



## 2021 SENATE BILL 242

March 24, 2021 - Introduced by Senators STROEBEL, DARLING, NASS, L. TAYLOR and MARKLEIN, cosponsored by Representatives KNODL, MAGNAFICI, GUNDRUM, ROZAR, TITTL, KUGLITSCH, SKOWRONSKI and BRANDTJEN. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT** *to create* 941.33 of the statutes; **relating to:** reckless handling of a  
2           vaccine or drug and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a person who intentionally causes damage to another's property is guilty of a Class A misdemeanor. If the damage reduces the property value by more than \$2,500, the penalty is increased to a Class I felony.

Under this bill, a person who recklessly handles, stores, or treats a vaccine, drug, or biologic product used as a therapeutic treatment in a manner that may render the item unsafe, tainted, spoiled, ineffective, or unusable is guilty of a Class I felony. Under the bill, unlike the current law prohibition against damaging property, the item would not actually have to be damaged in order for the person to be found guilty. The current law definition of reckless would apply in this crime so the person, in doing the act, must create an unreasonable and substantial risk of death or great bodily harm to another and must be aware of that risk.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

3           **SECTION 1.** 941.33 of the statutes is created to read:

