  
25 conducted by an approved treatment facility. In cases alleging a child delinquent or

1 in need of protection or services under s. 48.13 (12) the court shall make findings  
2 relating to the proof of the violation of law and to the proof that the child named in  
3 the petition committed the violation alleged.

4 **SECTION 39.** 48.31 (4) of the statutes, as affected by 1995 Wisconsin Acts 77 and  
5 .... (this act), is repealed and recreated to read:

6 48.31 (4) The court or jury shall make findings of fact and the court shall make  
7 conclusions of law relating to the allegations of a petition filed under s. 48.13. In  
8 cases alleging a child to be in need of protection or services under s. 48.13 (11), the  
9 court shall not find that the child is suffering serious emotional damage unless a  
10 licensed physician specializing in psychiatry or a licensed psychologist appointed by  
11 the court to examine the child has testified at the hearing that in his or her opinion  
12 the condition exists, and adequate opportunity for the cross-examination of the  
13 physician or psychologist has been afforded. The judge may use the written reports  
14 if the right to have testimony presented is voluntarily, knowingly and intelligently  
15 waived by the guardian ad litem or legal counsel for the child and the parent or  
16 guardian. In cases alleging a child to be in need of protection and services under s.  
17 48.13 (11m), the court shall not find that the child is in need of treatment and  
18 education for needs and problems related to the use or abuse of alcohol beverages,  
19 controlled substances or controlled substance analogs and its medical, personal,  
20 family or social effects unless an assessment for alcohol and other drug abuse that  
21 conforms to the criteria specified under s. 48.547 (4) has been conducted by an  
22 approved treatment facility.

23 **SECTION 40.** 48.32 (1g) (intro.) of the statutes is amended to read:

24 48.32 (1g) (intro.) If the petition alleges that the child committed a violation  
25 specified under ch. ~~161~~ 961 and if the multidisciplinary screen conducted under s.

1 48.24 (2) shows that the child is at risk of having needs and problems related to the  
2 use of alcohol beverages ~~or~~, controlled substances or controlled substance analogs  
3 and its medical, personal, family and social effects, the judge or juvenile court  
4 commissioner may establish as a condition under sub. (1) any of the following:

5 **SECTION 41.** 48.34 (4r) (a) of the statutes is amended to read:

6 48.34 (4r) (a) In addition to any other dispositions imposed under this section,  
7 if the child is found to have violated ch. ~~161 961~~, the judge shall suspend or revoke  
8 the child's operating privilege, as defined in s. 340.01 (40), for not less than 6 months  
9 nor more than 5 years. The court shall immediately take possession of any  
10 suspended or revoked license and forward it to the department of transportation  
11 together with the notice of suspension or revocation clearly stating that the  
12 suspension or revocation is for a violation of ch. ~~161 961~~.

13 **SECTION 42.** 48.34 (4r) (b) of the statutes is amended to read:

14 48.34 (4r) (b) This subsection does not apply to violations under s. ~~161.573 (2),~~  
15 ~~161.574 (2) or 161.575 (2)~~ 961.573 (2), 961.574 (2) or 961.575 (2) or a local ordinance  
16 that strictly conforms to one of those statutes.

17 **SECTION 43.** 48.34 (4s) (a) (intro.) of the statutes is amended to read:

18 48.34 (4s) (a) (intro.) In addition to any other dispositions imposed under this  
19 section, if the child is found to have violated s. ~~161.41 (2r), (3), (3m), (3n), (3p) or (3r)~~  
20 961.41 (3g), the judge shall order one of the following penalties:

21 **SECTION 44.** 48.34 (4s) (am) (intro.) of the statutes is amended to read:

22 48.34 (4s) (am) (intro.) In addition to any other dispositions imposed under this  
23 section, if the child is found to have violated s. ~~161.41~~ 961.41 (1) or (1m), the judge  
24 shall order one of the following penalties:

25 **SECTION 45.** 48.34 (7m) of the statutes is amended to read:

1           48.34 (7m) If the child is adjudicated delinquent under a violation of s. ~~161.41~~  
2           ~~(2r), (3), (3m), (3n), (3p) or (3r)~~ 961.41 (3g) by possessing or attempting to possess a  
3           controlled substance listed included in schedule I or II under ch. ~~161~~ 961 or a  
4           controlled substance analog of a controlled substance included in schedule I or II  
5           under ch. 961 while in or on the premises of a scattered-site public housing project,  
6           as defined in s. ~~161.01~~ 961.01 (20i), while in or otherwise within 1,000 feet of a state,  
7           county, city, village or town park, a jail or correctional facility, as defined in s. ~~161.01~~  
8           961.01 (12m), a multiunit public housing project, as defined in s. ~~161.01~~ 961.01  
9           (14m), a swimming pool open to members of the public, a youth center, as defined in  
10          s. ~~161.01~~ 961.01 (22), or a community center, while on or otherwise within 1,000 feet  
11          of any private or public school premises or while on or otherwise within 1,000 feet  
12          of a school bus, as defined in s. 340.01 (56), the judge shall require that the child  
13          participate for 100 hours in a supervised work program under sub. (9) or perform 100  
14          hours of other community service work.

15           **SECTION 46.** 48.34 (13) (a) of the statutes, as affected by 1993 Wisconsin Act  
16          377, is amended to read:

17           48.34 (13) (a) If the report prepared under s. 48.33 (1) recommends that the  
18          child is in need of treatment for the use or abuse of alcohol beverages or, controlled  
19          substances or controlled substance analogs and its medical, personal, family or social  
20          effects, the court may order the child to enter an outpatient alcohol and other drug  
21          abuse treatment program at an approved treatment facility. The approved  
22          treatment facility shall, under the terms of a service agreement between the county  
23          and the approved treatment facility, or with the written informed consent of the child  
24          or the child's parent if the child has not attained the age of 12, report to the agency

1 primarily responsible for providing services to the child as to whether the child is  
2 cooperating with the treatment and whether the treatment appears to be effective.

3 **SECTION 47.** 48.34 (13) (b) of the statutes, as affected by 1993 Wisconsin Act  
4 377, is amended to read:

5 48.34 **(13)** (b) If the report prepared under s. 48.33 (1) recommends that the  
6 child is in need of education relating to the use of alcohol beverages ~~or~~, controlled  
7 substances or controlled substance analogs, the court may order the child to  
8 participate in an alcohol or other drug abuse education program approved by the  
9 court. The person or agency that provides the education program shall, under the  
10 terms of a service agreement between the county and the education program, or with  
11 the written informed consent of the child or the child's parent if the child has not  
12 attained the age of 12, report to the agency primarily responsible for providing  
13 services to the child about the child's attendance at the program.

14 **SECTION 48.** 48.343 (10) (intro.) of the statutes is amended to read:

15 48.343 **(10)** (intro.) If the violation is related to the use or abuse of alcohol  
16 beverages ~~or~~, controlled substances or controlled substance analogs, order the child  
17 to do any of the following:

18 **SECTION 49.** 48.344 (2e) (a) (intro.) of the statutes is amended to read:

19 48.344 **(2e)** (a) (intro.) If a court finds a child committed a violation under s.  
20 ~~161.573 (2), 161.574 (2) or 161.575 (2)~~ 961.573 (2), 961.574 (2) or 961.575 (2), or a local  
21 ordinance that strictly conforms to one of those statutes, it shall suspend or revoke  
22 the child's operating privilege, as defined in s. 340.01 (40), for not less than 6 months  
23 nor more than 5 years and, in addition, shall order one of the following penalties:

24 **SECTION 50.** 48.344 (2e) (b) of the statutes is amended to read:

1           48.344 **(2e)** (b) Whenever a court suspends or revokes a child's operating  
2 privilege under this subsection, the court shall immediately take possession of any  
3 suspended or revoked license and forward it to the department of transportation,  
4 together with the notice of suspension or revocation clearly stating that the  
5 suspension or revocation is for a violation under s. ~~161.573 (2), 161.574 (2) or 161.575~~  
6 ~~(2)~~ 961.573 (2), 961.574 (2) or 961.575 (2), or a local ordinance that strictly conforms  
7 to one of those statutes.

8           **SECTION 51.** 48.344 (3) of the statutes is amended to read:

9           48.344 **(3)** If the child alleged to have committed the violation is within 3  
10 months of his or her 18th birthday, the court assigned to exercise jurisdiction under  
11 this chapter may, at the request of the district attorney or on its own motion, dismiss  
12 the citation without prejudice and refer the matter to the district attorney for  
13 prosecution under s. 125.07 (4). The child is entitled to a hearing only on the issue  
14 of his or her age. This subsection does not apply to violations under s. ~~161.573 (2),~~  
15 ~~161.574 (2) or 161.575 (2)~~ 961.573 (2), 961.574 (2) or 961.575 (2) or a local ordinance  
16 that strictly conforms to one of those statutes.

17           **SECTION 52.** 48.345 (13) (a) of the statutes, as affected by 1995 Wisconsin Act  
18 77, section 263, is amended to read:

19           48.345 **(13)** (a) If the report prepared under s. 48.33 (1) recommends that the  
20 child is in need of treatment for the use or abuse of alcohol beverages ~~or~~, controlled  
21 substances or controlled substance analogs and its medical, personal, family or social  
22 effects, the court may order the child to enter an outpatient alcohol and other drug  
23 abuse treatment program at an approved treatment facility. The approved  
24 treatment facility shall, under the terms of a service agreement between the county  
25 and the approved treatment facility, or with the written informed consent of the child

1 or the child's parent if the child has not attained the age of 12, report to the agency  
2 primarily responsible for providing services to the child as to whether the child is  
3 cooperating with the treatment and whether the treatment appears to be effective.

4 **SECTION 53.** 48.345 (13) (b) of the statutes, as affected by 1995 Wisconsin Act  
5 77, section 263, is amended to read:

6 48.345 (13) (b) If the report prepared under s. 48.33 (1) recommends that the  
7 child is in need of education relating to the use of alcohol beverages or, controlled  
8 substances or controlled substance analogs, the court may order the child to  
9 participate in an alcohol or other drug abuse education program approved by the  
10 court. The person or agency that provides the education program shall, under the  
11 terms of a service agreement between the county and the education program, or with  
12 the written informed consent of the child or the child's parent if the child has not  
13 attained the age of 12, report to the agency primarily responsible for providing  
14 services to the child about the child's attendance at the program.

15 **SECTION 54.** 48.396 (1m) of the statutes is amended to read:

16 48.396 (1m) If requested by the school district administrator of a public school  
17 district, a law enforcement agency may provide to the school district administrator  
18 any information in its records relating to the use, possession or distribution of alcohol  
19 or, a controlled substance or a controlled substance analog by a pupil enrolled in the  
20 public school district. The information may be used by the school district only as  
21 provided under s. 118.127 (2). In this subsection, "controlled substance" has the  
22 meaning given in s. ~~161.01~~ 961.01 (4), and "controlled substance analog" has the  
23 meaning given in s. 961.01 (4m).

24 **SECTION 55.** 48.396 (2) (c) of the statutes is amended to read:



1           48.396 (2) (c) Upon request of a law enforcement agency to review court records  
2 for the purpose of investigating a crime that might constitute criminal gang activity,  
3 as defined in s. 941.38 (1) (b), the court shall open for inspection by authorized  
4 representatives of the law enforcement agency the records of the court relating to any  
5 child who has been found to have committed a delinquent act at the request of or for  
6 the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been a  
7 felony under ~~ch. 161 or under~~ chs. 939 to 948 or 961 if committed by an adult.

8           **SECTION 56.** 48.396 (7) (b) of the statutes is amended to read:

9           48.396 (7) (b) If a child is found to have committed a delinquent act at the  
10 request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would  
11 have been a felony under ~~ch. 161 or under~~ chs. 939 to 948 or 961 if committed by an  
12 adult and is adjudged delinquent on that basis, within 5 days after the date on which  
13 the dispositional order is entered the court clerk shall notify the principal of the  
14 child's school and the school board of the school district in which the child is enrolled  
15 of the fact that the child has been adjudicated delinquent on that basis.

16           **SECTION 57.** 48.547 (1) of the statutes is amended to read:

17           48.547 (1) LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that the use  
18 and abuse of alcohol and other drugs by children is a state responsibility of statewide  
19 dimension. The legislature recognizes that there is a lack of adequate procedures to  
20 screen, assess and treat children for alcohol and other drug abuse. To reduce the  
21 incidence of alcohol and other drug abuse by children, the legislature deems it  
22 necessary to experiment with solutions to the problems of the use and abuse of  
23 alcohol and other drugs by children by establishing a juvenile alcohol and other drug  
24 abuse pilot program in a limited number of counties. The purpose of the program is  
25 to develop intake and court procedures that screen, assess and give new dispositional

1 alternatives for children with needs and problems related to the use of alcohol  
2 beverages ~~or~~, controlled substances or controlled substance analogs who come within  
3 the jurisdiction of a court assigned to exercise jurisdiction under this chapter in the  
4 pilot counties selected by the department.

5 **SECTION 58.** 48.547 (1) of the statutes, as affected by 1995 Wisconsin Acts 77  
6 and ... (this act), is repealed and recreated to read:

7 48.547 (1) LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that the use  
8 and abuse of alcohol and other drugs by children is a state responsibility of statewide  
9 dimension. The legislature recognizes that there is a lack of adequate procedures to  
10 screen, assess and treat children for alcohol and other drug abuse. To reduce the  
11 incidence of alcohol and other drug abuse by children, the legislature deems it  
12 necessary to experiment with solutions to the problems of the use and abuse of  
13 alcohol and other drugs by children by establishing a juvenile alcohol and other drug  
14 abuse pilot program in a limited number of counties. The purpose of the program is  
15 to develop intake and court procedures that screen, assess and give new dispositional  
16 alternatives for children with needs and problems related to the use of alcohol  
17 beverages, controlled substances or controlled substance analogs who come within  
18 the jurisdiction of a court assigned to exercise jurisdiction under this chapter and ch.  
19 938 in the pilot counties selected by the department.

20 **SECTION 59.** 59.07 (107) of the statutes is amended to read:

21 59.07 (107) POSSESSION OF MARIJUANA. Enact and enforce an ordinance to  
22 prohibit the possession of 25 grams or less of marijuana, as defined in s. ~~161.01~~  
23 961.01 (14), subject to the exceptions in s. ~~161.41 (3r)~~ 961.41 (3g) (intro.), and provide  
24 a forfeiture for a violation of the ordinance; except that any person who is charged  
25 with possession of more than 25 grams of marijuana, or who is charged with

1 possession of any amount of marijuana following a conviction for possession of  
2 marijuana, in this state shall not be prosecuted under this subsection. Any  
3 ordinance enacted under this subsection does not apply in any city, village or town  
4 that has enacted an ordinance prohibiting the possession of marijuana.

5 **SECTION 60.** 59.20 (5) (b) of the statutes is amended to read:

6 59.20 (5) (b) For all court imposed fines and forfeitures required by law to be  
7 deposited in the state treasury, the amounts required by s. 165.87 for the penalty  
8 assessment surcharge, the amounts required by s. 167.31 (5) for the weapons  
9 assessment, the amounts required by s. 973.045 for the crime victim and witness  
10 assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic  
11 acid analysis surcharge, the amounts required by s. ~~161.41~~ 961.41 (5) for the drug  
12 abuse program improvement surcharge, the amounts authorized by s. 971.37 (1m)  
13 (c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the amounts  
14 required by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the  
15 amounts required by s. 102.85 (4) for the uninsured employer assessment, the  
16 amounts required by s. 144.992 for the environmental assessment, the amounts  
17 required by s. 29.9965 for the wild animal protection assessment, the amounts  
18 required by s. 29.997 for the natural resources assessment surcharge, the amounts  
19 required by s. 29.9967 for the fishing shelter removal assessment, the amounts  
20 required by s. 350.115 for the snowmobile registration restitution payment and the  
21 amounts required by s. 29.998 for natural resources restitution payments, transmit  
22 to the state treasurer a statement of all moneys required by law to be paid on the  
23 actions so entered during the preceding month on or before the first day of the next  
24 succeeding month, certified by the treasurer's personal signature affixed or attached  
25 thereto, and at the same time pay to the state treasurer the amount thereof.

1           **SECTION 61.** 59.395 (5) of the statutes is amended to read:

2           59.395 (5) Pay monthly to the county treasurer for the use of the state the state's  
3 percentage of the fees required to be paid on each civil action, criminal action and  
4 special proceeding filed during the preceding month and pay monthly to the county  
5 treasurer for the use of the state the percentage of court imposed fines and forfeitures  
6 required by law to be deposited in the state treasury, the amounts required by s.  
7 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s.  
8 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the  
9 crime victim and witness assistance surcharge, the amounts required by s. 973.046  
10 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. ~~161.41~~  
11 961.41 (5) for the drug abuse program improvement surcharge, the amounts  
12 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 for the domestic abuse  
13 assessment surcharge, the amounts required by s. 346.655 for the driver  
14 improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured  
15 employer assessment, the amounts required by s. 144.992 for the environmental  
16 assessment, the amounts required under s. 29.9965 for the wild animal protection  
17 assessment, the amounts required under s. 29.997 (1) (d) for the natural resources  
18 assessment surcharge, the amounts required by s. 29.9967 for the fishing shelter  
19 removal assessment, the amounts required by s. 350.115 for the snowmobile  
20 registration restitution payment and the amounts required under s. 29.998 (1) (d) for  
21 the natural resources restitution payments. The payments shall be made by the 15th  
22 day of the month following receipt thereof.

23           **SECTION 62.** 60.23 (21) of the statutes is amended to read:

1           60.23 (21) DRUG PARAPHERNALIA. Adopt an ordinance to prohibit conduct that  
2 is the same as that prohibited by s. ~~161.573 (2), 161.574 (2) or 161.575 (2)~~ 961.573  
3 (2), 961.574 (2) or 961.575 (2).

4           **SECTION 63.** 66.051 (1) (bm) of the statutes is amended to read:

5           66.051 (1) (bm) Enact and enforce an ordinance to prohibit the possession of  
6 25 grams or less of marijuana, as defined in s. ~~161.01~~ 961.01 (14), subject to the  
7 exceptions in s. ~~161.41 (3r)~~ 961.41 (3g) (intro.), and provide a forfeiture for a violation  
8 of the ordinance; except that any person who is charged with possession of more than  
9 25 grams of marijuana, or who is charged with possession of any amount of  
10 marijuana following a conviction for possession of marijuana, in this state shall not  
11 be prosecuted under this paragraph; and

12           **SECTION 64.** 100.182 (4) of the statutes is amended to read:

13           100.182 (4) No person may advertise a drug that the person knows is  
14 intentionally manufactured substantially to resemble a controlled substance or that  
15 the person represents to be of a nature, appearance or effect that will allow the  
16 recipient to display, sell, deliver, distribute or use the drug as a controlled substance,  
17 unless the drug is controlled under ch. ~~161~~ 961.

18           **SECTION 65.** 100.37 (1) (hm) of the statutes is amended to read:

19           100.37 (1) (hm) "Practitioner" has the meaning given in s. ~~161.01~~ 961.01 (19).

20           **SECTION 66.** 101.22 (1m) (g) of the statutes is amended to read:

21           101.22 (1m) (g) "Disability" means a physical or mental impairment that  
22 substantially limits one or more major life activities, a record of having such an  
23 impairment or being regarded as having such an impairment. "Disability" does not  
24 include the current illegal use of a controlled substance, as defined in s. ~~161.01~~ 961.01

1 (4), or a controlled substance analog, as defined in s. 961.01 (4m), unless the  
2 individual is participating in a supervised drug rehabilitation program.

3 **SECTION 67.** 102.58 of the statutes is amended to read:

4 **102.58 Decreased compensation.** If injury is caused by the failure of the  
5 employe to use safety devices which are provided in accordance with any statute or  
6 lawful order of the department and are adequately maintained, and the use of which  
7 is reasonably enforced by the employer, or if injury results from the employe's failure  
8 to obey any reasonable rule adopted and reasonably enforced by the employer for the  
9 safety of the employe and of which the employe has notice, or if injury results from  
10 the intoxication of the employe by alcohol beverages, as defined in s. 125.02 (1), or  
11 use of a controlled substance, as defined in s. ~~161.01~~ 961.01 (4), or a controlled  
12 substance analog, as defined in s. 961.01 (4m), the compensation and death benefit  
13 provided in this chapter shall be reduced 15% but the total reduction may not exceed  
14 \$15,000.

15 **SECTION 68.** 106.04 (1m) (g) of the statutes, as affected by 1995 Wisconsin Act  
16 27, section 3687, is amended to read:

17 106.04 **(1m)** (g) "Disability" means a physical or mental impairment that  
18 substantially limits one or more major life activities, a record of having such an  
19 impairment or being regarded as having such an impairment. "Disability" does not  
20 include the current illegal use of a controlled substance, as defined in s. ~~161.01~~ 961.01  
21 (4), or a controlled substance analog, as defined in s. 961.01 (4m), unless the  
22 individual is participating in a supervised drug rehabilitation program.

23 **SECTION 69.** 106.215 (1) (cg) of the statutes, as affected by 1995 Wisconsin Act  
24 27, section 239d, is amended to read:

1           106.215 (1) (cg) “Disability” means a physical or mental impairment that  
2 substantially limits one or more major life activities, a record of having such an  
3 impairment or being regarded as having such an impairment. “Disability” includes  
4 any physical disability or developmental disability, as defined in s. 51.01 (5) (a).  
5 “Disability” does not include the current illegal use of a controlled substance, as  
6 defined in s. ~~161.01~~ 961.01 (4), or a controlled substance analog, as defined in s.  
7 961.01 (4m), unless the individual is participating in a supervised drug  
8 rehabilitation program.

9           **SECTION 70.** 108.04 (5) of the statutes is amended to read:

10           108.04 (5) DISCHARGE FOR MISCONDUCT. An employe whose work is terminated  
11 by an employing unit for misconduct connected with the employe’s work is ineligible  
12 to receive benefits until 7 weeks have elapsed since the end of the week in which the  
13 discharge occurs and the employe earns wages after the week in which the discharge  
14 occurs equal to at least 14 times the employe’s weekly benefit rate under s. 108.05  
15 (1) in employment or other work covered by the unemployment compensation law of  
16 any state or the federal government. For purposes of requalification, the employe’s  
17 weekly benefit rate shall be that rate which would have been paid had the discharge  
18 not occurred. The wages paid to an employe by an employer which terminates  
19 employment of the employe for misconduct connected with the employe’s  
20 employment shall be excluded from the employe’s base period wages under s. 108.06  
21 (1) for purposes of benefit entitlement. The department shall, by rule, prescribe the  
22 conditions under which an employe’s possession, use or impairment due to use of a  
23 controlled substance, as defined in s. ~~161.01~~ 961.01 (4), or a controlled substance  
24 analog, as defined in s. 961.01 (4m), or an employe’s violation of a work rule relating  
25 to controlled substances testing constitutes misconduct. This subsection does not

1 preclude an employe who has employment with an employer other than the employer  
2 which terminated the employe for misconduct from establishing a benefit year using  
3 the base period wages excluded under this subsection if the employe qualifies to  
4 establish a benefit year under s. 108.06 (2) (a). The department shall charge to the  
5 fund's balancing account any benefits otherwise chargeable to the account of an  
6 employer that is subject to the contribution requirements under ss. 108.17 and  
7 108.18 from which base period wages are excluded under this subsection.

8 **SECTION 71.** 108.04 (6) of the statutes is amended to read:

9 108.04 (6) DISCIPLINARY SUSPENSION. An employe whose work is suspended by  
10 an employing unit for good cause connected with the employe's work is ineligible to  
11 receive benefits until 3 weeks have elapsed since the end of the week in which the  
12 suspension occurs or until the suspension is terminated, whichever occurs first. The  
13 department shall, by rule, prescribe the conditions under which an employe's  
14 possession, use or impairment due to use of a controlled substance, as defined in s.  
15 ~~161.01~~ 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), or  
16 an employe's violation of a work rule relating to controlled substances testing  
17 constitutes good cause for suspension. This subsection does not preclude an employe  
18 from establishing a benefit year during a period in which the employe is ineligible  
19 to receive benefits under this subsection if the employe qualifies to establish a benefit  
20 year under s. 108.06 (2) (a).

21 **SECTION 72.** 111.335 (1) (cs) 1. of the statutes is amended to read:

22 111.335 (1) (cs) 1. Manufacturing, distributing or delivering a controlled  
23 substance or controlled substance analog under s. ~~161.41~~ 961.41 (1).

24 **SECTION 73.** 111.335 (1) (cs) 2. of the statutes is amended to read:



1           111.335 (1) (cs) 2. Possessing, with intent to manufacture, distribute or deliver,  
2 a controlled substance or controlled substance analog under s. ~~161.41~~ 961.41 (1m).

3           **SECTION 74.** 111.335 (1) (cs) 3. of the statutes is amended to read:

4           111.335 (1) (cs) 3. Possessing, with intent to manufacture, distribute or deliver,  
5 or manufacturing, distributing or delivering a controlled substance or controlled  
6 substance analog under a federal law that is substantially similar to s. ~~161.41~~ 961.41  
7 (1) or (1m).

8           **SECTION 75.** 111.335 (1) (cs) 4. of the statutes is amended to read:

9           111.335 (1) (cs) 4. Possessing, with intent to manufacture, distribute or deliver,  
10 or manufacturing, distributing or delivering a controlled substance or controlled  
11 substance analog under the law of another state that is substantially similar to s.  
12 ~~161.41~~ 961.41 (1) or (1m).

13           **SECTION 76.** 111.37 (5) (c) of the statutes is amended to read:

14           111.37 (5) (c) Except as provided in sub. (6), this section does not prohibit the  
15 use of a polygraph test by an employer that is authorized to manufacture, distribute  
16 or dispense a controlled substance ~~listed~~ included in schedule I, II, III, IV or V under  
17 ch. ~~161~~ 961 if the test is administered to a prospective employe who would have direct  
18 access to the manufacture, storage, distribution or sale of the controlled substance  
19 or to a current employe if the test is administered in connection with an ongoing  
20 investigation of criminal or other misconduct that involves, or potentially involves,  
21 loss or injury to the manufacture, distribution or dispensing of the controlled  
22 substance by that employer and the employe had access to the person or property  
23 that is the subject of the investigation.

24           **SECTION 77.** 114.09 (1) (b) of the statutes is amended to read:

1           114.09 (1) (b) No person may operate an aircraft in the air or on the ground or  
2 water while under the influence of intoxicating liquor or controlled substances or  
3 controlled substance analogs under ch. ~~161~~ 961 or a combination thereof, under the  
4 influence of any other drug to a degree which renders him or her incapable of safely  
5 operating an aircraft, or under the combined influence of intoxicating liquor and any  
6 other drug to a degree which renders him or her incapable of safely operating an  
7 aircraft, nor operate an aircraft in the air or on the ground or water in a careless or  
8 reckless manner so as to endanger the life or property of another. In determining  
9 whether the operation was careless or reckless the court shall consider the standards  
10 for safe operation of aircraft prescribed by federal statutes or regulations governing  
11 aeronautics. The court shall make a written report of all convictions, including bail  
12 or appearance money forfeitures, obtained under this section to the department,  
13 which shall send the report to the proper federal agency.

14           **SECTION 78.** 114.103 (1) (a) of the statutes is amended to read:

15           114.103 (1) (a) "Controlled substance" has the meaning given in s. ~~161.01~~  
16 961.01 (4).

17           **SECTION 79.** 114.103 (1) (am) of the statutes is created to read:

18           114.103 (1) (am) "Controlled substance analog" has the meaning given in s.  
19 961.01 (4m).

20           **SECTION 80.** 114.103 (2) (a) of the statutes is amended to read:

21           114.103 (2) (a) If any private security person acting in the course of his or her  
22 employment at an airport believes, on the basis of personal observation, that  
23 someone possesses a controlled substance or a controlled substance analog, without  
24 a prescription or an authorization for that possession, or possesses \$10,000 or more  
25 in cash or that a shipment contains a controlled substance or controlled substance

1 analog or \$10,000 or more in cash, the private security person shall report, as soon  
2 as practicable and by telephone or in person, to the county sheriff's office or the police  
3 department of the municipality in which the airport is located.

4 **SECTION 81.** 115.35 (1) of the statutes is amended to read:

5 115.35 (1) A critical health problems education program is established in the  
6 department. The program shall be a systematic and integrated program designed  
7 to provide appropriate learning experiences based on scientific knowledge of the  
8 human organism as it functions within its environment and designed to favorably  
9 influence the health, understanding, attitudes and practices of the individual child  
10 which will enable him or her to adapt to changing health problems of our society. The  
11 program shall be designed to educate youth with regard to critical health problems  
12 and shall include, but not be limited to, the following topics as the basis for  
13 comprehensive education curricula in all elementary and secondary schools:  
14 controlled substances, as defined in s. ~~161.01~~ 961.01 (4); controlled substance  
15 analogs, as defined in s. 961.01 (4m); alcohol; tobacco; mental health; sexually  
16 transmitted diseases, including acquired immunodeficiency syndrome; human  
17 growth and development; and related health and safety topics. Participation in the  
18 human growth and development topic of the curricula shall be entirely voluntary.  
19 The department may not require a school board to use a specific human growth and  
20 development curriculum.

21 **SECTION 82.** 118.01 (2) (d) 2. c. of the statutes is amended to read:

22 118.01 (2) (d) 2. c. Knowledge of physiology and hygiene, sanitation, the effects  
23 of controlled substances under ch. ~~161~~ 961 and alcohol upon the human system,  
24 symptoms of disease and the proper care of the body. No pupil may be required to  
25 take instruction in these subjects if his or her parent files with the teacher a written

1 objection thereto. Instruction in physiology and hygiene shall include instruction on  
2 sexually transmitted diseases and shall be offered in every high school.

3 **SECTION 83.** 118.01 (2) (d) 6. of the statutes is amended to read:

4 118.01 (2) (d) 6. Knowledge of the prevention of accidents and promotion of  
5 safety on the public highways, including instruction on the relationship between  
6 highway safety and the use of alcohol and controlled substances under ch. ~~161~~ 961.

7 **SECTION 84.** 118.01 (2) (d) 7. of the statutes is amended to read:

8 118.01 (2) (d) 7. The skills needed to make sound decisions, knowledge of the  
9 conditions which may cause and the signs of suicidal tendencies, knowledge of the  
10 relationship between youth suicide and the use of alcohol and controlled substances  
11 under ch. ~~161~~ 961 and knowledge of the available community youth suicide  
12 prevention and intervention services. Instruction shall be designed to help prevent  
13 suicides by pupils by promoting the positive emotional development of pupils.

14 **SECTION 85.** 118.257 (1) (a) of the statutes is amended to read:

15 118.257 (1) (a) "Controlled substance" has the meaning specified in s. ~~161.01~~  
16 961.01 (4).

17 **SECTION 86.** 118.257 (1) (am) of the statutes is created to read:

18 118.257 (1) (am) "Controlled substance analog" has the meaning given in s.  
19 961.01 (4m).

20 **SECTION 87.** 118.257 (1) (b) of the statutes is amended to read:

21 118.257 (1) (b) "Distribute" has the meaning specified in s. ~~161.01~~ 961.01 (9).

22 **SECTION 88.** 118.257 (2) of the statutes is amended to read:

23 118.257 (2) A school administrator, principal, pupil services professional or  
24 teacher employed by a school board is not liable for referring a pupil enrolled in the  
25 school district to law enforcement authorities, or for removing a pupil from the school

1 premises or from participation in a school-sponsored activity, for suspicion of  
2 possession, distribution or consumption of an alcohol beverage or a controlled  
3 substance or controlled substance analog.

