

1987 Assembly Bill 340

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1987 Wisconsin Act 90

AN ACT to amend 949.03 (1) (b), 969.035 (1) and 969.08 (10) (b); and to create 941.327 of the statutes, relating to tampering with household products and providing penalties.

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

SECTION 1. 941.327 of the statutes is created to read:

941.327 Tampering with household products. (1) In this section:

(a) "Cosmetic" means articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance; and articles

intended for use as a component of any such articles. "Cosmetic" does not include soap.

(b) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component, part or accessory which is recognized in the official national formulary, or the United States Pharmacopeia, or any supplement to them; intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment or prevention of disease, in persons or other animals; or intended to affect the structure or any function of the body of per-

sons or other animals; and which does not achieve any of its principal intended purposes through chemical action within or on the body of persons or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(c) "Drug" has the meaning described in s. 450.01 (10), but does not include a prescription drug.

(d) "Food" has the meaning described in s. 97.01 (6).

(e) "Household product" means any food, drug, device or cosmetic or any article, product or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of that consumption or use.

(f) "Label" means a written, printed or graphic matter upon the immediate container of any household product.

(g) "Labeling" means all labels and other written, printed or graphic matter upon any household product or any of its containers or wrappers or accompanying any household product.

(h) "Prescription drug" has the meaning described in s. 450.01 (20).

(2) (a) Whoever, with intent to kill, injure or otherwise endanger the health or safety of any person or to cause significant injury or damage to the business of any person or entity, does either of the following may be punished under par. (b):

1. Tamper with any household product and thereby taints the product.

2. Tamper with any household product or its container and thereby renders the labeling of the product or its container materially false or misleading.

(b) 1. Except as provided in subds. 2 to 4, a person violating par. (a) is guilty of a Class E felony.

2. If the act under par. (a) creates a high probability of great bodily harm to another, a person violating par. (a) is guilty of a Class D felony.

3. If the act under par. (a) causes great bodily harm to another, a person violating par. (a) is guilty of a Class C felony.

4. If the act under par. (a) causes death to another, a person is guilty of a Class A felony.

(3) Whoever intentionally imparts or conveys false information, knowing the information to be false, concerning an act or attempted act which, if true, would constitute a violation of sub. (2) is guilty of a Class E felony.

SECTION 2. 949.03 (1) (b) of the statutes is amended to read:

949.03 (1) (b) The commission or the attempt to commit any crime specified in s. 346.63 (2), 940.01, 940.02, 940.05, 940.06, 940.07, 940.08, 940.09, 940.19, 940.20, 940.201, 940.21, 940.22, 940.225 (1) to (3), 940.23, 940.24, 940.245, 940.25, 940.26 (2), 940.28, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.32 or 944.12.

SECTION 3. 969.035 (1) of the statutes is amended to read:

969.035 (1) In this section, "violent crime" means any crime specified in s. 940.01, 940.02, 940.05, 940.06, 940.07, 940.08, 940.19 (2), 940.201, 940.21, 940.225 (1) ~~or~~, 940.23 or 941.327.

SECTION 4. 969.08 (10) (b) of the statutes is amended to read:

969.08 (10) (b) "Serious crime" means any crime specified in s. 940.01, 940.02, 940.05, 940.06, 940.08, 940.09, 940.19 (2), 940.20, 940.201, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.245, 940.25, 940.29, 940.31, 940.32, 941.20 (2), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.02, 943.03, 943.04, 943.06, 943.10, 943.30, 943.32, 944.12, 946.01, 946.02, 946.43 or 947.015.