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1 **(2) APPLICATION.** (a) An adult who is claiming to be a qualifying patient may
2 apply for a registry identification card by submitting to the department a signed
3 application form containing or accompanied by all of the following:

4 1. His or her name, address, and date of birth.

5 2. A written certification.

6 3. The name, address, and telephone number of the person's current physician,
7 as listed in the written certification.

8 4. A registration fee in an amount determined by the department, but not to
9 exceed \$150.

10 (b) An adult registrant who is a qualifying patient or an applicant may jointly
11 apply with another adult to the department for a registry identification card for the
12 other adult, designating the other adult as a primary caregiver for the registrant or
13 applicant. Both persons who jointly apply for a registry identification card under this
14 paragraph shall sign the application form, which shall contain the name, address,
15 and date of birth of the individual applying to be registered as a primary caregiver.

16 (c) The department shall promulgate rules specifying how a parent, guardian,
17 or person having legal custody of a child may apply for a registry identification card
18 for himself or herself and for the child and the circumstances under which the
19 department may approve or deny the application.

20 **(3) PROCESSING THE APPLICATION.** The department shall verify the information
21 contained in or accompanying an application submitted under sub. (2) and shall
22 approve or deny the application within 30 days after receiving it. Except as provided
23 in sub. (2) (c), the department may deny an application submitted under sub. (2) only
24 if the required information has not been provided or if false information has been
25 provided.

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1 (4) ISSUING A REGISTRY IDENTIFICATION CARD. The department shall issue to the
2 applicant a registry identification card within 5 days after approving an application
3 under sub. (3). Unless voided under sub. (5) (b) or (c) or revoked under rules issued
4 by the department under sub. (7) (d), a registry identification card shall expire 4
5 years from the date of issuance. A registry identification card shall contain all of the
6 following:

7 (a) The name, address, and date of birth of all of the following:

8 1. The registrant.

9 2. Each primary caregiver if the registrant is a qualifying patient.

10 3. The qualifying patient if the registrant is a primary caregiver.

11 (b) The date of issuance and expiration date of the registry identification card.

12 (c) A photograph of the registrant.

13 (d) Other information the department may require by rule.

14 (5) ADDITIONAL INFORMATION TO BE PROVIDED BY REGISTRANT. (a) 1. An adult
15 registrant shall notify the department of any change in the registrant's name and
16 address. An adult registrant who is a qualifying patient shall notify the department
17 of any change in his or her physician, of any significant improvement in his or her
18 health as it relates to his or her debilitating medical condition or treatment, and if
19 a registered primary caregiver no longer assists the registrant with the medical use
20 of tetrahydrocannabinols.

21 2. If a qualifying patient is a child, a primary caregiver for the child shall
22 provide the department with any information that the child, if he or she were an
23 adult, would have to provide under subd. 1. within 10 days after the date of the
24 change to which the information relates.

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1 (b) If a registrant fails to notify the department within 10 days after any change
2 for which notification is required under par. (a) 1., his or her registry identification
3 card is void. If a registrant fails to comply with par. (a) 2., the registry identification
4 card for the qualifying patient to whom the information under par. (a) 2. relates is
5 void.

6 (c) If a qualifying patient's registry identification card becomes void under par.
7 (b), the registry identification card for each of the qualifying patient's primary
8 caregivers is void. The department shall send written notice of this fact to each such
9 primary caregiver.

10 **(6) RECORDS.** (a) The department shall maintain a list of all registrants.

11 (b) Notwithstanding s. 19.35 and except as provided in par. (c), the department
12 may not disclose information from an application submitted or a registry
13 identification card issued under this section.

14 (c) The department may disclose to state or local law enforcement agencies
15 information from an application submitted by, or from a registry identification card
16 issued to, a specific person under this section, for the purpose of verifying that the
17 person possesses a valid registry identification card.

18 **(7) RULES.** The department shall promulgate rules to implement this section,
19 including the rules required under sub. (2) (c) and rules doing all of the following:

20 (a) Creating forms for applications to be used under sub. (2). ✓

21 (b) Specifying how the department will verify the truthfulness of information
22 submitted on an application under sub. (2). ✓

23 (c) Specifying how and under what circumstances registry identification cards
24 may be renewed.

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1 (d) Specifying how and under what changed circumstances a registry
2 identification card may be revoked.

3 (e) Specifying under what circumstances an applicant whose application is
4 denied may reapply.

5 (f) Listing each state, district, commonwealth, territory, or insular possession
6 thereof that, by issuing an out-of-state registry identification card, allows the
7 medical use of marijuana by a visiting qualifying patient or allows a person to assist
8 with a visiting qualifying patient's medical use of marijuana.

9 (g) Creating guidelines for issuing registry identification cards, and for
10 obtaining and distributing marijuana for the medical use of tetrahydrocannabinols,
11 to persons under the care of the department who have a debilitating medical
12 condition or treatment.

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13 **SECTION 74.** 146.81 (1) (L) of the statutes is amended to read:

14 146.81 (1) (L) A hospice licensed under subch. ~~VI~~ VII of ch. 50.

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(SUB)

15 **SECTION 75.** 146.997 (1) (d) 18. of the statutes is amended to read:

16 146.997 (1) (d) 18. A hospice licensed under subch. ~~VI~~ VII of ch. 50.

17 **SECTION 76.** 289.33 (3) (d) of the statutes is amended to read:

18 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
19 authorization, approval, variance or exception or any restriction, condition of
20 approval or other restriction, regulation, requirement or prohibition imposed by a
21 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
22 a town, city, village, county or special purpose district, including without limitation
23 because of enumeration any ordinance, resolution or regulation adopted under s.
24 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),
25 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),

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1 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),
 2 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),
 3 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) ^X(a) and (26), 59.55 (3),
 4 (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16),
 5 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70
 6 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (7), (8),
 7 and (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34,
 8 61.35, 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415,
 9 87.30, 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III
 10 of ch. 91.

11 **SECTION 77.** 340.01 (50m) (a) [✓]of the statutes is amended to read:

12 340.01 (50m) (a) A controlled substance included in schedule I under ch. 961
 13 ~~other than a tetrahydrocannabinol.~~

14 **SECTION 78.** 340.01 (50m) (e) ^Xof the statutes is repealed.

15 **SECTION 79.** 340.01 (66m) of the statutes is created to read:

16 340.01 (66m) "Tetrahydrocannabinols concentration" has the meaning given

17 in s. 23.33 (1) (k).

18 **SECTION 80.** 343.10 (5) (a) 1. of the statutes is amended to read:

19 343.10 (5) (a) 1. In addition to any restrictions appearing on the former
 20 operator's license of the applicant, the occupational license shall contain definite
 21 restrictions as to hours of the day, not to exceed 12, hours per week, not to exceed 60,
 22 type of occupation and areas or routes of travel which are permitted under the
 23 license. The occupational license may permit travel to and from church during
 24 specified hours if the travel does not exceed the restrictions as to hours of the day and
 25 hours per week in this subdivision. The occupational license may permit travel

*means the number of nanograms of tetrahydrocannabinols
per milliliter of blood*

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1 necessary to comply with a driver safety plan ordered under s. 343.30 (1q) or 343.305
2 if the travel does not exceed the restrictions as to hours of the day and hours per week
3 in this subdivision. The occupational license may contain restrictions on the use of
4 alcohol, of tetracannabinols, and of controlled substances and controlled substance
5 analogs in violation of s. 961.41.

6 **SECTION 81.** 343.10 (5) (a) 2. of the statutes is amended to read:

7 343.10 (5) (a) 2. If the applicant has 2 or more convictions, suspensions or
8 revocations, as counted under s. 343.307 (1), the occupational license shall prohibit
9 the applicant from driving or operating a motor vehicle while he or she has an alcohol
10 concentration of more than 0.0 or a tetrahydrocannabinols concentration of more
11 than 0.0.