4 **SECTION 89.** 125.12 (2) (ag) 5. of the statutes is amended to read:

5 125.12 (2) (ag) 5. The person has been convicted of manufacturing, distributing  
6 or delivering a controlled substance or controlled substance analog under s. ~~161.41~~  
7 961.41 (1); of possessing, with intent to manufacture, distribute or delivery deliver,  
8 a controlled substance or controlled substance analog under s. ~~161.41~~ 961.41 (1m);  
9 or of possessing, with intent to manufacture or deliver, or of manufacturing or  
10 delivering a controlled substance under s. ~~161.41~~ (1m); or of possessing, with intent  
11 to manufacture, distribute or delivery deliver, or of manufacturing, distributing or  
12 delivering a controlled substance or controlled substance analog under a  
13 substantially similar federal law or a substantially similar law of another state.

14 **SECTION 90.** 125.12 (2) (ag) 6. of the statutes is amended to read:

15 125.12 (2) (ag) 6. The person knowingly allows another person, who is on the  
16 premises for which the license under this chapter is issued, to possess, with the  
17 intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver  
18 a controlled substance or controlled substance analog.

19 **SECTION 91.** 125.12 (4) (ag) 7. of the statutes is amended to read:

20 125.12 (4) (ag) 7. That the licensee has been convicted of manufacturing,  
21 distributing or delivering a controlled substance or controlled substance analog  
22 under s. ~~161.41~~ 961.41 (1); of possessing, with intent to manufacture, distribute or  
23 deliver, a controlled substance or controlled substance analog under s. ~~161.41~~ 961.41  
24 (1m); or of possessing, with intent to manufacture, distribute or deliver, or of  
25 manufacturing, distributing or delivering a controlled substance or controlled

1 substance analog under a substantially similar federal law or a substantially similar  
2 law of another state.

3 **SECTION 92.** 125.12 (4) (ag) 8. of the statutes is amended to read:

4 125.12 (4) (ag) 8. That the licensee knowingly allows another person, who is  
5 on the premises for which the license under this chapter is issued, to possess, with  
6 the intent to manufacture, distribute or deliver, or to manufacture, distribute or  
7 deliver a controlled substance or controlled substance analog.

8 **SECTION 93.** 139.34 (1) (c) 3. of the statutes is amended to read:

9 139.34 (1) (c) 3. The person is addicted to the use of a controlled substance or  
10 controlled substance analog under ch. ~~161~~ 961.

11 **SECTION 94.** 139.37 (1) (c) 3. of the statutes is amended to read:

12 139.37 (1) (c) 3. Is addicted to the use of a controlled substance or controlled  
13 substance analog under ch. ~~161~~ 961;

14 **SECTION 95.** 139.87 (2) of the statutes is amended to read:

15 139.87 (2) "Dealer" means a person who in violation of ch. ~~161~~ 961 possesses,  
16 manufactures, produces, ships, transports, delivers, distributes, imports, sells or  
17 transfers to another person more than 42.5 grams of ~~marijuana~~ material containing  
18 tetrahydrocannabinols, more than 5 ~~marijuana~~ plants containing  
19 tetrahydrocannabinols, more than 14 grams of mushrooms containing psilocin or  
20 psilocybin, more than 100 milligrams of any material containing lysergic acid  
21 diethylamide or more than 7 grams of any other schedule I ~~controlled substance~~ or  
22 schedule II controlled substance or of a controlled substance analog of a schedule I  
23 or schedule II controlled substance. "Dealer" does not include a person who lawfully  
24 possesses ~~marijuana or another~~ a controlled substance or controlled substance  
25 analog.

1           **SECTION 96.** 139.87 (4) of the statutes is repealed.

2           **SECTION 97.** 139.87 (5) of the statutes is amended to read:

3           139.87 (5) "Schedule I controlled substance" means a substance ~~listed~~ included  
4 in s. ~~161.14~~ 961.14.

5           **SECTION 98.** 139.87 (6) of the statutes is amended to read:

6           139.87 (6) "Schedule II controlled substance" means a substance ~~listed~~ included  
7 in s. ~~161.16~~ 961.16.

8           **SECTION 99.** 139.87 (7) of the statutes is created to read:

9           139.87 (7) "Tetrahydrocannabinols" means a substance included in s. 961.14  
10 (4) (t).

11           **SECTION 100.** 139.88 (1) of the statutes is amended to read:

12           139.88 (1) Per gram or part of a gram of marijuana material containing  
13 tetrahydrocannabinols, whether pure or impure, measured when in the dealer's  
14 possession, \$3.50.

15           **SECTION 101.** 139.88 (1d) of the statutes is amended to read:

16           139.88 (1d) Per marijuana plant containing tetrahydrocannabinols,  
17 regardless of weight, counted when in the dealer's possession, \$1,000.

18           **SECTION 102.** 146.0255 (title) of the statutes is amended to read:

19           **146.0255** (title) **Testing infants for controlled substances or controlled**  
20 **substance analogs.**

21           **SECTION 103.** 146.0255 (1) of the statutes is renumbered 146.0255 (1) (intro.)  
22 and amended to read:

23           146.0255 (1) (title) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, "controlled;  
24 (a) "Controlled substance" has the meaning given in s. ~~161.01~~ 961.01 (4).

25           **SECTION 104.** 146.0255 (1) (b) of the statutes is created to read:

1           146.0255 (1) (b) “Controlled substance analog” has the meaning given in s.  
2 961.01 (4m).

3           **SECTION 105.** 146.0255 (2) of the statutes is amended to read:

4           146.0255 (2) TESTING. Any hospital employe who provides health care, social  
5 worker or foster care or treatment foster care intake worker may refer an infant to  
6 a physician for testing of the infant’s bodily fluids for controlled substances or  
7 controlled substance analogs if the hospital employe who provides health care, social  
8 worker or foster care or treatment foster care intake worker suspects that the infant  
9 has controlled substances or controlled substance analogs in the infant’s bodily fluids  
10 because of the mother’s ingestion of controlled substances or controlled substance  
11 analog while she was pregnant with the infant. The physician may test the infant  
12 to ascertain whether or not the infant has controlled substances or controlled  
13 substance analogs in the infant’s bodily fluids, if the parent or guardian consents to  
14 the testing and if the physician determines that there is a serious risk that there are  
15 controlled substances or controlled substance analogs in the infant’s bodily fluids  
16 because of the mother’s ingestion of controlled substances or controlled substance  
17 analog while she was pregnant with the infant. If the results of the test indicate that  
18 the infant does have controlled substances or controlled substance analogs in the  
19 infant’s bodily fluids, the physician shall make a report under s. 46.238.

20           **SECTION 106.** Chapter 161 (title) of the statutes is renumbered chapter 961  
21 (title).

22           **SECTION 107.** 161.001 (intro.) of the statutes is renumbered 961.001 (intro.).

23           **SECTION 108.** 161.001 (1) of the statutes is renumbered 961.001 (1r).

24           **SECTION 109.** 161.001 (2) of the statutes is renumbered 961.001 (2).

25           **SECTION 110.** 161.001 (3) of the statutes is renumbered 961.001 (3).



1           **SECTION 111.** Subchapter I (title) of chapter 161 [precedes 161.01] of the  
2 statutes is renumbered subchapter I (title) of chapter 961 [precedes 961.01].

3           **SECTION 112.** 161.01 (intro.) of the statutes is renumbered 961.01 (intro.).

4           **SECTION 113.** 161.01 (1) of the statutes is renumbered 961.01 (1), and 961.01  
5 (1) (intro.), as renumbered, is amended to read:

6           961.01 (1) (intro.) “Administer” unless the context otherwise requires, means  
7 ~~the direct application of~~ to apply a controlled substance, whether by injection,  
8 inhalation, ingestion or any other means, to the body of a patient or research subject  
9 by:

10          **SECTION 114.** 161.01 (2) of the statutes is renumbered 961.01 (2) and amended  
11 to read:

12          961.01 (2) “Agent” unless the context otherwise requires, means an authorized  
13 person who acts on behalf of or at the direction of a manufacturer, distributor or  
14 dispenser. It “Agent” does not include a common or contract carrier, public  
15 warehouse keeper or employe of the carrier or warehouse keeper while acting in the  
16 usual and lawful course of the carrier’s or warehouse keeper’s business.

17          **SECTION 115.** 161.01 (3) of the statutes is repealed.

18          **SECTION 116.** 161.01 (4) of the statutes is renumbered 961.01 (4) and amended  
19 to read:

20          961.01 (4) “Controlled substance” means a drug, substance or immediate  
21 precursor included in schedules I to V of subch. II.

22          **SECTION 117.** 161.01 (5) of the statutes is renumbered 961.01 (5).

23          **SECTION 118.** 161.01 (6) of the statutes is renumbered 961.01 (6) and amended  
24 to read:

1           961.01 (6) “Deliver” or “delivery”, unless the context otherwise requires, means  
2 the actual, constructive or attempted transfer from one person to another of a  
3 controlled substance or controlled substance analog, whether or not there is any  
4 agency relationship.

5           **SECTION 119.** 161.01 (7) of the statutes is renumbered 961.01 (7).

6           **SECTION 120.** 161.01 (8) of the statutes is renumbered 961.01 (8).

7           **SECTION 121.** 161.01 (9) of the statutes is renumbered 961.01 (9) and amended  
8 to read:

9           961.01 (9) “Distribute” means to deliver other than by administering or  
10 dispensing a controlled substance or controlled substance analog.

11           **SECTION 122.** 161.01 (10) of the statutes is renumbered 961.01 (10).

12           **SECTION 123.** 161.01 (10m) of the statutes is renumbered 961.01 (10m).

13           **SECTION 124.** 161.01 (11) of the statutes is renumbered 961.01 (11), and 961.01  
14 (11) (a), as renumbered, is amended to read:

15           961.01 (11) (a) “Drug” means any of the following:

16           1. ~~Substances~~ A substance recognized as ~~drugs~~ a drug in the official United  
17 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or  
18 official National Formulary or any supplement to any of them; ~~;~~

19           2. ~~Substances~~ A substance intended for use in the diagnosis, cure, mitigation,  
20 treatment or prevention of disease in humans or animals; ~~;~~

21           3. ~~Substances~~ A substance, other than food, intended to affect the structure or  
22 any function of the body of humans or animals; ~~and~~.

23           4. ~~Substances~~ A substance intended for use as a component of any article  
24 specified in subd. 1., 2. or 3.

25           **SECTION 125.** 161.01 (12) of the statutes is renumbered 961.01 (12).

**SECTION 126**

1           **SECTION 126.** 161.01 (12m) of the statutes is renumbered 961.01 (12m).

2           **SECTION 127.** 161.01 (13) of the statutes is renumbered 961.01 (13), and 961.01  
3 (13) (intro.), as renumbered, is amended to read:

4           961.01 **(13)** (intro.) “Manufacture” means the production, preparation,  
5 propagation, compounding, conversion or processing of, or to produce, prepare,  
6 propagate, compound, convert or process, a controlled substance or controlled  
7 substance analog, directly or indirectly, by extraction from substances of natural  
8 origin, chemical synthesis or a combination of extraction and chemical synthesis,  
9 and includes including to package or repackage or the packaging or repackaging of  
10 the substance, or to label or to relabel or the labeling or relabeling of its container.  
11 “Manufacture” does not ~~include~~ mean to prepare, compound, package, repackage,  
12 label or relabel or the preparation, compounding, packaging, repackaging, labeling  
13 or relabeling of a controlled substance:

14           **SECTION 128.** 161.01 (14) of the statutes is renumbered 961.01 (14) and  
15 amended to read:

16           961.01 **(14)** “Marijuana” means all parts of the plants of the genus Cannabis,  
17 whether growing or not; the seeds thereof; the resin extracted from any part of the  
18 plant; and every compound, manufacture, salt, derivative, mixture or preparation of  
19 the plant, its seeds or resin, including tetrahydrocannabinols. It ~~is~~ “Marijuana” does  
20 not include the mature stalks if mixed with other parts of the plant, but does not  
21 include fiber produced from the stalks, oil or cake made from the seeds of the plant,  
22 any other compound, manufacture, salt, derivative, mixture or preparation of the  
23 mature stalks (except the resin extracted therefrom), fiber, oil or cake or the  
24 sterilized seed of the plant which is incapable of germination.

25           **SECTION 129.** 161.01 (14m) of the statutes is renumbered 961.01 (14m).

1           **SECTION 130.** 161.01 (15) (intro.) of the statutes is renumbered 961.01 (15)  
2 (intro.).

3           **SECTION 131.** 161.01 (15) (a) of the statutes is renumbered 961.01 (15) (a) and  
4 amended to read:

5           961.01 (15) (a) Opium and opiate substances derived from opium, and any salt,  
6 compound, derivative or preparation of opium or opiate substances derived from  
7 opium, including any of their salts, isomers and salts of isomers that are theoretically  
8 possible within the specific chemical designation. The term does not include the  
9 isoquinoline alkaloids of opium.

10          **SECTION 132.** 161.01 (15) (b) of the statutes is repealed.

11          **SECTION 133.** 161.01 (15) (c) of the statutes is renumbered 961.01 (15) (c) and  
12 amended to read:

13          961.01 (15) (c) Opium poppy and, poppy straw and concentrate of poppy straw.

14          **SECTION 134.** 161.01 (16) of the statutes is renumbered 961.01 (16) and  
15 amended to read:

16          961.01 (16) “Opiate” means any substance having an addiction-forming or  
17 addiction-sustaining liability similar to morphine or being capable of conversion  
18 into a drug having addiction-forming or addiction-sustaining liability. It “Opiate”  
19 includes opium, substances derived from opium and synthetic opiates. “Opiate” does  
20 not include, unless specifically designated scheduled as a controlled substance under  
21 s. 161.11 961.11, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
22 3-methoxy-N-methylmorphinan and its salts (dextromethorphan). It “Opiate” does  
23 include ~~its~~ the racemic and levorotatory forms of dextromethorphan.

24          **SECTION 135.** 161.01 (17) of the statutes is renumbered 961.01 (17) and  
25 amended to read:

1           961.01 (17) “Opium poppy” means the any plant of the species *Papaver*  
2 *Somniferum somniferum* L., except its seeds.

3           **SECTION 136.** 161.01 (18) of the statutes is renumbered 961.01 (18).

4           **SECTION 137.** 161.01 (19) of the statutes is renumbered 961.01 (19), and 961.01  
5 (19) (a), as renumbered, is amended to read:

6           961.01 (19) (a) A physician, advanced practice nurse, dentist, veterinarian,  
7 podiatrist, optometrist, scientific investigator or other person licensed, registered,  
8 certified or otherwise permitted to distribute, dispense, conduct research with  
9 respect to ~~or~~, administer or use in teaching or chemical analysis a controlled  
10 substance in the course of professional practice or research in this state.

11           **SECTION 138.** 161.01 (20) of the statutes is renumbered 961.01 (20) and  
12 amended to read:

13           961.01 (20) “Production”, unless the context otherwise requires, includes the  
14 manufacture, manufacturing of a controlled substance or controlled substance  
15 analog and the planting, cultivation cultivating, growing or harvesting of a plant  
16 from which a controlled substance or controlled substance analog is derived.

17           **SECTION 139.** 161.01 (20g) of the statutes is renumbered 961.01 (20g).

18           **SECTION 140.** 161.01 (20i) of the statutes is renumbered 961.01 (20i).

19           **SECTION 141.** 161.01 (20m) of the statutes is renumbered 961.01 (2m), and  
20 961.01 (2m) (a), as renumbered, is amended to read:

21           961.01 (2m) (a) “Anabolic steroid” means any drug or hormonal substance,  
22 chemically or pharmacologically related to testosterone (except estrogens, progestin,  
23 and corticosteroids), that promotes muscle growth. The term includes all of the  
24 substances listed included in s. ~~161.18~~ 961.18 (7), and any of their esters, isomers,  
25 esters of isomers, salts and salts of esters, isomers and esters of isomers, that are

1 theoretically possible ~~under~~ within the specific chemical designation, and if such  
2 esters, isomers, esters of isomers, salts and salts of esters, isomers and esters of  
3 isomers promote muscle growth.

4 **SECTION 142.** 161.01 (21) of the statutes is renumbered 961.01 (21) and  
5 amended to read:

6 961.01 (21) "Ultimate user" means ~~a person~~ an individual who lawfully  
7 possesses a controlled substance for that ~~person's~~ individual's own use or for the use  
8 of a member of that ~~person's~~ individual's household or for administering to an animal  
9 owned by that ~~person~~ individual or by a member of that ~~person's~~ individual's  
10 household.

11 **SECTION 143.** 161.01 (22) of the statutes is renumbered 961.01 (22).

12 **SECTION 144.** Subchapter II (title) of chapter 161 [precedes 161.11] of the  
13 statutes is renumbered subchapter II (title) of chapter 961 [precedes 961.11].

14 **SECTION 145.** 161.11 (title) of the statutes is renumbered 961.11 (title).

15 **SECTION 146.** 161.11 (1) (intro.) of the statutes is renumbered 961.11 (1) (intro.)  
16 and amended to read:

17 961.11 (1) (intro.) The controlled substances board shall administer this  
18 subchapter and may add substances to or delete or reschedule all substances  
19 ~~enumerated~~ listed in the schedules in ss. ~~161.14, 161.16, 161.18, 161.20 and 161.22~~  
20 961.14, 961.16, 961.18, 961.20 and 961.22 pursuant to the rule-making procedures  
21 of ch. 227.

22 (1m) In making a determination regarding a substance, the board shall  
23 consider the following:

24 **SECTION 147.** 161.11 (1) (a) to (h) of the statutes are renumbered 961.11 (1m)  
25 (a) to (h), and 961.11 (1m) (g), as renumbered, is amended to read:

1           961.11 (1m) (g) The potential of the substance to produce ~~psyhie~~ psychological  
2 or physical dependence liability; and

3           **SECTION 148.** 161.11 (2) of the statutes is renumbered 961.11 (2) and amended  
4 to read:

5           961.11 (2) After considering the factors enumerated in sub. (1) (1m), the  
6 controlled substances board shall make findings with respect thereto to them and  
7 issue promulgate a rule controlling the substance if it ~~finds~~ upon finding that the  
8 substance has a potential for abuse.

9           **SECTION 149.** 161.11 (3) of the statutes is renumbered 961.11 (3) and amended  
10 to read:

11           961.11 (3) The controlled substances board, without regard to the findings  
12 required by sub. (2) or ss. 961.13, 961.15, 961.17, 961.19 and 961.21 or the procedures  
13 prescribed by subs. (1), (1m), (1r) and (2), may add an immediate precursor to the  
14 same schedule in which the controlled substance of which it is an immediate  
15 precursor is included or to any other schedule. If the controlled substances board  
16 designates a substance as an immediate precursor, substances which are precursors  
17 of the controlled precursor shall not be subject to control solely because they are  
18 precursors of the controlled precursor.

19           **SECTION 150.** 161.11 (4) of the statutes is renumbered 961.11 (4) and amended  
20 to read:

21           961.11 (4) If any a substance is designated, rescheduled or deleted as a  
22 controlled substance under federal law and notice thereof is given to the controlled  
23 substances board, the board by affirmative action shall similarly ~~control~~ treat the  
24 substance under this chapter after the expiration of 30 days from the date of  
25 publication in the federal register of a final order designating a the substance as a

**SECTION 150**

1 controlled substance or rescheduling or deleting a the substance or from the date of  
2 issuance of an order of temporary scheduling under 21 USC 811 (h), unless within  
3 that 30-day period, the board or an interested party objects to inclusion,  
4 ~~rescheduling or deletion.~~ In that case, the treatment of the substance. If no objection  
5 is made, the board shall promulgate, without making the determinations or findings  
6 required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21,  
7 a final rule, for which notice of proposed rule making is omitted, designating,  
8 rescheduling, temporarily scheduling or deleting the substance. If an objection is  
9 made the board shall publish notice of receipt of the objection and the reasons for  
10 objection and afford all interested parties an opportunity to be heard. At the  
11 conclusion of the hearing, the board shall make a determination with respect to the  
12 treatment of the substance as provided in subs. (1), (1m), (1r) and (2) and shall  
13 publish its decision, which shall be final unless altered by statute. Upon publication  
14 of an objection to inclusion, ~~rescheduling or deletion under this chapter~~ the  
15 treatment by the board, ~~control~~ action by the board under this chapter is stayed until  
16 the board ~~publishes its decision~~ promulgates a rule under sub. (2).

17 **SECTION 151.** 161.11 (5) of the statutes is renumbered 961.11 (5) and amended  
18 to read:

19 961.11 (5) ~~Authority~~ The authority of the controlled substances board to control  
20 under this section does not extend to intoxicating liquors, as defined in s. 139.01 (3),  
21 to fermented malt beverages as defined in s. 125.02, or to tobacco.

22 **SECTION 152.** 161.11 (6) of the statutes is renumbered 961.11 (6), and 961.11  
23 (6) (b), as renumbered, is amended to read:

24 961.11 (6) (b) If the board finds that any nonnarcotic substance barred from  
25 control under this chapter by par. (a) is dangerous to or is being so used as to



1 endanger the public health and welfare, it may request the department of justice in  
2 the name of the state to seek a temporary restraining order or temporary injunction  
3 under ch. 813 to either ban or regulate the sale and possession of the substance. The  
4 order or injunction shall continue until the adjournment of the legislature convened  
5 next following its issuance. In making its findings as to nonnarcotic substances  
6 under this paragraph, the board shall consider the items specified in sub. (1) (1m).

7 **SECTION 153.** 161.115 of the statutes is renumbered 961.115.

8 **SECTION 154.** 161.12 of the statutes is renumbered 961.12 and amended to  
9 read:

10 **961.12 Nomenclature.** The controlled substances listed in or ~~to be listed in~~  
11 added to the schedules in ss. 161.14, 161.16, 161.18, 161.20 and 161.22 are included  
12 961.14, 961.16, 961.18, 961.20 and 961.22 may be listed or added by whatever any  
13 official, common, usual, chemical or trade name designated used for the substance.

14 **SECTION 155.** 161.13 (title) of the statutes is renumbered 961.13 (title).

15 **SECTION 156.** 161.13 of the statutes is renumbered 961.13 (1m) and amended  
16 to read:

17 961.13 (1m) The controlled substances board shall ~~place~~ add a substance ~~in to~~  
18 schedule I if it finds upon finding that the substance:

19 (a) Has high potential for abuse; ~~and~~

20 (b) Has no currently accepted medical use in treatment in the United States  
21 or lacks; and

22 (c) Lacks accepted safety for use in treatment under medical supervision.

23 **SECTION 157.** 161.14 (title) of the statutes is renumbered 961.14 (title).

24 **SECTION 158.** 161.14 (1) (title) of the statutes is repealed.

1           **SECTION 159.** 161.14 (1) of the statutes is renumbered 961.14 (intro.) and  
2 amended to read:

3           961.14 (intro.) Unless specifically excepted by state or federal law or regulation  
4 or more specifically included in another schedule, the following controlled  
5 substances are listed in schedule I.:

6           **SECTION 160.** 161.14 (2) of the statutes is renumbered 961.14 (2), and 961.14  
7 (2) (intro.), (b), (cg), (dg), (rj) and (xm), as renumbered, are amended to read:

8           961.14 (2) (title) ~~OPIATES~~ SYNTHETIC OPIATES. (intro.) ~~Unless specifically~~  
9 ~~excepted under federal regulations or unless listed in another schedule, Any~~  
10 ~~material, compound, mixture or preparation which contains any quantity of any of~~  
11 ~~the following synthetic opiates, or including any of their isomers, esters, ethers,~~  
12 ~~esters and ethers of isomers, salts, and salts of isomers, esters of, ethers and esters~~  
13 ~~and ethers, if isomers, esters, ethers, salts or salts of isomers exist that are~~  
14 ~~theoretically possible within the specified specific chemical designation (for~~  
15 ~~purposes of par. (tg) only, the term isomer includes the optical and geometric~~  
16 ~~isomers):~~

17           (b)           Alphacetylmethadol       (except       ~~Levo-~~alphacetylmethadol  
18 ~~levo-~~alphacetylmethadol (LAAM));

19           (cg)           Alpha-methylthiofentanyl       (N-[1-methyl-2-(2-thienyl)  
ethyl-4-piperidinyll]-N-phenylpropanamide)  
20 ~~(N-{1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidiny}-N-phenylpropanamide);~~

22           (dg)           Beta-hydroxyfentanyl       (N-[1-(2-hydroxy-2-phenethyl)  
-4-piperidinyll]-N-phenylpropanamide)  
23 ~~(N-[1-(2-hydroxy-2-phenylethyl)-4-piperidinyll]-N-phenylpropanamide);~~

## SECTION 160

1 (rj) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)  
ethyl-4-piperidinyl]-N-phenylpropanamide)

2 (N-{3-methyl-1-[2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide);

4 (xm) Thiofentanyl (N-[1-(2-thienyl)ethyl-4-piperidinyl]-  
N-phenylpropanamide)

6 (N-{1-[2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide);

7 **SECTION 161.** 161.14 (3) of the statutes is renumbered 961.14 (3), and 961.14  
8 (3) (intro.), as renumbered, is amended to read:

9 961.14 (3) (title) ~~OPIUM DERIVATIVES~~ SUBSTANCES DERIVED FROM OPIUM. (intro.)  
10 ~~Unless specifically excepted under federal regulations or unless listed in another~~  
11 ~~schedule, Any material, compound, mixture or preparation which contains any~~  
12 ~~quantity of any of the following substances derived from opium derivatives or,~~  
13 ~~including any of their salts, isomers or and salts of isomers, if salts, isomers or salts~~  
14 ~~of isomers exist that are theoretically possible~~ within the specific chemical  
15 designation:

16 **SECTION 162.** 161.14 (4) of the statutes is renumbered 961.14 (4), and 961.14  
17 (4) (intro.), (bm), (cm), (mn), (w) and (wg), as renumbered, are amended to read:

18 961.14 (4) ~~HALLUCINOGENIC SUBSTANCES.~~ (intro.) ~~Unless specifically excepted~~  
19 ~~under federal regulations or unless listed in another schedule, any Any material,~~  
20 ~~compound, mixture or preparation which contains any quantity of any of the~~  
21 ~~following hallucinogenic substances or, including any of their salts, isomers or and~~  
22 ~~salts of isomers, if salts, isomers or salts of isomers exist that are theoretically~~  
23 ~~possible~~ within the specific chemical designation, in any form including a substance,  
24 salt, isomer or salt of an isomer contained in a plant, obtained from a plant or  
25 chemically synthesized:

1 (bm) ~~2,5-dimethoxy-4-ethylamphetamine~~ 4-ethyl-2,  
2 5-dimethoxyamphetamine, commonly known as DOET “DOET”;

3 (cm) ~~Alpha-ethyltryptamine, its optical isomers, salts and salts of isomers;~~

4 (mn) ~~Parahexyl~~ 3-hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,  
5 9-trimethyl-6H-dibenzo(b, d)pyran);

6 (w) ~~4-bromo-2, 5-dimethoxyamphetamine, commonly known as “DOB”;~~

7 (wg) ~~4-bromo-2,5-dimethoxyphenethylamine~~  
8 4-bromo-2,5-dimethoxy-beta-phenylethylamine, commonly known as “2C-B” or  
9 “Nexus”;

10 **SECTION 163.** 161.14 (5) of the statutes is renumbered 961.14 (5), and 961.14  
11 (5) (intro.), as renumbered, is amended to read:

12 961.14 (5) DEPRESSANTS. (intro.) ~~Unless specifically excepted under federal~~  
13 ~~regulations or unless listed in another schedule, any~~ Any material, compound,  
14 mixture or preparation which contains any quantity of any of the following  
15 substances having a depressant effect on the central nervous system ~~or, including~~  
16 any of their salts, isomers ~~or and~~ salts of isomers, ~~if salts, isomers or salts of isomers~~  
17 ~~exist~~ that are theoretically possible within the specific chemical designation:

18 **SECTION 164.** 161.14 (6) of the statutes is renumbered 961.14 (6), and 961.14  
19 (6) (intro.), as renumbered, is amended to read:

20 961.14 (6) IMMEDIATE PRECURSORS. (intro.) ~~Unless specifically excepted under~~  
21 ~~federal regulations or unless listed in another schedule, any~~ Any material,  
22 compound, mixture or preparation which contains any quantity of any of the  
23 following substances or their salts:

24 **SECTION 165.** 161.14 (7) of the statutes is renumbered 961.14 (7), and 961.14  
25 (7) (intro.), (ag), (am), (b), (c), (d), (e) and (L), as renumbered, are amended to read:

1           961.14 (7) STIMULANTS. (intro.) ~~Unless specifically excepted under federal~~  
2 ~~regulations or unless listed in another schedule, any~~ Any material, compound,  
3 mixture or preparation which contains any quantity of any of the following  
4 substances having a stimulant effect on the central nervous system, including its any  
5 of their salts, isomers and salts of isomers that are theoretically possible within the  
6 specific chemical designation:

7           (ag) Cathinone;\_

8           (am) Aminorex, ~~its salts, optical isomers, and salts of optical isomers;~~\_

9           (b) Fenethylline, ~~including its salts, and salts of isomers.~~

10          (c) N-ethylamphetamine, ~~including its salts, and salts of isomers.~~

11          (d) 4-methylaminorex, ~~including its salts and salts of isomers;~~\_

12          (e) N,N-dimethylamphetamine, ~~including its salts and salts of isomers.~~

13          (L) Methcathinone, ~~including its salts and salts of isomers.~~

14          **SECTION 166.** 161.15 (title) of the statutes is renumbered 961.15 (title).

15          **SECTION 167.** 161.15 of the statutes is renumbered 961.15 (1m), and 961.15  
16 (1m) (intro.) and (c), as renumbered, are amended to read:

17           961.15 (1m) (intro.) The controlled substances board shall ~~place~~ add a  
18 substance ~~in~~ to schedule II ~~if it finds~~ upon finding that:

19           (c) The abuse of the substance may lead to severe ~~psychic~~ psychological or  
20 physical dependence.

21          **SECTION 168.** 161.16 (title) of the statutes is renumbered 961.16 (title).

22          **SECTION 169.** 161.16 (1) (title) of the statutes is repealed.

