

1999 ASSEMBLY BILL 223

March 23, 1999 – Introduced by Representatives GUNDRUM, LADWIG, RYBA, STONE, SYKORA, KLUSMAN, GROTHMAN, PORTER, AINSWORTH, KESTELL, BRANDEMUEHL, SERATTI, ALBERS, SPILLNER, KELSO, POWERS, MONTGOMERY, SKINDRUD, FREESE, PLALE, STASKUNAS, KREIBICH and PETTIS, cosponsored by Senators DRZEWIECKI, ROESSLER, DARLING, FITZGERALD, SCHULTZ, FARROW, LAZICH, HUELSMAN, WELCH and PANZER. Referred to Committee on Judiciary and Personal Privacy.

1 AN ACT *to amend* 961.571 (1) (b) (intro.) of the statutes; **relating to:** drug
2 paraphernalia.

Analysis by the Legislative Reference Bureau

Current law prohibits the possession, use, manufacture and delivery of drug paraphernalia and provides various penalties for violations of this prohibition. Drug paraphernalia includes any object or item that is used, designed for use or primarily intended for use in unlawfully injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance (dangerous drug). However, drug paraphernalia does not include any of the following: 1) hypodermic syringes, needles or other objects used or intended for use in parenterally injecting substances into the human body; and 2) any items, including pipes, papers and accessories, that are designed for use or primarily intended for use with tobacco products. Hypodermic syringes, needles or other similar objects and items designed or primarily intended for use with tobacco products are not drug paraphernalia even if they have been used to unlawfully inject, ingest, inhale or otherwise introduce a controlled substance into the human body. *State v. Martinez*, 210 Wis. 2d 397 (Ct. App. 1997).

This bill provides that a hypodermic syringe, needle or other similar object or an item designed or primarily intended for use with tobacco products is an object or item of drug paraphernalia if it contains a controlled substance or has on it any residue of a controlled substance. Thus, the current prohibitions and penalties