12 **SECTION 82.** 343.12 (7) (a) 11. ✓ of the statutes is amended to read:

13 343.12 (7) (a) 11. Operating a motor vehicle while under the legal drinking age
14 with a prohibited alcohol concentration under s. 346.63 (2m) or while under the legal
15 age with a prohibited tetrahydrocannabinols concentration under s. 346.63 (2p). ✓

16 **SECTION 83.** 343.16 (2) (b) of the statutes is amended to read:

17 343.16 (2) (b) *Specific requirements.* The standards developed by the
18 department under par. (c) shall provide that the examination for persons making
19 their first application for an operator's license shall include, subject to sub. (3) (am),
20 a test of the applicant's eyesight, ability to read and understand highway signs
21 regulating, warning and directing traffic, knowledge of the traffic laws, including ss.
22 346.072 and 346.26, understanding of fuel-efficient driving habits and the relative
23 costs and availability of other modes of transportation, knowledge of the need for
24 anatomical gifts and the ability to make an anatomical gift through the use of a donor
25 card issued under s. 343.175 (2), and an actual demonstration of ability to exercise

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1 ordinary and reasonable control in the operation of a motor vehicle. The test of
2 knowledge of the traffic laws shall include questions on the provisions of ss. 343.30
3 (1q), 343.303 to 343.31 and 346.63 to 346.655, relating to the operation of a motor
4 vehicle and the consumption of alcohol beverages and tetrahydrocannabinols. The
5 test of knowledge may also include questions on the social, medical and economic
6 effects of alcohol and other drug abuse. The examination of applicants for
7 authorization to operate 'Class M' vehicles shall test an applicant's knowledge of
8 Type 1 motorcycle safety, including proper eye protection to be worn during hours of
9 darkness. The department may require persons changing their residence to this
10 state from another jurisdiction and persons applying for a reinstated license after
11 termination of a revocation period to take all or parts of the examination required
12 of persons making their first application for an operator's license. Any applicant who
13 is required to give an actual demonstration of ability to exercise ordinary and
14 reasonable control in the operation of a motor vehicle shall furnish a representative
15 vehicle in safe operating condition for use in testing ability.

16 **SECTION 84.** 343.16 (5) (a) of the statutes is amended to read:

17 343.16 (5) (a) The secretary may require any applicant for a license or any
18 licensed operator to submit to a special examination by such persons or agencies as
19 the secretary may direct to determine incompetency, physical or mental disability,
20 disease, or any other condition that might prevent such applicant or licensed person
21 from exercising reasonable and ordinary control over a motor vehicle. If the
22 department requires the applicant to submit to an examination, the applicant shall
23 pay for the examination. If the department receives an application for a renewal or
24 duplicate license after voluntary surrender under s. 343.265 or receives a report from
25 a physician, physician assistant, as defined in s. 448.01 (6), advanced practice nurse

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1 prescriber certified under s. 441.16 (2), or optometrist under s. 146.82 (3), or if the
2 department has a report of 2 or more arrests within a one-year period for any
3 combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity with
4 s. 346.63 (1) or (5) or a law of a federally recognized American Indian tribe or band
5 in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or
6 s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a
7 vehicle, the department shall determine, by interview or otherwise, whether the
8 operator should submit to an examination under this section. The examination may
9 consist of an assessment. If the examination indicates that education or treatment
10 for a disability, disease, or condition concerning the use of alcohol, a controlled
11 substance or a controlled substance analog, or tetrahydrocannabinols is appropriate,
12 the department may order a driver safety plan in accordance with s. 343.30 (1q). If
13 there is noncompliance with assessment or the driver safety plan, the department
14 shall revoke the person's operating privilege in the manner specified in s. 343.30 (1q)
15 (d).

16 **SECTION 85.** 343.30 (1p) of the statutes is amended to read:

17 343.30 (1p) Notwithstanding sub. (1), a court shall suspend the operating
18 privilege of a person for 3 months upon the person's conviction by the court for
19 violation of s. 346.63 (2m) or (2p) or a local ordinance in conformity with s. 346.63
20 (2m) or (2p). If there was a minor passenger under 16 years of age in the motor
21 vehicle at the time of the violation that gave rise to the conviction under s. 346.63
22 (2m) or (2p) or a local ordinance in conformity with s. 346.63 (2m) or (2p), the court
23 shall suspend the operating privilege of the person for 6 months.

24 **SECTION 86.** 343.30 (1q) (h) of the statutes is amended to read:

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1 343.30 (1q) (h) The court or department shall provide that the period of
2 suspension or revocation imposed under this subsection shall be reduced by any
3 period of suspension or revocation previously served under s. 343.305 if the
4 suspension or revocation under s. 343.305 and the conviction for violation of s. 346.63
5 (1) ~~or~~, (2m), or (2p) or a local ordinance in conformity therewith arise out of the same
6 incident or occurrence. The court or department shall order that the period of
7 suspension or revocation imposed under this subsection run concurrently with any
8 period of time remaining on a suspension or revocation imposed under s. 343.305
9 arising out of the same incident or occurrence. The court may modify an occupational
10 license authorized under s. 343.305 (8) (d) in accordance with this subsection.

11 **SECTION 87.** 343.305 (2) of the statutes is amended to read:

12 343.305 (2) IMPLIED CONSENT. Any person who is on duty time with respect to
13 a commercial motor vehicle or drives or operates a motor vehicle upon the public
14 highways of this state, or in those areas enumerated in s. 346.61, is deemed to have
15 given consent to one or more tests of his or her breath, blood or urine, for the purpose
16 of determining the presence or quantity in his or her blood or breath, of alcohol,
17 tetrahydrocannabinols, controlled substances, controlled substance analogs or other
18 drugs, or any combination of alcohol, tetrahydrocannabinols, controlled substances,
19 controlled substance analogs and other drugs, when requested to do so by a law
20 enforcement officer under sub. (3) (a) or (am) or when required to do so under sub.
21 (3) (ar) or (b). Any such tests shall be administered upon the request of a law
22 enforcement officer. The law enforcement agency by which the officer is employed
23 shall be prepared to administer, either at its agency or any other agency or facility,
24 2 of the 3 tests under sub. (3) (a), (am), or (ar), and may designate which of the tests
25 shall be administered first.

ASSEMBLY BILL 482**SECTION 88**

1 **SECTION 88.** 343.305 (3) (a) of the statutes is amended to read:

2 343.305 (3) (a) Upon arrest of a person for violation of s. 346.63 (1), (2m), (2p),
3 or (5) or a local ordinance in conformity therewith, or for a violation of s. 346.63 (2)
4 or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or upon
5 arrest subsequent to a refusal under par. (ar), a law enforcement officer may request
6 the person to provide one or more samples of his or her breath, blood or urine for the
7 purpose specified under sub. (2). Compliance with a request for one type of sample
8 does not bar a subsequent request for a different type of sample.

9 **SECTION 89.** 343.305 (3) (am) of the statutes is amended to read:

10 343.305 (3) (am) Prior to arrest, a law enforcement officer may request the
11 person to provide one or more samples of his or her breath, blood or urine for the
12 purpose specified under sub. (2) whenever a law enforcement officer detects any
13 presence of alcohol, tetrahydrocannabinols, a controlled substance, a controlled
14 substance analog or other drug, or a combination thereof, on a person driving or
15 operating or on duty time with respect to a commercial motor vehicle or has reason
16 to believe the person is violating or has violated s. 346.63 (7). Compliance with a
17 request for one type of sample does not bar a subsequent request for a different type
18 of sample. For the purposes of this paragraph, "law enforcement officer" includes
19 inspectors in the performance of duties under s. 110.07 (3).