23          **SECTION 170.** 161.16 (1) of the statutes is renumbered 961.16 (intro.) and  
24 amended to read:

**SECTION 170**

1           961.16 (intro.) ~~The Unless specifically excepted by state or federal law or~~  
2 ~~regulation or more specifically included in another schedule, the following controlled~~  
3 ~~substances are listed in this section are included in schedule II:~~

4           **SECTION 171.** 161.16 (2) of the statutes is renumbered 961.16 (2) (intro.) and  
5 amended to read:

6           961.16 (2) SUBSTANCES OF PLANT ORIGIN. (intro.) ~~Unless specifically excepted~~  
7 ~~under federal regulations or unless listed in another schedule, Any material,~~  
8 ~~compound, mixture or preparation which contains any quantity of any of the~~  
9 following substances in any form, including a substance contained in a plant,  
10 obtained from a plant ~~or~~, chemically synthesized ~~or obtained by a combination of~~  
11 ~~extraction from a plant and chemical synthesis:~~

12           **SECTION 172.** 161.16 (2) (a) of the statutes is renumbered 961.16 (2) (a), and  
13 961.16 (2) (a) (intro.) and 4m., as renumbered, are amended to read:

14           961.16 (2) (a) (intro.) Opium and ~~opiate~~ substances derived from opium, and  
15 any salt, compound, derivative or preparation of opium or ~~opiate~~ substances derived  
16 from opium. Apomorphine, dextrorphan, nalbuphine, butorphanol, nalmefene,  
17 naloxone and naltrexone and their respective salts and the isoquinoline alkaloids of  
18 opium and their respective salts are excluded from this paragraph. The following  
19 substances, and any of their salts, isomers and salts of isomers, ~~if salts, isomers or~~  
20 ~~salts of isomers exist under~~ that are theoretically possible within the specific  
21 chemical designation, are included in this paragraph:

22           4m. Dihydrocodeine~~;~~

23           **SECTION 173.** 161.16 (2) (b) of the statutes is renumbered 961.16 (2) (b), and  
24 961.16 (2) (b) (intro.), as renumbered, is amended to read:

1           961.16 (2) (b) (intro.) Coca leaves and any salt, compound, derivative or  
2 preparation of coca leaves. Decocainized coca leaves or extractions which do not  
3 contain cocaine or ecgonine are excluded from this paragraph. The following  
4 substances and any of their salts, esters, isomers and salts of esters and isomers, if  
5 salts, isomers or salts of isomers exist under that are theoretically possible within  
6 the specific chemical designation, are included in this paragraph:

7           **SECTION 174.** 161.16 (3) of the statutes is renumbered 961.16 (3), and 961.16  
8 (3) (intro.), (s), (t) and (x), as renumbered, are amended to read:

9           961.16 (3) (title) ~~OPIATES~~ SYNTHETIC OPIATES. (intro.) ~~Unless specifically~~  
10 ~~excepted under federal regulations or unless listed in another schedule, any~~ Any  
11 material, compound, mixture or preparation which contains any quantity of any of  
12 the following synthetic opiates or, including any of their isomers, esters, ethers,  
13 esters and ethers of isomers, salts and salts of isomers, if isomers, esters, ethers, salts  
14 ~~or salts of isomers exist~~ and esters and ethers of isomers that are theoretically  
15 possible within the specific chemical designation:

16           (s) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl  
17 butane 4-diphenylbutane;

18           (t) Moramide—Intermediate, 2-methyl-3-morpholino-1,  
19 ~~1-diphenyl-propane-carboxylic~~ 1-diphenylpropanecarboxylic acid;

20           (x) Racemorphan;

21           **SECTION 175.** 161.16 (5) of the statutes is renumbered 961.16 (5) and amended  
22 to read:

23           961.16 (5) STIMULANTS. ~~Unless specifically excepted under federal regulations~~  
24 ~~or unless listed in another schedule, any~~ Any material, compound, mixture, or  
25 preparation which contains any quantity of any of the following substances having

1 a stimulant effect on the central nervous system, including any of their salts, isomers  
2 and salts of isomers that are theoretically possible within the specific chemical  
3 designation:

4 (a) ~~Amphetamine, its salts, optical isomers, and salts of its optical isomers;.~~

5 (b) ~~Methamphetamine, its salts, optical isomers, and salts of its optical~~  
6 ~~isomers;.~~

7 (c) ~~Phenmetrazine, its salts, isomers and salts of its isomers;.~~

8 (d) ~~Methylphenidate, its salts, optical isomers and salts of its optical isomers.~~

9 **SECTION 176.** 161.16 (7) of the statutes is renumbered 961.16 (7), and 961.16  
10 (7) (intro.), as renumbered, is amended to read:

11 961.16 (7) DEPRESSANTS. (intro.) ~~Unless specifically excepted under federal~~  
12 ~~regulations or unless listed in another schedule, any Any material, compound,~~  
13 ~~mixture, or preparation which contains any quantity of any of the following~~  
14 ~~substances having a depressant effect on the central nervous system ~~or, including~~~~  
15 ~~any of their salts, isomers ~~or~~ and salts of isomers, if salts, isomers or salts of isomers~~  
16 ~~exist that are theoretically possible within the specific chemical designation:~~

17 **SECTION 177.** 161.16 (8) of the statutes is renumbered 961.16 (8), and 961.16  
18 (8) (intro.), as renumbered, is amended to read:

19 961.16 (8) IMMEDIATE PRECURSORS. (intro.) ~~Unless specifically excepted under~~  
20 ~~federal regulations or unless listed in another schedule, any Any material,~~  
21 ~~compound, mixture or preparation which contains any quantity of the following~~  
22 ~~substances:~~

23 **SECTION 178.** 161.16 (10) of the statutes is renumbered 961.16 (10) and  
24 amended to read:



1           961.16 (10) HALLUCINOGENIC SUBSTANCES. (a) Dronabinol (synthetic) in sesame  
2 oil and encapsulated in a soft gelatin capsule in a U.S. food and drug administration  
3 approved drug product. (Other names for dronabinol are (6a R-trans)-6a, 7, 8,  
4 10a-tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo (b, d) pyran-1-ol  
5 9-trimethyl-3-pentyl-6H-dibenzo(b, d)pyran-1-ol, or and  
6 (-)-delta-9-(trans)-tetrahydrocannabinol.)

7           (b) Nabilone (another name for nabilone: is (+)-trans-3-  
8 (1,1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6  
9 10a-hexahydro-1-hydroxy-6, 6-dimethyl-9H-dibenzo [b,d] pyran-9-one).

10           **SECTION 179.** 161.17 (title) of the statutes is renumbered 961.17 (title).

11           **SECTION 180.** 161.17 of the statutes is renumbered 961.17 (1m), and 961.17  
12 (1m) (intro.) and (a), as renumbered, are amended to read:

13           961.17 (1m) (intro.) The controlled substances board shall ~~place~~ add a  
14 substance ~~in~~ to schedule III ~~if it finds~~ upon finding that:

15           (a) The substance has a potential for abuse less than the substances listed  
16 included in schedules I and II;

17           **SECTION 181.** 161.18 (title) of the statutes is renumbered 961.18 (title).

18           **SECTION 182.** 161.18 (1) (title) of the statutes is repealed.

19           **SECTION 183.** 161.18 (1) of the statutes is renumbered 961.18 (intro.) and  
20 amended to read:

21           961.18 (intro.) The Unless specifically excepted by state or federal law or  
22 regulation or more specifically included in another schedule, the following controlled  
23 substances are listed in ~~this section~~ ~~are included in~~ schedule III.:

24           **SECTION 184.** 161.18 (2m) of the statutes is renumbered 961.18 (2m), and  
25 961.18 (2m) (intro.), as renumbered, is amended to read:

1           961.18 **(2m)** STIMULANTS. (intro.) ~~Unless specifically excepted by federal~~  
2 ~~regulations or unless listed in another schedule, any Any material, compound,~~  
3 ~~mixture, or preparation which contains any quantity of any of the following~~  
4 ~~substances having a stimulant effect on the central nervous system or, including any~~  
5 ~~of their salts, isomers or and salts of isomers, if salts, isomers or salts of isomers exist~~  
6 ~~that are theoretically possible within the specific chemical designation:~~

7           **SECTION 185.** 161.18 (3) (intro.) of the statutes is renumbered 961.18 (3) (intro.)  
8 and amended to read:

9           961.18 **(3)** DEPRESSANTS. (intro.) ~~Unless specifically excepted under federal~~  
10 ~~regulations or unless listed in another schedule, any Any material, compound,~~  
11 ~~mixture or preparation which contains any quantity of any of the following~~  
12 ~~substances having a depressant effect on the central nervous system or, including~~  
13 ~~any of their salts, isomers or and salts of isomers, if salts, isomers or salts of isomers~~  
14 ~~exist that are theoretically possible within the specific chemical designation:~~

15           **SECTION 186.** 161.18 (3) (a) of the statutes is renumbered 961.18 (3) (a) and  
16 amended to read:

17           961.18 **(3)** (a) Any substance which contains ~~any quantity of~~ a derivative of  
18 barbituric acid, ~~or any salt of a derivative of barbituric acid, except those substances~~  
19 ~~which are specifically listed in other schedules;~~

20           **SECTION 187.** 161.18 (3) (b) of the statutes is renumbered 961.18 (3) (b).

21           **SECTION 188.** 161.18 (3) (d) of the statutes is renumbered 961.18 (3) (d).

22           **SECTION 189.** 161.18 (3) (e) of the statutes is renumbered 961.18 (3) (e).

23           **SECTION 190.** 161.18 (3) (f) of the statutes is renumbered 961.18 (3) (f).

24           **SECTION 191.** 161.18 (3) (h) of the statutes is renumbered 961.18 (3) (h).

25           **SECTION 192.** 161.18 (3) (j) of the statutes is renumbered 961.18 (3) (j).

**SECTION 193**

1           **SECTION 193.** 161.18 (3) (k) of the statutes is renumbered 961.18 (3) (k) and  
2 amended to read:

3           961.18 (3) (k) Sulphonmethane;

4           **SECTION 194.** 161.18 (3) (km) of the statutes is renumbered 961.18 (3) (km) and  
5 amended to read:

6           961.18 (3) (km) Tiletamine and Zolazepam ~~or any salt thereof~~ in combination;

7           **SECTION 195.** 161.18 (3) (m) of the statutes is renumbered 961.18 (3) (m) (intro.)  
8 and amended to read:

9           961.18 (3) (m) (intro.) Any compound, mixture, or preparation containing  
10 ~~amobarbital, secobarbital, pentobarbital~~ any of the following drugs and one or more  
11 other active medicinal ingredients ~~which are not listed~~ included in any schedule.;

12           **SECTION 196.** 161.18 (3) (n) of the statutes is renumbered 961.18 (3) (n) (intro.)  
13 and amended to read:

14           961.18 (3) (n) (intro.) Any of the following drugs in suppository dosage form  
15 containing ~~amobarbital, secobarbital or pentobarbital~~ and approved by the federal  
16 food and drug administration for marketing only as a suppository.;

17           **SECTION 197.** 161.18 (4) of the statutes is renumbered 961.18 (4), and 961.18  
18 (4) (intro.), as renumbered, is amended to read:

19           961.18 (4) OTHER SUBSTANCES. (intro.) ~~Unless specifically excepted under~~  
20 ~~federal regulations or unless listed in another schedule, any~~ Any material,  
21 compound, mixture or preparation which contains any quantity of the following  
22 substances ~~or, including any of their salts, isomers or~~ and salts of isomers, ~~if salts,~~  
23 ~~isomers or salts of isomers exist under~~ that are theoretically possible within the  
24 specific chemical designation:

1           **SECTION 198.** 161.18 (5) of the statutes is renumbered 961.18 (5), and 961.18  
2 (5) (intro.), (a), (b), (c), (d), (e) and (f), as renumbered, are amended to read:

3           **961.18 (5) NARCOTIC DRUGS.** (intro.) ~~Unless specifically excepted under federal~~  
4 ~~regulations or unless listed in another schedule, any~~ Any material, compound,  
5 mixture or preparation containing any of the following narcotic drugs or their salts,  
6 isomers or salts of isomers, calculated as the free anhydrous base or alkaloid, in the  
7 ~~following specified~~ limited quantities as follows:

8           (a) Not more than 1.8 grams of codeine per 100 milliliters or per 100 grams or  
9 not more than 90 milligrams per dosage unit, with an equal or greater quantity of  
10 an isoquinoline alkaloid of opium;.

11           (b) Not more than 1.8 grams of codeine per 100 milliliters or per 100 grams or  
12 not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic  
13 ingredients in recognized therapeutic amounts;.

14           (c) Not more than 300 milligrams of hydrocodone per 100 milliliters or per 100  
15 grams or not more than 15 milligrams per dosage unit, with a four-fold or greater  
16 quantity of an isoquinoline alkaloid of opium;.

17           (d) Not more than 300 milligrams of hydrocodone per 100 milliliters or per 100  
18 grams or not more than 15 milligrams per dosage unit, with one or more active,  
19 nonnarcotic ingredients in recognized therapeutic amounts;.

20           (e) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or per 100  
21 grams or not more than 90 milligrams per dosage unit, with one or more active,  
22 nonnarcotic ingredients in recognized therapeutic amounts;.

23           (f) Not more than 300 milligrams of ethylmorphine per 100 milliliters or per  
24 100 grams or not more than 15 milligrams per dosage unit, with one or more  
25 ingredients in recognized therapeutic amounts;.

1           **SECTION 199.** 161.18 (6) of the statutes is renumbered 961.18 (6) and amended  
2 to read:

3           **961.18 (6) EXCEPTIONS.** The controlled substances board may except by rule any  
4 compound, mixture or preparation containing any stimulant or depressant  
5 substance ~~listed~~ included in sub. (2m) or (3) from the application of all or any part  
6 of this chapter if the compound, mixture or preparation contains one or more active  
7 medicinal ingredients not having a stimulant or depressant effect on the central  
8 nervous system, and if the admixtures are included therein in combinations,  
9 quantity, proportion or concentration that vitiate the potential for abuse of the  
10 substances which have a stimulant or depressant effect on the central nervous  
11 system.

12           **SECTION 200.** 161.18 (7) of the statutes is renumbered 961.18 (7), and 961.18  
13 (7) (intro.), as renumbered, is amended to read:

14           **961.18 (7) (title) ANABOLIC ~~STERIODS~~ STERIODS.** (intro.) Any material,  
15 compound, mixture, or preparation containing any quantity of any of the following  
16 anabolic steroids, including any of their esters, isomers, esters of isomers, salts and  
17 salts of esters, isomers and esters of isomers, ~~whenever those esters, isomers, esters~~  
18 ~~of isomers, salts and salts, esters, isomers and esters of isomers exist~~ that are  
19 theoretically possible within the specific chemical designation:

20           **SECTION 201.** 161.19 (title) of the statutes is renumbered 961.19 (title).

21           **SECTION 202.** 161.19 of the statutes is renumbered 961.19 (1m), and 961.19  
22 (1m) (intro.), (a) and (c), as renumbered, are amended to read:

23           **961.19 (1m) (intro.)** The controlled substances board shall ~~plae~~ add a  
24 substance ~~in~~ to schedule IV ~~if it finds~~ upon finding that:

1 (a) The substance has a low potential for abuse relative to substances included  
2 in schedule III;

3 (c) Abuse of the substance may lead to limited physical dependence or  
4 psychological dependence relative to the substances included in schedule III.

5 **SECTION 203.** 161.20 (title) of the statutes is renumbered 961.20 (title).

6 **SECTION 204.** 161.20 (1) (title) of the statutes is repealed.

7 **SECTION 205.** 161.20 (1) of the statutes is renumbered 961.20 (intro.) and  
8 amended to read:

9 961.20 (intro.) The Unless specifically excepted by state or federal law or  
10 regulation or more specifically included in another schedule, the following controlled  
11 substances are listed in this section are included in schedule IV.:

12 **SECTION 206.** 161.20 (2) of the statutes is renumbered 961.20 (2), and 961.20  
13 (2) (intro.) and (h), as renumbered, are amended to read:

14 961.20 (2) DEPRESSANTS. (intro.) ~~Unless specifically excepted under federal~~  
15 ~~regulations or unless listed in another schedule, any~~ Any material, compound,  
16 mixture or preparation which contains any quantity of any of the following  
17 substances having a depressant effect on the central nervous system ~~or, including~~  
18 any of their salts, isomers or and salts of isomers, if salts, isomers or salts of isomers  
19 ~~exist under that are theoretically possible within~~ the specific chemical designation:

20 (h) Methylphenobarbital, which is also called mephobarbital;

21 **SECTION 207.** 161.20 (2m) (intro.) of the statutes is renumbered 961.20 (2m)  
22 (intro.) and amended to read:

23 961.20 (2m) STIMULANTS. (intro.) ~~Unless specifically excepted under federal~~  
24 ~~regulations or unless listed in another schedule, any~~ Any material, compound,  
25 mixture, or preparation which contains any quantity of any of the following

1 substances having a stimulant effect on the central nervous system or, including any  
2 of their salts, isomers or and salts of isomers, if salts, isomers or salts of isomers exist  
3 under that are theoretically possible within the specific chemical designation:

4 **SECTION 208.** 161.20 (2m) (a) of the statutes is renumbered 961.20 (2m) (a).

5 **SECTION 209.** 161.20 (2m) (ag) of the statutes is renumbered 961.20 (2m) (ag)  
6 and amended to read:

7 961.20 (2m) (ag) ~~N,N-dimethyl-1,2-diphenylethylamine~~  
8 N,N-dimethyl-1,2-diphenylethylamine, commonly known as "SPA";

9 **SECTION 210.** 161.20 (2m) (ar) of the statutes is renumbered 961.20 (2m) (ar)  
10 and amended to read:

11 961.20 (2m) (ar) ~~Fencamfamine~~;

12 **SECTION 211.** 161.20 (2m) (b) of the statutes is renumbered 961.20 (4) (am) and  
13 amended to read:

14 961.20 (4) (am) ~~Fenfluramine~~, including any of its isomers and salts of isomers.

15 **SECTION 212.** 161.20 (2m) (bm) of the statutes is renumbered 961.20 (2m) (bm)  
16 and amended to read:

17 961.20 (2m) (bm) ~~Mazindol~~;

18 **SECTION 213.** 161.20 (2m) (c) of the statutes is renumbered 961.20 (2m) (c) and  
19 amended to read:

20 961.20 (2m) (c) ~~Pemoline~~, including its organometallic complexes and chelates.

21 **SECTION 214.** 161.20 (2m) (d) of the statutes is renumbered 961.20 (2m) (d).

22 **SECTION 215.** 161.20 (2m) (e) of the statutes is renumbered 961.20 (2m) (e).

23 **SECTION 216.** 161.20 (3) of the statutes is renumbered 961.20 (3), and 961.20  
24 (3) (intro.), as renumbered, is amended to read:

1           961.20 (3) NARCOTIC DRUGS CONTAINING NONNARCOTIC ACTIVE MEDICINAL  
2 INGREDIENTS. (intro.) Any compound, mixture or preparation containing limited  
3 quantities of any of the following narcotic drugs or their salts, isomers or salts of  
4 isomers, in limited quantities as set forth below, calculated as the free anhydrous  
5 base or alkaloid, which also contains one or more nonnarcotic, active medicinal  
6 ingredients in sufficient proportion to confer upon the compound, mixture or  
7 preparation valuable medicinal qualities other than those possessed by the narcotic  
8 drug alone:

9           **SECTION 217.** 161.20 (3m) (title) of the statutes is repealed.

10           **SECTION 218.** 161.20 (3m) of the statutes is renumbered 961.20 (2m) (ak) and  
11 amended to read:

12           961.20 (2m) (ak) ~~Unless specifically excepted under federal regulations or~~  
13 ~~unless listed in another schedule, any material, compound, mixture or preparation~~  
14 ~~that contains any quantity of ephedrine or a salt of ephedrine, an optical isomer of~~  
15 ~~ephedrine or a salt of an optical isomer of ephedrine. This subsection applies only~~  
16 Ephedrine, if the ephedrine, salt, optical isomer or salt of the optical isomer is the  
17 only active medicinal ingredient or if there are only therapeutically insignificant  
18 quantities of another active medicinal ingredient.

19           **SECTION 219.** 161.20 (4) of the statutes is renumbered 961.20 (4), and 961.20  
20 (4) (intro.) and (b), as renumbered, are amended to read:

21           961.20 (4) OTHER SUBSTANCES. (intro.) ~~Unless specifically excepted under~~  
22 ~~federal regulations or unless listed in another schedule, any~~ Any material,  
23 compound, mixture or preparation which contains any quantity of any of the  
24 following substances or their salts:

25           (b) Pentazocine, including any of its isomers and salts of isomers.



1           **SECTION 220.** 161.20 (5) of the statutes is renumbered 961.20 (5) and amended  
2 to read:

3           **961.20 (5) EXCEPTIONS.** The controlled substances board may except by rule any  
4 compound, mixture or preparation containing any depressant substance listed  
5 included in sub. (2) from the application of all or any part of this chapter if the  
6 compound, mixture or preparation contains one or more active medicinal ingredients  
7 not having a depressant effect on the central nervous system, and if the admixtures  
8 are ~~included therein~~ in combinations, quantity, proportion or concentration that  
9 vitiate the potential for abuse of the substances which have a depressant effect on  
10 the central nervous system.

11           **SECTION 221.** 161.21 (title) of the statutes is renumbered 961.21 (title).

12           **SECTION 222.** 161.21 of the statutes is renumbered 961.21 (1m), and 961.21  
13 (1m) (intro.), (a) and (c), as renumbered, are amended to read:

14           **961.21 (1m) (intro.)** The controlled substances board shall ~~place~~ add a  
15 substance ~~in~~ to schedule V ~~if it finds~~ upon finding that:

16           (a) The substance has low potential for abuse relative to the controlled  
17 substances ~~listed~~ included in schedule IV;

18           (c) The substance has limited physical dependence or psychological  
19 dependence liability relative to the controlled substances ~~listed~~ included in schedule  
20 IV.

21           **SECTION 223.** 161.22 (title) of the statutes is renumbered 961.22 (title).

22           **SECTION 224.** 161.22 (1) (title) of the statutes is repealed.

23           **SECTION 225.** 161.22 (1) of the statutes is renumbered 961.22 (intro.) and  
24 amended to read:

1           961.22 (intro.) The Unless specifically excepted by state or federal law or  
2 regulation or more specifically included in another schedule, the following controlled  
3 substances ~~are listed in this section are included in~~ schedule V.:

4           **SECTION 226.** 161.22 (1m) of the statutes is renumbered 961.22 (1m), and  
5 961.22 (1m) (intro.), as renumbered, is amended to read:

6           961.22 **(1m)** NARCOTIC DRUGS. (intro.) ~~Unless specifically excepted under~~  
7 ~~federal regulations or unless listed in another schedule, Any material, compound,~~  
8 ~~mixture or preparation containing any quantity of any of the following substances~~  
9 ~~or, including any of their salts, isomers or and salts of isomers, if salts, isomers or~~  
10 ~~salts of isomers exist under that are theoretically possible within the specific~~  
11 ~~chemical designation.:~~

12           **SECTION 227.** 161.22 (2) of the statutes is renumbered 961.22 (2), and 961.22  
13 (2) (intro.), as renumbered, is amended to read:

14           961.22 **(2)** NARCOTIC DRUGS CONTAINING NONNARCOTIC ACTIVE MEDICINAL  
15 INGREDIENTS. (intro.) Any compound, mixture or preparation containing ~~limited~~  
16 ~~quantities of~~ any of the following narcotic drugs or their salts, isomers or salts of  
17 isomers, in limited quantities as set forth below, calculated as the free anhydrous  
18 base or alkaloid, which also contains one or more nonnarcotic, active medicinal  
19 ingredients in sufficient proportion to confer upon the compound, mixture or  
20 preparation, valuable medicinal qualities other than those possessed by the narcotic  
21 drug alone:

22           **SECTION 228.** 161.23 of the statutes is renumbered 961.23, and 961.23 (4), as  
23 renumbered, is amended to read:

24           961.23 **(4)** That any person purchasing such a substance at the time of purchase  
25 present to the seller that person's correct name and address. The seller shall record

1 the name and address and the name and quantity of the product sold. The purchaser  
2 and the seller shall sign the record of this transaction. The giving of a false name or  
3 false address by the purchaser shall be prima facie evidence of a violation of s. ~~161.43~~  
4 961.43 (1) (a).

5 **SECTION 229.** 161.24 of the statutes is renumbered 961.24 and amended to  
6 read:

7 **961.24** (title) **Republishing Publishing of updated schedules.** The  
8 controlled substances board shall ~~revise and republish the~~ publish updated  
9 schedules annually. The failure of the controlled substances board to publish an  
10 updated schedule under this section is not a defense in any administrative or judicial  
11 proceeding under this chapter.

12 **SECTION 230.** Subchapter III (title) of chapter 161 [precedes 161.31] of the  
13 statutes is renumbered subchapter III (title) of chapter 961 [precedes 961.31].

14 **SECTION 231.** 161.31 of the statutes is renumbered 961.31.

15 **SECTION 232.** 161.32 of the statutes is renumbered 961.32.

16 **SECTION 233.** 161.335 of the statutes is renumbered 961.335, and 961.335 (4)  
17 (c), as renumbered, is amended to read:

18 961.335 (4) (c) The controlled substances to be used in the project, by name if  
19 included in schedule I, and by name or schedule if included in any other schedule.

20 **SECTION 234.** 161.36 of the statutes is renumbered 961.36 and amended to  
21 read:

22 **961.36 Diversion control and prevention. (1)** The controlled substances  
23 board shall regularly prepare and make available to state regulatory, licensing and  
24 law enforcement agencies descriptive and analytic reports on the potential for  
25 diversion and actual ~~diversion~~ patterns and trends of distribution, diversion and

**SECTION 234**

1 abuse within the state of certain controlled substances the board selects that are  
2 listed in s. 161.16, 161.18, 161.20 or 161.22 961.16, 961.18, 961.20 or 961.22.

3 (2) The controlled substances board shall enter into written agreements with  
4 ~~other~~ local, state or ~~and~~ federal agencies to improve the identification of sources of  
5 diversion and to improve enforcement of and compliance with this chapter and other  
6 laws and regulations pertaining to unlawful conduct involving controlled  
7 substances. An agreement must specify the roles and responsibilities of each agency  
8 that has information or authority to identify, prevent or control drug diversion and  
9 drug abuse. The board shall convene periodic meetings to coordinate a state  
10 diversion prevention and control program. The board shall assist and promote  
11 ~~coordination of cooperation and exchange of information among agencies responsible~~  
12 ~~for ensuring compliance with controlled substances law, to monitor observance of~~  
13 ~~these laws and to monitor cooperation between the agencies~~ and with other states  
14 and the federal government.

15 (3) The controlled substances board shall evaluate the outcome of its program  
16 under this section and shall annually submit a report to the chief clerk of each house  
17 of the legislature, for distribution to the legislature under s. 13.172 (3), on its findings  
18 with respect to its effect on distribution and abuse of controlled substances, including  
19 recommendations for improving control and prevention of the diversion of controlled  
20 substances.

21 **SECTION 235.** 161.38 (title) of the statutes is renumbered 961.38 (title).

22 **SECTION 236.** 161.38 (1) of the statutes is renumbered 961.38 (1r) and amended  
23 to read:

1           961.38 (1r) Except when dispensed directly by a practitioner, other than a  
2 pharmacy, to an ultimate user, no controlled substance included in schedule II may  
3 be dispensed without the written prescription of a practitioner.

4           **SECTION 237.** 161.38 (2) of the statutes is renumbered 961.38 (2) and amended  
5 to read:

6           961.38 (2) In emergency situations, as defined by rule of the pharmacy  
7 examining board, schedule II drugs may be dispensed upon oral prescription of a  
8 practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions  
9 shall be retained in conformity with rules of the pharmacy examining board  
10 promulgated under s. ~~161.31~~ 961.31. No prescription for a schedule II substance may  
11 be refilled.

12           **SECTION 238.** 161.38 (3) of the statutes is renumbered 961.38 (3).

13           **SECTION 239.** 161.38 (4) of the statutes is renumbered 961.38 (4) and amended  
14 to read:

15           961.38 (4) A ~~controlled~~ substance included in schedule V shall not may be  
16 distributed or dispensed ~~other than~~ only for a medical purpose, including medical  
17 treatment or authorized research.

18           **SECTION 240.** 161.38 (5) of the statutes is renumbered 961.38 (5).

19           **SECTION 241.** 161.39 of the statutes is renumbered 961.39, and 961.39 (3) (b),  
20 as renumbered, is amended to read:

21           961.39 (3) (b) The indicated use of the controlled substance ~~classified~~ included  
22 in schedule III, IV or V so prescribed.

23           **SECTION 242.** Subchapter IV (title) of chapter 161 [precedes 161.41] of the  
24 statutes is renumbered subchapter IV (title) of chapter 961 [precedes 961.41].

25           **SECTION 243.** 161.41 (title) of the statutes is renumbered 961.41 (title).

1           **SECTION 244.** 161.41 (1) of the statutes is renumbered 961.41 (1) and amended  
2 to read:

3           961.41 (1) (title) MANUFACTURE, DISTRIBUTION OR DELIVERY. Except as authorized  
4 by this chapter, it is unlawful for any person to manufacture, distribute or deliver a  
5 controlled substance or controlled substance analog. Any person who violates this  
6 subsection with respect to:

7           (a) Except as provided in par. (d), a controlled substance ~~classified~~ included in  
8 schedule I or II which is a narcotic drug, or a controlled substance analog of a  
9 controlled substance included in schedule I or II which is a narcotic drug, may be  
10 fined not more than \$25,000 or imprisoned for not more than 15 years or both;.

11           (b) Except as provided in pars. (cm) and (e) to (h), any other controlled  
12 substance ~~classified~~ included in schedule I, II or III, or a controlled substance analog  
13 of any other controlled substance included in schedule I or II, may be fined not more  
14 than \$15,000 or imprisoned for not more than 5 years or both;.

15           (cm) ~~A controlled substance under s. 161.16 (2) (b) Cocaine or cocaine base, or~~  
16 a controlled substance analog of cocaine or cocaine base, is subject to the following  
17 penalties if the amount manufactured, distributed or delivered is:

18           1. ~~If the amount manufactured or delivered is 5~~ Five grams or less, the person  
19 shall be fined not more than \$500,000 and shall may be imprisoned for not more than  
20 10 years.

21           2. ~~If the amount manufactured or delivered is more~~ More than 5 grams but not  
22 more than 15 grams, the person shall be fined not more than \$500,000 and shall be  
23 imprisoned for not less than one year nor more than 15 years.

1           3. ~~If the amount manufactured or delivered is more~~ More than 15 grams but  
2 not more than 40 grams, the person shall be fined not more than \$500,000 and shall  
3 be imprisoned for not less than 3 years nor more than 20 years.

4           4. ~~If the amount manufactured or delivered is more~~ More than 40 grams but  
5 not more than 100 grams, the person shall be fined not more than \$500,000 and shall  
6 be imprisoned for not less than 5 years nor more than 30 years.

7           5. ~~If the amount manufactured or delivered is more~~ More than 100 grams, the  
8 person shall be fined not more than \$500,000 and shall be imprisoned for not less  
9 than 10 years nor more than 30 years.

10           (d) Heroin or a controlled substance analog of heroin is subject to the following  
11 penalties if the amount manufactured, distributed or delivered is:

12           1. ~~If the amount manufactured or delivered is 3~~ Three grams or less, the person  
13 shall be fined not less than \$1,000 nor more than \$200,000 and may be imprisoned  
14 for not more than 15 years.

15           2. ~~If the amount manufactured or delivered is more~~ More than 3 grams but not  
16 more than 10 grams, the person shall be fined not less than \$1,000 nor more than  
17 \$250,000 and shall be imprisoned for not less than 6 months nor more than 15 years.

18           3. ~~If the amount manufactured or delivered is more~~ More than 10 grams but  
19 not more than 50 grams, the person shall be fined not less than \$1,000 nor more than  
20 \$500,000 and shall be imprisoned for not less than one year nor more than 15 years.

21           4. ~~If the amount manufactured or delivered is more~~ More than 50 grams but  
22 not more than 200 grams, the person shall be fined not less than \$1,000 nor more  
23 than \$500,000 and shall be imprisoned for not less than 3 years nor more than 15  
24 years.

1           5. ~~If the amount manufactured or delivered is more~~ More than 200 grams but  
2 not more than 400 grams, the person shall be fined not less than \$1,000 nor more  
3 than \$500,000 and shall be imprisoned for not less than 5 years nor more than 15  
4 years.

5           6. ~~If the amount manufactured or delivered is more~~ More than 400 grams, the  
6 person shall be fined not less than \$1,000 nor more than \$1,000,000 and shall be  
7 imprisoned for not less than 10 years nor more than 30 years.

8           (e) Phencyclidine, amphetamine ~~or~~, methamphetamine or a ~~controlled~~  
9 ~~substance under s. 161.14 (7) (L)~~ methcathinone, or a controlled substance analog of  
10 phencyclidine, amphetamine, methamphetamine or methcathinone, is subject to the  
11 following penalties if the amount manufactured, distributed or delivered is:

12           1. ~~If the amount manufactured or delivered is 3~~ Three grams or less, the person  
13 shall be fined not less than \$1,000 nor more than \$200,000 and may be imprisoned  
14 for not more than 5 years.

