

State of Wisconsin



2013 Assembly Bill 119

Date of enactment: **December 12, 2013**
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2013 WISCONSIN ACT 77

AN ACT to repeal 941.26 (4) (f), 941.26 (4) (h), 941.26 (4) (i), 941.26 (4) (j) 1. c. and 941.26 (4) (j) 2.; to renumber and amend 941.26 (4) (k); to consolidate, renumber and amend 941.26 (4) (j) 1. (intro.), a. and b.; and to create 941.26 (4) (g) 1m., 941.26 (4) (k) 2. and 941.26 (4) (m) of the statutes; relating to: the regulation of oleoresin of capsicum in containers sold in this state.

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

SECTION 1. 941.26 (4) (f) of the statutes is repealed.

SECTION 2. 941.26 (4) (g) 1m. of the statutes is created to read:

941.26 (4) (g) 1m. Subdivision 1. does not apply to an actor who is a parent, guardian, or legal custodian of a person who has not attained 18 years of age if the actor gives the person the device or container.

SECTION 3. 941.26 (4) (h) of the statutes is repealed.

SECTION 4. 941.26 (4) (i) of the statutes is repealed.

SECTION 5. 941.26 (4) (j) 1. (intro.), a. and b. of the statutes are consolidated, renumbered 941.26 (4) (j) and amended to read:

941.26 (4) (j) Whoever intentionally sells a device or container described under par. (a) without providing the purchaser with all of the following is guilty of a Class A misdemeanor: a. A proper label on the device or container. b. Written and written safety instructions for using the device or container is guilty of a Class A misdemeanor.

SECTION 6. 941.26 (4) (j) 1. c. of the statutes is repealed.

SECTION 7. 941.26 (4) (j) 2. of the statutes is repealed.

SECTION 8. 941.26 (4) (k) of the statutes is renumbered 941.26 (4) (k) 1. and amended to read:

941.26 (4) (k) 1. Any Except as provided in subd. 2., any person who has not attained the age of 18 years and who possesses a device or container described under par. (a) is subject to a Class E forfeiture.

SECTION 9. 941.26 (4) (k) 2. of the statutes is created to read:

941.26 (4) (k) 2. Subdivision 1. does not apply if the person's parent, guardian, or legal custodian purchased the device or container for him or her or gave the device or container to him or her.

SECTION 10. 941.26 (4) (m) of the statutes is created to read:

941.26 (4) (m) The department of justice may not promulgate or enforce any rule that regulates a device or container described under par. (a).

SECTION 11. Initial applicability.

(1) The treatment of section 941.26 (4) (g) 1m., (i), and (j) 1. c. and 2. of the statutes first applies to sales that occur on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."