20 **SECTION 90.** 343.305 (3) (ar) 1. of the statutes is amended to read:

21 343.305 (3) (ar) 1. If a person is the operator of a vehicle that is involved in an
22 accident that causes substantial bodily harm, as defined in s. 939.22 (38), to any
23 person, and a law enforcement officer detects any presence of alcohol,
24 tetrahydrocannabinols, a controlled substance, a controlled substance analog or
25 other drug, or a combination thereof, the law enforcement officer may request the

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1 operator to provide one or more samples of his or her breath, blood, or urine for the
2 purpose specified under sub. (2). Compliance with a request for one type of sample
3 does not bar a subsequent request for a different type of sample. A person who is
4 unconscious or otherwise not capable of withdrawing consent is presumed not to
5 have withdrawn consent under this subdivision and one or more samples specified
6 in par. (a) or (am) may be administered to the person. If a person refuses to take a
7 test under this subdivision, he or she may be arrested under par. (a).

8 **SECTION 91.** 343.305 (3) (b) of the statutes is amended to read:

9 343.305 (3) (b) A person who is unconscious or otherwise not capable of
10 withdrawing consent is presumed not to have withdrawn consent under this
11 subsection, and if a law enforcement officer has probable cause to believe that the
12 person has violated s. 346.63 (1), (2m), (2p), or (5) or a local ordinance in conformity
13 therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the
14 use of a vehicle, or detects any presence of alcohol, tetrahydrocannabinols, controlled
15 substance, controlled substance analog or other drug, or a combination thereof, on
16 a person driving or operating or on duty time with respect to a commercial motor
17 vehicle or has reason to believe the person has violated s. 346.63 (7), one or more
18 samples specified in par. (a) or (am) may be administered to the person.

19 **SECTION 92.** 343.305 (5) (b) of the statutes is amended to read:

20 343.305 (5) (b) Blood may be withdrawn from the person arrested for violation
21 of s. 346.63 (1), (2), (2m), (2p), (5), or (6) or 940.25, or s. 940.09 where the offense
22 involved the use of a vehicle, or a local ordinance in conformity with s. 346.63 (1),
23 (2m), (2p), or (5), or as provided in sub. (3) (am) or (b) to determine the presence or
24 quantity of alcohol, tetrahydrocannabinols, a controlled substance, a controlled
25 substance analog, or any other drug, or any combination of alcohol, controlled

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1 substance, controlled substance analog, and any other drug in the blood only by a
2 physician, registered nurse, medical technologist, physician assistant, phlebotomist,
3 or other medical professional who is authorized to draw blood, or person acting under
4 the direction of a physician. ✓

5 **SECTION 93.** 343.305 (5) (d) of the statutes is amended to read:

6 343.305 (5) (d) At the trial of any civil or criminal action or proceeding arising
7 out of the acts committed by a person alleged to have been driving or operating a
8 motor vehicle while under the influence of an intoxicant, a controlled substance, a
9 controlled substance analog or any other drug, or under the influence of any
10 combination of alcohol, tetrahydrocannabinols, a controlled substance, a controlled
11 substance analog and any other drug, to a degree which renders him or her incapable
12 of safely driving, or under the combined influence of an intoxicant and any other drug
13 to a degree which renders him or her incapable of safely driving, or having a
14 prohibited alcohol or tetrahydrocannabinols concentration, or alleged to have been
15 driving or operating or on duty time with respect to a commercial motor vehicle while
16 having an alcohol concentration above 0.0 or possessing an intoxicating beverage,
17 regardless of its alcohol content, or within 4 hours of having consumed or having been
18 under the influence of an intoxicating beverage, regardless of its alcohol content, or
19 of having an alcohol concentration of 0.04 or more, the results of a test administered
20 in accordance with this section are admissible on the issue of whether the person was
21 under the influence of an intoxicant, a controlled substance, a controlled substance
22 analog or any other drug, or under the influence of any combination of alcohol,
23 tetrahydrocannabinols, a controlled substance, a controlled substance analog and
24 any other drug, to a degree which renders him or her incapable of safely driving or
25 under the combined influence of an intoxicant and any other drug to a degree which

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1 renders him or her incapable of safely driving or any issue relating to the person's
2 alcohol concentration. Test results shall be given the effect required under s.
3 885.235.

4 **SECTION 94.** 343.305 (5) (dm) of the statutes is created to read:

5 343.305 (5) (dm) At the trial of any civil or criminal action or proceeding arising
6 out of the acts committed by a person alleged to have been driving or operating a
7 motor vehicle while having a tetrahydrocannabinols concentration at or above
8 specified levels, the results of a blood test administered in accordance with this
9 section are admissible on any issue relating to the tetrahydrocannabinols
10 concentration. Test results shall be given the effect required under s. 885.235. ✓

11 **SECTION 95.** 343.305 (7) (a) of the statutes is amended to read:

12 343.305 (7) (a) If a person submits to chemical testing administered in
13 accordance with this section and any test results indicate the presence of a detectable
14 amount of a restricted controlled substance in the person's blood or a prohibited
15 alcohol or tetrahydrocannabinols concentration, the law enforcement officer shall
16 report the results to the department. The person's operating privilege is
17 administratively suspended for 6 months.

18 **SECTION 96.** 343.305 (8) (b) 2. bm. of the statutes is amended to read:

19 343.305 (8) (b) 2. bm. Whether the person had a prohibited alcohol or
20 tetrahydrocannabinols concentration or a detectable amount of a restricted
21 controlled substance in his or her blood at the time the offense allegedly occurred.

22 **SECTION 97.** 343.305 (8) (b) 2. d. of the statutes is amended to read:

23 343.305 (8) (b) 2. d. If one or more tests were administered in accordance with
24 this section, whether each of the test results for those tests indicate the person had

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1 a prohibited alcohol or tetrahydrocannabinols concentration or a detectable amount
2 of a restricted controlled substance in his or her blood.

3 **SECTION 98.** 343.305 (8) (b) 4m. a. [✓] of the statutes is amended to read:

4 343.305 (8) (b) 4m. a. A blood test administered in accordance with this section
5 indicated that the person had a detectable amount of methamphetamine, or
6 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ or a prohibited
7 tetrahydrocannabinols concentration but did not have a detectable amount of any
8 other restricted controlled substance in his or her blood.

9 **SECTION 99.** 343.305 (8) (b) 5. b. of the statutes is amended to read:

10 343.305 (8) (b) 5. b. The person did not have a prohibited alcohol or
11 tetrahydrocannabinols concentration or a detectable amount of a restricted
12 controlled substance in his or her blood at the time the offense allegedly occurred.

13 **SECTION 100.** 343.305 (8) (b) 6. b. of the statutes is amended to read:

14 343.305 (8) (b) 6. b. The person had a prohibited alcohol or
15 tetrahydrocannabinols concentration or a detectable amount of a restricted
16 controlled substance in his or her blood at the time the offense allegedly occurred.

17 **SECTION 101.** 343.305 (9) (a) 5. a. [✓] of the statutes is amended to read:

18 343.305 (9) (a) 5. a. Whether the officer had probable cause to believe the
19 person was driving or operating a motor vehicle while under the influence of alcohol,
20 tetrahydrocannabinols, a controlled substance or a controlled substance analog or
21 any combination of alcohol, tetrahydrocannabinols, a controlled substance and a
22 controlled substance analog, under the influence of any other drug to a degree which
23 renders the person incapable of safely driving, or under the combined influence of
24 alcohol and any other drug to a degree which renders the person incapable of safely
25 driving, having a restricted controlled substance in his or her blood, or having a

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1 prohibited alcohol or tetrahydrocannabinols concentration or, if the person was
2 driving or operating a commercial motor vehicle, an alcohol concentration of 0.04 or
3 more and whether the person was lawfully placed under arrest for violation of s.
4 346.63 (1), (2m) or (5) or a local ordinance in conformity therewith or s. 346.63 (2) or
5 (6), 940.09 (1) or 940.25.

6 **SECTION 102.** 343.305 (9) (am) 5. a. of the statutes is amended to read:

7 343.305 (9) (am) 5. a. Whether the officer detected any presence of alcohol,
8 tetrahydrocannabinols, controlled substance, controlled substance analog or other
9 drug, or a combination thereof, on the person or had reason to believe that the person
10 was violating or had violated s. 346.63 (7).