15           2. ~~If the amount manufactured or delivered is more~~ More than 3 grams but not  
16 more than 10 grams, the person shall be fined not less than \$1,000 nor more than  
17 \$250,000 and shall be imprisoned for not less than 6 months nor more than 5 years.

18           3. ~~If the amount manufactured or delivered is more~~ More than 10 grams but  
19 not more than 50 grams, the person shall be fined not less than \$1,000 nor more than  
20 \$500,000 and shall be imprisoned for not less than one year nor more than 15 years.

21           4. ~~If the amount manufactured or delivered is more~~ More than 50 grams but  
22 not more than 200 grams, the person shall be fined not less than \$1,000 nor more  
23 than \$500,000 and shall be imprisoned for not less than 3 years nor more than 15  
24 years.



1           5. ~~If the amount manufactured or delivered is more~~ More than 200 grams but  
2 not more than 400 grams, the person shall be fined not less than \$1,000 nor more  
3 than \$500,000 and shall be imprisoned for not less than 5 years nor more than 15  
4 years.

5           6. ~~If the amount manufactured or delivered is more~~ More than 400 grams, the  
6 person shall be fined not less than \$1,000 nor more than \$1,000,000 and shall be  
7 imprisoned for not less than 10 years nor more than 30 years.

8           (f) Lysergic acid diethylamide or a controlled substance analog of lysergic acid  
9 diethylamide is subject to the following penalties if the amount manufactured,  
10 distributed or delivered is:

11           1. ~~If the amount manufactured or delivered is one~~ One gram or less, the person  
12 shall be fined not less than \$1,000 nor more than \$200,000 and may be imprisoned  
13 for not more than 5 years.

14           2. ~~If the amount manufactured or delivered is more~~ More than one gram but  
15 not more than 5 grams, the person shall be fined not less than \$1,000 nor more than  
16 \$250,000 and shall be imprisoned for not less than 6 months nor more than 5 years.

17           3. ~~If the amount manufactured or delivered is more~~ More than 5 grams, the  
18 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be  
19 imprisoned for not less than one year nor more than 15 years.

20           (g) Psilocin or psilocybin, or a controlled substance analog of psilocin or  
21 psilocybin, is subject to the following penalties if the amount manufactured,  
22 distributed or delivered is:

23           1. ~~If the amount manufactured or delivered is 100~~ One hundred grams or less,  
24 the person shall be fined not less than \$1,000 nor more than \$200,000 and may be  
25 imprisoned for not more than 5 years.

1           2. ~~If the amount manufactured or delivered is more~~ More than 100 grams but  
2 not more than 500 grams, the person shall be fined not less than \$1,000 nor more  
3 than \$250,000 and shall be imprisoned for not less than 6 months nor more than 5  
4 years.

5           3. ~~If the amount manufactured or delivered is more~~ More than 500 grams, the  
6 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be  
7 imprisoned for not less than one year nor more than 15 years.

8           (h) ~~Tetrahydrocannabinols, listed at~~ included under s. 161.14 961.14 (4) (t), or  
9 a controlled substance analog of tetrahydrocannabinols, is subject to the following  
10 penalties if the amount manufactured, distributed or delivered is:

11           1. ~~If the amount manufactured or delivered is 500~~ Five hundred grams or less,  
12 or ~~10 marijuana or fewer plants or less~~ containing tetrahydrocannabinols, the person  
13 shall be fined not less than \$500 nor more than \$25,000 and may be imprisoned for  
14 not more than 3 years.

15           2. ~~If the amount manufactured or delivered is more~~ More than 500 grams but  
16 not more than 2,500 grams, or more than 10 ~~marijuana~~ plants containing  
17 tetrahydrocannabinols but not more than 50 ~~marijuana~~ plants containing  
18 tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than  
19 \$50,000 and shall be imprisoned for not less than 3 months nor more than 5 years.

20           3. ~~If the amount manufactured or delivered is more~~ More than 2,500 grams, or  
21 more than 50 ~~marijuana~~ plants containing tetrahydrocannabinols, the person shall  
22 be fined not less than \$1,000 nor more than \$100,000 and shall be imprisoned for not  
23 less than one year nor more than 10 years.

24           (i) A substance ~~classified~~ included in schedule IV, may be fined not more than  
25 \$10,000 or imprisoned for not more than 3 years or both.

1 (j) A substance ~~classified~~ included in schedule V, may be fined not more than  
2 \$5,000 or imprisoned for not more than one year or both.

3 **SECTION 245.** 161.41 (1m) of the statutes is renumbered 961.41 (1m) and  
4 amended to read:

5 961.41 (1m) (title) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR  
6 DELIVER. Except as authorized by this chapter, it is unlawful for any person to  
7 possess, with intent to manufacture, distribute or deliver, a controlled substance or  
8 a controlled substance analog. Intent under this subsection may be demonstrated  
9 by, without limitation because of enumeration, evidence of the quantity and  
10 monetary value of the substances possessed, the possession of manufacturing  
11 implements or paraphernalia, and the activities or statements of the person in  
12 possession of the controlled substance or a controlled substance analog prior to and  
13 after the alleged violation. Any person who violates this subsection with respect to:

14 (a) Except as provided in par. (d), a controlled substance ~~classified~~ included in  
15 schedule I and or II which is a narcotic drug or a controlled substance analog of a  
16 controlled substance included in schedule I or II which is a narcotic drug, may be  
17 fined not more than \$25,000 or imprisoned for not more than 15 years or both;.

18 (b) Except as provided in pars. (cm) and (e) to (h), any other controlled  
19 substance ~~classified~~ included in schedule I, II or III, or a controlled substance analog  
20 of any other controlled substance included in schedule I or II, may be fined not more  
21 than \$15,000 or imprisoned for not more than 5 years or both;.

22 ~~(cm) A controlled substance under s. 161.16 (2) (b) Cocaine or cocaine base, or~~  
23 a controlled substance analog of cocaine or cocaine base, is subject to the following  
24 penalties if the amount possessed, with intent to manufacture, distribute or deliver,  
25 is:

1           1. ~~If the amount possessed, with intent to manufacture or deliver, is 5~~ Five  
2 grams or less, the person shall be fined not more than \$500,000 and shall may be  
3 imprisoned for not more than 10 years.

4           2. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
5 than 5 grams but not more than 15 grams, the person shall be fined not more than  
6 \$500,000 and shall be imprisoned for not less than one year nor more than 15 years.

7           3. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
8 than 15 grams but not more than 40 grams, the person shall be fined not more than  
9 \$500,000 and shall be imprisoned for not less than 3 years nor more than 20 years.

10          4. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
11 than 40 grams but not more than 100 grams, the person shall be fined not more than  
12 \$500,000 and shall be imprisoned for not less than 5 years nor more than 30 years.

13          5. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
14 than 100 grams, the person shall be fined not more than \$500,000 and shall be  
15 imprisoned for not less than 10 years nor more than 30 years.

16          (d) Heroin or a controlled substance analog of heroin is subject to the following  
17 penalties if the amount possessed, with intent to manufacture, distribute or deliver,  
18 is:

19          1. ~~If the amount possessed, with intent to manufacture or deliver, is 3~~ Three  
20 grams or less, the person shall be fined not less than \$1,000 nor more than \$100,000  
21 and may be imprisoned for not more than 15 years.

22          2. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
23 than 3 grams but not more than 10 grams, the person shall be fined not less than  
24 \$1,000 nor more than \$200,000 and shall be imprisoned for not less than 6 months  
25 nor more than 15 years.

1           3. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
2 than 10 grams but not more than 50 grams, the person shall be fined not less than  
3 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year  
4 nor more than 15 years.

5           4. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
6 than 50 grams but not more than 200 grams, the person shall be fined not less than  
7 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 3 years nor  
8 more than 15 years.

9           5. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
10 than 200 grams but not more than 400 grams, the person shall be fined not less than  
11 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 5 years nor  
12 more than 15 years.

13           6. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
14 than 400 grams, the person shall be fined not less than \$1,000 nor more than  
15 \$1,000,000 and shall be imprisoned for not less than 10 years nor more than 30 years.

16           (e) Phencyclidine, amphetamine ~~or~~, methamphetamine or a ~~controlled~~  
17 ~~substance under s. 161.14 (7) (L)~~ methcathinone, or a controlled substance analog of  
18 phencyclidine, amphetamine, methamphetamine or methcathinone, is subject to the  
19 following penalties if the amount possessed, with intent to manufacture, distribute  
20 or deliver, is:

21           1. ~~If the amount possessed, with intent to manufacture or deliver, is 3~~ Three  
22 grams or less, the person shall be fined not less than \$1,000 nor more than \$100,000  
23 and may be imprisoned for not more than 5 years.

24           2. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
25 than 3 grams but not more than 10 grams, the person shall be fined not less than

1 \$1,000 nor more than \$200,000 and shall be imprisoned for not less than 6 months  
2 nor more than 5 years.

3 3. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
4 than 10 grams but not more than 50 grams, the person shall be fined not less than  
5 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year  
6 nor more than 15 years.

7 4. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
8 than 50 grams but not more than 200 grams, the person shall be fined not less than  
9 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 3 years nor  
10 more than 15 years.

11 5. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
12 than 200 grams but not more than 400 grams, the person shall be fined not less than  
13 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 5 years nor  
14 more than 15 years.

15 6. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
16 than 400 grams, the person shall be fined not less than \$1,000 nor more than  
17 \$1,000,000 and shall be imprisoned for not less than 10 years nor more than 30 years.

18 (f) Lysergic acid diethylamide or a controlled substance analog of lysergic acid  
19 diethylamide is subject to the following penalties if the amount possessed, with  
20 intent to manufacture, distribute or deliver, is:

21 1. ~~If the amount possessed, with intent to manufacture or deliver, is one~~ One  
22 gram or less, the person shall be fined not less than \$1,000 nor more than \$100,000  
23 and may be imprisoned for not more than 5 years.

24 2. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
25 than one gram but not more than 5 grams, the person shall be fined not less than

1 \$1,000 nor more than \$200,000 and shall be imprisoned for not less than 6 months  
2 nor more than 5 years.

3 ~~3. If the amount possessed, with intent to manufacture or deliver, is more~~ More  
4 than 5 grams, the person shall be fined not less than \$1,000 nor more than \$500,000  
5 and shall be imprisoned for not less than one year nor more than 15 years.

6 (g) Psilocin or psilocybin, or a controlled substance analog of psilocin or  
7 psilocybin, is subject to the following penalties if the amount possessed, with intent  
8 to manufacture, distribute or deliver, is:

9 1. ~~If the amount possessed, with intent to manufacture or deliver, is 100~~ One  
10 hundred grams or less, the person shall be fined not less than \$1,000 nor more than  
11 \$100,000 and may be imprisoned for not more than 5 years.

12 2. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
13 than 100 grams but not more than 500 grams, the person shall be fined not less than  
14 \$1,000 nor more than \$200,000 and shall be imprisoned for not less than 6 months  
15 nor more than 5 years.

16 3. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
17 than 500 grams, the person shall be fined not less than \$1,000 nor more than  
18 \$500,000 and shall be imprisoned for not less than one year nor more than 15 years.

19 (h) ~~Tetrahydrocannabinols, listed at~~ included under s. 161.14 961.14 (4) (t), or  
20 a controlled substance analog of tetrahydrocannabinols, is subject to the following  
21 penalties if the amount possessed, with intent to manufacture, distribute or deliver,  
22 is:

23 1. ~~If the amount possessed, with intent to manufacture or deliver, is 500~~ Five  
24 hundred grams or less, or 10 ~~marijuana~~ or fewer plants ~~or less~~ containing

1 tetrahydrocannabinols, the person shall be fined not less than \$500 nor more than  
2 \$25,000 and may be imprisoned for not more than 3 years.

3 2. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
4 than 500 grams but not more than 2,500 grams, or more than 10 marijuana plants  
5 containing tetrahydrocannabinols but not more than 50 marijuana plants  
6 containing tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor  
7 more than \$50,000 and shall be imprisoned for not less than 3 months nor more than  
8 5 years.

9 3. ~~If the amount possessed, with intent to manufacture or deliver, is more~~ More  
10 than 2,500 grams, or more than 50 marijuana plants containing  
11 tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than  
12 \$100,000 and shall be imprisoned for not less than one year nor more than 10 years.

13 (i) A substance ~~classified~~ included in schedule IV, may be fined not more than  
14 \$10,000 or imprisoned for not more than 3 years or both.

15 (j) A substance ~~classified~~ included in schedule V, may be fined not more than  
16 \$5,000 or imprisoned for not more than one year or both.

17 **SECTION 246.** 161.41 (1p) (a) (intro.) of the statutes is repealed.

18 **SECTION 247.** 161.41 (1p) (a) 1. of the statutes is renumbered 961.01 (20h).

19 **SECTION 248.** 161.41 (1p) (a) 2. of the statutes is renumbered 961.01 (21m).

20 **SECTION 249.** 161.41 (1p) (b) of the statutes is renumbered 961.492, and  
21 961.492 (intro.) and (1), as renumbered, are amended to read:

22 **961.492** (title) **Distribution or possession with intent to deliver certain**  
23 **controlled substances on public transit vehicles.** If a person violates sub. s.  
24 961.41 (1) or (1m) under all of the following circumstances, the maximum period of



1 imprisonment under ~~sub. s. 961.41~~ (1) or (1m) may be increased by not more than 5  
2 years:

3 (1) The violation of ~~sub. s. 961.41~~ (1) or (1m) involves the delivery or the  
4 possession, with intent to deliver, of any controlled substance included in schedule  
5 I or II or a controlled substance analog of any controlled substance included in  
6 schedule I or II.

7 SECTION 250. 161.41 (1q) of the statutes is renumbered 961.41 (1q) and  
8 amended to read:

9 961.41 (1q) (title) PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN  
10 CASES. Under subs. (1) (h) and (1m) (h) and s. ~~161.49~~ 961.49 (2), if different penalty  
11 provisions apply to a person depending on whether the weight of  
12 tetrahydrocannabinols or the number of ~~marijuana~~ plants containing  
13 tetrahydrocannabinols is considered, the greater penalty provision applies.

14 SECTION 251. 161.41 (1r) of the statutes is renumbered 961.41 (1r) and  
15 amended to read:

16 961.41 (1r) (title) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts  
17 under subs. (1) and (1m) and s. ~~161.49~~ 961.49 (2) (b), an amount includes the weight  
18 of ~~the controlled substance included under s. 161.16 (2) (b) cocaine, cocaine base,~~  
19 heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin,  
20 amphetamine, methamphetamine, methcathinone or tetrahydrocannabinols or any  
21 controlled substance analog of these substances together with any compound,  
22 mixture, diluent, plant material or other substance mixed or combined with the  
23 controlled substance or controlled substance analog. In addition, in determining  
24 amounts under subs. (1) (h) and (1m) (h), the amount of tetrahydrocannabinols

1 means anything ~~covered~~ included under s. ~~161.14~~ 961.14 (4) (t) and includes the  
2 weight of any marijuana.

3 **SECTION 252.** 161.41 (1x) of the statutes is renumbered 961.41 (1x).

4 **SECTION 253.** 161.41 (2) of the statutes is renumbered 961.41 (2) and amended  
5 to read:

6 961.41 (2) (title) COUNTERFEIT SUBSTANCES. Except as authorized by this  
7 chapter, it is unlawful for any person to create, manufacture, deliver or possess with  
8 intent to deliver, a counterfeit substance. Any person who violates this subsection  
9 with respect to:

10 (a) A counterfeit substance ~~classified~~ included in schedule I or II which is a  
11 narcotic drug, may be fined not more than \$25,000 or imprisoned for not more than  
12 15 years or both;.

13 (b) Any other counterfeit substance ~~classified~~ included in schedule I, II or III,  
14 may be fined not more than \$15,000 or imprisoned for not more than 5 years or both;.

15 (c) A counterfeit substance ~~classified~~ included in schedule IV, may be fined not  
16 more than \$10,000 or imprisoned for not more than 3 years or both;.

17 (d) A counterfeit substance ~~classified~~ included in schedule V, may be fined not  
18 more than \$5,000 or imprisoned for not more than one year or both.

19 **SECTION 254.** 161.41 (2m) of the statutes is renumbered 961.41 (4) (bm) and  
20 amended to read:

21 961.41 (4) (bm) It is unlawful for any person to agree, consent or offer to  
22 lawfully manufacture, deliver, distribute or dispense any controlled substance to any  
23 person, or to offer, arrange or negotiate to have any controlled substance unlawfully  
24 manufactured, delivered, distributed or dispensed, and then manufacture, deliver,  
25 distribute or dispense or offer, arrange or negotiate to have manufactured, delivered,

1 distributed or dispensed to any such person a substance which is not a controlled  
2 substance. Any person who violates this subsection paragraph may be fined not  
3 more than \$500 or imprisoned for not more than 6 months or both.

4 **SECTION 255.** 161.41 (2r) (a) of the statutes is renumbered 961.41 (3g) (intro.)  
5 and amended to read:

6 961.41 (3g) (title) POSSESSION. (intro.) ~~Except as provided in par. (b), it is~~  
7 ~~unlawful for any person to~~ No person may possess or attempt to possess a controlled  
8 substance ~~classified in schedule I or II that is a narcotic drug~~ or a controlled  
9 substance analog unless the substance was obtained person obtains the substance  
10 or the analog directly from, or pursuant to a valid prescription or order of, a  
11 practitioner ~~while~~ who is acting in the course of his or her professional practice, or  
12 ~~except as~~ unless the person is otherwise authorized by this chapter to possess the  
13 substance or the analog. Any person who violates this ~~paragraph~~ subsection is  
14 subject to the following penalties:

15 (a) 1. Except as provided in subd. 2., if the person possesses a controlled  
16 substance included in schedule I or II which is a narcotic drug, or possesses a  
17 controlled substance analog of a controlled substance included in schedule I or II  
18 which is a narcotic drug, the person may, upon a first conviction, may be fined not  
19 more than \$5,000 or imprisoned for not more than one year or both, and for a 2nd or  
20 subsequent offense, the person may be fined not more than \$10,000 or imprisoned  
21 for not more than 2 years or both.

22 **SECTION 256.** 161.41 (2r) (b) of the statutes is renumbered 961.41 (3g) (a) 2. and  
23 amended to read:

24 961.41 (3g) (a) 2. ~~It is unlawful for any person to possess or attempt~~ If the  
25 person possesses or attempts to possess heroin ~~unless it was obtained directly from,~~

1 ~~or pursuant to a valid prescription or order of, a practitioner while acting in the~~  
2 ~~course of his or her professional practice, or except as otherwise authorized by this~~  
3 ~~chapter. Any or a controlled substance analog of heroin, the person who violates this~~  
4 ~~paragraph~~ may be fined not more than \$5,000 or imprisoned for not more than one  
5 year or both.

6 **SECTION 257.** 161.41 (2r) (c) of the statutes is renumbered 961.41 (3g) (a) 3. and  
7 amended to read:

8 961.41 (3g) (a) 3. For purposes of this subsection ~~paragraph~~, an offense is  
9 considered a 2nd or subsequent offense if, prior to the offender's conviction of the  
10 offense, the offender has at any time been convicted under this chapter or under any  
11 statute of the United States or of any state relating to controlled substances,  
12 controlled substance analogs, narcotic drugs, marijuana or depressant, stimulant or  
13 hallucinogenic drugs.

14 **SECTION 258.** 161.41 (3) of the statutes is renumbered 961.41 (3g) (b) and  
15 amended to read:

16 961.41 (3g) (b) Except as provided in subs. ~~(3m), (3n), (3p) and (3r)~~, it is  
17 ~~unlawful for any pars. (c), (d) and (e), if the person to possess or attempt possesses~~  
18 ~~or attempts~~ to possess a controlled substance or controlled substance analog, other  
19 than a controlled substance ~~classified~~ included in schedule I or II that is a narcotic  
20 drug ~~, unless the substance was obtained directly from, or pursuant to a valid~~  
21 ~~prescription or order of, a practitioner while acting in the course of his or her~~  
22 ~~professional practice, or except as otherwise authorized by this chapter. Any or a~~  
23 ~~controlled substance analog of a controlled substance included in schedule I or II that~~  
24 ~~is a narcotic drug, the person who violates this subsection is guilty of a misdemeanor,~~  
25 punishable under s. 939.61.

1           **SECTION 259.** 161.41 (3m) of the statutes is renumbered 961.41 (3g) (c) and  
2 amended to read:

3           961.41 **(3g)** (c) ~~It is unlawful for any person to possess or attempt~~ If a person  
4 possess or attempts to possess a controlled substance included under s. 161.16 (2) (b),  
5 unless the substance was obtained directly from, or pursuant to a valid prescription  
6 or order of, a practitioner while acting in the course of his or her professional practice,  
7 or except as otherwise authorized by this chapter. ~~Any cocaine or cocaine base, or a~~  
8 controlled substance analog of cocaine or cocaine base, the person who violates this  
9 ~~subsection~~ shall be fined not more than \$5,000 and may be imprisoned for not more  
10 than one year in the county jail.

11           **SECTION 260.** 161.41 (3n) of the statutes is renumbered 961.41 (3g) (d) and  
12 amended to read:

13           961.41 **(3g)** (d) ~~It is unlawful for any person to possess or attempt~~ If a person  
14 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,  
15 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin unless the  
16 substance was obtained directly from, or pursuant to a valid prescription or order of,  
17 a practitioner while acting in the course of his or her professional practice, or except  
18 as otherwise authorized by this chapter. ~~Any, or a controlled substance analog of~~  
19 lysergic acid diethylamide, phencyclidine, amphetamine, methamphetamine,  
20 methcathinone, psilocin or psilocybin, the person who violates this subsection may  
21 be fined not more than \$5,000 or imprisoned for not more than one year in the county  
22 jail or both.

23           **SECTION 261.** 161.41 (3p) of the statutes is repealed.

24           **SECTION 262.** 161.41 (3r) of the statutes is renumbered 961.41 (3g) (e) and  
25 amended to read:

1           961.41 (3g) (e) ~~It is unlawful for any person to possess or attempt~~ If a person  
2 possesses or attempts to possess tetrahydrocannabinols, listed at included under s.  
3 ~~161.14~~ 961.14 (4) (t), unless it was obtained directly from, or pursuant to a valid  
4 prescription or order of, a practitioner while acting in the course of his or her  
5 professional practice, or except as otherwise authorized by this chapter. ~~Any or a~~  
6 controlled substance analog of tetrahydrocannabinols, the person who violates this  
7 ~~subsection~~ may be fined not more than \$1,000 or imprisoned for not more than 6  
8 months or both.

9           **SECTION 263.** 161.41 (4) (a) of the statutes is renumbered 961.41 (4) (am) 1. and  
10 amended to read:

11           961.41 (4) (am) 1. No person may knowingly distribute or deliver, attempt to  
12 distribute or deliver or cause to be distributed or delivered a noncontrolled substance  
13 and expressly or impliedly represent any of the following to the recipient:

14           a. ~~The~~ That the substance is a controlled substance; ~~or,~~

15           b. ~~The~~ That the substance is of a nature, appearance or effect that will allow  
16 the recipient to display, sell, distribute, deliver or use the noncontrolled substance  
17 as a controlled substance, if the representation is made under circumstances in  
18 which the person has reasonable cause to believe that the noncontrolled substance  
19 will be used or distributed for use as a controlled substance.

20           **SECTION 264.** 161.41 (4) (b) of the statutes is renumbered 961.41 (4) (am) 2., and  
21 961.41 (4) (am) 2. (intro.) and d., as renumbered, are amended to read:

22           961.41 (4) (am) 2. Proof of any of the following is prima facie evidence of a  
23 representation specified in ~~par. (a) 1. or 2.~~ subd. 1. a. or b.:

24           d. The person distributing or delivering, attempting to distribute or deliver or  
25 causing distribution or delivery of the substance to be made states to the recipient

1 that the substance may be resold at a price that substantially exceeds the value of  
2 the substance.

3 **SECTION 265.** 161.41 (4) (c) of the statutes is renumbered 961.41 (4) (am) 3. and  
4 amended to read:

5 961.41 (4) (am) 3. A person convicted of violating this subsection paragraph  
6 may be fined not more than \$5,000 or imprisoned for not more than one year or both.

7 **SECTION 266.** 161.41 (5) of the statutes is renumbered 961.41 (5).

8 **SECTION 267.** 161.42 of the statutes is renumbered 961.42.

9 **SECTION 268.** 161.43 of the statutes is renumbered 961.43, and 961.43 (1) (b)  
10 (intro.) and 1., as renumbered, are amended to read:

11 961.43 (1) (b) (intro.) To Without authorization, to make, distribute or possess  
12 any punch, die, plate, stone or other thing designed to print, imprint or reproduce the  
13 trademark, trade name or other identifying mark, imprint or device of another or any  
14 likeness of any of the foregoing upon any drug or container or labeling thereof so as:

15 1. To make a counterfeit a-drug substance; or

16 **SECTION 269.** 161.435 of the statutes is renumbered 961.435 and amended to  
17 read:

18 **961.435 Specific penalty.** Any person who violates s. 161.38 961.38 (5) may  
19 be fined not more than \$500 or imprisoned not more than 30 days or both.

20 **SECTION 270.** 161.438 of the statutes is renumbered 961.438.

21 **SECTION 271.** 161.44 of the statutes is renumbered 961.44.

22 **SECTION 272.** 161.45 of the statutes is renumbered 961.45.

23 **SECTION 273.** 161.455 (title) of the statutes is renumbered 961.455 (title).

24 **SECTION 274.** 161.455 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
25 is renumbered 961.455 (1) and amended to read:

1           961.455 (1) Any person who has attained the age of 17 years who knowingly  
2           solicits, hires, directs, employs or uses a person who is 17 years of age or under for  
3           the purpose of violating s. ~~161.41~~ 961.41 (1) may be fined not more than \$50,000 or  
4           imprisoned for not more than 10 years or both.

5           **SECTION 275.** 161.455 (2), (3) and (4) of the statutes are renumbered 961.455  
6           (2), (3) and (4), and 961.455 (4), as renumbered, is amended to read:

7           961.455 (4) If the conduct described under sub. (1) results in a violation under  
8           s. ~~161.41~~ 961.41 (1), the actor is subject to prosecution and conviction under s. ~~161.41~~  
9           961.41 (1) or this section or both.

10          **SECTION 276.** 161.46 (title) of the statutes is renumbered 961.46 (title).

11          **SECTION 277.** 161.46 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
12          is renumbered 961.46 (1) and amended to read:

13          961.46 (1) Except as provided in sub. (3), any person 17 years of age or over who  
14          violates s. ~~161.41~~ 961.41 (1) by distributing or delivering a controlled substance  
15          listed included in schedule I or II which is a narcotic drug or a controlled substance  
16          analog of a controlled substance included in schedule I or II which is a narcotic drug  
17          to a person 17 years of age or under who is at least 3 years his or her junior is  
18          punishable by the fine authorized by s. ~~161.41~~ 961.41 (1) (a) or a term of  
19          imprisonment of up to twice that authorized by s. ~~161.41~~ 961.41 (1) (a), or both.

20          **SECTION 278.** 161.46 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
21          is renumbered 961.46 (2) and amended to read:

22          961.46 (2) Except as provided in sub. (3), any person 17 years of age or over who  
23          violates s. ~~161.41~~ 961.41 (1) by distributing or delivering any other controlled  
24          substance listed included in schedule I, II, III, IV or V or a controlled substance  
25          analog of any other controlled substance included in schedule I or II to a person 17



1 years of age or under who is at least 3 years his or her junior is punishable by the fine  
2 authorized by s. ~~161.41~~ 961.41 (1) (b), (i) or (j) or a term of imprisonment of up to twice  
3 that authorized by s. ~~161.41~~ 961.41 (1) (b), (i) or (j) or both.

4 **SECTION 279.** 161.46 (3) of the statutes, as affected by 1995 Wisconsin Act 27,  
5 is renumbered 961.46 (3) and amended to read:

6 961.46 (3) If any person 17 years of age or over violates s. ~~161.41~~ 961.41 (1) (cm),  
7 (d), (e), (f), (g) or (h) by distributing a controlled substance included under s. 161.14  
8 (7) (L) or ~~161.16 (2) (b)~~ or delivering cocaine, cocaine base, heroin, phencyclidine,  
9 lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,  
10 methcathinone or any form of tetrahydrocannabinols or a controlled substance  
11 analog of any of these substances to a person 17 years of age or under who is at least  
12 3 years his or her junior, any applicable minimum and maximum fines and minimum  
13 and maximum periods of imprisonment under s. ~~161.41~~ 961.41 (1) (cm), (d), (e), (f),  
14 (g) or (h) are doubled.

15 **SECTION 280.** 161.465 (title) of the statutes is renumbered 961.465 (title).

16 **SECTION 281.** 161.465 (1) of the statutes is renumbered 961.465 (1) and  
17 amended to read:

18 961.465 (1) Except as provided in sub. (2), any person who violates s. ~~161.41~~  
19 961.41 (1) or (1m) by delivering, distributing or possessing with intent to deliver or  
20 distribute a controlled substance or controlled substance analog to a prisoner within  
21 the precincts of any prison, jail or house of correction is subject to the applicable fine  
22 under s. ~~161.41~~ 961.41 (1) or (1m) or a term of imprisonment of up to twice that  
23 authorized by s. ~~161.41~~ 961.41 (1) or (1m) or both.

24 **SECTION 282.** 161.465 (2) of the statutes is renumbered 961.465 (2) and  
25 amended to read:

1           961.465 (2) If a person violates s. ~~161.41~~ 961.41 (1) (cm), (d), (e), (f), (g) or (h)  
2 or (1m) (cm), (d), (e), (f), (g) or (h) by delivering, distributing or possessing with intent  
3 to deliver ~~a controlled substance included under s. 161.14 (7) (L) or 161.16 (2) (b) or~~  
4 distribute cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide,  
5 psilocin, psilocybin, amphetamine, methamphetamine, methcathinone or any form  
6 of tetrahydrocannabinols, or a controlled substance analog of any of these  
7 substances, to a prisoner within the precincts of any prison, jail or house of  
8 correction, any applicable minimum and maximum fines and minimum and  
9 maximum periods of imprisonment under s. ~~161.41~~ 961.41 (1) (cm), (d), (e), (f), (g) or  
10 (h) or (1m) (cm), (d), (e), (f), (g) or (h) are doubled.

11           **SECTION 283.** 161.465 (2m) of the statutes is renumbered 961.465 (2m) and  
12 amended to read:

13           961.465 (2m) A person may be subject to increased penalties under both this  
14 section and s. ~~161.49~~ 961.49 regarding the same unlawful act.

15           **SECTION 284.** 161.465 (3) of the statutes is renumbered 961.465 (3).

16           **SECTION 285.** 161.47 of the statutes is renumbered 961.47, and 961.47 (1), as  
17 renumbered, is amended to read:

18           961.47 (1) Whenever any person who has not previously been convicted of any  
19 offense under this chapter, or of any offense under any statute of the United States  
20 or of any state or of any county ordinance relating to controlled substances or  
21 controlled substance analogs, narcotic drugs, marijuana or stimulant, depressant or  
22 hallucinogenic drugs, pleads guilty to or is found guilty of possession or attempted  
23 possession of a controlled substance or controlled substance analog under s. ~~161.41~~  
24 ~~(3)~~ 961.41 (3g) (b), the court, without entering a judgment of guilt and with the  
25 consent of the accused, may defer further proceedings and place him or her on

1 probation upon terms and conditions. Upon violation of a term or condition, the court  
2 may enter an adjudication of guilt and proceed as otherwise provided. Upon  
3 fulfillment of the terms and conditions, the court shall discharge the person and  
4 dismiss the proceedings against him or her. Discharge and dismissal under this  
5 section shall be without adjudication of guilt and is not a conviction for purposes of  
6 disqualifications or disabilities imposed by law upon conviction of a crime, including  
7 the additional penalties imposed for 2nd or subsequent convictions under s. ~~161.48~~  
8 961.48. There may be only one discharge and dismissal under this section with  
9 respect to any person.

