# **1999 DRAFTING REQUEST**

# Assembly Amendment (AA-AB223)

Received: 10/21/1999		Received By: olsenje	
Wanted: Soon		Identical to LRB:	
For: Frank Urban (608) 266-9175		By/Representing: Himself	
This file may be sho	own to any legislator: NO	Drafter: olsenje	
May Contact:		Alt. Drafters:	
Subject: Crin	ninal Law - drugs	Extra Copies:	MGD

## Pre Topic:

No specific pre topic given

Topic:

Needle exchange exemptions

### **Instructions:**

See Attached

## **Drafting History:**

Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	Jacketed	<u>Required</u>
I?	olsenje 10/21/1999	wjackson 10/21/1999					
/1			martykr 10/22/1999	9	lrb-docadmin 10/22/1999	lrb-docadmi 10/22/1999	n

FE Sent For:

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TO 1999 ASSEMBLY 'BILL 223

1	At the locations indicated, amend the bill as follows:
2	1. Page 2, line <b>5:</b> after that line insert:
3	"SECTION 1L. 961.571 (lm) of the statutes is created to read:
4	961.571 (1m) "Needle exchange program" means a program to which all of the
5	following apply:
6	(a) The program collects objects <b>specified</b> in sub. (1) (b) 1. that have been used
7	to inject substances into the human body and properly disposes of the objects or
8	provides unused objects in exchange for the used objects.
9	(b) The program is operated by a state agency, as defined in s. 20.001 (1), a local
10	governmental unit, as defined in s. 16.97 (7), a hospital, as defined in s. 50.33 (2), a
11	treatment facility, as defined in s. 51.01 (19), a health care provider, as defined in s.
12	48.981 (2m) (b) l., or a private nonprofit organization.
13	SECTION lr. 961.573 (1m) of the statutes is created to read:

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1999 - 2000 Legislature

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1	961.573 (1m) Subsection (1) does not apply if the drug paraphernalia being
2	possessed is an object specified in s. 961.571 (1) (b) 1. and any of the following apply
3	to the person in possession of the object:
4	(a) The person is acting within the scope of his or her duties as an employe of
5	or volunteer with a needle exchange program.
6	(b) The person is on or traveling to the premises of a needle exchange program
7	for the purpose of disposing of or exchanging the object.
8	SECTION 1t. 961.574 (1m) of the statutes is created to read:
9	961.574 (1m) Subsection (1) does not apply if the drug paraphernalia delivered
10	or possessed with intent to deliver is an object specified in s. 961.571 (1)(b) 1. and
11	any of the following apply to the person who delivers or possesses the object:
12	(a) The person is acting within the scope of his or her duties as an employe of
13	or volunteer with a needle exchange program.
14	(b) The person is on or traveling to the premises of a needle exchange program
15	for the purpose of disposing of or exchanging the object or is disposing of or
16	exchanging the object at a needle exchange program.".
17	(END)

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# STATE OF WISCONSIN - **LEGISLATIVE BEF'EBENCE BUREAU** - LEGAL SECTION (608-266-3561)

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JEO: WLI:
<u>D-Nate</u>
Representative Urban:
This amendment maintain the language
covering persons "traveling to". The premises
of a needle exchange program. Vacaanse I
have been unable to come up with other
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a needle exchange program will have
to be determined based on the facts
of the particular case.
(JEO)

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## DRAFTER'S NOTE FROMTHE LEGISLATIVE REFERENCE BUREAU

October 22, 1999

Representative Urban:

This amendment maintains the language covering persons "traveling to" the premises of a needle exchange program. I have been unable to come up with other language that limits the applicability of the provision without drawing a potentially arbitrary geographical line (e.g., within 1,000 feet of the premises of a needle exchange program). As I mentioned during our telephone conversation, whether a person is "traveling to" a needle exchange program will have to be determined based on the facts of the particu-lar case.

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