11 **SECTION 103.** 343.305 (9) (am) 5. c. of the statutes is amended to read:

12 343.305 (9) (am) 5. c. Whether the person refused to permit the test. The person
13 shall not be considered to have refused the test if it is shown by a preponderance of
14 evidence that the refusal was due to a physical inability to submit to the test due to
15 a physical disability or disease unrelated to the use of alcohol,
16 tetrahydrocannabinols, controlled substances, controlled substance analogs or other
17 drugs.

18 **SECTION 104.** 343.305 (9) (d) of the statutes is amended to read:

19 343.305 (9) (d) At the close of the hearing, or within 5 days thereafter, the court
20 shall determine the issues under par. (a) 5. or (am) 5. If all issues are determined
21 adversely to the person, the court shall proceed under sub. (10). If one or more of the
22 issues is determined favorably to the person, the court shall order that no action be
23 taken on the operating privilege on account of the person's refusal to take the test in
24 question. This section does not preclude the prosecution of the person for violation

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1 of s. 346.63 (1), (2m), (2p), (5) or (7) or a local ordinance in conformity therewith, or
2 s. 346.63 (2) or (6), 940.09 (1) or 940.25.

3 **SECTION 105.** 343.305 (10) (em) of the statutes is amended to read:

4 343.305 (10) (em) One penalty for improperly refusing to submit to a test for
5 intoxication regarding a person arrested for a violation of s. 346.63 (2m), (2p) or (7)
6 or a local ordinance in conformity therewith is revocation of the person's operating
7 privilege for 6 months. If there was a minor passenger under 16 years of age in the
8 motor vehicle at the time of the incident that gave rise to the improper refusal, the
9 revocation period is 12 months. After the first 15 days of the revocation period, the
10 person is eligible for an occupational license under s. 343.10. Any such improper
11 refusal or revocation for the refusal does not count as a prior refusal or a prior
12 revocation under this section or ss. 343.30 (1q), 343.307 and 346.65 (2). The person
13 shall not be required to submit to and comply with any assessment or driver safety
14 plan under pars. (c) and (d).

15 **SECTION 106.** 343.307 (1) (d) of the statutes is amended to read:

16 343.307 (1) (d) Convictions under the law of another jurisdiction that prohibits
17 a person from refusing chemical testing or using a motor vehicle while intoxicated
18 or under the influence of a controlled substance or controlled substance analog, or
19 a combination thereof; with an excess or specified range of alcohol or
20 tetrahydrocannabinols concentration; while under the influence of any drug to a
21 degree that renders the person incapable of safely driving; or while having a
22 detectable amount of a restricted controlled substance in his or her blood, as those
23 or substantially similar terms are used in that jurisdiction's laws.

24 **SECTION 107.** 343.307 (2) (e) of the statutes is amended to read:

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1 343.307 (2) (e) Convictions under the law of another jurisdiction that prohibits
2 a person from refusing chemical testing or using a motor vehicle while intoxicated
3 or under the influence of a controlled substance or controlled substance analog, or
4 a combination thereof; with an excess or specified range of alcohol or
5 tetrahydrocannabinols concentration; while under the influence of any drug to a
6 degree that renders the person incapable of safely driving; or while having a
7 detectable amount of a restricted controlled substance in his or her blood, as those
8 or substantially similar terms are used in that jurisdiction's laws.

9 **SECTION 108.** 343.31 (1) (am) of the statutes is amended to read:

10 343.31 (1) (am) Injury by the operation of a vehicle while under the influence
11 of an intoxicant, tetrahydrocannabinols, a controlled substance or a controlled
12 substance analog, or any combination of an intoxicant, tetrahydrocannabinols, a
13 controlled substance and a controlled substance analog, under the influence of any
14 other drug to a degree which renders him or her incapable of safely driving, or under
15 the combined influence of an intoxicant and any other drug to a degree which renders
16 him or her incapable of safely driving or while the person has a detectable amount
17 of a restricted controlled substance in his or her blood or has a prohibited alcohol or
18 tetrahydrocannabinols concentration and which is criminal under s. 346.63 (2).

19 **SECTION 109.** 343.31 (2) of the statutes is amended to read:

20 343.31 (2) The department shall revoke the operating privilege of any resident
21 upon receiving notice of the conviction of such person in another jurisdiction for an
22 offense therein which, if committed in this state, would have been cause for
23 revocation under this section or for revocation under s. 343.30 (1q). Such offenses
24 shall include violation of any law of another jurisdiction that prohibits a person from
25 using a motor vehicle while intoxicated or under the influence of a controlled

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1 substance or controlled substance analog, or a combination thereof; with an excess
2 or specified range of alcohol or tetrahydrocannabinols concentration; while under
3 the influence of any drug to a degree that renders the person incapable of safely
4 driving; or while having a detectable amount of a restricted controlled substance in
5 his or her blood, as those or substantially similar terms are used in that jurisdiction's
6 laws. Upon receiving similar notice with respect to a nonresident, the department
7 shall revoke the privilege of the nonresident to operate a motor vehicle in this state.
8 Such revocation shall not apply to the operation of a commercial motor vehicle by a
9 nonresident who holds a valid commercial driver license issued by another state.

10 **SECTION 110.** 343.315 (2) (a) 2. of the statutes is amended to read:

11 343.315 (2) (a) 2. Section 346.63 (1) (b) or (5) (a) or a local ordinance in
12 conformity therewith or a law of a federally recognized American Indian tribe or
13 band in this state in conformity with s. 346.63 (1) (b) or (5) (a) or the law of another
14 jurisdiction prohibiting driving or operating a commercial motor vehicle while the
15 person's alcohol concentration is 0.04 or more or with an excess or specified range of
16 alcohol or tetrahydrocannabinols concentration, as those or substantially similar
17 terms are used in that jurisdiction's laws.

18 **SECTION 111.** 343.315 (2) (a) 5. of the statutes is amended to read:

19 343.315 (2) (a) 5. Section 343.305 (7) or (9) or a local ordinance in conformity
20 therewith or a law of a federally recognized American Indian tribe or band in this
21 state in conformity with s. 343.305 (7) or (9) or the law of another jurisdiction
22 prohibiting refusal of a person driving or operating a motor vehicle to submit to
23 chemical testing to determine the person's alcohol or tetrahydrocannabinols
24 concentration or intoxication or the amount of a restricted controlled substance in

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1 the person's blood, or prohibiting positive results from such chemical testing, as
2 those or substantially similar terms are used in that jurisdiction's laws.

3 **SECTION 112.** 343.315 (2) (a) 6. of the statutes is amended to read:

4 343.315 (2) (a) 6. Section 346.63 (2) or (6), 940.09 (1) or 940.25 or a law of a
5 federally recognized American Indian tribe or band in this state in conformity with
6 s. 346.63 (2) or (6), 940.09 (1) or 940.25, or the law of another jurisdiction prohibiting
7 causing or inflicting injury, great bodily harm or death through use of a motor vehicle
8 while intoxicated or under the influence of alcohol, tetrahydrocannabinols, a
9 controlled substance, a controlled substance analog or a combination thereof, or with
10 an alcohol concentration of 0.04 or more or with an excess or specified range of alcohol
11 or tetrahydrocannabinols concentration, while under the influence of any drug to a
12 degree that renders the person incapable of safely driving, or while having a
13 detectable amount of a restricted controlled substance in the person's blood, as those
14 or substantially similar terms are used in that jurisdiction's laws.

15 **SECTION 113.** 343.315 (2) (bm) 2. of the statutes is amended to read:

16 343.315 (2) (bm) 2. The offense relates to a vehicle operator's alcohol or
17 tetrahydrocannabinols concentration or intoxication or the amount of a restricted
18 controlled substance in the operator's blood.

19 **SECTION 114.** 343.32 (2) (bj) of the statutes is amended to read:

20 343.32 (2) (bj) The scale adopted by the secretary shall assess, for each
21 conviction, 6 demerit points for a violation of s. 346.63 (6), 4 demerit points for a
22 violation of s. 346.63 (2m) or (2p), and 3 demerit points for a violation of s. 346.63 (7)
23 (a) 3. The scale adopted by the secretary shall not assess any demerit points for
24 conviction of a violation of s. 346.63 (5) or (7) (a) 1. or 2.

