



1997 ASSEMBLY BILL 215

March 25, 1997 - Introduced by Representatives UNDERHEIM, DOBYNS, FREESE, KELSO, HASENOHRL, KREIBICH, WARD, RUTKOWSKI, HAHN, SERATTI, OWENS, GARD, ALBERS, LAZICH and OTT, cosponsored by Senators BUETTNER, WELCH and HUELSMAN. Referred to Committee on Criminal Justice and Corrections.

1 AN ACT *to create* 941.315 of the statutes; **relating to:** nitrous oxide and
2 providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates prohibitions relating to certain uses of nitrous oxide that are not regulated by current law. Under the bill, a person may not do any of the following: 1) possess nitrous oxide or any substance containing nitrous oxide with the intent to induce intoxication by ingesting, inhaling or otherwise introducing the nitrous oxide into his or her body; 2) intentionally induce a state of intoxication in himself or herself by ingesting, inhaling or otherwise introducing nitrous oxide into his or her body; or 3) be in a state of intoxication that the person caused by intentionally ingesting, inhaling or otherwise introducing nitrous oxide into his or her body.

A person who violates any of these prohibitions relating to the use of nitrous oxide may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. The prohibitions relating to the use of nitrous oxide do not apply to a person to whom nitrous oxide is administered for the purpose of providing medical or dental care, if the nitrous oxide is administered at the direction or under the supervision of a physician or dentist.

Finally, the bill also prohibits a person from distributing or delivering, or possessing with intent to distribute or deliver, nitrous oxide or any substance containing nitrous oxide if he or she knows or has reason to know that the nitrous oxide will be used in violation of the bill's restrictions relating to the use of nitrous

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oxide. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

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

1 **SECTION 1.** 941.315 of the statutes is created to read:

2 **941.315 Possession, distribution or delivery of nitrous oxide. (1)** In this
3 section, "intoxication" includes elation, euphoria, dizziness, stupefaction, dulling of
4 the senses and change, distortion or disturbance of the human audio, visual or
5 mental processes.

6 **(2)** No person may do any of the following:

7 (a) Possess nitrous oxide or any substance containing nitrous oxide with the
8 intent to induce intoxication by ingesting, inhaling or otherwise introducing the
9 nitrous oxide into his or her body.

10 (b) Intentionally induce a state of intoxication in himself or herself by
11 ingesting, inhaling or otherwise introducing nitrous oxide into his or her body.

12 (c) Be in a state of intoxication that the person caused by intentionally
13 ingesting, inhaling or otherwise introducing nitrous oxide into his or her body.

14 **(3)** Whoever violates sub. (2) is guilty of a Class B misdemeanor.

15 **(4)** Whoever distributes or delivers, or possesses with intent to distribute or
16 deliver, nitrous oxide or any substance containing nitrous oxide knowing or having
17 reason to know that the nitrous oxide will be used in violation of sub. (2) is guilty of
18 a Class A misdemeanor.

