

State of Wisconsin



2015 Assembly Bill 658

Date of enactment: **March 17, 2016**

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2015 WISCONSIN ACT 264

AN ACT *to amend* 103.34 (1) (b) 1. and 961.443 (2); and *to create* 961.55 (1) (h) and 961.69 of the statutes; **relating to:** the use, possession, manufacture, distribution, and advertisement of a masking agent and providing a criminal penalty.

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

SECTION 1. 103.34 (1) (b) 1. of the statutes is amended to read:

103.34 (1) (b) 1. A violation of s. 125.07 (1) (a), (2) (a) 1. or 2., or (4) (a) or (b), 125.085 (3) (a) or (b), 125.09 (2), 961.41 (1) or (1m), 961.573, 961.574, ~~or 961.575~~, or 961.69, of a substantially similar federal law or law of another state, or of a local ordinance that strictly conforms to any of those statutes, if the violation was committed in connection with or incident to any traveling sales crew activities.

SECTION 2. 961.443 (2) of the statutes is amended to read:

961.443 (2) IMMUNITY FROM CRIMINAL PROSECUTION. An aider is immune from prosecution under s. 961.573, for the possession of drug paraphernalia, ~~and~~ under s. 961.41 (3g) for the possession of a controlled substance or a controlled substance analog, and under s. 961.69 (2) for possession of a masking agent under the circumstances surrounding or leading to his or her commission of an act described in sub. (1).

SECTION 3. 961.55 (1) (h) of the statutes is created to read:

961.55 (1) (h) Any masking agent, as defined in s. 961.69 (1), used in violation of this chapter.

SECTION 4. 961.69 of the statutes is created to read:

961.69 Possession, use, manufacture, distribution, or advertisement of a masking agent. (1) In this section, "masking agent" means any substance or device that is intended for use to defraud, circumvent, interfere with, or provide a substitute for a bodily fluid in conjunction with a lawfully administered drug test.

(2) No person may use, or possess with the primary intent to use, a masking agent. Any person who violates this subsection may be fined not more than \$500 or imprisoned for not more than 30 days or both.

(3) No person may deliver, possess with intent to deliver, or manufacture with intent to deliver a masking agent. Any person who who violates this subsection may be fined not more than \$1,000 or imprisoned for not more than 90 days or both.

(4) No person may place on an Internet site or in any newspaper, magazine, handbill, or other publication any advertisement knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of a masking agent. Any person who violates this subsection may be fined not more than \$500 or imprisoned for not more than 30 days or both.

* 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."