10 **SECTION 286.** 161.472 of the statutes is renumbered 961.472, and 961.472 (2)  
11 and (4), as renumbered, are amended to read:

12 961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found  
13 guilty of possession or attempted possession of a controlled substance or controlled  
14 substance analog under s. ~~161.41 (2r) (b), (3m), (3n) or (3p)~~ 961.41 (3g) (a) 2., (c) or  
15 (d), the court shall order the person to comply with an assessment of the person's use  
16 of controlled substances. The court's order shall designate a facility that is operated  
17 by or pursuant to a contract with the county department established under s. 51.42  
18 and that is certified by the department of health and social services to provide  
19 assessment services to perform the assessment and, if appropriate, to develop a  
20 proposed treatment plan. The court shall notify the person that noncompliance with  
21 the order limits the court's ability to determine whether the treatment option under  
22 s. ~~161.475~~ 961.475 is appropriate. The court shall also notify the person of the fee  
23 provisions under s. 46.03 (18) (fm).

24 (4) The court shall consider the assessment report in determining whether the  
25 treatment option under s. ~~161.475~~ 961.475 is appropriate.

1           **SECTION 287.** 161.475 of the statutes is renumbered 961.475 and amended to  
2 read:

3           **961.475 Treatment option.** Whenever any person pleads guilty to or is found  
4 guilty of possession or attempted possession of a controlled substance or controlled  
5 substance analog under s. ~~161.41 (2r), (3), (3m), (3n), (3p) or (3r)~~ 961.41 (3g), the court  
6 may, upon request of the person and with the consent of a treatment facility with  
7 special inpatient or outpatient programs for the treatment of drug dependent  
8 persons, allow the person to enter the treatment programs voluntarily for purposes  
9 of treatment and rehabilitation. Treatment shall be for the period the treatment  
10 facility feels is necessary and required, but shall not exceed the maximum sentence  
11 allowable unless the person consents to the continued treatment. At the end of the  
12 necessary and required treatment, with the consent of the court, the person may be  
13 released from sentence. If treatment efforts are ineffective or the person ceases to  
14 cooperate with treatment rehabilitation efforts, the person may be remanded to the  
15 court for completion of sentencing.

16           **SECTION 288.** 161.48 of the statutes is renumbered 961.48, and 961.48 (2), (3)  
17 and (4), as renumbered, are amended to read:

18           **961.48 (2)** If any person is convicted of a 2nd or subsequent offense under this  
19 chapter that is specified in s. ~~161.41~~ 961.41 (1) (cm), (d), (e), (f), (g) or (h), (1m) (cm),  
20 (d), (e), (f), (g) or (h), ~~(2r) (b), (3m), (3n), (3p) or (3r)~~ or (3g) (a) 2., (c), (d) or (e), any  
21 applicable minimum and maximum fines and minimum and maximum periods of  
22 imprisonment under s. ~~161.41~~ 961.41 (1) (cm), (d), (e), (f), (g) or (h), (1m) (cm), (d), (e),  
23 (f), (g) or (h), ~~(2r) (b), (3m), (3n), (3p) or (3r)~~ or (3g) (a) 2., (c), (d) or (e) are doubled.  
24 A 2nd or subsequent offense under s. ~~161.41 (3m), (3n), (3p) or (3r)~~ 961.41 (3g) (c),  
25 (d) or (e) is a felony and the person may be imprisoned in state prison.

1           **(3)** For purposes of this section, an offense is considered a 2nd or subsequent  
2 offense if, prior to the offender's conviction of the offense, the offender has at any time  
3 been convicted under this chapter or under any statute of the United States or of any  
4 state relating to ~~controlled substance~~ controlled substances or controlled substance  
5 analogs, narcotic drugs, marijuana or depressant, stimulant or hallucinogenic  
6 drugs.

7           **(4)** This section does not apply to offenses under s. ~~161.41 (2r)~~ 961.41 (3g) (a)  
8 1. and ~~(3)~~ (b).

9           **SECTION 289.** 161.49 of the statutes is renumbered 961.49 and amended to  
10 read:

11           **961.49 Distribution of or possession with intent to deliver a controlled**  
12 **substance on or near certain places. (1)** If any person violates s. ~~161.41~~ 961.41  
13 (1) (cm), (d), (e), (f), (g) or (h) by delivering or distributing, or violates s. ~~161.41~~ 961.41  
14 (1m) (cm), (d), (e), (f), (g) or (h) by possessing with intent to deliver, ~~a controlled~~  
15 ~~substance included under s. 161.14 (7) (L) or 161.16 (2) (b)~~ or distribute, cocaine,  
16 cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin,  
17 amphetamine, methamphetamine, methcathinone or any form of  
18 tetrahydrocannabinols or a controlled substance analog of any of these substances  
19 while in or on the premises of a scattered-site public housing project, while in or on  
20 or otherwise within 1,000 feet of a state, county, city, village or town park, a jail or  
21 correctional facility, a multiunit public housing project, a swimming pool open to  
22 members of the public, a youth center or a community center, while in or on or  
23 otherwise within 1,000 feet of any private or public school premises or while in or on  
24 or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the

1 maximum term of imprisonment prescribed by law for that crime may be increased  
2 by 5 years.

3 (2) (a) Except as provided in par. (b), if any person violates s. ~~161.41~~ 961.41 (1)  
4 by delivering or distributing, or violates s. ~~161.41~~ 961.41 (1m) by possessing with  
5 intent to deliver or distribute, a controlled substance ~~listed~~ included in schedule I or  
6 II or a controlled substance analog of a controlled substance included in schedule I  
7 or II while in or on the premises of a scattered-site public housing project, while in  
8 or on or otherwise within 1,000 feet of a state, county, city, village or town park, a jail  
9 or correctional facility, a multiunit public housing project, a swimming pool open to  
10 members of the public, a youth center or a community center, while in or on or  
11 otherwise within 1,000 feet of any private or public school premises or while in or on  
12 or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court  
13 shall sentence the person to at least 3 years in prison, but otherwise the penalties  
14 for the crime apply. Except as provided in s. ~~161.438~~ 961.438, the court shall not place  
15 the person on probation. The person is not eligible for parole until he or she has  
16 served at least 3 years, with no modification by the calculation under s. 302.11 (1).

17 (b) If the conduct described in par. (a) involves only the delivery or distribution,  
18 or the possession with intent to deliver or distribute, of not more than 25 grams of  
19 tetrahydrocannabinols, ~~listed at s. 161.14~~ included in s. 961.14 (4) (t), or not more  
20 than 5 ~~marijuana~~ plants containing tetrahydrocannabinols, the court shall sentence  
21 the person to at least one year in prison, but otherwise the penalties for the crime  
22 apply. Except as provided in s. ~~161.438~~ 961.438, the court shall not place the person  
23 on probation. The person is not eligible for parole until he or she has served at least  
24 one year, with no modification by the calculation under s. 302.11 (1).

**SECTION 290**

1           **SECTION 290.** 161.495 of the statutes is renumbered 961.495 and amended to  
2 read:

3           **961.495 Possession or attempted possession of a controlled substance**  
4 **on or near certain places.** If any person violates s. ~~161.41 (2r), (3), (3m), (3n), (3p)~~  
5 ~~or (3r)~~ 961.41 (3g) by possessing or attempting to possess a controlled substance  
6 listed included in schedule I or II or a controlled substance analog of a controlled  
7 substance included in schedule I or II while in or on the premises of a scattered-site  
8 public housing project, while in or on or otherwise within 1,000 feet of a state, county,  
9 city, village or town park, a jail or correctional facility, a multiunit public housing  
10 project, a swimming pool open to members of the public, a youth center or a  
11 community center, while in or on or otherwise within 1,000 feet of any private or  
12 public school premises or while in or on or otherwise within 1,000 feet of a school bus,  
13 as defined in s. 340.01 (56), the court shall, in addition to any other penalties that  
14 may apply to the crime, impose 100 hours of community service work for a public  
15 agency or a nonprofit charitable organization. The court shall ensure that the  
16 defendant is provided a written statement of the terms of the community service  
17 order and that the community service order is monitored. Any organization or  
18 agency acting in good faith to which a defendant is assigned pursuant to an order  
19 under this section has immunity from any civil liability in excess of \$25,000 for acts  
20 or omissions by or impacting on the defendant.

21           **SECTION 291.** 161.50 of the statutes is renumbered 961.50.

22           **SECTION 292.** Subchapter V (title) of chapter 161 [precedes 161.51] of the  
23 statutes is renumbered subchapter V (title) of chapter 961 [precedes 961.51].

24           **SECTION 293.** 161.51 of the statutes is renumbered 961.51.

1           **SECTION 294.** 161.52 of the statutes is renumbered 961.52, and 961.52 (2) (a)  
2 1. and 2., as renumbered, are amended to read:

3           961.52 (2) (a) 1. Places where persons authorized under s. ~~161.32~~ 961.32 to  
4 possess controlled substances in this state are required by federal law to keep  
5 records; and

6           2. Places including factories, warehouses, establishments and conveyances in  
7 which persons authorized under s. ~~161.32~~ 961.32 to possess controlled substances in  
8 this state are permitted by federal law to hold, manufacture, compound, process, sell,  
9 deliver or otherwise dispose of any controlled substance.

10           **SECTION 295.** 161.53 of the statutes is renumbered 961.53.

11           **SECTION 296.** 161.54 of the statutes is renumbered 961.54, and 961.54 (3), as  
12 renumbered, is amended to read:

13           961.54 (3) Cooperate with the bureau by establishing a centralized unit to  
14 accept, catalog, file and collect statistics, including records of drug dependent  
15 persons and other controlled substance law offenders within the state, and make the  
16 information available for federal, state and local law enforcement purposes. It shall  
17 not furnish the name or identity of a patient or research subject whose identity could  
18 not be obtained under s. ~~161.335~~ 961.335 (7); and

19           **SECTION 297.** 161.55 (title) of the statutes is renumbered 961.55 (title).

20           **SECTION 298.** 161.55 (1) of the statutes is renumbered 961.55 (1), and 961.55  
21 (1) (a), (b), (c), (d) (intro.) and 3. and (g), as renumbered, are amended to read:

22           961.55 (1) (a) All controlled substances or controlled substance analogs which  
23 have been manufactured, delivered, distributed, dispensed or acquired in violation  
24 of this chapter;



1 (b) All raw materials, products and equipment of any kind which are used, or  
2 intended for use, in manufacturing, compounding, processing, delivering,  
3 distributing, importing or exporting any controlled substance or controlled  
4 substance analog in violation of this chapter;

5 (c) All property which is used, or intended for use, as a container for property  
6 described in pars. (a) and (b);

7 (d) (intro.) All vehicles, ~~as defined in s. 939.22 (44)~~, which are used, or intended  
8 for use, to transport, or in any manner to facilitate the transportation, for the purpose  
9 of sale or receipt of property described in pars. (a) and (b) or for the purpose of  
10 transporting any property or weapon used or to be used or received in the commission  
11 of any felony under this chapter, but:

12 3. A vehicle is not subject to forfeiture for a violation of s. ~~161.41 (3), (3m), (3n),~~  
13 ~~(3p) or (3r)~~ 961.41 (3g) (b), (c), (d) or (e); and

14 (g) Any drug paraphernalia, as defined in s. ~~161.571~~ 961.571, used in violation  
15 of this chapter.

16 **SECTION 299.** 161.55 (2) of the statutes is renumbered 961.55 (2), and 961.55  
17 (2) (intro.), as renumbered, is amended to read:

18 961.55 (2) (intro.) Property subject to forfeiture under this chapter may be  
19 seized by any officer or employe designated in s. ~~161.51~~ 961.51 (1) or (2) or a law  
20 enforcement officer upon process issued by any court of record having jurisdiction  
21 over the property. Seizure without process may be made if:

22 **SECTION 300.** 161.55 (3) of the statutes is renumbered 961.55 (3), and 961.55  
23 (3) (intro.), as renumbered, is amended to read:

24 961.55 (3) (intro.) In the event of seizure under sub. (2), proceedings under sub.  
25 (4) shall be instituted promptly. All dispositions and forfeitures under this section

1 and ss. ~~161.555~~ 961.555 and ~~161.56~~ 961.56 shall be made with due provision for the  
2 rights of innocent persons under sub. (1) (d) 1., 2. and 4. Any property seized but not  
3 forfeited shall be returned to its rightful owner. Any person claiming the right to  
4 possession of property seized may apply for its return to the circuit court for the  
5 county in which the property was seized. The court shall order such notice as it  
6 deems adequate to be given the district attorney and all persons who have or may  
7 have an interest in the property and shall hold a hearing to hear all claims to its true  
8 ownership. If the right to possession is proved to the court's satisfaction, it shall  
9 order the property returned if:

10 **SECTION 301.** 161.55 (4) of the statutes is renumbered 961.55 (4).

11 **SECTION 302.** 161.55 (5) of the statutes is renumbered 961.55 (5).

12 **SECTION 303.** 161.55 (6) of the statutes is renumbered 961.55 (6) and amended  
13 to read:

14 961.55 (6) Controlled substances listed included in schedule I and controlled  
15 substance analogs of controlled substances included in schedule I that are possessed,  
16 transferred, sold, offered for sale or attempted to be possessed in violation of this  
17 chapter are contraband and shall be seized and summarily forfeited to the state.  
18 Controlled substances listed included in schedule I and controlled substance analogs  
19 of controlled substances included in schedule I that are seized or come into the  
20 possession of the state, the owners of which are unknown, are contraband and shall  
21 be summarily forfeited to the state.

22 **SECTION 304.** 161.55 (7) of the statutes is renumbered 961.55 (7).

23 **SECTION 305.** 161.55 (8) of the statutes is renumbered 961.55 (8) and amended  
24 to read:

1           961.55 (8) The failure, upon demand by any officer or employe designated in s.  
2   ~~161.51~~ 961.51 (1) or (2), of the person in occupancy or in control of land or premises  
3   upon which the species of plants are growing or being stored, to produce an  
4   appropriate federal registration, or proof that the person is the holder thereof,  
5   constitutes authority for the seizure and forfeiture of the plants.

6           **SECTION 306.** 161.555 of the statutes is renumbered 961.555, and 961.555 (1),  
7   (3) and (4) (intro.), as renumbered, are amended to read:

8           961.555 (1) TYPE OF ACTION; WHERE BROUGHT. In an action brought to cause the  
9   forfeiture of any property seized under s. ~~161.55~~ 961.55, the court may render a  
10  judgment in rem or against a party personally, or both. The circuit court for the  
11  county in which the property was seized shall have jurisdiction over any proceedings  
12  regarding the property when the action is commenced in state court. Any property  
13  seized may be the subject of a federal forfeiture action.

14          (3) BURDEN OF PROOF. The state shall have the burden of satisfying or convincing  
15  to a reasonable certainty by the greater weight of the credible evidence that the  
16  property is subject to forfeiture under s. ~~161.55~~ 961.55.

17          (4) ACTION AGAINST OTHER PROPERTY OF THE PERSON. (intro.) The court may order  
18  the forfeiture of any other property of a defendant up to the value of property found  
19  by the court to be subject to forfeiture under s. ~~161.55~~ 961.55 if the property subject  
20  to forfeiture meets any of the following conditions:

21          **SECTION 307.** 161.56 of the statutes is renumbered 961.56.

22          **SECTION 308.** 161.565 of the statutes is renumbered 961.565.

23          **SECTION 309.** Subchapter VI (title) of chapter 161 [precedes 161.571] of the  
24  statutes is renumbered subchapter VI (title) of chapter 961 [precedes 961.571].

1           **SECTION 310.** 161.571 of the statutes is renumbered 961.571, and 961.571 (1)

2 (a) (intro.), 1., 2., 4., 5., 6., 8., 9. and 10., as renumbered, are amended to read:

3           961.571 (1) (a) (intro.) “Drug paraphernalia” means all equipment, products  
4 and materials of any kind that are used, designed for use or primarily intended for  
5 use in planting, propagating, cultivating, growing, harvesting, manufacturing,  
6 compounding, converting, producing, processing, preparing, testing, analyzing,  
7 packaging, repackaging, storing, containing, concealing, injecting, ingesting,  
8 inhaling or otherwise introducing into the human body a controlled substance or  
9 controlled substance analog in violation of this chapter. “Drug paraphernalia”  
10 includes, but is not limited to, any of the following:

11           1. Kits used, designed for use or primarily intended for use in planting,  
12 propagating, cultivating, growing or harvesting of any species of plant that is a  
13 controlled substance or from which a controlled substance or controlled substance  
14 analog can be derived.

15           2. Kits used, designed for use or primarily intended for use in manufacturing,  
16 compounding, converting, producing, processing or preparing controlled substances  
17 or controlled substance analogs.

18           4. Testing equipment used, designed for use or primarily intended for use in  
19 identifying, or in analyzing the strength, effectiveness or purity of, controlled  
20 substances or controlled substance analogs.

21           5. Scales and balances used, designed for use or primarily intended for use in  
22 weighing or measuring controlled substances or controlled substance analogs.

23           6. Diluents and adulterants, such as quinine hydrochloride, mannitol,  
24 mannite, dextrose and lactose, used, designed for use or primarily intended for use  
25 in cutting controlled substances or controlled substance analogs.

**SECTION 310**

1           8. Blenders, bowls, containers, spoons and mixing devices used, designed for  
2 use or primarily intended for use in compounding controlled substances or controlled  
3 substance analogs.

4           9. Capsules, balloons, envelopes and other containers used, designed for use  
5 or primarily intended for use in packaging small quantities of controlled substances  
6 or controlled substance analogs.

7           10. Containers and other objects used, designed for use or primarily intended  
8 for use in storing or concealing controlled substances or controlled substance  
9 analogs.

10           **SECTION 311.** 161.572 of the statutes is renumbered 961.572, and 961.572 (1)  
11 (c) and (d), as renumbered, are amended to read:

12           961.572 (1) (c) The proximity of the object to controlled substances or controlled  
13 substance analogs.

14           (d) The existence of any residue of controlled substances or controlled  
15 substance analogs on the object.

16           **SECTION 312.** 161.573 (title) of the statutes is renumbered 961.573 (title).

17           **SECTION 313.** 161.573 (1) of the statutes is renumbered 961.573 (1) and  
18 amended to read:

19           961.573 (1) No person may use, or possess with the primary intent to use, drug  
20 paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture,  
21 compound, convert, produce, process, prepare, test, analyze, pack, repack, store,  
22 contain, conceal, inject, ingest, inhale or otherwise introduce into the human body  
23 a controlled substance or controlled substance analog in violation of this chapter.

24           Any person who violates this section may be fined not more than \$500 or imprisoned  
25 for not more than 30 days or both.

1           **SECTION 314.** 161.573 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
2 is renumbered 961.573 (2).

3           **SECTION 315.** 161.574 (title) of the statutes is renumbered 961.574 (title).

4           **SECTION 316.** 161.574 (1) of the statutes is renumbered 961.574 (1) and  
5 amended to read:

6           961.574 (1) No person may deliver, possess with intent to deliver, or  
7 manufacture with intent to deliver, drug paraphernalia, knowing that it will be  
8 primarily used to plant, propagate, cultivate, grow, harvest, manufacture,  
9 compound, convert, produce, process, prepare, test, analyze, pack, repack, store,  
10 contain, conceal, inject, ingest, inhale or otherwise introduce into the human body  
11 a controlled substance or controlled substance analog in violation of this chapter.  
12 Any person who violates this section may be fined not more than \$1,000 or  
13 imprisoned for not more than 90 days or both.

14           **SECTION 317.** 161.574 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
15 is renumbered 961.574 (2).

16           **SECTION 318.** 161.575 of the statutes, as affected by 1995 Wisconsin Act 27, is  
17 renumbered 961.575, and 961.575 (1), as renumbered, is amended to read:

18           961.575 (1) Any person 17 years of age or over who violates s. ~~161.574~~ 961.574  
19 by delivering drug paraphernalia to a person 17 years of age or under who is at least  
20 3 years younger than the violator may be fined not more than \$10,000 or imprisoned  
21 for not more than 9 months or both.

22           **SECTION 319.** 161.576 of the statutes is renumbered 961.576.

23           **SECTION 320.** 161.577 of the statutes is renumbered 961.577 and amended to  
24 read:

1           **961.577 Municipal ordinances.** Nothing in this subchapter precludes a city,  
2 village or town from prohibiting conduct that is the same as that prohibited by s.  
3 ~~161.573~~ 961.573 (2), ~~161.574~~ 961.574 (2) or ~~161.575~~ 961.575 (2).

4           **SECTION 321.** Subchapter VII (title) of chapter 161 [precedes 161.61] of the  
5 statutes is renumbered subchapter VII (title) of chapter 961 [precedes 961.61].

6           **SECTION 322.** 161.61 of the statutes is renumbered 961.61.

7           **SECTION 323.** 161.62 of the statutes is renumbered 961.62.

8           **SECTION 324.** 165.70 (1) (b) of the statutes is amended to read:

9           165.70 (1) (b) Enforce chs. ~~161~~ and 945 and 961 and ss. 940.20 (3), 941.25 to  
10 941.27, 943.01 (2) (c), 943.27, 943.28, 943.30, 944.30, 944.31, 944.32, 944.33, 944.34,  
11 946.65, 947.02 (3) and (4) and 948.08.

12           **SECTION 325.** 165.72 (3) of the statutes, as affected by 1995 Wisconsin Act 27,  
13 is amended to read:

14           165.72 (3) REWARD PAYMENT PROGRAM. The department shall administer a  
15 reward payment program. Under the program, the department may offer and pay  
16 rewards from the appropriation under s. 20.455 (2) (e) for information under sub. (2)  
17 (a) leading to the arrest and conviction of a person for a violation of ch. ~~161~~ 961.

18           **SECTION 326.** 165.83 (2) (a) 2. of the statutes is amended to read:

19           165.83 (2) (a) 2. For an offense which is a misdemeanor or a violation of an  
20 ordinance involving burglary tools, commercial gambling, dealing in gambling  
21 devices, contributing to the delinquency of a child, dealing in stolen property,  
22 controlled substances or controlled substance analogs under ch. ~~161~~ 961, firearms,  
23 dangerous weapons, explosives, pandering, prostitution, sex offenses where children  
24 are victims, or worthless checks.

25           **SECTION 327.** 302.11 (1g) (a) 1. of the statutes is amended to read:

1           302.11 (1g) (a) 1. Any felony under s. ~~161.41~~ 961.41 (1), (1m) or (1x) if the felony  
2 is punishable by a maximum prison term of 30 years or more.

3           **SECTION 328.** 302.11 (1p) of the statutes is amended to read:

4           302.11 (1p) An inmate serving a term subject to s. ~~161.49~~ 961.49 (2) is entitled  
5 to mandatory release, except the inmate may not be released before he or she has  
6 complied with s. ~~161.49~~ 961.49 (2).

7           **SECTION 329.** 302.375 (1) (b) of the statutes is amended to read:

8           302.375 (1) (b) Wilfully permits a prisoner to have any controlled substance,  
9 controlled substance analog or intoxicating liquor.

10          **SECTION 330.** 302.375 (4) (a) of the statutes is amended to read:

11          302.375 (4) (a) “Controlled substance” has the meaning ~~designated for the term~~  
12 given in s. ~~161.01~~ 961.01 (4).

13          **SECTION 331.** 302.375 (4) (am) of the statutes is created to read:

14          302.375 (4) (am) “Controlled substance analog” has the meaning given in s.  
15 961.01 (4m).

16          **SECTION 332.** 304.06 (1) (b) of the statutes, as affected by 1995 Wisconsin Act  
17 27, section 6405, is amended to read:

18          304.06 (1) (b) Except as provided in sub. (1m) or s. ~~161.49~~ (2), 302.045 (3),  
19 961.49 (2) or 973.0135, the parole commission may parole an inmate of the Wisconsin  
20 state prisons or any felon or any person serving at least one year or more in a county  
21 house of correction or a county reforestation camp organized under s. 303.07, when  
22 he or she has served 25% of the sentence imposed for the offense, or 6 months,  
23 whichever is greater. Except as provided in s. 939.62 (2m) or 973.014, the parole  
24 commission may parole an inmate serving a life term when he or she has served 20  
25 years, as modified by the formula under s. 302.11 (1) and subject to extension using



1 the formulas under s. 302.11 (2). The person serving the life term shall be given  
2 credit for time served prior to sentencing under s. 973.155, including good time under  
3 s. 973.155 (4). The secretary may grant special action parole releases under s.  
4 304.02. The department or the parole commission shall not provide any convicted  
5 offender or other person sentenced to the department's custody any parole eligibility  
6 or evaluation until the person has been confined at least 60 days following  
7 sentencing.

8 **SECTION 333.** 304.06 (1) (b) of the statutes, as affected by 1995 Wisconsin Acts  
9 77 and .... (this act), is repealed and recreated to read:

10 304.06 (1) (b) Except as provided in sub. (1m) or s. 302.045 (3), 961.49 (2) or  
11 973.0135, the parole commission may parole an inmate of the Wisconsin state  
12 prisons or any felon or any person serving at least one year or more in a county house  
13 of correction or a county reforestation camp organized under s. 303.07, when he or  
14 she has served 25% of the sentence imposed for the offense, or 6 months, whichever  
15 is greater. The parole commission may parole a participant in the serious juvenile  
16 offender program under s. 938.538 when he or she has participated in that program  
17 for 2 years. Except as provided in s. 939.62 (2m) or 973.014, the parole commission  
18 may parole an inmate serving a life term when he or she has served 20 years, as  
19 modified by the formula under s. 302.11 (1) and subject to extension using the  
20 formulas under s. 302.11 (2). The person serving the life term shall be given credit  
21 for time served prior to sentencing under s. 973.155, including good time under s.  
22 973.155 (4). The secretary may grant special action parole releases under s. 304.02.  
23 The department or the parole commission shall not provide any convicted offender  
24 or other person sentenced to the department's custody any parole eligibility or  
25 evaluation until the person has been confined at least 60 days following sentencing.

1           **SECTION 334.** 304.06 (4) (a) of the statutes is amended to read:

2           304.06 (4) (a) If any person convicted of a misdemeanor or traffic offense, any  
3 person convicted of a criminal offense and sentenced to 2 years or less in a house of  
4 correction or any person committed to a house of correction for treatment and  
5 rehabilitation for addiction to a controlled substance or controlled substance analog  
6 under ch. ~~161~~ 961, during the period of confinement or treatment appears to have  
7 been rehabilitated or cured to the extent, in the opinion of the superintendent of the  
8 house of correction or the person in charge of treatment and rehabilitation of a  
9 prisoner at that institution, that the prisoner may be released, the prisoner may be  
10 released upon conditional parole. Before a person is released on conditional parole  
11 under this paragraph, the superintendent or person in charge of treatment and  
12 rehabilitation shall so notify the municipal police department and county sheriff for  
13 the area where the person will be residing. The notification requirement does not  
14 apply if a municipal department or county sheriff submits to the department a  
15 written statement waiving the right to be notified.

16           **SECTION 335.** 304.071 (2) of the statutes, as affected by 1995 Wisconsin Act 48,  
17 is amended to read:

18           304.071 (2) If a prisoner is not eligible for parole under s. ~~161.49 (2)~~, 939.62  
19 (2m), 961.49 (2), 973.014 (1) (c) or 973.032 (5), he or she is not eligible for parole under  
20 this section.

21           **SECTION 336.** 340.01 (9m) of the statutes is amended to read:

22           340.01 (9m) "Controlled substance" has the meaning ~~specified for the term~~  
23 given in s. ~~161.01~~ 961.01 (4).

24           **SECTION 337.** 340.01 (9n) of the statutes is created to read:

1           340.01 **(9n)** “Controlled substance analog” has the meaning given in s. 961.01  
2 (4m).

3           **SECTION 338.** 343.06 (1) (d) of the statutes is amended to read:

4           343.06 **(1)** (d) To any person whose dependence on alcohol has attained such  
5 a degree that it interferes with his or her physical or mental health or social or  
6 economic functioning, or who is addicted to the use of controlled substances or  
7 controlled substance analogs, except that the secretary may issue a license if the  
8 person submits to an examination, evaluation or treatment in a treatment facility  
9 meeting the standards prescribed in s. 51.45 (8) (a), as directed by the secretary, in  
10 accordance with s. 343.16 (5).

11           **SECTION 339.** 343.10 (1) (a) of the statutes is amended to read:

12           343.10 **(1)** (a) If a person’s license or operating privilege is revoked or  
13 suspended under this chapter or s. ~~161.50~~ 961.50 and if the person is engaged in an  
14 occupation, including homemaking or full-time or part-time study, or a trade  
15 making it essential that he or she operate a motor vehicle, the person, after payment  
16 of the fee provided in sub. (6), may file a petition setting forth in detail the need for  
17 operating a motor vehicle.

18           **SECTION 340.** 343.10 (5) (a) 1. of the statutes is amended to read:

19           343.10 **(5)** (a) 1. In addition to any restrictions appearing on the former  
20 operator’s license of the petitioner, the order for issuance of an occupational license  
21 shall contain definite restrictions as to hours of the day, not to exceed 12, hours per  
22 week, not to exceed 60, type of occupation and areas or routes of travel which are  
23 permitted under the license. The order may permit travel to and from church during  
24 specified hours if the travel does not exceed the restrictions as to hours of the day and  
25 hours per week in this subdivision. The order may permit travel necessary to comply

1 with a driver safety plan ordered under s. 343.30 (1q) or 343.305 if the travel does  
2 not exceed the restrictions as to hours of the day and hours per week in this  
3 subdivision. The order may contain restrictions on the use of alcohol and of  
4 controlled substances and controlled substance analogs in violation of s. ~~161.41~~  
5 961.41.

6 **SECTION 341.** 343.10 (5) (b) of the statutes is amended to read:

7 343.10 (5) (b) *Limitations.* Occupational licenses are subject to the limitations  
8 specified in ss. ~~161.50~~, 343.30 (1q) (b) and (h), 343.305 (8) (d) and (10) (b) and (em),  
9 343.31 (3m) ~~and~~, 343.32 (1m) and 961.50.

10 **SECTION 342.** 343.16 (5) (a) of the statutes is amended to read:

11 343.16 (5) (a) The secretary may require any applicant for a license or any  
12 licensed operator to submit to a special examination by such persons or agencies as  
13 the secretary may direct to determine incompetency, physical or mental disability,  
14 disease or any other condition which might prevent such applicant or licensed person  
15 from exercising reasonable and ordinary control over a motor vehicle. When the  
16 department requires the applicant to submit to an examination, the applicant shall  
17 pay the cost thereof. If the department receives an application for a renewal or  
18 duplicate license after voluntary surrender under s. 343.265 or receives a report from  
19 a physician or optometrist under s. 146.82 (3), or if the department has a report of  
20 2 or more arrests within a one-year period for any combination of violations of s.  
21 346.63 (1) or (5) or a local ordinance in conformity therewith or a law of a federally  
22 recognized American Indian tribe or band in this state in conformity with s. 346.63  
23 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09  
24 where the offense involved the use of a vehicle, the department shall determine, by  
25 interview or otherwise, whether the operator should submit to an examination under

1 this section. The examination may consist of an assessment. If the examination  
2 indicates that education or treatment for a disability, disease or condition concerning  
3 the use of alcohol ~~or~~, a controlled substance or a controlled substance analog is  
4 appropriate, the department may order a driver safety plan in accordance with s.  
5 343.30 (1q). If there is noncompliance with assessment or the driver safety plan, the  
6 department shall suspend the person's operating privilege in the manner specified  
7 in s. 343.30 (1q) (d).

