



2011 SENATE BILL 54

1 **AN ACT** *to amend* 961.14 (4) (intro.), 961.14 (4) (x), 961.14 (7) (intro.), 961.41 (1)
2 (e) (intro.), 961.41 (1m) (e) (intro.) and 961.41 (3g) (d); and **to create** 59.54 (25g),
3 66.0107 (1) (bn), 961.14 (4) (tb), 961.14 (4) (te), 961.14 (4) (th), 961.14 (4) (tL),
4 961.14 (4) (tp), 961.14 (4) (tr), 961.14 (4) (tu), 961.14 (4) (ty), 961.14 (4) (wgm),
5 961.14 (7) (m), 961.14 (7) (n) and 961.41 (3g) (em) of the statutes; **relating to:**
6 certain controlled substances and providing a penalty.

Analysis by the Legislative Reference Bureau

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

7 **SECTION 1.** 59.54 (25g) of the statutes is created to read:
8 59.54 (25g) POSSESSION OF A SYNTHETIC CANNABINOID. The board may enact and
9 enforce an ordinance to prohibit the possession of any controlled substance specified
10 in s. 961.14 (4) (tb) to (ty), and provide a forfeiture for a violation of the ordinance,

SENATE BILL 54**SECTION 1**

1 except that any person who is charged with possession of a controlled substance
2 specified in s. 961.14 (4) (tb) to (ty) following a conviction for possession of a controlled
3 substance in this state shall not be prosecuted under this subsection. Any ordinance
4 enacted under this subsection applies in every municipality within the county.

5 **SECTION 2.** 66.0107 (1) (bn) of the statutes is created to read:

6 66.0107 (1) (bn) Enact and enforce an ordinance to prohibit the possession of
7 a controlled substance specified in s. 961.14 (4) (tb) to (ty) and provide a forfeiture
8 for a violation of the ordinance, except that any person who is charged with
9 possession of a controlled substance specified in s. 961.14 (4) (tb) to (ty) following a
10 conviction for possession of a controlled substance in this state shall not be
11 prosecuted under this paragraph.

12 **SECTION 3.** 961.14 (4) (intro.) of the statutes is amended to read:

13 961.14 (4) HALLUCINOGENIC SUBSTANCES. (intro.) Any material, compound,
14 mixture or preparation which contains any quantity of any of the following
15 hallucinogenic substances, including any of their salts, isomers, precursors, analogs,
16 esters, ethers, and salts of isomers, esters, or ethers that are theoretically possible
17 within the specific chemical designation, in any form ~~including a substance, salt,~~
18 ~~isomer or salt of an isomer~~ contained in a plant, obtained from a plant, or chemically
19 synthesized:

20 **SECTION 4.** 961.14 (4) (tb) of the statutes is created to read:

21 961.14 (4) (tb) Cannabicyclohexonal:
22 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol.

23 **SECTION 5.** 961.14 (4) (te) of the statutes is created to read:

24 961.14 (4) (te) CP47,497 and homologues:
25 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol.

SENATE BILL 54

1 **SECTION 6.** 961.14 (4) (th) of the statutes is created to read:

2 961.14 **(4)** (th) HU-210:
3 [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,
4 10a-tetrahydrobenzo[c]chromen-1-o1)], also known as
5 (6aR,10aR)-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-
6 dimethyl-6H-dibenzo[b,d]pyran-9-methanol.

7 **SECTION 7.** 961.14 (4) (tL) of the statutes is created to read:

8 961.14 **(4)** (tL) JWH-018: 1-pentyl-3-(1-naphthoyl)indole, also known as
9 Naphthalen-1-yl-(1-pentylindol-3-yl)methanone

10 **SECTION 8.** 961.14 (4) (tp) of the statutes is created to read:

11 961.14 **(4)** (tp) JWH-073: 1-butyl-3-(1-naphthoyl)indole, also known as
12 Naphthalen-1-yl-(1-butylindol-3-yl)methanone

13 **SECTION 9.** 961.14 (4) (tr) of the statutes is created to read:

14 961.14 **(4)** (tr) JWH-081: 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, also
15 known as 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone.

16 **SECTION 10.** 961.14 (4) (tu) of the statutes is created to read:

17 961.14 **(4)** (tu) JWH-200:
18 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole

19 **SECTION 11.** 961.14 (4) (ty) of the statutes is created to read:

20 961.14 **(4)** (ty) JWH-250: 1-pentyl-3-(2-methoxyphenylacetyl)indole, also
21 known as 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone.

