



## 1997 ASSEMBLY BILL 135

February 24, 1997 – Introduced by Representatives GREEN, HUEBSCH, FOTI, HOVEN, PLALE, FREESE, AINSWORTH, ZIEGELBAUER, DOBYNS, SERATTI, RYBA, LADWIG, GOETSCH, KAUFERT, GARD, MUSSER, M. LEHMAN, PORTER, HAHN, DUFF, HANDRICK, WASSERMAN, SCHAFER, ALBERS, POWERS, OTT, WALKER and LAZICH, cosponsored by Senators HUELSMAN, WIRCH, FITZGERALD, PLACHE, ROSENZWEIG, SCHULTZ and A. LASEE. Referred to Committee on Judiciary.

1     **AN ACT** *to create* 961.535 of the statutes; **relating to:** permitting recovery for  
2     injuries or costs resulting from controlled substance use.

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

This draft allows a person who uses a controlled substance, his or her employer, members of that person's family, or a health care provider who provided services related to that use, to recover damages that resulted from that use from any person convicted of manufacturing, distributing or delivering the controlled substance.

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

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

3           **SECTION 1.** 961.535 of the statutes is created to read:  
4           **961.535 Damages for injuries resulting from violations.** (1) A person  
5     who uses a controlled substance or a controlled substance analog, an employer of that  
6     person or a member of the immediate family, as defined in s. 23.33 (1) (h), of that  
7     person, may recover damages for any injuries or costs incurred as a result of that use

**ASSEMBLY BILL 135****SECTION 1**

1 from any person who was convicted of manufacturing, distributing or delivering the  
2 controlled substance or controlled substance analog in violation of s. 961.41 (1).

3 (2) A health care provider, as defined in s. 146.81 (1), who provided health care  
4 services to an individual in response to the use of a controlled substance or a  
5 controlled substance analog may recover the costs of those services from any person  
6 who was convicted of manufacturing, distributing or delivering the controlled  
7 substance or controlled substance analog in violation of s. 961.41 (1).

8 (3) An action to recover for injuries or costs under this section shall be  
9 commenced within 2 years after the injury occurred or the costs were incurred or  
10 within 2 years after the person is convicted, whichever is later, or be barred.

11 **SECTION 2. Initial applicability.**

12 (1) This act first applies to use of a controlled substance or a controlled  
13 substance analog that occurs on the effective date of this subsection.

14 (END)