25 **SECTION 115.** 344.576 (2) (b) of the statutes is amended to read:

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SECTION 115

1 344.576 (2) (b) The damage occurs while the renter or authorized driver
2 operates the private passenger vehicle in this state while under the influence of an
3 intoxicant or other drug, as described under s. 346.63 (1) (a), (am), or (b) ~~or~~, (2m), or
4 (2p).[✓]

5 **SECTION 116.** 346.63 (1) (b) of the statutes is amended to read:

6 346.63 (1) (b) The person has a prohibited alcohol or tetrahydrocannabinols
7 concentration.

8 **SECTION 117.** 346.63 (1) (d) of the statutes is renumbered 346.63 (1) (d) 1. and
9 amended to read:

10 346.63 (1) (d) 1. In an action under par. (am) that is based on the defendant
11 allegedly having a detectable amount of [✓] methamphetamine, or
12 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ in his or her blood,
13 the defendant has a defense if he or she proves by a preponderance of the evidence
14 that at the time of the incident or occurrence he or she had a valid prescription for
15 methamphetamine or one of its metabolic precursors, or gamma-hydroxybutyric
16 acid, ~~or~~.[✓]

17 2. In an action under par. (b) that is based on the defendant allegedly having
18 a prohibited tetrahydrocannabinols concentration, the defendant has a defense if he
19 or she proves by a preponderance of the evidence that at the time of the incident or
20 occurrence he or she had a valid prescription for ~~delta-9-tetrahydrocannabinol~~ or
21 he or she was a qualifying patient, as defined in s. 50.80 (6).^{plan}

22 **SECTION 118.** 346.63 (2) (a) 2. of the statutes is amended to read:

23 346.63 (2) (a) 2. The person has a prohibited alcohol or tetrahydrocannabinols
24 concentration.

25 **SECTION 119.** 346.63 (2) (b) 1. of the statutes is amended to read:

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1 346.63 (2) (b) 1. In an action under this subsection, the defendant has a defense
2 if he or she proves by a preponderance of the evidence that the injury would have
3 occurred even if he or she had been exercising due care and he or she had not been
4 under the influence of an intoxicant, tetrahydrocannabinols, a controlled substance,
5 a controlled substance analog or a combination thereof, under the influence of any
6 other drug to a degree which renders him or her incapable of safely driving, or under
7 the combined influence of an intoxicant and any other drug to a degree which renders
8 him or her incapable of safely driving, did not have a prohibited alcohol or
9 tetrahydrocannabinols concentration described under par. (a) 2., or did not have a
10 detectable amount of a restricted controlled substance in his or her blood.

11 **SECTION 120.** 346.63 (2) (b) 2. of the statutes is amended to read:

12 346.63 (2) (b) 2. In an action under par. (a) 3. that is based on the defendant
13 allegedly having a detectable amount of methamphetamine, or
14 gamma-hydroxybutyric acid, or ~~delta-9-tetrahydrocannabinol~~ in his or her blood,
15 the defendant has a defense if he or she proves by a preponderance of the evidence
16 that at the time of the incident or occurrence he or she had a valid prescription for
17 methamphetamine or one of its metabolic precursors, or gamma-hydroxybutyric
18 acid, or

19 3. In an action under par. (a) 2. that is based on the defendant allegedly having
20 a prohibited tetrahydrocannabinols concentration, the defendant has a defense if he
21 or she proves by a preponderance of the evidence that at the time of the incident or
22 occurrence he or she had a valid prescription for delta-9-tetrahydrocannabinol or
23 he or she was a qualifying patient, as defined in s. 50.80 (6).

24 **SECTION 121.** 346.63 (2p) of the statutes is created to read:

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SECTION 121

1 346.63 (2p) If a person has not attained the legal age, as defined in s. 961.70
 2 (2), the person may not drive or operate a motor vehicle while he or she has a
 3 tetrahydrocannabinols concentration of more than 0.0 but not more than 5.0. One
 4 penalty for violation of this subsection is suspension of a person's operating privilege
 5 under s. 343.30 (1p). The person is eligible for an occupational license under s. 343.10
 6 at any time. If a person arrested for a violation of this subsection refuses to take a
 7 test under s. 343.305, the refusal is a separate violation and the person is subject to
 8 revocation of the person's operating privilege under s. 343.305 (10) (em).

9 **SECTION 122.** 346.65 (2m) (a) of the statutes is amended to read:

10 346.65 (2m) (a) In imposing a sentence under sub. (2) for a violation of s. 346.63
 11 (1) (am) or (b) or (5) or a local ordinance in conformity therewith, the court shall
 12 review the record and consider the aggravating and mitigating factors in the matter.
 13 If the amount of alcohol in the person's blood or urine or the amount of a restricted
 14 controlled substance or tetrahydrocannabinols in the person's blood is known, the
 15 court shall consider that amount as a factor in sentencing. The chief judge of each
 16 judicial administrative district shall adopt guidelines, under the chief judge's
 17 authority to adopt local rules under SCR 70.34, for the consideration of aggravating
 18 and mitigating factors.

19 **SECTION 123.** 346.65 (2q) of the statutes is amended to read:

20 346.65 (2q) Any person violating s. 346.63 (2m) or (2p) shall forfeit \$200. If
 21 there was a minor passenger under 16 years of age in the motor vehicle at the time
 22 of the violation that gave rise to the conviction under s. 346.63 (2m) or (2p), the person
 23 shall be fined \$400.

24 **SECTION 124.** 349.02 (2) (b) 4. of the statutes is amended to read:

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1 349.02 (2) (b) 4. Local ordinances enacted under s. 59.54 (25) (a) or (25m) or
2 66.0107 (1) (bm).

3 **SECTION 125.** 349.03 (2m) of the statutes is amended to read:

4 349.03 (2m) Notwithstanding sub. (2), a municipal court may suspend a license
5 for a violation of a local ordinance in conformity with s. 346.63 (1) or (2m), or (2p).

6 **SECTION 126.** 349.06 (1m) of the statutes is amended to read:

7 349.06 (1m) Notwithstanding sub. (1), a municipal court may suspend a license
8 for a violation of a local ordinance in conformity with s. 346.63 (1) or (2m), or (2p).

9 **SECTION 127.** 350.01 (10v) (a) of the statutes is amended to read:

10 350.01 (10v) (a) A controlled substance included in schedule I under ch. 961
11 ~~other than a tetrahydrocannabinol.~~

12 **SECTION 128.** 350.01 (10v) (e) of the statutes is repealed.

13 **SECTION 129.** 350.01 (21g) of the statutes is created to read:

14 350.01 (21g) "Tetrahydrocannabinols concentration" has the meaning given in
15 s. 23.33 (1) (k).

16 **SECTION 130.** 350.101 (1) (bg) of the statutes is created to read:

17 350.101 (1) (bg) *Operating with tetrahydrocannabinols concentration at or*
18 *above specified levels.* No person may engage in the operation of a snowmobile while
19 the person has a tetrahydrocannabinols concentration of 5.0 or more.

20 **SECTION 131.** 350.101 (1) (cg) of the statutes is created to read:

21 350.101 (1) (cg) *Operating with tetrahydrocannabinols concentration at or*
22 *above specified levels.* ^{below age 21} If a person has not attained the age of 21, the person may not
23 engage in the operation of a snowmobile while he or she has a tetrahydrocannabinols
24 concentration of more than 0.0 but not more than 5.0.

