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**WISCONSIN LEGISLATIVE COUNCIL  
ACT MEMO**

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**2013 Wisconsin Act 293**  
[2013 Senate Bill 150]

**Local Ordinances Regarding  
Possession of Marijuana or a  
Synthetic Cannabinoid**

Under **prior law**, a city, village, town, or county could enact and enforce an ordinance prohibiting the possession of 25 grams or less of marijuana or the possession of any amount of a synthetic cannabinoid. However, a person who was charged with possession of more than 25 grams of marijuana or who was charged with possession of any amount of marijuana or a synthetic cannabinoid following a conviction for the possession of a controlled substance generally could not be prosecuted under the ordinance.

**2013 Wisconsin Act 293** allows a city, village, town, or county to enact and enforce an ordinance that prohibits the possession of any amount of marijuana or a synthetic cannabinoid and to prosecute a person for a second or subsequent offense of possessing marijuana or a synthetic cannabinoid. However, if a complaint is issued where it is alleged that a person has possessed more than 25 grams of marijuana or is alleged to have committed a second or subsequent offense of possessing marijuana or a synthetic cannabinoid, the subject of the complaint may not be prosecuted by a city, village, or town for the same action that is the subject of the complaint unless the charges are dismissed or the district attorney declines to prosecute the case. A county may enforce the prohibition against possessing marijuana in a case in which the person is alleged to possess more than 25 grams of marijuana, or may prosecute a second or subsequent offense of possessing marijuana or a synthetic cannabinoid, only if, after the state dismisses the complaint or declines to prosecute the case, the city, village, or town with jurisdiction also dismisses the complaint, declines to prosecute the case, or lacks an ordinance under which the complaint could be prosecuted.

**Effective date:** The Act took effect on April 18, 2014.

**Prepared by:** Michael Queensland, Staff Attorney

May 2, 2014

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.