22 **SECTION 12.** 961.14 (4) (wgm) of the statutes is created to read:

23 961.14 **(4)** (wgm) 4-iodo-2,5-dimethoxy-beta-phenylethylamine, commonly
24 known as “”2C-I”.

25 **SECTION 13.** 961.14 (4) (x) of the statutes is amended to read:

SENATE BILL 54**SECTION 13**

1 961.14 (4) (x) 4-methoxyamphetamine, commonly known as “PMA.”

2 **SECTION 14.** 961.14 (7) (intro.) of the statutes is amended to read:

3 961.14 (7) STIMULANTS. (intro.) Any material, compound, mixture or
4 preparation which contains any quantity of any of the following substances having
5 a stimulant effect on the central nervous system, including any of their precursors,
6 analogs, salts, isomers and salts of isomers that are theoretically possible within the
7 specific chemical designation:

8 **SECTION 15.** 961.14 (7) (m) of the statutes is created to read:

9 961.14 (7) (m) Methylenedioxypropylamphetamine, commonly known as “MDPV.”

10 **SECTION 16.** 961.14 (7) (n) of the statutes is created to read:

11 961.14 (7) (n) 4-methylmethcathinone, commonly known as “mephedrone” or
12 “4-MMC.”

13 **SECTION 17.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

14 961.41 (1) (e) *Phencyclidine, amphetamine, methamphetamine, and*
15 *methcathinone, methylenedioxypropylamphetamine, and 4-methylmethcathinone.* (intro.)

16 If the person violates this subsection with respect to phencyclidine, amphetamine,
17 methamphetamine, ~~or~~ methcathinone, methylenedioxypropylamphetamine, or
18 4-methylmethcathinone, or a controlled substance analog of phencyclidine,
19 amphetamine, methamphetamine, ~~or~~ methcathinone,
20 methylenedioxypropylamphetamine, or 4-methylmethcathinone, and the amount
21 manufactured, distributed, or delivered is:

22 **SECTION 18.** 961.41 (1m) (e) (intro.) of the statutes is amended to read:

23 961.41 (1m) (e) *Phencyclidine, amphetamine, methamphetamine, and*
24 *methcathinone, methylenedioxypropylamphetamine, and 4-methylmethcathinone.* (intro.)

25 If a person violates this subsection with respect to phencyclidine, amphetamine,

SENATE BILL 54

1 methamphetamine, ~~or~~ methcathinone, methylenedioxypropylone, or
2 4-methylmethcathinone, or a controlled substance analog of phencyclidine,
3 amphetamine, methamphetamine, ~~or~~ methcathinone,
4 methylenedioxypropylone, or 4-methylmethcathinone, and the amount
5 possessed, with intent to manufacture, distribute, or deliver, is:

6 **SECTION 19.** 961.41 (3g) (d) of the statutes is amended to read:

7 961.41 **(3g)** (d) *Certain hallucinogenic and stimulant drugs.* If a person
8 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,
9 amphetamine, methcathinone, methylenedioxypropylone,
10 4-methylmethcathinone, psilocin or psilocybin, or a controlled substance analog of
11 lysergic acid diethylamide, phencyclidine, amphetamine, methcathinone,
12 methylenedioxypropylone, 4-methylmethcathinone, psilocin or psilocybin, the
13 person may be fined not more than \$5,000 or imprisoned for not more than one year
14 in the county jail or both upon a first conviction and is guilty of a Class I felony for
15 a 2nd or subsequent offense. For purposes of this paragraph, an offense is considered
16 a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the
17 offender has at any time been convicted of any felony or misdemeanor under this
18 chapter or under any statute of the United States or of any state relating to controlled
19 substances, controlled substance analogs, narcotic drugs, marijuana, or depressant,
20 stimulant, or hallucinogenic drugs.

21 **SECTION 20.** 961.41 (3g) (em) of the statutes is created to read:

22 961.41 **(3g)** (em) *Synthetic cannabinoids.* If a person possesses or attempts to
23 possess a controlled substance specified in s. 961.14 (4) (tb) to (ty), or a controlled
24 substance analog of a controlled substance specified in s. 961.14 (4) (tb) to (ty), the
25 person may be fined not more than \$1,000 or imprisoned for not more than 6 months

SENATE BILL 54**SECTION 20**

1 or both upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent
2 offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent
3 offense if, prior to the offender's conviction of the offense, the offender has at any time
4 been convicted of any felony or misdemeanor under this chapter or under any statute
5 of the United States or of any state relating to controlled substances, controlled
6 substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or
7 hallucinogenic drugs.

8 (END)