25 **SECTION 132.** 350.101 (1) (d) of the statutes is amended to read:

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SECTION 132

1 350.101 (1) (d) *Related charges*. A person may be charged with and a prosecutor
 2 may proceed upon a complaint based upon a violation of any combination of par. (a),
 3 (b), (bg) or (bm) for acts arising out of the same incident or occurrence. If the person
 4 is charged with violating any combination of par. (a), (b), (bg) or (bm), the offenses
 5 shall be joined. If the person is found guilty of any combination of par. (a), (b), (bg)
 6 or (bm) for acts arising out of the same incident or occurrence, there shall be a single
 7 conviction for purposes of sentencing and for purposes of counting convictions under
 8 s. 350.11 (3) (a) 2. and 3. Paragraphs (a), (b), (bg) and (bm) each require proof of a
 9 fact for conviction which the others do not require.

10 **SECTION 133.** 350.101 (1) (e) of the statutes is renumbered 350.101 (1) (e) 1. and
 11 amended to read:

12 350.101 (1) (e) 1. In an action under par. (bm) that is based on the defendant
 13 allegedly having a detectable amount of methamphetamine, or
 14 gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol in his or her blood,
 15 the defendant has a defense if he or she proves by a preponderance of the evidence
 16 that at the time of the incident or occurrence he or she had a valid prescription for
 17 methamphetamine or one of its metabolic precursors, or gamma-hydroxybutyric
 18 acid, or

19 2. In an action under par. (bg) or (cg) that is based on the defendant allegedly
 20 having a prohibited tetrahydrocannabinols concentration, the defendant has a
 21 defense if he or she proves by a preponderance of the evidence that at the time of the
 22 incident or occurrence he or she had a valid prescription for
 23 delta-9-tetrahydrocannabinol or he or she was a qualifying patient, as defined in s.

24 (50.80 (6))

25 **SECTION 134.** 350.101 (2) (e) of the statutes is created to read:

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SECTION 134

1 350.101 (2) (bg) *Causing injury with tetrahydrocannabinols concentrations at*
2 *or above specified levels.* No person who has a tetrahydrocannabinols concentration
3 of 5.0 or more may cause injury to another person by the operation of a snowmobile.

4 **SECTION 135.** 350.101 (2) (c) of the statutes is amended to read:

5 350.101 (2) (c) *Related charges.* A person may be charged with and a prosecutor
6 may proceed upon a complaint based upon a violation of any combination of par. (a),
7 (b), (bg), or (bm) for acts arising out of the same incident or occurrence. If the person
8 is charged with violating any combination of par. (a), (b), (bg), or (bm) in the
9 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty
10 of any combination of par. (a), (b), (bg), or (bm) for acts arising out of the same incident
11 or occurrence, there shall be a single conviction for purposes of sentencing and for
12 purposes of counting convictions under s. 350.11 (3) (a) 2. and 3. Paragraphs (a), (b),
13 (bg), and (bm) each require proof of a fact for conviction which the others do not
14 require.

15 **SECTION 136.** 350.101 (2) (d) 1. of the statutes is amended to read:

16 350.101 (2) (d) 1. In an action under this subsection, the defendant has a
17 defense if he or she proves by a preponderance of the evidence that the injury would
18 have occurred even if he or she had been exercising due care and he or she had not
19 been under the influence of an intoxicant or did not have an alcohol concentration
20 of 0.08 or more ^{or} a ³ tetrahydrocannabinols concentration of 5.0 or more, or a
21 detectable amount of a restricted controlled substance in his or her blood.

22 **SECTION 137.** 350.101 (2) (d) 2. of the statutes is amended to read:

23 350.101 (2) (d) 2. In an action under par. (bm) that is based on the defendant
24 allegedly having a detectable amount of methamphetamine, or
25 gamma-hydroxybutyric acid, or ~~delta-9-tetrahydrocannabinol~~ in his or her blood,

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1 the defendant has a defense if he or she proves by a preponderance of the evidence
2 that at the time of the incident or occurrence he or she had a valid prescription for
3 methamphetamine or one of its metabolic precursors, or gamma-hydroxybutyric
4 acid, or

5 3. In an action under par. (bg) that is based on the defendant allegedly having
6 a prohibited tetrahydrocannabinols concentration, the defendant has a defense if he
7 or she proves by a preponderance of the evidence that at the time of the incident or
8 occurrence he or she had a valid prescription for delta-9-tetrahydrocannabinol or
9 he or she was a qualifying patient, as defined in s. 50.80 (6).

10 SECTION 138. 350.104 (4) of the statutes is amended to read:

11 350.104 (4) ADMISSIBILITY; EFFECT OF TEST RESULTS; OTHER EVIDENCE. The results
12 of a chemical test required or administered under sub. (1), (2) or (3) are admissible
13 in any civil or criminal action or proceeding arising out of the acts committed by a
14 person alleged to have violated the intoxicated snowmobiling law on the issue of
15 whether the person was under the influence of an intoxicant or the issue of whether
16 the person had alcohol or tetrahydrocannabinols concentrations at or above specified
17 levels or a detectable amount of a restricted controlled substance in his or her blood.
18 Results of these chemical tests shall be given the effect required under s. 885.235.
19 This section does not limit the right of a law enforcement officer to obtain evidence
20 by any other lawful means.

21 SECTION 139. 350.11 (3) (d) of the statutes is amended to read:

22 350.11 (3) (d) *Alcohol, controlled substances or controlled substance analogs,*
23 *or tetrahydrocannabinols; assessment.* In addition to any other penalty or order, a
24 person who violates s. 350.101 (1) or (2) or 350.104 (5) or who violates s. 940.09 or
25 940.25 if the violation involves the operation of a snowmobile, shall be ordered by the

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1 court to submit to and comply with an assessment by an approved public treatment
2 facility for an examination of the person's use of alcohol, controlled substances or
3 controlled substance analogs, or tetrahydrocannabinols. The assessment order shall
4 comply with s. 343.30 (1q) (c) 1. a. to c. Intentional failure to comply with an
5 assessment ordered under this paragraph constitutes contempt of court, punishable
6 under ch. 785.

7 **SECTION 140.** 609.83 of the statutes is amended to read:

8 **609.83 Coverage of drugs and devices.** Limited service health
9 organizations, preferred provider plans, and defined network plans are subject to s.
10 632.853 and 632.895 (16p).

11 **SECTION 141.** 632.895 (16p) of the statutes is created to read:

12 632.895 (16p) MEDICAL USE OF MARIJUANA. (a) In this subsection, "medical use
13 of tetrahydrocannabinols" has the meaning given in s. 50.80 (4).

14 (b) Every disability insurance policy and every self-insured health plan of the
15 state or of a county, city, town, village, or school district that provides coverage of
16 prescription drugs and devices shall provide coverage for the medical use of
17 tetrahydrocannabinols in accordance with subch. VI of ch. 50 and any equipment or
18 supplies necessary for the medical use of tetrahydrocannabinols.

19 (c) Coverage under par. (b) may be subject only to the exclusions, limitations,
20 and cost-sharing provisions that apply generally to the coverage of prescription
21 drugs or devices that is provided under the policy or self-insured health plan.

22 **SECTION 142.** 767.41 (5) (am) (intro.) of the statutes is amended to read:

23 767.41 (5) (am) (intro.) Subject to pars. (bm) and, (c), and (d), in determining
24 legal custody and periods of physical placement, the court shall consider all facts
25 relevant to the best interest of the child. The court may not prefer one parent or

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1 potential custodian over the other on the basis of the sex or race of the parent or
2 potential custodian. Subject to pars. (bm) and, (c), and (d), the court shall consider
3 the following factors in making its determination:

4 **SECTION 143.** 767.41 (5) (d) of the statutes is created to read:

5 767.41 (5) (d) The court may not consider as a factor in determining the legal
6 custody of a child whether a parent or potential custodian holds or has applied for
7 a registry identification card, as defined in s. 146.44 (1) (h), is or has been the subject
8 of a written certification, as defined in s. 50.80 (10), or is or has been a qualifying
9 patient, as defined in s. 50.80 (6), or a primary caregiver, as defined in s. 50.80 (5),
10 unless the parent or potential custodian's behavior creates an unreasonable danger
11 to the child that can be clearly articulated and substantiated.