8 **SECTION 343.** 343.30 (1q) (c) 1. (intro.) of the statutes is amended to read:

9 343.30 (1q) (c) 1. (intro.) Except as provided in subd. 1. a. or b., the court shall  
10 order the person to submit to and comply with an assessment by an approved public  
11 treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of  
12 alcohol ~~or~~, controlled substances or controlled substance analogs and development  
13 of a driver safety plan for the person. The court shall notify the department of  
14 transportation of the assessment order. The court shall notify the person that  
15 noncompliance with assessment or the driver safety plan will result in license  
16 suspension until the person is in compliance. The assessment order shall:

17 **SECTION 344.** 343.30 (1q) (d) of the statutes, as affected by 1995 Wisconsin Act  
18 27, is amended to read:

19 343.30 (1q) (d) The assessment report shall order compliance with a driver  
20 safety plan. The report shall inform the person of the fee provisions under s. 46.03  
21 (18) (f). The driver safety plan may include a component that makes the person  
22 aware of the effect of his or her offense on a victim and a victim's family. The driver  
23 safety plan may include treatment for the person's misuse, abuse or dependence on  
24 alcohol ~~or~~, controlled substances or controlled substance analogs, or attendance at  
25 a school under s. 345.60, or both. If the plan requires inpatient treatment, the

1 treatment shall not exceed 30 days. A driver safety plan under this paragraph shall  
2 include a termination date consistent with the plan which shall not extend beyond  
3 one year. The county department under s. 51.42 shall assure notification of the  
4 department of transportation and the person of the person's compliance or  
5 noncompliance with assessment and with treatment. The school under s. 345.60  
6 shall notify the department, the county department under s. 51.42 and the person  
7 of the person's compliance or noncompliance with the requirements of the school.  
8 Nonpayment of the assessment fee or, if the person has the ability to pay,  
9 nonpayment of the driver safety plan fee is noncompliance with the court order. If  
10 the department is notified of any noncompliance, it shall suspend the person's  
11 operating privilege until the county department under s. 51.42 or the school under  
12 s. 345.60 notifies the department that the person is in compliance with assessment  
13 or the driver safety plan. The department shall notify the person of the suspension,  
14 the reason for the suspension and the person's right to a review. A person may  
15 request a review of a suspension based upon failure to comply with a driver safety  
16 plan within 10 days of notification. The review shall be handled by the subunit of  
17 the department of transportation designated by the secretary. The issues at the  
18 review are limited to whether the driver safety plan, if challenged, is appropriate and  
19 whether the person is in compliance with the assessment order or the driver safety  
20 plan. The review shall be conducted within 10 days after a request is received. If the  
21 driver safety plan is determined to be inappropriate, the department shall order a  
22 reassessment and if the person is otherwise eligible, the department shall reinstate  
23 the person's operating privilege. If the person is determined to be in compliance with  
24 the assessment or driver safety plan, and if the person is otherwise eligible, the  
25 department shall reinstate the person's operating privilege. If there is no decision

1 within the 10-day period, the department shall issue an order reinstating the  
2 person's operating privilege until the review is completed, unless the delay is at the  
3 request of the person seeking the review.

4 **SECTION 345.** 343.30 (5) of the statutes is amended to read:

5 343.30 (5) No court may suspend or revoke an operating privilege except as  
6 authorized by this chapter or ch. 48, 345 or 351 or s. ~~161.50~~ 961.50. When a court  
7 revokes, suspends or restricts a child's operating privilege under ch. 48, the  
8 department of transportation shall not disclose information concerning or relating  
9 to the revocation, suspension or restriction to any person other than a court, district  
10 attorney, county corporation counsel, city, village or town attorney, law enforcement  
11 agency, or the minor whose operating privilege is revoked, suspended or restricted,  
12 or his or her parent or guardian. Persons entitled to receive this information shall  
13 not disclose the information to other persons or agencies.

14 **SECTION 346.** 343.30 (5) of the statutes, as affected by 1995 Wisconsin Act 77,  
15 is repealed and recreated to read:

16 343.30 (5) No court may suspend or revoke an operating privilege except as  
17 authorized by this chapter or ch. 345, 351 or 938 or s. 961.50. When a court revokes,  
18 suspends or restricts a child's operating privilege under ch. 938, the department of  
19 transportation shall not disclose information concerning or relating to the  
20 revocation, suspension or restriction to any person other than a court, district  
21 attorney, county corporation counsel, city, village or town attorney, law enforcement  
22 agency, or the minor whose operating privilege is revoked, suspended or restricted,  
23 or his or her parent or guardian. Persons entitled to receive this information shall  
24 not disclose the information to other persons or agencies.

25 **SECTION 347.** 343.303 of the statutes is amended to read:

1           **343.303 Preliminary breath screening test.** If a law enforcement officer  
2 has probable cause to believe that the person is violating or has violated s. 346.63 (1)  
3 or (2m) or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25  
4 or s. 940.09 where the offense involved the use of a vehicle, or if the officer detects  
5 any presence of alcohol, a controlled substance, controlled substance analog or other  
6 drug, or a combination thereof, on a person driving or operating or on duty time with  
7 respect to a commercial motor vehicle or has reason to believe that the person is  
8 violating or has violated s. 346.63 (7) or a local ordinance in conformity therewith,  
9 the officer, prior to an arrest, may request the person to provide a sample of his or  
10 her breath for a preliminary breath screening test using a device approved by the  
11 department for this purpose. The result of this preliminary breath screening test  
12 may be used by the law enforcement officer for the purpose of deciding whether or  
13 not the person shall be arrested for a violation of s. 346.63 (1), (2m), (5) or (7) or a local  
14 ordinance in conformity therewith, or s. 346.63 (2) or (6), 940.09 (1) or 940.25 and  
15 whether or not to require or request chemical tests as authorized under s. 343.305  
16 (3). The result of the preliminary breath screening test shall not be admissible in any  
17 action or proceeding except to show probable cause for an arrest, if the arrest is  
18 challenged, or to prove that a chemical test was properly required or requested of a  
19 person under s. 343.305 (3). Following the screening test, additional tests may be  
20 required or requested of the driver under s. 343.305 (3). The general penalty  
21 provision under s. 939.61 (1) does not apply to a refusal to take a preliminary breath  
22 screening test.

23           **SECTION 348.** 343.305 (2) of the statutes is amended to read:

24           **343.305 (2) IMPLIED CONSENT.** Any person who is on duty time with respect to  
25 a commercial motor vehicle or drives or operates a motor vehicle upon the public



1 highways of this state, or in those areas enumerated in s. 346.61, is deemed to have  
2 given consent to one or more tests of his or her breath, blood or urine, for the purpose  
3 of determining the presence or quantity in his or her blood or breath, of alcohol,  
4 controlled substances, ~~a combination of alcohol and controlled substances, controlled~~  
5 ~~substance analogs or other drugs, or a any combination of alcohol and, controlled~~  
6 ~~substances, controlled substance analogs and other drugs, when requested to do so~~  
7 by a law enforcement officer under sub. (3) (a) or (am) or when required to do so under  
8 sub. (3) (b). Any such tests shall be administered upon the request of a law  
9 enforcement officer. The law enforcement agency by which the officer is employed  
10 shall be prepared to administer, either at its agency or any other agency or facility,  
11 2 of the 3 tests under sub. (3) (a) or (am), and may designate which of the tests shall  
12 be administered first.

13 **SECTION 349.** 343.305 (3) (am) of the statutes is amended to read:

14 343.305 (3) (am) Prior to arrest, a law enforcement officer may request the  
15 person to provide one or more samples of his or her breath, blood or urine for the  
16 purpose specified under sub. (2) whenever a law enforcement officer detects any  
17 presence of alcohol, a controlled substance, a controlled substance analog or other  
18 drug, or a combination thereof, on a person driving or operating or on duty time with  
19 respect to a commercial motor vehicle or has reason to believe the person is violating  
20 or has violated s. 346.63 (7). Compliance with a request for one type of sample does  
21 not bar a subsequent request for a different type of sample. For the purposes of this  
22 paragraph, "law enforcement officer" includes inspectors in the performance of  
23 duties under s. 110.07 (3).

24 **SECTION 350.** 343.305 (3) (b) of the statutes is amended to read:

1           343.305 (3) (b) A person who is unconscious or otherwise not capable of  
2 withdrawing consent is presumed not to have withdrawn consent under this  
3 subsection, and if a law enforcement officer has probable cause to believe that the  
4 person has violated s. 346.63 (1), (2m) or (5) or a local ordinance in conformity  
5 therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the  
6 use of a vehicle, or detects any presence of alcohol, controlled substance, controlled  
7 substance analog or other drug, or a combination thereof, on a person driving or  
8 operating or on duty time with respect to a commercial motor vehicle or has reason  
9 to believe the person has violated s. 346.63 (7), one or more samples specified in par.  
10 (a) or (am) may be administered to the person.

11           **SECTION 351.** 343.305 (5) (b) of the statutes is amended to read:

12           343.305 (5) (b) Blood may be withdrawn from the person arrested for violation  
13 of s. 346.63 (1), (2), (2m), (5) or (6) or 940.25, or s. 940.09 where the offense involved  
14 the use of a vehicle, or a local ordinance in conformity with s. 346.63 (1), (2m) or (5),  
15 or as provided in sub. (3) (am) or (b) to determine the presence or quantity of alcohol,  
16 a controlled substance, ~~a combination of alcohol and a controlled substance, a~~  
17 controlled substance analog or any other drug, or a any combination of alcohol and,  
18 controlled substance, controlled substance analog and any other drug in the blood  
19 only by a physician, registered nurse, medical technologist, physician assistant or  
20 person acting under the direction of a physician.

21           **SECTION 352.** 343.305 (5) (d) of the statutes is amended to read:

22           343.305 (5) (d) At the trial of any civil or criminal action or proceeding arising  
23 out of the acts committed by a person alleged to have been driving or operating a  
24 motor vehicle while under the influence of an intoxicant or, a controlled substance,  
25 a controlled substance analog or any other drug, or a under the influence of any

1 combination of alcohol and, a controlled substance, ~~under the influence of a~~  
2 controlled substance analog and any other drug, to a degree which renders him or  
3 her incapable of safely driving, or under the combined influence of an intoxicant and  
4 any other drug to a degree which renders him or her incapable of safely driving, or  
5 having a prohibited alcohol concentration, or alleged to have been driving or  
6 operating or on duty time with respect to a commercial motor vehicle while having  
7 any measured alcohol concentration above 0.0 or possessing an intoxicating  
8 beverage, regardless of its alcohol content, or within 4 hours of having consumed or  
9 having been under the influence of an intoxicating beverage, regardless of its alcohol  
10 content, or of having an alcohol concentration of 0.04 or more, the results of a test  
11 administered in accordance with this section are admissible on the issue of whether  
12 the person was under the influence of an intoxicant ~~or, a controlled substance, a~~  
13 controlled substance analog or any other drug, or a under the influence of any  
14 ~~combination of alcohol and, a controlled substance, under the influence of a~~  
15 controlled substance analog and any other drug, to a degree which renders him or  
16 her incapable of safely driving or under the combined influence of an intoxicant and  
17 any other drug to a degree which renders him or her incapable of safely driving or  
18 any issue relating to the person's alcohol concentration. Test results shall be given  
19 the effect required under s. 885.235.

20 **SECTION 353.** 343.305 (6) (a) of the statutes is amended to read:

21 343.305 (6) (a) Chemical analyses of blood or urine to be considered valid under  
22 this section shall have been performed substantially according to methods approved  
23 by the laboratory of hygiene and by an individual possessing a valid permit to  
24 perform the analyses issued by the department of health and social services. The  
25 department of health and social services shall approve laboratories for the purpose

1 of performing chemical analyses of blood or urine for alcohol or, controlled substances  
2 or controlled substance analogs and shall develop and administer a program for  
3 regular monitoring of the laboratories. A list of approved laboratories shall be  
4 provided to all law enforcement agencies in the state. Urine specimens are to be  
5 collected by methods specified by the laboratory of hygiene. The laboratory of  
6 hygiene shall furnish an ample supply of urine and blood specimen containers to  
7 permit all law enforcement officers to comply with the requirements of this section.

8 **SECTION 354.** 343.305 (9) (a) 5. a. of the statutes is amended to read:

9 343.305 (9) (a) 5. a. Whether the officer had probable cause to believe the  
10 person was driving or operating a motor vehicle while under the influence of alcohol,  
11 a controlled substance or a controlled substance analog or any combination of both  
12 alcohol, a controlled substance and a controlled substance analog, under the  
13 influence of any other drug to a degree which renders the person incapable of safely  
14 driving, or under the combined influence of alcohol and any other drug to a degree  
15 which renders the person incapable of safely driving or having a prohibited alcohol  
16 concentration or, if the person was driving or operating a commercial motor vehicle,  
17 an alcohol concentration of 0.04 or more and whether the person was lawfully placed  
18 under arrest for violation of s. 346.63 (1), (2m) or (5) or a local ordinance in conformity  
19 therewith or s. 346.63 (2) or (6), 940.09 (1) or 940.25.

20 **SECTION 355.** 343.305 (9) (a) 5. c. of the statutes is amended to read:

21 343.305 (9) (a) 5. c. Whether the person refused to permit the test. The person  
22 shall not be considered to have refused the test if it is shown by a preponderance of  
23 evidence that the refusal was due to a physical inability to submit to the test due to  
24 a physical disability or disease unrelated to the use of alcohol, controlled substances,  
25 controlled substance analogs or other drugs.

1           **SECTION 356.** 343.305 (9) (am) 5. a. of the statutes is amended to read:

2           343.305 (9) (am) 5. a. Whether the officer detected any presence of alcohol,  
3           controlled substance, controlled substance analog or other drug, or a combination  
4           thereof, on the person or had reason to believe that the person was violating or had  
5           violated s. 346.63 (7).

6           **SECTION 357.** 343.305 (9) (am) 5. c. of the statutes is amended to read:

7           343.305 (9) (am) 5. c. Whether the person refused to permit the test. The person  
8           shall not be considered to have refused the test if it is shown by a preponderance of  
9           evidence that the refusal was due to a physical inability to submit to the test due to  
10          a physical disability or disease unrelated to the use of alcohol, controlled substances,  
11          controlled substance analogs or other drugs.

12          **SECTION 358.** 343.305 (10) (c) 1. (intro.) of the statutes is amended to read:

13          343.305 (10) (c) 1. (intro.) Except as provided in subd. 1. a. or b., the court shall  
14          order the person to submit to and comply with an assessment by an approved public  
15          treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of  
16          alcohol ~~or~~ controlled substances or controlled substance analogs and development  
17          of a driver safety plan for the person. The court shall notify the person and the  
18          department of transportation of the assessment order. The court shall also notify the  
19          person that noncompliance with assessment or the driver safety plan will result in  
20          license suspension until the person is in compliance. The assessment order shall:

21          **SECTION 359.** 343.305 (10) (d) of the statutes, as affected by 1995 Wisconsin Act  
22          27, is amended to read:

23          343.305 (10) (d) The assessment report shall order compliance with a driver  
24          safety plan. The report shall inform the person of the fee provisions under s. 46.03  
25          (18) (f). The driver safety plan may include a component that makes the person

1 aware of the effect of his or her offense on a victim and a victim's family. The driver  
2 safety plan may include treatment for the person's misuse, abuse or dependence on  
3 alcohol ~~or~~ controlled substances or controlled substance analogs, attendance at a  
4 school under s. 345.60, or both. If the plan requires inpatient treatment, the  
5 treatment shall not exceed 30 days. A driver safety plan under this paragraph shall  
6 include a termination date consistent with the plan which shall not extend beyond  
7 one year. The county department under s. 51.42 shall assure notification of the  
8 department of transportation and the person of the person's compliance or  
9 noncompliance with assessment and treatment. The school under s. 345.60 shall  
10 notify the department, the county department under s. 51.42 and the person of the  
11 person's compliance or noncompliance with the requirements of the school.  
12 Nonpayment of the assessment fee or, if the person has the ability to pay,  
13 nonpayment of the driver safety plan fee is noncompliance with the court order. If  
14 the department is notified of noncompliance, it shall suspend the person's operating  
15 privilege until the county department under s. 51.42 or the school under s. 345.60  
16 notifies the department that the person is in compliance with assessment or the  
17 driver safety plan. The department shall notify the person of the suspension, the  
18 reason for the suspension and the person's right to a review. A person may request  
19 a review of a suspension based upon failure to comply with a driver safety plan within  
20 10 days of notification. The review shall be handled by the subunit of the department  
21 of transportation designated by the secretary. The issues at the review are limited  
22 to whether the driver safety plan, if challenged, is appropriate and whether the  
23 person is in compliance with the assessment order or the driver safety plan. The  
24 review shall be conducted within 10 days after a request is received. If the driver  
25 safety plan is determined to be inappropriate, the department shall order a

1 reassessment and if the person is otherwise eligible, the department shall reinstate  
2 the person's operating privilege. If the person is determined to be in compliance with  
3 the assessment or driver safety plan, and if the person is otherwise eligible, the  
4 department shall reinstate the person's operating privilege. If there is no decision  
5 within the 10-day period, the department shall issue an order reinstating the  
6 person's operating privilege until the review is completed, unless the delay is at the  
7 request of the person seeking the review.

8 **SECTION 360.** 343.307 (1) (d) of the statutes is amended to read:

9 343.307 (1) (d) Convictions under the law of another jurisdiction that prohibits  
10 refusal of chemical testing or use of a motor vehicle while intoxicated or under the  
11 influence of a controlled substance or controlled substance analog, or a combination  
12 thereof, or with an excess or specified range of alcohol concentration, or under the  
13 influence of any drug to a degree that renders the person incapable of safely driving,  
14 as those or substantially similar terms are used in that jurisdiction's laws.

15 **SECTION 361.** 343.307 (2) (e) of the statutes is amended to read:

16 343.307 (2) (e) Convictions under the law of another jurisdiction that prohibits  
17 refusal of chemical testing or use of a motor vehicle while intoxicated or under the  
18 influence of a controlled substance or controlled substance analog, or a combination  
19 thereof, or with an excess or specified range of alcohol concentration, or under the  
20 influence of any drug to a degree that renders the person incapable of safely driving,  
21 as those or substantially similar terms are used in that jurisdiction's laws.

22 **SECTION 362.** 343.31 (1) (am) of the statutes is amended to read:

23 343.31 (1) (am) Injury by the operation of a vehicle while under the influence  
24 of an intoxicant ~~or~~, a controlled substance or a controlled substance analog, or any  
25 combination of an intoxicant ~~and~~, a controlled substance and a controlled substance

1 analog, under the influence of any other drug to a degree which renders him or her  
2 incapable of safely driving, or under the combined influence of an intoxicant and any  
3 other drug to a degree which renders him or her incapable of safely driving or while  
4 the person has a prohibited alcohol concentration and which is criminal under s.  
5 346.63 (2).

6 **SECTION 363.** 343.31 (1) (b) of the statutes is amended to read:

7 343.31 (1) (b) Upon the 2nd or any subsequent conviction for operation of a  
8 motor vehicle while under the influence of an intoxicant ~~or~~ controlled substance,  
9 controlled substance analog or a combination thereof, under the influence of any  
10 other drug to a degree which renders him or her incapable of safely driving, or under  
11 the combined influence of an intoxicant and any other drug to a degree which renders  
12 him or her incapable of safely driving, in accordance with the order of the court. This  
13 paragraph does not apply to a law of a federally recognized American Indian tribe  
14 or band in this state.

15 **SECTION 364.** 343.31 (2) of the statutes is amended to read:

16 343.31 (2) The department shall revoke or suspend, respectively, the operating  
17 privilege of any resident upon receiving notice of the conviction of such person in  
18 another jurisdiction for an offense therein which, if committed in this state, would  
19 have been cause for revocation or suspension under this section or under s. 343.30  
20 (1q). Such offenses shall include violation of any law of another jurisdiction that  
21 prohibits use of a motor vehicle while intoxicated or under the influence of a  
22 controlled substance or controlled substance analog, or a combination thereof, or  
23 with an excess or specified range of alcohol concentration, or under the influence of  
24 any drug to a degree that renders the person incapable of safely driving, as those or  
25 substantially similar terms are used in that jurisdiction's laws. Upon receiving



1 similar notice with respect to a nonresident, the department shall revoke or suspend,  
2 respectively, the privilege of the nonresident to operate a motor vehicle in this state.  
3 Such suspension or revocation shall not apply to the operation of a commercial motor  
4 vehicle by a nonresident who holds a valid commercial driver license issued by  
5 another state.

6 **SECTION 365.** 343.31 (3) (b) of the statutes is amended to read:

7 343.31 (3) (b) If the suspension results from a first conviction of operation of  
8 a motor vehicle while under the influence of an intoxicant or, controlled substance,  
9 controlled substance analog or a combination thereof, under the influence of any  
10 other drug to a degree which renders him or her incapable of safely driving, or under  
11 the combined influence of an intoxicant and any other drug to a degree which renders  
12 him or her incapable of safely driving and the conviction occurs in another  
13 jurisdiction, the period of suspension shall be 6 months.

14 **SECTION 366.** 343.315 (2) (a) 1. of the statutes is amended to read:

15 343.315 (2) (a) 1. Section 346.63 (1) (a) or a local ordinance in conformity  
16 therewith or a law of a federally recognized American Indian tribe or band in this  
17 state in conformity with s. 346.63 (1) (a) or the law of another jurisdiction prohibiting  
18 driving or operating a motor vehicle while intoxicated or under the influence of  
19 alcohol, a controlled substance, a controlled substance analog or a combination  
20 thereof, or under the influence of any drug which renders the person incapable of  
21 safely driving, as those or substantially similar terms are used in that jurisdiction's  
22 laws.

23 **SECTION 367.** 343.315 (2) (a) 6. of the statutes is amended to read:

24 343.315 (2) (a) 6. Section 346.63 (2) or (6), 940.09 (1) or 940.25 or a law of a  
25 federally recognized American Indian tribe or band in this state in conformity with

**SECTION 367**

1 s. 346.63 (2) or (6), 940.09 (1) or 940.25, or the law of another jurisdiction prohibiting  
2 causing or inflicting injury, great bodily harm or death through use of a motor vehicle  
3 while intoxicated or under the influence of alcohol, a controlled substance, a  
4 controlled substance analog or a combination thereof, or with an alcohol  
5 concentration of 0.04 or more or with an excess or specified range of alcohol  
6 concentration, or under the influence of any drug to a degree that renders the person  
7 incapable of safely driving, as those or substantially similar terms are used in that  
8 jurisdiction's laws.

9 **SECTION 368.** 343.315 (2) (e) of the statutes is amended to read:

10 343.315 **(2)** (e) A person is disqualified for life from operating a commercial  
11 motor vehicle if the person uses a commercial motor vehicle on or after July 1, 1987,  
12 in the commission of a felony involving the manufacture, distribution, delivery or  
13 dispensing of a controlled substance or controlled substance analog, or possession  
14 with intent to manufacture, distribute, deliver or dispense a controlled substance or  
15 controlled substance analog. No person who is disqualified under this paragraph is  
16 eligible for reinstatement under par. (d).

17 **SECTION 369.** 343.32 (1m) (b) (intro.) of the statutes is amended to read:

18 343.32 **(1m)** (b) (intro.) The secretary shall suspend or revoke a person's  
19 operating privilege for not less than 6 months nor more than 5 years whenever notice  
20 has been received of the conviction of such person under federal law or the law of a  
21 federally recognized American Indian tribe or band in this state or the law of another  
22 jurisdiction for any offense therein which, if the person had committed the offense  
23 in this state and been convicted of the offense under the laws of this state, would have  
24 required suspension or revocation of such person's operating privilege under s.

1 ~~161.50~~ 961.50. The person is eligible for an occupational license under s. 343.10 as  
2 follows:

3 **SECTION 370.** 343.32 (1m) (c) of the statutes is amended to read:

4 343.32 **(1m)** (c) For purposes of counting the number of convictions under par.  
5 (b), convictions of any violation of ch. ~~161~~ 961 shall be counted and given the effect  
6 specified under par. (b). The 5-year period under this subsection shall be measured  
7 from the dates of the violations which resulted in the convictions.

8 **SECTION 371.** 346.63 (1) (a) of the statutes is amended to read:

9 346.63 **(1)** (a) Under the influence of an intoxicant ~~or~~, a controlled substance,  
10 a controlled substance analog or a any combination of an intoxicant ~~and~~, a controlled  
11 substance and a controlled substance analog, under the influence of any other drug  
12 to a degree which renders him or her incapable of safely driving, or under the  
13 combined influence of an intoxicant and any other drug to a degree which renders  
14 him or her incapable of safely driving; or

15 **SECTION 372.** 346.63 (2) (a) 1. of the statutes is amended to read:

16 346.63 **(2)** (a) 1. Under the influence of an intoxicant ~~or~~, a controlled substance,  
17 a controlled substance analog or a any combination of an intoxicant ~~and~~, a controlled  
18 substance and a controlled substance analog, under the influence of any other drug  
19 to a degree which renders him or her incapable of safely driving, or under the  
20 combined influence of an intoxicant and any other drug to a degree which renders  
21 him or her incapable of safely driving; or

22 **SECTION 373.** 346.63 (2) (b) of the statutes is amended to read:

23 346.63 **(2)** (b) In an action under this subsection, the defendant has a defense  
24 if he or she proves by a preponderance of the evidence that the injury would have  
25 occurred even if he or she had been exercising due care and he or she had not been

1 under the influence of an intoxicant ~~or~~, a controlled substance, a controlled substance  
2 analog or a combination thereof, under the influence of any other drug to a degree  
3 which renders him or her incapable of safely driving, or under the combined  
4 influence of an intoxicant and any other drug to a degree which renders him or her  
5 incapable of safely driving or did not have a blood alcohol concentration described  
6 under par. (a) 2.

7 **SECTION 374.** 346.63 (6) (c) of the statutes is amended to read:

8 346.63 (6) (c) Under par. (a), the person charged has a defense if it appears by  
9 a preponderance of the evidence that the injury would have occurred even if he or she  
10 had not been under the influence of an intoxicant ~~or~~, a controlled substance, a  
11 controlled substance analog or a combination thereof, under the influence of any  
12 other drug to a degree which renders him or her incapable of safely driving, or under  
13 the combined influence of an intoxicant and any other drug to a degree which renders  
14 him or her incapable of safely driving or did not have an alcohol concentration  
15 described under par. (a).

16 **SECTION 375.** 346.637 (1) of the statutes is amended to read:

17 346.637 (1) The laws relating to operating a motor vehicle and drinking alcohol  
18 ~~or~~, using controlled substances or controlled substance analogs, or ~~both~~ using any  
19 combination of alcohol, controlled substances and controlled substance analogs.

20 **SECTION 376.** 346.637 (2) of the statutes is amended to read:

21 346.637 (2) The effects of alcohol ~~or~~, controlled substances or controlled  
22 substance analogs, or ~~both~~ the use of them in any combination, on a person's ability  
23 to operate a motor vehicle.

24 **SECTION 377.** 346.64 (1) of the statutes is amended to read:

1           346.64 (1) No person who owns or has direct control of a commercial motor  
2 vehicle or any vehicle operated upon a highway for the conveyance of passengers for  
3 hire shall employ as an operator of such vehicle and retain in the person's  
4 employment any person who is addicted to the excessive use of intoxicating liquor  
5 or to the use of a controlled substance or controlled substance analog under ch. 161  
6 961. In addition to being subject to fine or imprisonment as prescribed by law, such  
7 person shall forfeit \$5 for each day such operator is retained in the person's employ.

8           **SECTION 378.** 349.02 (2) (b) 2. of the statutes is amended to read:

9           349.02 (2) (b) 2. Chapter ~~161~~ 961 and local ordinances that strictly conform to  
10 s. ~~161.573 (2), 161.574 (2) or 161.575 (2)~~ 961.573 (2), 961.574 (2) or 961.575 (2).

11           **SECTION 379.** 349.13 (5) (b) 5. of the statutes is amended to read:

12           349.13 (5) (b) 5. The personal property is subject to forfeiture under ss. ~~161.55~~  
13 ~~to 161.56~~ 961.55 to 961.56 and 973.075 to 973.077.

14           **SECTION 380.** 350.01 (2) of the statutes is amended to read:

15           350.01 (2) "Controlled substance" has the meaning designated in s. ~~161.01~~  
16 961.01 (4).

17           **SECTION 381.** 350.01 (2d) of the statutes is created to read:

18           350.01 (2d) "Controlled substance analog" has the meaning given in s. 961.01  
19 (4m).

20           **SECTION 382.** 350.01 (9) of the statutes is amended to read:

21           350.01 (9) "Intoxicant" means any alcohol beverage, controlled substance,  
22 controlled substance analog or other drug or any combination thereof.

23           **SECTION 383.** 350.11 (3) (d) of the statutes is amended to read:

24           350.11 (3) (d) (title) *Alcohol ~~or~~, controlled substances or controlled substance*  
25 *analogs; assessment*. In addition to any other penalty or order, a person who violates

1 s. 350.101 (1) or (2) or 350.104 (5) or who violates s. 940.09 or 940.25 if the violation  
2 involves the operation of a snowmobile, shall be ordered by the court to submit to and  
3 comply with an assessment by an approved public treatment facility for an  
4 examination of the person's use of alcohol ~~or~~ controlled substances or controlled  
5 substance analogs. The assessment order shall comply with s. 343.30 (1q) (c) 1. a.  
6 to c. Intentional failure to comply with an assessment ordered under this paragraph  
7 constitutes contempt of court, punishable under ch. 785.

8 **SECTION 384.** 351.02 (1) (a) 10. of the statutes is amended to read:

9 351.02 (1) (a) 10. Any offense under the law of another jurisdiction prohibiting  
10 conduct described in sections 6-207, 6-302, 6-303, 10-102, 10-103, 10-104, 11-901,  
11 11-902, 11-907 or 11-908 of the uniform vehicle code and model traffic ordinance  
12 (1987), or prohibiting homicide or manslaughter resulting from the operation of a  
13 motor vehicle, use of a motor vehicle in the commission of a felony, reckless or careless  
14 driving or driving a motor vehicle with wilful or wanton disregard for the safety of  
15 persons or property, driving or operating a motor vehicle while under the influence  
16 of alcohol, a controlled substance, a controlled substance analog or any other drug  
17 or a combination thereof as prohibited, refusal to submit to chemical testing,  
18 operating a motor vehicle while the operating privilege or operator's license is  
19 revoked or suspended, perjury or the making false statements or affidavits to a  
20 governmental agency in connection with the ownership or operation of a motor  
21 vehicle, failing to stop and identify oneself as the driver or operator in the event of  
22 a motor vehicle accident with a person or an attended motor vehicle or fleeing from  
23 or attempting to elude a police, law enforcement or other peace officer, as those or  
24 substantially similar terms are used in that jurisdiction's laws.

25 **SECTION 385.** 441.16 (1) (b) 2. of the statutes is amended to read:

1           441.16 (1) (b) 2. Controlled substances, as defined in s. ~~161.01~~ 961.01 (4).

2           **SECTION 386.** 447.07 (3) (L) of the statutes is amended to read:

3           447.07 (3) (L) Violated ch. ~~161~~ or 450 or 961.

4           **SECTION 387.** 448.01 (11) of the statutes is amended to read:

5           448.01 (11) "Unprofessional conduct" means those acts or attempted acts of  
6           commission or omission defined as unprofessional conduct by the board under the  
7           authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or  
8           podiatrist in violation of ch. ~~161~~ or 450 or 961.

9           **SECTION 388.** 450.01 (4) of the statutes is amended to read:

10          450.01 (4) "Controlled substance" has the meaning designated in s. ~~161.01~~  
11          961.01 (4).

