2007 ASSEMBLY BILL 477


AN ACT to create 941.318 of the statutes; relating to: Salvia divinorum and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits manufacturing, distributing, or delivering the active chemical ingredient in the plant Salvia divinorum (salvinorin A) with the intent that it be consumed by a person. The bill makes an exception to this prohibition for salvinorin A that is recognized by the U.S. Food and Drug Administration as a homeopathic drug and that may be obtained from a retail store without a prescription. The penalty for violating the prohibition is a fine not to exceed $10,000.

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

SECTION 1. 941.318 of the statutes is created to read:

941.318 Salvia divinorum. (1) In this section:

(a) “Deliver,” with respect to a plant ingredient, has the same meaning given in s. 961.01 (6) with respect to a controlled substance or controlled substance analog.

(b) “Distribute,” with respect to a plant ingredient, has the same meaning given in s. 961.01 (9) with respect to a controlled substance or controlled substance analog.
(c) “Manufacture,” with respect to a plant ingredient, has the same meaning given in s. 961.01 (13) with respect to a controlled substance or controlled substance analog.

(2) Except as provided in sub. (3), whoever manufactures, distributes, or delivers the active chemical ingredient in the plant Salvia divinorum with intent that it be consumed by an individual may be fined not more than $10,000.

(3) Subsection (2) does not apply to the manufacture, distribution, or delivery of any dosage form of the active chemical ingredient in the plant Salvia divinorum that may be obtained from a retail establishment without a prescription and that is recognized by the U.S. Food and Drug Administration as a homeopathic drug.

(END)