12 **SECTION 144.** 767.451 (5m) (a) of the statutes is amended to read:

13 767.451 (5m) (a) Subject to pars. (b) and, (c), and (d) in all actions to modify
14 legal custody or physical placement orders, the court shall consider the factors under
15 s. 767.41 (5) (am), subject to s. 767.41 (5) (bm), and shall make its determination in
16 a manner consistent with s. 767.41.

17 **SECTION 145.** 767.451 (5m) (d) of the statutes is created to read:

18 767.451 (5m) (d) In an action to modify a legal custody order, the court may not
19 consider as a factor in making a determination whether a parent or potential
20 custodian holds, or has applied for, a registry identification card, as defined in s.
21 146.44 (1) (h), is or has been the subject of a written certification, as defined in s.
22 50.80 (10), or is or has been a qualifying patient, as defined in s. 50.80 (6), or a
23 primary caregiver, as defined in s. 50.80 (5), unless the parent or potential
24 custodian's behavior creates an unreasonable danger to the child that can be clearly
25 articulated and substantiated.

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1 **SECTION 146.** 885.235 (1) (d) 1. of the statutes is amended to read:

2 885.235 (1) (d) 1. A controlled substance included in schedule I under ch. 961
3 ~~other than a tetrahydrocannabinol.~~

4 **SECTION 147.** 885.235 (1) (d) 5. of the statutes is repealed.

5 **SECTION 148.** 885.235 (1) (e) of the statutes is created to read:

6 885.235 (1) (e) "Tetrahydrocannabinols concentration" has the meaning given
7 in s. 23.33 (1) (k).

8 **SECTION 149.** 885.235 (1g) (intro.) of the statutes is amended to read:

9 885.235 (1g) (intro.) In any action or proceeding in which it is material to prove
10 that a person was under the influence of an intoxicant or had a prohibited alcohol or
11 tetrahydrocannabinols concentration or a specified alcohol concentration while
12 operating or driving a motor vehicle or, if the vehicle is a commercial motor vehicle,
13 on duty time, while operating a motorboat, except a sailboat operating under sail
14 alone, while operating a snowmobile, while operating an all-terrain vehicle or utility
15 terrain vehicle or while handling a firearm, evidence of the amount of alcohol or
16 tetrahydrocannabinols in the person's blood at the time in question, as shown by
17 chemical analysis of a sample of the person's blood or urine or evidence of the amount
18 of alcohol in the person's breath, is admissible on the issue of whether he or she was
19 under the influence of an intoxicant or had a prohibited alcohol or
20 tetrahydrocannabinols concentration or a specified alcohol concentration if the
21 sample was taken within 3 hours after the event to be proved. The chemical analysis
22 shall be given effect as follows without requiring any expert testimony as to its effect:

23 **SECTION 150.** 885.235 (1g) (ag) of the statutes is created to read:

24 885.235 (1g) (ag) The fact that the analysis shows that the person had a
25 tetrahydrocannabinols concentration of more than 0.0 but less than 5.0 is relevant

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1 evidence on the issue of being under the combined influence of
2 tetrahydrocannabinols and alcohol, a controlled substance, a controlled substance
3 analog, or any other drug, but, except as provided in sub. (1L), is not to be given any
4 prima facie effect.

5 **SECTION 151.** 885.235 (1g) (cg) of the statutes is created to read:

6 885.235 (1g) (cg) The fact that the analysis shows that the person had a
7 tetrahydrocannabinols concentration of 5.0 or more is prima facie evidence that he
8 or she had ^{or a} an tetrahydrocannabinols concentration of 5.0 or more.

9 **SECTION 152.** 885.235 (1L) of the statutes is created to read:

10 885.235 (1L) In any action under s. 23.33 (4c) (a) 3g., 30.681 (1) (bn) 2., 346.63
11 (2p), or 350.101 (1) (cg), evidence of the amount of tetrahydrocannabinols in the
12 person's blood at the time in question, as shown by chemical analysis of a sample of
13 the person's blood or urine, is admissible on the issue of whether he or she had a
14 tetrahydrocannabinols concentration in the range specified in s. 23.33 (4c) (a) 3g.,
15 30.681 (1) (bn) 2., 346.63 (2p), or 350.101 (1) (cg) if the sample was taken within 3
16 hours after the event to be proved. The fact that the analysis shows that the person
17 had a tetrahydrocannabinols concentration of more than 0.0 but not more than 5.0
18 is prima facie evidence that the person had a tetrahydrocannabinols concentration
19 in the range specified in s. 23.33 (4c) (a) 3g., 30.681 (1) (bn) 2., 346.63 (2p), or 350.101
20 (1) (cg).

21 **SECTION 153.** 885.235 (1m) of the statutes is amended to read:

22 885.235 (1m) In any action under s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681
23 (1) (bn), 346.63 (2m) or (7), or 350.101 (1) (c), evidence of the amount of alcohol in the
24 person's blood at the time in question, as shown by chemical analysis of a sample of
25 the person's blood or urine or evidence of the amount of alcohol in the person's breath,

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1 is admissible on the issue of whether he or she had an alcohol concentration in the
2 range specified in s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681 (1) (bn) 1., 346.63 (2m),
3 or 350.101 (1) (c) or an alcohol concentration above 0.0 under s. 346.63 (7) if the
4 sample was taken within 3 hours after the event to be proved. The fact that the
5 analysis shows that the person had an alcohol concentration of more than 0.0 but not
6 more than 0.08 is prima facie evidence that the person had an alcohol concentration
7 in the range specified in s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681 (1) (bn) 1., 346.63
8 (2m), or 350.101 (1) (c) or an alcohol concentration above 0.0 under s. 346.63 (7).

9 **SECTION 154.** 885.235 (4) of the statutes is amended to read:

10 885.235 (4) The provisions of this section relating to the admissibility of
11 chemical tests for alcohol or tetrahydrocannabinols concentration or intoxication or
12 for determining whether a person had a detectable amount of a restricted controlled
13 substance in his or her blood shall not be construed as limiting the introduction of
14 any other competent evidence bearing on the question of whether or not a person was
15 under the influence of an intoxicant, had a detectable amount of a restricted
16 controlled substance in his or her blood, had a specified alcohol or
17 tetrahydrocannabinols concentration, or had an alcohol concentration in the range
18 specified in s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681 (1) (bn) 1., 346.63 (2m), or
19 350.101 (1) (c), or had a tetrahydrocannabinols concentration in the range specified
20 in s. 23.33 (4c) (a) 3g., 30.681 (1) (bn) 2., 346.63 (2p), or 350.101 (1) (cg).

21 **SECTION 155.** 895.047 (3) (a) of the statutes is amended to read:

22 895.047 (3) (a) If the defendant proves by clear and convincing evidence that
23 at the time of the injury the claimant was under the influence of any controlled
24 substance or controlled substance analog to the extent prohibited under s. 346.63 (1)
25 (a), or had an alcohol concentration, as defined in s. 340.01 (1v), of 0.08 or more or

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SECTION 155

1 a tetrahydrocannabinols concentration, as defined in s. 23.33 (1) (k), of 5.0 or more,
2 there shall be a rebuttable presumption that the claimant's intoxication or drug use
3 was the cause of his or her injury.

4 **SECTION 156.** 905.04 (4) (f) of the statutes is amended to read:

5 905.04 (4) (f) *Tests for intoxication.* There is no privilege concerning the results
6 of or circumstances surrounding any chemical tests for intoxication or for alcohol
7 concentration, as defined in s. 340.01 (1v), or tetrahydrocannabinols concentration,
8 as defined in s. 23.33 (1) (k).

9 **SECTION 157.** 939.22 (33) (a) of the statutes is amended to read:

10 939.22 (33) (a) A controlled substance included in schedule I under ch. 961
11 ~~other than a tetrahydrocannabinol.~~

12 **SECTION 158.** 939.22 (33) (e) of the statutes is repealed.