12          **SECTION 389.** 450.01 (20) (b) of the statutes is amended to read:

13          450.01 (20) (b) Any controlled substance ~~listed~~ included in schedules II to V of  
14          ch. ~~161~~ 961, whether by statute or rule, except substances which by law may be  
15          dispensed without the prescription order of a practitioner. Controlled substances are  
16          included within this definition for purposes of s. 450.11 (3), (4) (a) and (8) only and  
17          for violations thereof punishable under s. 450.11 (9).

18          **SECTION 390.** 450.02 (3) (d) of the statutes is amended to read:

19          450.02 (3) (d) Necessary for the administration and enforcement of this chapter  
20          and ch. ~~161~~ 961.

21          **SECTION 391.** 450.10 (1) (a) 2. of the statutes is amended to read:

22          450.10 (1) (a) 2. Violating this chapter or, subject to s. 961.38 (4r), ch. ~~161~~ 961  
23          or any federal or state statute or rule which substantially relates to the practice of  
24          the licensee.

25          **SECTION 392.** 450.10 (3) (b) of the statutes is amended to read:

1           450.10 (3) (b) Any health care professional who in good faith provides another  
2 health care professional with information concerning a violation of this chapter or  
3 ch. ~~161~~ 961 by any person shall be immune from any civil or criminal liability that  
4 results from any act or omission in providing such information. In any  
5 administrative or court proceeding, the good faith of the health care professional  
6 providing such information shall be presumed.

7           **SECTION 393.** 450.17 of the statutes is amended to read:

8           **450.17 Violations.** Each member of the board shall investigate and institute  
9 actions for violations of this chapter by any person and for violation of ch. ~~161~~ 961  
10 by pharmacists. The district attorney of the proper county shall promptly prosecute  
11 any such violation upon notice from any source.

12           **SECTION 394.** 453.04 of the statutes is amended to read:

13           **453.04 Violations.** The chairperson of the examining board shall institute  
14 actions for violations of this chapter by any person and for violations of ch. ~~161~~ or 450  
15 or 961 by veterinarians. The district attorney of the county in which the offense is  
16 committed shall promptly prosecute any such violation upon being informed thereof,  
17 from any source.

18           **SECTION 395.** 632.32 (6) (b) 4. of the statutes is amended to read:

19           632.32 (6) (b) 4. Any use of the motor vehicle for unlawful purposes, or for  
20 transportation of liquor in violation of law, or while the driver is under the influence  
21 of an intoxicant or a controlled substance or controlled substance analog under ch.  
22 ~~161~~ 961 or a combination thereof, under the influence of any other drug to a degree  
23 which renders him or her incapable of safely driving, or under the combined  
24 influence of an intoxicant and any other drug to a degree which renders him or her



1 incapable of safely driving, or any use of the motor vehicle in a reckless manner. In  
2 this subdivision, “drug” has the meaning specified in s. 450.01 (10).

3 **SECTION 396.** 753.061 (2) of the statutes is amended to read:

4 753.061 (2) The chief judge of the 1st judicial administrative district shall  
5 designate 2 circuit court branches that will primarily handle cases that involve a  
6 violation of ch. ~~161 961~~ involving a controlled substance included in schedule I or II  
7 under ch. ~~161 961~~ or a controlled substance analog of a controlled substance included  
8 in schedule I or II under ch. 961.

9 **SECTION 397.** 778.25 (1) (a) 1. of the statutes is amended to read:

10 778.25 (1) (a) 1. Under s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), ~~161.573~~  
11 ~~(2), 161.574 (2) or 161.575 (2)~~ 961.573 (2), 961.574 (2) or 961.575 (2) or under a local  
12 ordinance strictly conforming to one of those statutes brought against an adult in  
13 circuit court or against a minor in the court assigned to exercise jurisdiction under  
14 ch. 48.

15 **SECTION 398.** 778.25 (1) (a) 1. of the statutes, as affected by 1995 Wisconsin Acts  
16 77 and .... (this act), is repealed and recreated to read:

17 778.25 (1) (a) 1. Under s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573  
18 (2), 961.574 (2) or 961.575 (2) or under a local ordinance strictly conforming to one  
19 of those statutes brought against an adult in circuit court or against a minor in the  
20 court assigned to exercise jurisdiction under chs. 48 and 938.

21 **SECTION 399.** 814.60 (2) (cn) of the statutes is amended to read:

22 814.60 (2) (cn) Drug abuse program improvement surcharge imposed by s.  
23 ~~161.41 961.41~~ (5).

24 **SECTION 400.** 818.02 (7) of the statutes is amended to read:

1           818.02 (7) In an action for a forfeiture under s. ~~161.573 (2), 161.574 (2) or~~  
2           ~~161.575 (2)~~ 961.573 (2), 961.574 (2) or 961.575 (2), or a local ordinance strictly  
3           conforming to one of those statutes.

4           **SECTION 401.** 823.113 (1) of the statutes is amended to read:

5           823.113 (1) Any building or structure that is used to facilitate the delivery,  
6           distribution or manufacture, as defined in s. ~~161.01~~ 961.01 (6), (9) and (13)  
7           respectively, of a controlled substance, as defined in s. ~~161.01~~ 961.01 (4), or a  
8           controlled substance analog, as defined in s. 961.01 (4m), and any building or  
9           structure where those acts take place, is a public nuisance and may be proceeded  
10          against under this section.

11          **SECTION 402.** 885.235 (1) (a) 1. of the statutes is amended to read:

12          885.235 (1) (a) 1. The fact that the analysis shows that there was more than  
13          0.0% but less than 0.08% by weight of alcohol in the person's blood or more than 0.0  
14          grams but less than 0.08 grams of alcohol in 210 liters of the person's breath is  
15          relevant evidence on the issue of being under the combined influence of alcohol and  
16          a controlled substance, a controlled substance analog or any other drug, but, except  
17          as provided in par. (d) or sub. (1m), is not to be given any prima facie effect.

18          **SECTION 403.** 885.235 (1) (a) 2. of the statutes is amended to read:

19          885.235 (1) (a) 2. The fact that the analysis shows that there was more than  
20          0.0% but less than 0.1% by weight of alcohol in the person's blood or more than 0.0  
21          grams but less than 0.1 grams of alcohol in 210 liters of the person's breath is relevant  
22          evidence on the issue of being under the combined influence of alcohol and a  
23          controlled substance, controlled substance analog or any other drug but, except as  
24          provided in par. (d) or sub. (1m), is not to be given any prima facie effect.

25          **SECTION 404.** 885.235 (5) (b) of the statutes is amended to read:

1           885.235 (5) (b) “Controlled substance” has the meaning specified in s. ~~161.01~~  
2 961.01 (4).

3           **SECTION 405.** 885.235 (5) (bd) of the statutes is created to read:

4           885.235 (5) (bd) “Controlled substance analog” has the meaning given in s.  
5 961.01 (4m).

6           **SECTION 406.** 895.437 (1) (b) of the statutes is amended to read:

7           895.437 (1) (b) “Controlled substance” has the meaning given in s. ~~161.01~~  
8 961.01 (4).

9           **SECTION 407.** 895.437 (1) (bd) of the statutes is created to read:

10          895.437 (1) (bd) “Controlled substance analog” has the meaning given in s.  
11 961.01 (4m).

12          **SECTION 408.** 895.437 (2) (b) of the statutes is amended to read:

13          895.437 (2) (b) Illegal use of a controlled substance or controlled substance  
14 analog.

15          **SECTION 409.** 895.437 (3) of the statutes is amended to read:

16          895.437 (3) An owner or employe of a lodging establishment may deny lodging  
17 to an adult if the owner or employe reasonably believes that consumption of an  
18 alcohol beverage by an underage person not accompanied by his or her parent,  
19 guardian or spouse who has attained the legal drinking age, or illegal use of a  
20 controlled substance or controlled substance analog, may occur in the area of the  
21 lodging establishment procured.

22          **SECTION 410.** 895.53 (2) of the statutes is amended to read:

23          895.53 (2) Any person withdrawing blood at the request of a traffic officer, law  
24 enforcement officer or conservation warden for the purpose of determining the  
25 presence or quantity of alcohol, controlled substances, controlled substance analogs

1 or ~~both~~ any combination of alcohol, controlled substances and controlled substance  
2 analogs is immune from any civil or criminal liability for the act, except for civil  
3 liability for negligence in the performance of the act.

4 **SECTION 411.** 938.02 (1p) of the statutes, as created by 1995 Wisconsin Act 77,  
5 is repealed and recreated to read:

6 938.02 (1p) "Alcohol or other drug abuse impairment" means a condition of a  
7 person which is exhibited by characteristics of habitual lack of self-control in the use  
8 of alcohol beverages, controlled substances or controlled substance analogs to the  
9 extent that the person's health is substantially affected or endangered or the person's  
10 social or economic functioning is substantially disrupted.

11 **SECTION 412.** 938.02 (2d) of the statutes, as created by 1995 Wisconsin Act 77,  
12 is repealed and recreated to read:

13 938.02 (2d) "Controlled substance" has the meaning given in s. 961.01 (4).

14 **SECTION 413.** 938.02 (2e) of the statutes is created to read:

15 938.02 (2e) "Controlled substance analog" has the meaning given in s. 961.01  
16 (4m).

17 **SECTION 414.** 938.17 (2) (c) of the statutes, as created by 1995 Wisconsin Act  
18 77, is repealed and recreated to read:

19 938.17 (2) (c) The citation procedures described in ch. 800 shall govern  
20 proceedings involving juveniles in municipal court, except that this chapter shall  
21 govern the taking and holding of a juvenile in custody and par. (cg) shall govern the  
22 issuing of a summons to the juvenile's parent, guardian or legal custodian. When a  
23 juvenile is before the court assigned to exercise jurisdiction under this chapter and  
24 ch. 48 upon a citation alleging the juvenile to have violated a civil law or municipal  
25 ordinance, the procedures specified in s. 938.237 shall apply. If a citation is issued

1 to a juvenile, the issuing agency shall notify the juvenile's parent, guardian and legal  
2 custodian within 7 days. The agency issuing a citation to a juvenile who is 12 to 15  
3 years of age for a violation of s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573  
4 (2), 961.574 (2) or 961.575 (2) or an ordinance conforming to one of those statutes  
5 shall send a copy to an intake worker under s. 938.24 for informational purposes only.

6 **SECTION 415.** 938.17 (2) (d) of the statutes, as created by 1995 Wisconsin Act  
7 77, is repealed and recreated to read:

8 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
9 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that  
10 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)  
11 or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
12 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture  
13 imposed by the municipal court, the court may not impose a jail sentence but may  
14 suspend any license issued under ch. 29 for not less than 30 days nor more than 5  
15 years, or suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for  
16 not less than 30 days nor more than 5 years. If a court suspends a license or privilege  
17 under this section, the court shall immediately take possession of the applicable  
18 license and forward it to the department that issued the license, together with the  
19 notice of suspension clearly stating that the suspension is for failure to pay a  
20 forfeiture imposed by the court. If the forfeiture is paid during the period of  
21 suspension, the court shall immediately notify the department, which shall  
22 thereupon return the license to the person.

23 **SECTION 416.** 938.17 (2) (e) of the statutes, as created by 1995 Wisconsin Act  
24 77, is repealed and recreated to read:

1           938.17 (2) (e) If a municipal court finds that a juvenile violated a municipal  
2 ordinance that conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573  
3 (2), 961.574 (2) or 961.575 (2), the court shall enter a dispositional order under s.  
4 938.344 that is authorized under par. (cm).

5           **SECTION 417.** 938.18 (1) (a) 1. of the statutes, as created by 1995 Wisconsin Act  
6 77, is repealed and recreated to read:

7           938.18 (1) (a) 1. If the juvenile is alleged to have violated s. 940.03, 940.06,  
8 940.225 (1) or (2), 940.305, 940.31, 943.10 (2), 943.32 (2) or 961.41 (1) on or after the  
9 juvenile's 14th birthday.

10          **SECTION 418.** 938.18 (1) (a) 2. of the statutes, as created by 1995 Wisconsin Act  
11 77, is repealed and recreated to read:

12          938.18 (1) (a) 2. If the juvenile is alleged to have committed, on or after the  
13 juvenile's 14th birthday, a violation, at the request of or for the benefit of a criminal  
14 gang, as defined in s. 939.22 (9), that would constitute a felony under chs. 939 to 948  
15 or 961 if committed by an adult.

16          **SECTION 419.** 938.24 (2m) (a) 1. of the statutes, as created by 1995 Wisconsin  
17 Act 77, is repealed and recreated to read:

18          938.24 (2m) (a) 1. Any juvenile alleged to have committed a violation specified  
19 under ch. 961.

20          **SECTION 420.** 938.24 (2m) (a) 3. of the statutes, as created by 1995 Wisconsin  
21 Act 77, is repealed and recreated to read:

22          938.24 (2m) (a) 3. Any juvenile alleged to have committed any offense which  
23 appears to the intake worker to be directly motivated by the juvenile's need to  
24 purchase or otherwise obtain alcohol beverages, controlled substances or controlled  
25 substance analogs.

1           **SECTION 421.** 938.245 (2) (a) 3. of the statutes, as created by 1995 Wisconsin  
2 Act 77, is repealed and recreated to read:

3           938.245 **(2)** (a) 3. That the juvenile submit to an alcohol and other drug abuse  
4 assessment that conforms to the criteria specified under s. 938.547 (4) and that is  
5 conducted by an approved treatment facility for an examination of the juvenile's use  
6 of alcohol beverages, controlled substances or controlled substance analogs and any  
7 medical, personal, family or social effects caused by its use, if the multidisciplinary  
8 screen conducted under s. 938.24 (2) shows that the juvenile is at risk of having needs  
9 and problems related to the use of alcohol beverages, controlled substances or  
10 controlled substance analogs and its medical, personal, family or social effects.

11           **SECTION 422.** 938.295 (1c) (b) of the statutes, as created by 1995 Wisconsin Act  
12 77, is repealed and recreated to read:

13           938.295 **(1c)** (b) The juvenile was adjudicated delinquent on the basis of an  
14 offense specified in ch. 961.

15           **SECTION 423.** 938.295 (1c) (c) of the statutes, as created by 1995 Wisconsin Act  
16 77, is repealed and recreated to read:

17           938.295 **(1c)** (c) The greater weight of the evidence at the fact-finding hearing  
18 indicates that any offense which formed the basis for the adjudication was motivated  
19 by the juvenile's need to purchase or otherwise obtain alcohol beverages, controlled  
20 substances or controlled substance analogs.

21           **SECTION 424.** 938.295 (1g) of the statutes, as created by 1995 Wisconsin Act 77,  
22 is repealed and recreated to read:

23           938.295 **(1g)** If the court orders an alcohol or other drug abuse assessment  
24 under sub. (1), the approved treatment facility shall, within 14 days after the court  
25 order, report the results of the assessment to the court, except that, upon request by

1 the approved treatment facility and if the juvenile is not held in secure or nonsecure  
2 custody, the court may extend the period for assessment for not more than 20  
3 additional working days. The report shall include a recommendation as to whether  
4 the juvenile is in need of treatment, intervention or education relating to the use or  
5 abuse of alcohol beverages, controlled substances or controlled substance analogs  
6 and, if so, shall recommend a service plan and appropriate treatment from an  
7 approved treatment facility, intervention from a court-approved pupil assistance  
8 program or education from a court-approved alcohol or other drug abuse education  
9 program.

10 **SECTION 425.** 938.32 (1g) (intro.) of the statutes, as created by 1995 Wisconsin  
11 Act 77, is repealed and recreated to read:

12 938.32 (1g) (intro.) If the petition alleges that the juvenile committed a  
13 violation specified under ch. 961 and if the multidisciplinary screen conducted under  
14 s. 938.24 (2) shows that the juvenile is at risk of having needs and problems related  
15 to the use of alcohol beverages, controlled substances or controlled substance analogs  
16 and its medical, personal, family and social effects, the judge or juvenile court  
17 commissioner may establish as a condition under sub. (1) any of the following:

18 **SECTION 426.** 938.34 (6r) (a) of the statutes, as created by 1995 Wisconsin Act  
19 77, is repealed and recreated to read:

20 938.34 (6r) (a) If the report prepared under s. 938.33 (1) recommends that the  
21 juvenile is in need of treatment for the use or abuse of alcohol beverages, controlled  
22 substances or controlled substance analogs and its medical, personal, family or social  
23 effects, the court may order the juvenile to enter an outpatient alcohol and other drug  
24 abuse treatment program at an approved treatment facility. The approved  
25 treatment facility shall, under the terms of a service agreement between the county



1 and the approved treatment facility, or with the written informed consent of the  
2 juvenile or the juvenile's parent if the juvenile has not attained the age of 12, report  
3 to the agency primarily responsible for providing services to the juvenile as to  
4 whether the juvenile is cooperating with the treatment and whether the treatment  
5 appears to be effective.

6 **SECTION 427.** 938.34 (6r) (b) of the statutes, as created by 1995 Wisconsin Act  
7 77, is repealed and recreated to read:

8 938.34 (6r) (b) If the report prepared under s. 938.33 (1) recommends that the  
9 juvenile is in need of education relating to the use of alcohol beverages, controlled  
10 substances or controlled substance analogs, the court may order the juvenile to  
11 participate in an alcohol or other drug abuse education program approved by the  
12 court. The person or agency that provides the education program shall, under the  
13 terms of a service agreement between the county and the education program, or with  
14 the written informed consent of the juvenile or the juvenile's parent if the juvenile  
15 has not attained the age of 12, report to the agency primarily responsible for  
16 providing services to the juvenile about the juvenile's attendance at the program.

17 **SECTION 428.** 938.34 (6s) of the statutes, as created by 1995 Wisconsin Act 77,  
18 is repealed and recreated to read:

19 938.34 (6s) If the report under s. 938.33 (1) indicate that the juvenile is in need  
20 of treatment for the use or abuse of controlled substances or controlled substance  
21 analogs, order the juvenile to submit to drug testing under a drug testing program  
22 that the department shall promulgate by rule.

23 **SECTION 429.** 938.34 (14r) (title) of the statutes, as created by 1995 Wisconsin  
24 Act 77, is repealed and recreated to read:

1           938.34 (14r) (title) VIOLATIONS RELATING TO CONTROLLED SUBSTANCES OR  
2 CONTROLLED SUBSTANCE ANALOGS.

3           **SECTION 430.** 938.34 (14r) (a) of the statutes, as created by 1995 Wisconsin Act  
4 77, is repealed and recreated to read:

5           938.34 (14r) (a) In addition to any other dispositions imposed under this  
6 section, if the juvenile is found to have violated ch. 961, the court shall suspend or  
7 revoke the juvenile's operating privilege, as defined in s. 340.01 (40), for not less than  
8 6 months nor more than 5 years. The court shall immediately take possession of any  
9 suspended or revoked license and forward it to the department of transportation  
10 together with the notice of suspension or revocation clearly stating that the  
11 suspension or revocation is for a violation of ch. 961.

12           **SECTION 431.** 938.34 (14r) (b) of the statutes, as created by 1995 Wisconsin Act  
13 77, is repealed and recreated to read:

14           938.34 (14r) (b) This subsection does not apply to violations under s. 961.573  
15 (2), 961.574 (2) or 961.575 (2) or a local ordinance that strictly conforms to one of  
16 those statutes.

17           **SECTION 432.** 938.34 (14s) (title) of the statutes, as created by 1995 Wisconsin  
18 Act 77, is repealed and recreated to read:

19           938.34 (14s) (title) POSSESSION OF CONTROLLED SUBSTANCES OR CONTROLLED  
20 SUBSTANCE ANALOGS.

21           **SECTION 433.** 938.34 (14s) (a) (intro.) of the statutes, as created by 1995  
22 Wisconsin Act 77, is repealed and recreated to read:

23           938.34 (14s) (a) (intro.) In addition to any other dispositions imposed under  
24 this section, if the juvenile is found to have violated s. 961.41 (3g), the court shall  
25 order one of the following penalties:

1           **SECTION 434.** 938.34 (14s) (am) (intro.) of the statutes, as created by 1995  
2 Wisconsin Act 77, is repealed and recreated to read:

3           938.34 (14s) (am) (intro.) In addition to any other dispositions imposed under  
4 this section, if the juvenile is found to have violated s. 961.41 (1) or (1m), the court  
5 shall order one of the following penalties:

6           **SECTION 435.** 938.34 (14t) of the statutes, as created by 1995 Wisconsin Act 77,  
7 is repealed and recreated to read:

8           938.34 (14t) POSSESSION OF A CONTROLLED SUBSTANCE OR CONTROLLED SUBSTANCE  
9 ANALOG ON OR NEAR CERTAIN PREMISES. If the juvenile is adjudicated delinquent under  
10 a violation of s. 961.41 (3g) by possessing or attempting to possess a controlled  
11 substance included in schedule I or II under ch. 961 or a controlled substance analog  
12 of a controlled substance included in schedule I or II under ch. 961 while in or on the  
13 premises of a scattered-site public housing project, as defined in s. 961.01 (20i), while  
14 in or on or otherwise within 1,000 feet of a state, county, city, village or town park,  
15 a jail or correctional facility, as defined in s. 961.01 (12m), a multiunit public housing  
16 project, as defined in s. 961.01 (14m), a swimming pool open to members of the public,  
17 a youth center, as defined in s. 961.01 (22), or a community center, while in or on or  
18 otherwise within 1,000 feet of any private or public school premises or while in or on  
19 or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court  
20 shall require that the juvenile participate for 100 hours in a supervised work  
21 program or other community service work under sub. (5g).

22           **SECTION 436.** 938.343 (10) (intro.) of the statutes, as created by 1995 Wisconsin  
23 Act 77, is repealed and recreated to read:

1           938.343 **(10)** (intro.) If the violation is related to the use or abuse of alcohol  
2 beverages, controlled substances or controlled substance analogs, order the juvenile  
3 to do any of the following:

4           **SECTION 437.** 938.344 (2e) (a) (intro.) of the statutes, as created by 1995  
5 Wisconsin Act 77, is repealed and recreated to read:

6           938.344 **(2e)** (a) (intro.) If a court finds a juvenile committed a violation under  
7 s. 961.573 (2), 961.574 (2) or 961.575 (2), or a local ordinance that strictly conforms  
8 to one of those statutes, the court shall suspend or revoke the juvenile's operating  
9 privilege, as defined in s. 340.01 (40), for not less than 6 months nor more than 5 years  
10 and, in addition, shall order one of the following penalties:

11           **SECTION 438.** 938.344 (2e) (b) of the statutes, as created by 1995 Wisconsin Act  
12 77, is repealed and recreated to read:

13           938.344 **(2e)** (b) Whenever a court suspends or revokes a juvenile's operating  
14 privilege under this subsection, the court shall immediately take possession of any  
15 suspended or revoked license and forward it to the department of transportation,  
16 together with the notice of suspension or revocation clearly stating that the  
17 suspension or revocation is for a violation under s. 961.573 (2), 961.574 (2) or 961.575  
18 (2), or a local ordinance that strictly conforms to one of those statutes.

19           **SECTION 439.** 938.344 (3) of the statutes, as created by 1995 Wisconsin Act 77,  
20 is repealed and recreated to read:

21           938.344 **(3)** If the juvenile alleged to have committed the violation is within 3  
22 months of his or her 17th birthday, the court assigned to exercise jurisdiction under  
23 this chapter and ch. 48 may, at the request of the district attorney or on its own  
24 motion, dismiss the citation without prejudice and refer the matter to the district  
25 attorney for prosecution under s. 125.07 (4). The juvenile is entitled to a hearing only

1 on the issue of his or her age. This subsection does not apply to violations under s.  
2 961.573 (2), 961.574 (2) or 961.575 (2) or a local ordinance that strictly conforms to  
3 one of those statutes.

4 **SECTION 440.** 938.396 (1m) (a) of the statutes, as created by 1995 Wisconsin Act  
5 77, is repealed and recreated to read:

6 938.396 (1m) (a) If requested by the school district administrator of a public  
7 school district, a law enforcement agency may provide to the school district  
8 administrator any information in its records relating to the use, possession or  
9 distribution of alcohol or a controlled substance or controlled substance analog by a  
10 pupil enrolled in the public school district. The information shall be used by the  
11 school district as provided under s. 118.127 (2).

12 **SECTION 441.** 938.396 (2) (c) of the statutes, as created by 1995 Wisconsin Act  
13 77, is repealed and recreated to read:

14 938.396 (2) (c) Upon request of a law enforcement agency to review court  
15 records for the purpose of investigating a crime that might constitute criminal gang  
16 activity, as defined in s. 941.38 (1) (b), the court shall open for inspection by  
17 authorized representatives of the law enforcement agency the records of the court  
18 relating to any juvenile who has been found to have committed a delinquent act at  
19 the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that  
20 would have been a felony under chs. 939 to 948 or 961 if committed by an adult.

21 **SECTION 442.** 938.396 (7) (b) of the statutes, as created by 1995 Wisconsin Act  
22 77, is repealed and recreated to read:

23 938.396 (7) (b) If a juvenile is found to have committed a delinquent act at the  
24 request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would  
25 have been a felony under chs. 939 to 948 or 961 if committed by an adult and is

1 adjudged delinquent on that basis, within 5 days after the date on which the  
2 dispositional order is entered the court clerk shall notify the school board of the  
3 school district in which the juvenile is enrolled or the school board's designee of the  
4 fact that the juvenile has been adjudicated delinquent on that basis, the nature of  
5 the violation committed by the juvenile and the disposition imposed on the juvenile  
6 under s. 938.34 as a result of that violation.

7 **SECTION 443.** 938.547 (1) of the statutes, as created by 1995 Wisconsin Act 77,  
8 is repealed and recreated to read:

9 938.547 (1) LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that the  
10 use and abuse of alcohol and other drugs by juveniles is a state responsibility of  
11 statewide dimension. The legislature recognizes that there is a lack of adequate  
12 procedures to screen, assess and treat juveniles for alcohol and other drug abuse. To  
13 reduce the incidence of alcohol and other drug abuse by juveniles, the legislature  
14 deems it necessary to experiment with solutions to the problems of the use and abuse  
15 of alcohol and other drugs by juveniles by establishing a juvenile alcohol and other  
16 drug abuse pilot program in a limited number of counties. The purpose of the  
17 program is to develop intake and court procedures that screen, assess and give new  
18 dispositional alternatives for juveniles with needs and problems related to the use  
19 of alcohol beverages, controlled substances or controlled substance analogs who  
20 come within the jurisdiction of a court assigned to exercise jurisdiction under this  
21 chapter and ch. 48 in the pilot counties selected by the department.

22 **SECTION 444.** 939.22 (21) (a) of the statutes is amended to read:

23 939.22 (21) (a) Manufacture, distribution or delivery of a controlled substance  
24 or controlled substance analog, as prohibited in s. ~~161.41~~ 961.41 (1).

25 **SECTION 445.** 939.22 (42) of the statutes is amended to read:

1           939.22 **(42)** “Under the influence of an intoxicant” means that the actor’s ability  
2 to operate a vehicle or handle a firearm or airgun is materially impaired because of  
3 his or her consumption of an alcohol beverage ~~or~~ of a controlled substance or  
4 controlled substance analog under ch. 161 or both, 961, of any combination of an  
5 alcohol beverage, controlled substance and controlled substance analog, or of any  
6 other drug or of an alcohol beverage and any other drug.

7           **SECTION 446.** 939.30 (1) of the statutes is amended to read:

8           939.30 **(1)** Except as provided in sub. (2) and ss. ~~161.455 and 948.35 and~~  
9 ~~961.455~~, whoever, with intent that a felony be committed, advises another to commit  
10 that crime under circumstances that indicate unequivocally that he or she has the  
11 intent is guilty of a Class D felony.

12           **SECTION 447.** 939.31 of the statutes is amended to read:

13           **939.31 Conspiracy.** Except as provided in ss. ~~161.41 (1x)~~, 940.43 (4) and,  
14 940.45 (4) ~~and 961.41 (1x)~~, whoever, with intent that a crime be committed, agrees  
15 or combines with another for the purpose of committing that crime may, if one or  
16 more of the parties to the conspiracy does an act to effect its object, be fined or  
17 imprisoned or both not to exceed the maximum provided for the completed crime;  
18 except that for a conspiracy to commit a crime for which the penalty is life  
19 imprisonment, the actor is guilty of a Class B felony.

20           **SECTION 448.** 939.62 (2m) (a) 1. of the statutes is amended to read:

21           939.62 **(2m)** (a) 1. Any felony under s. ~~161.41~~ 961.41 (1), (1m) or (1x) if the  
22 felony is punishable by a maximum prison term of 30 years or more.

23           **SECTION 449.** 939.625 (1) (a) of the statutes is amended to read:

24           939.625 **(1)** (a) If a person is convicted of a crime under ~~ch. 161 or under chs.~~  
25 ~~939 to 948~~ or 961 committed for the benefit of, at the direction of or in association with

1 any criminal gang, with the specific intent to promote, further or assist in any  
2 criminal conduct by criminal gang members, the penalties for the underlying crime  
3 are increased as provided in par. (b).

4 **SECTION 450.** 939.63 (1) (c) of the statutes is amended to read:

5 939.63 (1) (c) This subsection applies only to crimes specified under chs. 161  
6 and 939 to 951 and 961.

7 **SECTION 451.** 940.02 (2) (a) of the statutes is amended to read:

8 940.02 (2) (a) By manufacture, distribution or delivery, in violation of s. 961.41,  
9 of a controlled substance ~~classified~~ included in schedule I or II under ch. 161 ~~in~~  
10 ~~violation of s. 161.41 which~~ 961 or of a controlled substance analog of a controlled  
11 substance included in schedule I or II under ch. 961, if another human being uses the  
12 controlled substance or controlled substance analog and dies as a result of that use.

13 This paragraph applies:

14 1. Whether the human being dies as a result of using the controlled substance  
15 or controlled substance analog by itself or with any compound, mixture, diluent or  
16 other substance mixed or combined with the controlled substance or controlled  
17 substance analog.

18 2. Whether or not the controlled substance or controlled substance analog is  
19 mixed or combined with any compound, mixture, diluent or other substance after the  
20 violation of s. ~~161.41~~ 961.41 occurs.

21 3. To any distribution or delivery described in this paragraph, regardless of  
22 whether the distribution or delivery is made directly to the human being who dies.  
23 If possession of the controlled substance ~~classified~~ included in schedule I or II under  
24 ch. ~~161~~ 961 or of the controlled substance analog of the controlled substance included  
25 in schedule I or II under ch. 961 is transferred more than once prior to the death as



1 described in this paragraph, each person who distributes or delivers the controlled  
2 substance or controlled substance analog in violation of s. ~~161.41~~ 961.41 is guilty  
3 under this paragraph.

4 **SECTION 452.** 940.02 (2) (b) of the statutes is amended to read:

5 940.02 (2) (b) By administering or assisting in administering a controlled  
6 substance ~~classified~~ included in schedule I or II under ch. ~~161~~ 961 or a controlled  
7 substance analog of a controlled substance included in schedule I or II of ch. 961,  
8 without lawful authority to do so, to another human being and that human being dies  
9 as a result of the use of the substance. This paragraph applies whether the human  
10 being dies as a result of using the controlled substance or controlled substance analog  
11 by itself or with any compound, mixture, diluent or other substance mixed or  
12 combined with the controlled substance or controlled substance analog.

13 **SECTION 453.** 941.296 (2) (intro.) of the statutes is amended to read:

14 941.296 (2) (intro.) Whoever uses or possesses a handgun during the  
15 commission of a crime under chs. ~~161~~ or 939 to 948 or 961 is guilty of a Class E felony  
16 under any of the following circumstances.

17 **SECTION 454.** 941.38 (1) (b) 1. of the statutes is amended to read:

18 941.38 (1) (b) 1. Manufacture, distribution or delivery of a controlled substance  
19 or controlled substance analog, as prohibited in s. ~~161.41~~ 961.41 (1).

