

**1999 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB223)**

Received: **10/02/1999**

Received By: **olsenje**

Wanted: Soon

Identical to LRB:

For: **Frank Urban (608) 266-9175**

By/Representing: **Himself**

This file may be shown to any legislator: NO

Drafter: **olsenje**

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Alt. Drafters:

Subject: **Criminal Law - drugs**

Extra Copies: **MGD**

**Pre Topic:**

No specific pre topic given

**Topic:**

Cover tobacco items only

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Tvved</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reaured</u>
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AIDS RESOURCE CENTER  
OF WISCONSIN

LEADING WISCONSIN'S RESPONSE TO AIDS

**Assembly Bill 223**  
Harmful Public Health Policy

*The AIDS Resource Center of Wisconsin encourages the members of the Assembly Judiciary Committee to remove hypodermic syringes, needles or similar objects from the definition of drug paraphernalia as proposed in the amendment to state statute 961.571 (1) (b).* If passed as introduced, this legislation will result in the unintended consequence of discouraging the use of existing statewide community based programs designed to properly dispose of used, possibly contaminated syringes. These programs serve the vital purpose of protecting the health of Wisconsin residents by reducing accidental infection by diseases such as AIDS and Hepatitis.

Wisconsin has reported more than 6,500 HIV cases and conservative estimates indicate that 10,000 additional state residents with HIV have not been tested. A recent Yale University research study found that the public health threat of HIV contaminated needles can remain for up to 28 days after HIV first enters the syringe. In addition, Hepatitis is also an increasing public health threat in Wisconsin.

In response to these concerns, programs based on sound public health strategies have been implemented in Wisconsin to reduce exposure from randomly discarded syringes that may be contaminated with HIV and Hepatitis. These working strategies include anonymous syringe collection by local pharmacies, public health collection and disposal projects and HIV prevention programs. ARCW participates in these strategies by collecting more than 400,000 used syringes each year, removing them from neighborhoods and communities and assuring their proper disposal so they pose no public health threat. By collecting and properly disposing of these syringes in accordance with federal law, the number of accidental needle sticks decrease. These programs protect the health of school children on playgrounds and in parks, law enforcement personnel conducting searches, and other public service workers and the general public.

As currently drafted, AB 223 will discourage the utilization of syringe collection and disposal programs by exposing voluntary participants in these public health programs to prosecution under the drug paraphernalia statutes.

ARCW recommends deleting any references to syringes from AB 223 to facilitate the continuation and expansion of organized syringe collection and disposal programs to protect the public health while still addressing the tobacco product related concerns in *State v. Martinez*, 210 Wis. 2d 397 (Ct. App. 1997) that prompted the drafting of this legislation. We believe that upon such action, the criminal justice and public health concerns can both be successfully addressed by AB 223, and we urge your support of our recommendation.



Seor

**ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 223**

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1 **AN ACT . . . . relating to:** drug paraphernalia.

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

2 **SECTION 1.** 961.571 (1) (b) 2. ✓ of the statutes is amended to read:

3 961.571 (1) (b) 2. Any items, including pipes, papers and accessories, that are  
4 designed for use or primarily intended for use with tobacco products, except that this  
5 exclusion does not apply if the item contains a controlled substance or controlled  
6 substance analog or has on it or in it any residue of a controlled substance or  
7 controlled substance analog.

8 History: 1989 a. 121; 1991 a. 140; 1995 a. 448 s. 310; Stats. 1995 s. 961.571.

8 **SECTION 2. Initial applicability.**

9 (1) This act first applies to offenses occurring on or after the effective date of  
10 this subsection.

11 (END)