20 **SECTION 455.** 946.82 (4) of the statutes, as affected by 1995 Wisconsin Act 133,  
21 is amended to read:

22 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
23 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission  
24 of any of the felonies specified in: chs. ~~161~~ and 945 and 961 and ss. 49.49, 134.05,  
25 139.44 (1), 180.0129, 181.69, 184.09 (2), 185.825, 215.12, 221.17, 221.31, 221.39,

1 221.40, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19  
2 (3) to (6), 940.20, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3), 941.26,  
3 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.012, 943.013, 943.02, 943.03,  
4 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d), 943.23 (1g), (1m), (1r), (2) and (3),  
5 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (b) and (c), 943.38,  
6 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.21 (5)  
7 (c) and (e), 944.32, 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11,  
8 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,  
9 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

10 **SECTION 456.** 948.015 (6) of the statutes is amended to read:

11 948.015 (6) Sections ~~161.01~~ 961.01 (6) and (9) and ~~161.49~~ 961.49, relating to  
12 delivery and distributing controlled substances or controlled substance analogs to  
13 children.

14 **SECTION 457.** 948.07 (6) of the statutes is amended to read:

15 948.07 (6) Giving or selling to the child a controlled substance or controlled  
16 substance analog in violation of ch. ~~161~~ 961.

17 **SECTION 458.** 948.35 (1) (a) of the statutes, as affected by 1995 Wisconsin Act  
18 27, is amended to read:

19 948.35 (1) (a) Except as provided in pars. (b) to (d) or s. ~~161.455~~ 961.455, any  
20 person who has attained the age of 17 years and who, with the intent that a felony  
21 be committed and under circumstances that indicate unequivocally that he or she  
22 has the intent, knowingly solicits, advises, hires, directs or counsels a person 17  
23 years of age or under to commit that felony may be fined or imprisoned or both, not  
24 to exceed the maximum penalty for the felony.

25 **SECTION 459.** 949.08 (2) (e) of the statutes is amended to read:

1           949.08 (2) (e) Is an adult passenger in the offender's vehicle and the crime  
2 involved is specified in s. 346.63 (2) or 940.25 and the passenger knew the offender  
3 was under the influence of an intoxicant, a controlled substance, a controlled  
4 substance analog or ~~both~~ any combination of an intoxicant, controlled substance and  
5 controlled substance analog, or had a prohibited alcohol concentration, as defined in  
6 s. 340.01 (46m). This paragraph does not apply if the victim is also a victim of a crime  
7 specified in s. 940.30, 940.305, 940.31 or 948.30.

8           **SECTION 460.** 949.08 (2) (em) of the statutes is amended to read:

9           949.08 (2) (em) Is an adult passenger in the offender's commercial motor  
10 vehicle and the crime involved is specified in s. 346.63 (6) or 940.25 and the passenger  
11 knew the offender was under the influence of an intoxicant, a controlled substance,  
12 a controlled substance analog or ~~both~~ any combination of an intoxicant, controlled  
13 substance and controlled substance analog, or had an alcohol concentration of 0.04  
14 or more but less than 0.1. This paragraph does not apply if the victim is also a victim  
15 of a crime specified in s. 940.30, 940.305, 940.31 or 948.30.

16           **SECTION 461.** 951.06 of the statutes is amended to read:

17           **951.06 Use of poisonous and controlled substances.** No person may  
18 expose any domestic animal owned by another to any known poisonous substance ~~or,~~  
19 any controlled substance listed in s. 161.14 included in schedule I, II, III, IV or V of  
20 ch. 961, or any controlled substance analog of a controlled substance included in  
21 schedule I or II of ch. 961, whether mixed with meat or other food or not, so that the  
22 substance is liable to be eaten by the animal and for the purpose of harming the  
23 animal. This section shall not apply to poison used on one's own premises and  
24 designed for the purpose of rodent or pest extermination nor to the use of a controlled

1 substance in bona fide experiments carried on for scientific research or in accepted  
2 veterinary practices.

3 **SECTION 462.** 961.001 (1g) of the statutes is created to read:

4 961.001 **(1g)** Many of the controlled substances included in this chapter have  
5 useful and legitimate medical and scientific purposes and are necessary to maintain  
6 the health and general welfare of the people of this state.

7 **SECTION 463.** 961.001 (1m) of the statutes is created to read:

8 961.001 **(1m)** The manufacture, distribution, delivery, possession and use of  
9 controlled substances for other than legitimate purposes have a substantial and  
10 detrimental effect on the health and general welfare of the people of this state.

11 **SECTION 464.** 961.01 (4m) of the statutes is created to read:

12 961.01 **(4m)** (a) "Controlled substance analog" means a substance the chemical  
13 structure of which is substantially similar to the chemical structure of a controlled  
14 substance included in schedule I or II and:

15 1. Which has a stimulant, depressant, narcotic or hallucinogenic effect on the  
16 central nervous system substantially similar to the stimulant, depressant, narcotic  
17 or hallucinogenic effect on the central nervous system of a controlled substance  
18 included in schedule I or II; or

19 2. With respect to a particular individual, which the individual represents or  
20 intends to have a stimulant, depressant, narcotic or hallucinogenic effect on the  
21 central nervous system substantially similar to the stimulant, depressant, narcotic  
22 or hallucinogenic effect on the central nervous system of a controlled substance  
23 included in schedule I or II.

24 (b) "Controlled substance analog" does not include:

25 1. A controlled substance;

- 1           2. A substance for which there is an approved new drug application;
- 2           3. A substance with respect to which an exemption is in effect for
- 3           investigational use by a particular person under 21 USC 355 to the extent that
- 4           conduct with respect to the substance is permitted by the exemption; or
- 5           4. Any substance to the extent not intended for human consumption before an
- 6           exemption takes effect with respect to the substance.

7           **SECTION 465.** 961.01 (11m) of the statutes is created to read:

8           961.01 (11m) "Drug enforcement administration" means the drug enforcement

9           administration of the U.S. department of justice or its successor agency.

10          **SECTION 466.** 961.01 (12g) of the statutes is created to read:

11          961.01 (12g) "Isomer" means an optical isomer, but in ss. 961.14 (2) (er) and

12          (qs) and 961.16 (2) (b) 1. "isomer" includes any geometric isomer; in ss. 961.14 (2) (cg),

13          (tg) and (xm) and 961.20 (4) (am) "isomer" includes any positional isomer; and in ss.

14          961.14 (2) (rj) and (4) and 961.18 (2m) "isomer" includes any positional or geometric

15          isomer.

16          **SECTION 467.** 961.01 (15) (bm) of the statutes is created to read:

17          961.01 (15) (bm) Synthetic opiate, and any derivative of synthetic opiate,

18          including any of their isomers, esters, ethers, esters and ethers of isomers, salts and

19          salts of isomers, esters, ethers and esters and ethers of isomers that are theoretically

20          possible within the specific chemical designation.

21          **SECTION 468.** 961.01 (15) (d) of the statutes is created to read:

22          961.01 (15) (d) Any compound, mixture or preparation containing any quantity

23          of any substance included in pars. (a) to (c).

24          **SECTION 469.** 961.11 (1r) of the statutes is created to read:

1           961.11 (1r) The controlled substances board may consider findings of the  
2 federal food and drug administration or the drug enforcement administration as  
3 prima facie evidence relating to one or more of the determinative factors.

4           **SECTION 470.** 961.11 (4m) of the statutes is created to read:

5           961.11 (4m) The controlled substances board, by rule and without regard to the  
6 requirements of sub. (1m), may schedule a controlled substance analog as a  
7 substance in schedule I regardless of whether the substance is substantially similar  
8 to a controlled substance in schedule I or II, if the board finds that scheduling of the  
9 substance on an emergency basis is necessary to avoid an imminent hazard to the  
10 public safety and the substance is not included in any other schedule or no exemption  
11 or approval is in effect for the substance under 21 USC 355. Upon receipt of notice  
12 under s. 961.25, the board shall initiate scheduling of the controlled substance  
13 analog on an emergency basis under this subsection. The scheduling of a controlled  
14 substance analog under this subsection expires one year after the adoption of the  
15 scheduling rule. With respect to the finding of an imminent hazard to the public  
16 safety, the board shall consider whether the substance has been scheduled on a  
17 temporary basis under federal law or factors under sub. (1m) (d), (e) and (f), and may  
18 also consider clandestine importation, manufacture or distribution, and, if available,  
19 information concerning the other factors under sub. (1m). The board may not  
20 promulgate a rule under this subsection until it initiates a rule-making proceeding  
21 under subs. (1), (1m), (1r) and (2) with respect to the controlled substance analog.  
22 A rule promulgated under this subsection lapses upon the conclusion of the  
23 rule-making proceeding initiated under subs. (1), (1m), (1r) and (2) with respect to  
24 the substance.

25           **SECTION 471.** 961.13 (2m) of the statutes is created to read:

1           961.13 **(2m)** The controlled substances board may add a substance to schedule  
2 I without making the findings required under sub. (1m) if the substance is controlled  
3 under schedule I of 21 USC 812 (c) by a federal agency as the result of an  
4 international treaty, convention or protocol.

5           **SECTION 472.** 961.15 (2m) of the statutes is created to read:

6           961.15 **(2m)** The controlled substances board may add a substance to schedule  
7 II without making the findings required under sub. (1m) if the substance is  
8 controlled under schedule II of 21 USC 812 (c) by a federal agency as the result of an  
9 international treaty, convention or protocol.

10          **SECTION 473.** 961.16 (3) (cm) of the statutes is created to read:

11          961.16 **(3)** (cm) Carfentanyl;

12          **SECTION 474.** 961.17 (2m) of the statutes is created to read:

13          961.17 **(2m)** The controlled substances board may add a substance to schedule  
14 III without making the findings required under sub. (1m) if the substance is  
15 controlled under schedule III of 21 USC 812 (c) by a federal agency as the result of  
16 an international treaty, convention or protocol.

17          **SECTION 475.** 961.18 (3) (m) 1., 2. and 3. of the statutes are created to read:

18          961.18 **(3)** (m) 1. Amobarbital.

19          2. Secobarbital.

20          3. Pentobarbital.

21          **SECTION 476.** 961.18 (3) (n) 1., 2. and 3. of the statutes are created to read:

22          961.18 **(3)** (n) 1. Amobarbital.

23          2. Secobarbital.

24          3. Pentobarbital.

25          **SECTION 477.** 961.19 (2m) of the statutes is created to read:

1           961.19 **(2m)** The controlled substances board may add a substance to schedule  
2 IV without making the findings required under sub. (1m) if the substance is  
3 controlled under schedule IV of 21 USC 812 (c) by a federal agency as the result of  
4 an international treaty, convention or protocol.

5           **SECTION 478.** 961.20 (2m) (ad) of the statutes is created to read:

6           961.20 **(2m)** (ad) Cathine.

7           **SECTION 479.** 961.20 (2m) (br) of the statutes is created to read:

8           961.20 **(2m)** (br) Mefenorex.

9           **SECTION 480.** 961.21 (2m) of the statutes is created to read:

10          961.21 **(2m)** The controlled substances board may add a substance to schedule  
11 V without making the findings required by sub. (1m) if the substance is controlled  
12 under schedule V of 21 USC 811 (c) by a federal agency as the result of an  
13 international treaty, convention or protocol.

14          **SECTION 481.** 961.22 (3) of the statutes is created to read:

15          961.22 **(3)** STIMULANTS. Any material, compound, mixture or preparation which  
16 contains any quantity of any of the following substances having a stimulant effect  
17 on the central nervous system, including any of their salts, isomers and salts of  
18 isomers that are theoretically possible within the specific chemical designation:

19           (a) Pyrovalerone.

20          **SECTION 482.** 961.25 of the statutes is created to read:

21          **961.25 Controlled substance analog treated as a schedule I substance.**

22 A controlled substance analog, to the extent it is intended for human consumption,  
23 shall be treated, for the purposes of this chapter, as a substance included in schedule  
24 I, unless a different treatment is specifically provided. No later than 60 days after  
25 the commencement of a prosecution concerning a controlled substance analog, the



1 district attorney shall provide the controlled substances board with information  
2 relevant to emergency scheduling under s. 961.11 (4m). After a final determination  
3 by the controlled substances board that the controlled substance analog should not  
4 be scheduled, no prosecution relating to that substance as a controlled substance  
5 analog may be commenced or continued.

6 **SECTION 483.** 961.38 (1g) of the statutes is created to read:

7 961.38 (1g) In this section, “medical treatment” includes dispensing or  
8 administering a narcotic drug for pain, including intractable pain.

9 **SECTION 484.** 961.38 (4g) of the statutes is created to read:

10 961.38 (4g) A practitioner may dispense or deliver a controlled substance to or  
11 for an individual or animal only for medical treatment or authorized research in the  
12 ordinary course of that practitioner’s profession.

13 **SECTION 485.** 961.38 (4r) of the statutes is created to read:

14 961.38 (4r) A pharmacist is immune from any civil or criminal liability and  
15 from discipline under s. 450.10 for any act taken by the pharmacist in reliance on a  
16 reasonable belief that an order purporting to be a prescription was issued by a  
17 practitioner in the usual course of professional treatment or in authorized research.

18 **SECTION 486.** 961.395 of the statutes is created to read:

19 **961.395 Limitation on advanced practice nurses. (1)** An advanced  
20 practice nurse who is certified under s. 441.16 may prescribe controlled substances  
21 only as permitted by the rules promulgated under s. 441.16 (3).

22 **(2)** An advanced practice nurse certified under s. 441.16 shall include with each  
23 prescription order all of the following:

24 (a) A statement that he or she is certified under s. 441.16.

1 (b) The indicated use of the controlled substance that he or she is prescribing  
2 in the prescription order.

3 (3) An advanced practice nurse certified under s. 441.16 may dispense a  
4 controlled substance only by prescribing or administering the controlled substance  
5 or as otherwise permitted by the rules promulgated under s. 441.16 (3).

6 **SECTION 487.** 961.41 (1n) of the statutes is created to read:

7 961.41 (1n) PIPERIDINE POSSESSION. (a) No person may possess any quantity  
8 of piperidine or its salts with the intent to use the piperidine or its salts to  
9 manufacture a controlled substance or controlled substance analog in violation of  
10 this chapter.

11 (b) No person may possess any quantity of piperidine or its salts if he or she  
12 knows or has reason to know that the piperidine or its salts will be used to  
13 manufacture a controlled substance or controlled substance analog in violation of  
14 this chapter.

15 (c) A person who violates par. (a) or (b) may be fined not more than \$250,000  
16 or imprisoned for not more than 10 years or both.

17 **SECTION 488.** 961.41 (1x) (title) of the statutes is created to read:

18 961.41 (1x) (title) CONSPIRACY.

19 **SECTION 489.** 961.41 (4) (title) of the statutes is created to read:

20 961.41 (4) (title) IMITATION CONTROLLED SUBSTANCES.

21 **SECTION 490.** 961.41 (5) (title) of the statutes is created to read:

22 961.41 (5) (title) DRUG ABUSE PROGRAM IMPROVEMENT SURCHARGE.

23 **SECTION 491.** 961.49 (3) of the statutes is created to read:

24 961.49 (3) A person who violates sub. (1) may be subject to increased penalties  
25 under both subs. (1) and (2) regarding the same unlawful act.

1           **SECTION 492.** 961.573 (2) of the statutes, as affected by 1995 Wisconsin Acts  
2 77, section 494, and .... (this act), is repealed and recreated to read:

3           961.573 (2) Any person who violates this section who is under 17 years of age  
4 is subject to a disposition under s. 938.344 (2e).

5           **SECTION 493.** 961.574 (2) of the statutes, as affected by 1995 Wisconsin Acts  
6 77, section 495, and .... (this act), is repealed and recreated to read:

7           961.574 (2) Any person who violates this section who is under 17 years of age  
8 is subject to a disposition under s. 938.344 (2e).

9           **SECTION 494.** 961.575 (2) of the statutes, as affected by 1995 Wisconsin Acts  
10 77, section 496, and .... (this act), is repealed and recreated to read:

11           961.575 (2) Any person who violates this section who is under 17 years of age  
12 is subject to a disposition under s. 938.344 (2e).

13           **SECTION 495.** 967.055 (1) (a) of the statutes is amended to read:

14           967.055 (1) (a) The legislature intends to encourage the vigorous prosecution  
15 of offenses concerning the operation of motor vehicles by persons under the influence  
16 of an intoxicant, a controlled substance, a controlled substance analog or ~~both~~ any  
17 combination of an intoxicant, controlled substance and controlled substance analog,  
18 under the influence of any other drug to a degree which renders him or her incapable  
19 of safely driving, or under the combined influence of an intoxicant and any other drug  
20 to a degree which renders him or her incapable of safely driving or having a  
21 prohibited alcohol concentration, as defined in s. 340.01 (46m), or offenses  
22 concerning the operation of commercial motor vehicles by persons with an alcohol  
23 concentration of 0.04 or more.

24           **SECTION 496.** 967.055 (1) (b) of the statutes is amended to read:

1           967.055 (1) (b) The legislature intends to encourage the vigorous prosecution  
2 of offenses concerning the operation of motorboats by persons under the influence of  
3 an intoxicant, a controlled substance, a controlled substance analog or ~~both~~ any  
4 combination of an intoxicant, controlled substance and controlled substance analog  
5 to a degree which renders him or her incapable of operating a motorboat safely, or  
6 under the combined influence of an intoxicant and any other drug to a degree which  
7 renders him or her incapable of operating a motorboat safely or having a blood  
8 alcohol concentration of 0.1% or more.

9           **SECTION 497.** 967.055 (2) (a) of the statutes, as affected by 1995 Wisconsin Act  
10 113, is amended to read:

11           967.055 (2) (a) Notwithstanding s. 971.29, if the prosecutor seeks to dismiss  
12 or amend a charge under s. 346.63 (1) or (5) or a local ordinance in conformity  
13 therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the  
14 use of a vehicle or an improper refusal under s. 343.305, the prosecutor shall apply  
15 to the court. The application shall state the reasons for the proposed amendment or  
16 dismissal. The court may approve the application only if the court finds that the  
17 proposed amendment or dismissal is consistent with the public's interest in deterring  
18 the operation of motor vehicles by persons who are under the influence of an  
19 intoxicant, a controlled substance, a controlled substance analog or ~~both~~ any  
20 combination of an intoxicant, controlled substance and controlled substance analog,  
21 under the influence of any other drug to a degree which renders him or her incapable  
22 of safely driving, or under the combined influence of an intoxicant and any other drug  
23 to a degree which renders him or her incapable of safely driving, or in deterring the  
24 operation of commercial motor vehicles by persons with an alcohol concentration of  
25 0.04 or more. The court may not approve an application to amend the vehicle

1 classification from a commercial motor vehicle to a noncommercial motor vehicle  
2 unless there is evidence in the record that the motor vehicle being operated by the  
3 defendant at the time of his or her arrest was not a commercial motor vehicle.

4 **SECTION 498.** 967.055 (2) (b) of the statutes is amended to read:

5 967.055 (2) (b) Notwithstanding s. 971.29, if the prosecutor seeks to dismiss  
6 or amend a charge under s. 30.681 (1) or a local ordinance in conformity therewith,  
7 a charge under s. 30.681 (2), a charge under s. 30.684 (5) or a local ordinance in  
8 conformity therewith or a charge under s. 940.09 or 940.25 if the offense involved the  
9 use of a motorboat, except a sailboat operating under sail alone, the prosecutor shall  
10 apply to the court. The application shall state the reasons for the proposed  
11 amendment or dismissal. The court may approve the application only if the court  
12 finds that the proposed amendment or dismissal is consistent with the public's  
13 interest in deterring the operation of motorboats by persons who are under the  
14 influence of an intoxicant, a controlled substance, a controlled substance analog or  
15 both any combination of an intoxicant, controlled substance and controlled  
16 substance analog, under the influence of any other drug to a degree which renders  
17 him or her incapable of operating a motorboat safely, or under the combined influence  
18 of an intoxicant and any other drug to a degree which renders him or her incapable  
19 of operating a motorboat safely.

20 **SECTION 499.** 968.13 (1) (a) of the statutes, as affected by 1995 Wisconsin Act  
21 11, is amended to read:

22 968.13 (1) (a) Contraband, which includes without limitation because of  
23 enumeration lottery tickets, gambling machines or other gambling devices, lewd,  
24 obscene or indecent written matter, pictures, sound recordings or motion picture  
25 films, forged money or written instruments and the tools, dies, machines or materials

1 for making them, and controlled substances, as defined in s. ~~161.01~~ 961.01 (4), and  
2 controlled substance analogs, as defined in s. 961.01 (4m), and the implements for  
3 smoking or injecting them. Gambling machines or other gambling devices possessed  
4 by a shipbuilding business that complies with s. 945.095 are not subject to this  
5 section.

6 **SECTION 500.** 968.28 of the statutes is amended to read:

7 **968.28 Application for court order to intercept communications.** The  
8 attorney general together with the district attorney of any county may approve a  
9 request of an investigative or law enforcement officer to apply to the chief judge of  
10 the judicial administrative district for the county where the interception is to take  
11 place for an order authorizing or approving the interception of wire, electronic or oral  
12 communications. The chief judge may under s. 968.30 grant an order authorizing or  
13 approving the interception of wire, electronic or oral communications by  
14 investigative or law enforcement officers having responsibility for the investigation  
15 of the offense for which the application is made. The authorization shall be permitted  
16 only if the interception may provide or has provided evidence of the commission of  
17 the offense of homicide, felony murder, kidnapping, commercial gambling, bribery,  
18 extortion or, dealing in controlled substances or controlled substance analogs, a  
19 computer crime that is a felony under s. 943.70, or any conspiracy to commit any of  
20 the foregoing offenses.

21 **SECTION 501.** 970.035 of the statutes is amended to read:

22 **970.035 Preliminary examination; child younger than 16 years old.**  
23 Notwithstanding s. 970.03, if a preliminary examination under s. 970.03 is held  
24 regarding a child who was waived under s. 48.18 for a violation which is alleged to  
25 have occurred prior to his or her 16th birthday, the court may bind the child over for

1 trial only if there is probable cause to believe that a crime under s. 940.01 has been  
2 attempted or committed, that a crime under s. ~~161.41 (1)~~, 940.02, 940.05, 940.06,  
3 940.225 (1), 940.305, 940.31 ~~or~~, 943.10 (2) or 961.41 (1) has been committed or that  
4 a crime that would constitute a felony under ~~ch. 161~~ ~~or under~~ chs. 939 to 948 or 961  
5 if committed by an adult has been committed at the request of or for the benefit of  
6 a criminal gang, as defined in s. 939.22 (9). If the court does not make any of those  
7 findings, the court shall order that the child be discharged but proceedings may be  
8 brought regarding the child under ch. 48.

9 **SECTION 502.** 970.035 of the statutes, as affected by 1995 Wisconsin Acts 77 and  
10 .... (this act), is repealed and recreated to read:

11 **970.035 Preliminary examination; child younger than 16 years old.**

12 Notwithstanding s. 970.03, if a preliminary examination under s. 970.03 is held  
13 regarding a child who was waived under s. 938.18 for a violation which is alleged to  
14 have occurred prior to his or her 15th birthday, the court may bind the child over for  
15 trial only if there is probable cause to believe that a crime under s. 940.03, 940.06,  
16 940.225 (1) or (2), 940.305, 940.31 or 943.10 (2), 943.32 (2) or 961.41 (1) has been  
17 committed or that a crime that would constitute a felony under chs. 939 to 948 or 961  
18 if committed by an adult has been committed at the request of or for the benefit of  
19 a criminal gang, as defined in s. 939.22 (9). If the court does not make any of those  
20 findings, the court shall order that the child be discharged but proceedings may be  
21 brought regarding the child under ch. 938.

22 **SECTION 503.** 971.17 (1) of the statutes is amended to read:

23 971.17 (1) COMMITMENT PERIOD. When a defendant is found not guilty by reason  
24 of mental disease or mental defect, the court shall commit the person to the  
25 department of health and social services for a specified period not exceeding

1 two-thirds of the maximum term of imprisonment that could be imposed under s.  
2 973.15 (2) (a) against an offender convicted of the same crime or crimes, including  
3 imprisonment authorized by ss. ~~161.48~~, 939.62, 939.621, 939.63, 939.635, 939.64,  
4 939.641 ~~and~~, 939.645 and 961.48 and other penalty enhancement statutes, as  
5 applicable, subject to the credit provisions of s. 973.155. If the maximum term of  
6 imprisonment is life, the commitment period specified by the court may be life,  
7 subject to termination under sub. (5).

8 **SECTION 504.** 971.365 (1) (a) of the statutes is amended to read:

9 971.365 (1) (a) In any case under s. ~~161.41~~ 961.41 (1) (cm), (d), (e), (f), (g) or (h)  
10 involving more than one violation, all violations may be prosecuted as a single crime  
11 if the violations were pursuant to a single intent and design.

12 **SECTION 505.** 971.365 (1) (b) of the statutes is amended to read:

13 971.365 (1) (b) In any case under s. ~~161.41~~ 961.41 (1m) (cm), (d), (e), (f), (g) or  
14 (h) involving more than one violation, all violations may be prosecuted as a single  
15 crime if the violations were pursuant to a single intent and design.

16 **SECTION 506.** 971.365 (1) (c) of the statutes is amended to read:

17 971.365 (1) (c) In any case under s. ~~161.41 (2r) (b), (3m), (3n), (3p) or (3r)~~ 961.41  
18 (3g) (a) 2., (c), (d) or (e) involving more than one violation, all violations may be  
19 prosecuted as a single crime if the violations were pursuant to a single intent and  
20 design.

21 **SECTION 507.** 971.365 (2) of the statutes is amended to read:

22 971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent  
23 prosecution for any acts in violation of s. ~~161.41~~ 961.41 (1) (cm), (d), (e), (f), (g) or (h),  
24 (1m) (cm), (d), (e), (f), (g) or (h), ~~(2r) (b), (3m), (3n), (3p) or (3r)~~ or (3g) (a) 2., (c), (d) or  
25 (e) on which no evidence was received at the trial on the original charge.



1           **SECTION 508.** 973.0135 (1) (b) 1. of the statutes is amended to read:

2           973.0135 (1) (b) 1. Any felony under s. ~~161.41~~ 961.41 (1), (1m) or (1x) if the  
3 felony is punishable by a maximum prison term of 30 years or more.

4           **SECTION 509.** 973.03 (5) (c) of the statutes is amended to read:

5           973.03 (5) (c) A court may not sentence a person under par. (b) regarding any  
6 violation under ch. ~~161~~ 961 or the commission of a serious crime.

7           **SECTION 510.** 973.05 (1) of the statutes is amended to read:

8           973.05 (1) When a defendant is sentenced to pay a fine, the court may grant  
9 permission for the payment of the fine, of the penalty assessment imposed by s.  
10 165.87, the jail assessment imposed by s. 302.46 (1), the crime victim and witness  
11 assistance surcharge under s. 973.045, any applicable deoxyribonucleic acid analysis  
12 surcharge under s. 973.046, any applicable drug abuse program improvement  
13 surcharge imposed by s. ~~161.41~~ 961.41 (5), any applicable domestic abuse  
14 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver  
15 improvement surcharge imposed by s. 346.655, any applicable weapons assessment  
16 imposed by s. 167.31, any applicable uninsured employer assessment imposed by s.  
17 102.85 (4), any applicable environmental assessment imposed by s. 144.992, any  
18 applicable wild animal protection assessment imposed by s. 29.9965, any applicable  
19 natural resources assessment imposed by s. 29.997 and any applicable natural  
20 resources restitution payment imposed by s. 29.998 to be made within a period not  
21 to exceed 60 days. If no such permission is embodied in the sentence, the fine, the  
22 penalty assessment, the jail assessment, the crime victim and witness assistance  
23 surcharge, any applicable deoxyribonucleic acid analysis surcharge, any applicable  
24 drug abuse program improvement surcharge, any applicable domestic abuse  
25 assessment, any applicable driver improvement surcharge, any applicable weapons

1 assessment, any applicable uninsured employer assessment, any applicable  
2 environmental assessment, any applicable wild animal protection assessment, any  
3 applicable natural resources assessment and any applicable natural resources  
4 restitution payment shall be payable immediately.

5 **SECTION 511.** 973.06 (1) (am) 1. of the statutes, as created by 1995 Wisconsin  
6 Act 53, is amended to read:

7 973.06 (1) (am) 1. The agency expended the moneys to purchase a controlled  
8 substance or controlled substance analog that was distributed in violation of ch. ~~161~~  
9 961.

10 **SECTION 512.** 973.075 (6) of the statutes is amended to read:

11 973.075 (6) Sections 973.075 to 973.077 do not apply to crimes committed under  
12 ch. ~~161~~ 961.

13 **SECTION 513.** 978.05 (6) (a) of the statutes is amended to read:

14 978.05 (6) (a) Institute, commence or appear in all civil actions or special  
15 proceedings under and perform the duties set forth for the district attorney under ss.  
16 17.14, 30.03 (2), 48.09 (1), (2) and (5), 48.18, 48.355 (6) (b) and (6g) (a), 59.073, 59.77,  
17 70.36, 103.50 (8), 103.92 (4), 109.09, ~~161.55 (5)~~, 343.305 (9) (a), 453.08, 806.05,  
18 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties in  
19 connection with court proceedings in a court assigned to exercise jurisdiction under  
20 ch. 48 as the judge may request and perform all appropriate duties and appear if the  
21 district attorney is designated in specific statutes, including matters within chs. 782,  
22 976 and 979 and ss. 51.81 to 51.85. Nothing in this paragraph limits the authority  
23 of the county board to designate, under s. 48.09 (2) or (5), that the corporation counsel  
24 provide representation as specified in s. 48.09 (2) or (5) or to designate, under s. 48.09

1 (6), the district attorney as an appropriate person to represent the interests of the  
2 public under s. 48.14.

3 **SECTION 514.** 978.13 (1) (b) of the statutes, as affected by 1995 Wisconsin Act  
4 27, is amended to read:

5 978.13 (1) (b) In counties having a population of 500,000 or more, the salary  
6 and fringe benefit costs of 2 clerk positions providing clerical services to the  
7 prosecutors in the district attorney's office handling cases involving felony violations  
8 under ch. ~~161~~ 961. The state treasurer shall pay the amount authorized under this  
9 paragraph to the county treasurer pursuant to a voucher submitted by the district  
10 attorney to the department of administration from the appropriation under s. 20.475  
11 (1) (h). The amount paid under this paragraph may not exceed \$65,800 in the  
12 1995-96 fiscal year and \$68,100 in the 1996-97 fiscal year.

13 **SECTION 515. Effective dates.** This act takes effect on the day after  
14 publication, except as follows:

15 (1) The treatment of sections 48.345 (13) (a) and (b), 106.04 (1m) (g) and  
16 106.215 (1) (cg) of the statutes, the creation of section 938.02 (2e) of the statutes and  
17 the repeal and recreation of sections 48.31 (4), 48.547 (1), 304.06 (1) (b), 343.30 (5),  
18 778.25 (1) (a) 1., 938.02 (1p) and (2d), 938.17 (2) (c), (d) and (e), 938.18 (1) (a) 1. and  
19 2., 938.24 (2m) (a) 1. and 3., 938.245 (2) (a) 3., 938.295 (1c) (b) and (c) and (1g), 938.32  
20 (1g) (intro.), 938.34 (6r) (a) and (b), (6s), (14r) (title), (a) and (b), (14s) (title), (a) (intro.)  
21 and (am) (intro.) and (14t), 938.343 (10) (intro.), 938.344 (2e) (a) (intro.) and (b) and  
22 (3), 938.396 (1m) (a), (2) (c) and (7) (b), 938.547 (1), 961.573 (2), 961.574 (2), 961.575  
23 (2) and 970.035 take effect on July 1, 1996, or on the day after publication, whichever  
24 is later.

25

(END)