13 **SECTION 159.** 939.22 (39g) of the statutes is created to read:

14 939.22 (39g) "Tetrahydrocannabinols concentration" has the meaning given in
15 s. 23.33 (1) (k).

16 **SECTION 160.** 940.09 (1) (bg) of the statutes is created to read:

17 940.09 (1) (bg) Causes the death of another by the operation or handling of a
18 vehicle while the person has a tetrahydrocannabinols concentration of 5.0 or more.

19 **SECTION 161.** 940.09 (1) (dg) of the statutes is created to read:

20 940.09 (1) (dg) Causes the death of an unborn child by the operation or
21 handling of a vehicle while the person has a tetrahydrocannabinols concentration of
22 5.0 or more.

23 **SECTION 162.** 940.09 (1g) (bg) of the statutes is created to read:

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1 940.09 (1g) (bg) Causes the death of another by the operation or handling of
2 a firearm or airgun while the person has a tetrahydrocannabinols concentration of
3 5.0 or more.

4 **SECTION 163.** 940.09 (1g) (dg) of the statutes is created to read:

5 940.09 (1g) (dg) Causes the death of an unborn child by the operation or
6 handling of a firearm or airgun while the person has a tetrahydrocannabinols
7 concentration of 5.0 or more. ✓

8 **SECTION 164.** 940.09 (1m) (a) of the statutes is amended to read:

9 940.09 (1m) (a) A person may be charged with and a prosecutor may proceed
10 upon an information based upon a violation of any combination of sub. (1) (a), (am),
11 ~~or~~ (b), or (bg); any combination of sub. (1) (a), (am), (bg), or (bm); any combination of
12 sub. (1) (c), (cm), ~~or~~ (d), or (dg); any combination of sub. (1) (c), (cm), (dg), or (e); any
13 combination of sub. (1g) (a), (am), ~~or~~ (b), or (bg); or any combination of sub. (1g) (c),
14 (cm), ~~or~~ (d), or (dg) for acts arising out of the same incident or occurrence.

15 **SECTION 165.** 940.09 (1m) (b) of the statutes is amended to read:

16 940.09 (1m) (b) If a person is charged in an information with any of the
17 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
18 971.12. If the person is found guilty of more than one of the crimes so charged for
19 acts arising out of the same incident or occurrence, there shall be a single conviction
20 for purposes of sentencing and for purposes of counting convictions under s. 23.33
21 (13) (b) 2. and 3., under s. 23.335 (23) (c) 2. and 3., under s. 30.80 (6) (a) 2. and 3., under
22 s. 343.307 (1) or under s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am), (b), (bg), (bm),
23 (c), (cm), (d), (dg), and (e) each require proof of a fact for conviction which the others
24 do not require, and sub. (1g) (a), (am), (b), (bg), (c), (cm), ~~and~~ (d), and (dg) each require
25 proof of a fact for conviction which the others do not require.

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SECTION 166

SECTION 166. 940.09 (2) (a) of the statutes is amended to read:

940.09 (2) (a) In any action under this section, the defendant has a defense if he or she proves by a preponderance of the evidence that the death would have occurred even if he or she had been exercising due care and he or she had not been under the influence of an intoxicant, did not have a detectable amount of a restricted controlled substance in his or her blood, did not have a tetrahydrocannabinols concentration of 5.0 or greater, or did not have an alcohol concentration described under sub. (1) (b), (bm), (d) or (e) or (1g) (b) or (d).

SECTION 167. 940.09 (2) (b) of the statutes is amended to read:

940.09 (2) (b) In any action under sub. (1) (am) or (cm) or (1g) (am) or (cm) that is based on the defendant allegedly having a detectable amount of methamphetamine or gamma-hydroxybutyric acid or ~~delta-9-tetrahydrocannabinol~~ in his or her blood, the defendant has a defense if he or she proves by a preponderance of the evidence that at the time of the incident or occurrence he or she had a valid prescription for methamphetamine or one of its metabolic precursors or gamma-hydroxybutyric acid or ~~delta-9-tetrahydrocannabinol~~.

(c) In an action under sub. (1) (bg) or (dg) or (1g) (bg) or (dg) that is based on the defendant allegedly having a tetrahydrocannabinols concentration that is 5.0 or greater, the defendant has a defense if he or she proves by a preponderance of the evidence that at the time of the incident or occurrence he or she had a valid prescription for delta-9-tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6).

SECTION 168. 940.25 (1) (bg) of the statutes is created to read:

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SECTION 171

1 if he or she had been exercising due care and he or she had not been under the
2 influence of an intoxicant, did not have a detectable amount of a restricted controlled
3 substance in his or her blood, did not have a tetrahydrocannabinols concentration of
4 5.0 or greater, or did not have an alcohol concentration described under sub. (1) (b),
5 (bm), (d) or (e).

AM: 940.25(2)(b)
940.205(2)

6 (b) In any action under this section that is based on the defendant allegedly
7 having a detectable amount of methamphetamine, or gamma-hydroxybutyric acid,
8 or delta-9-tetrahydrocannabinol in his or her blood, the defendant has a defense if
9 he or she proves by a preponderance of the evidence that at the time of the incident
10 or occurrence he or she had a valid prescription for methamphetamine or one of its
11 metabolic precursors, or gamma-hydroxybutyric acid, or

12 (c) In any action under this section that is based on the defendant allegedly
13 having a tetrahydrocannabinols concentration that is 5.0 or greater, the defendant
14 has a defense if he or she proves by a preponderance of the evidence that at the time
15 of the incident or occurrence he or she had a valid prescription for
16 delta-9-tetrahydrocannabinol or he or she was a qualifying patient, as defined in s.

17 50.80 (6). plain

18 SECTION 172. 941.20 (1) (bg) of the statutes is created to read:

19 941.20 (1) (bg) Operates or goes armed with a firearm while he or she has a
20 tetrahydrocannabinols concentration that is 5.0 or greater. A defendant has a
21 defense to any action under this paragraph if he or she proves by a preponderance
22 of the evidence that at the time of the incident or occurrence he or she had a valid
23 prescription for delta-9-tetrahydrocannabinol ^{tetrahydrocannabinol} or he or she was a qualifying patient,
24 as defined in s. 50.80 (6).

25 SECTION 173. 941.20 (1) (bm) of the statutes is amended to read:

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1 941.20 (1) (bm) Operates or goes armed with a firearm while he or she has a
 2 detectable amount of a restricted controlled substance in his or her blood. A
 3 defendant has a defense to any action under this paragraph that is based on the
 4 defendant allegedly having a detectable amount of methamphetamine, or
 5 gamma-hydroxybutyric acid, or ~~delta-9-tetrahydrocannabinol~~ in his or her blood,
 6 if he or she proves by a preponderance of the evidence that at the time of the incident
 7 or occurrence he or she had a valid prescription for methamphetamine or one of its
 8 metabolic precursors, or gamma-hydroxybutyric acid, ~~or~~
 9 ~~delta-9-tetrahydrocannabinol~~.

10 **SECTION 174.** 961.01 (14) of the statutes is renumbered 961.70 (3) and amended
 11 to read:

12 961.70 (3) "Marijuana" means all parts of the plants of the genus Cannabis,
 13 whether growing or not, with a concentration of tetrahydrocannabinols that is
 14 greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted
 15 from any part of the plant; and every compound, manufacture, salt, derivative,
 16 mixture, or preparation of the plant, its seeds or resin, ~~including~~
 17 tetrahydrocannabinols. "Marijuana" does include the mature stalks if mixed with
 18 other parts of the plant, but does not include fiber produced from the stalks, oil or
 19 cake made from the seeds of the plant, any other compound, manufacture, salt,
 20 derivative, mixture, or preparation of the mature stalks (except the resin extracted
 21 therefrom), fiber, oil, or cake or the sterilized seed of the plant which is incapable of
 22 germination.

23 **SECTION 175.** 961.14 (4) (t) of the statutes, as affected by 2017 Wisconsin Act
 24 4, is repealed.

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1 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
2 more than one year in the county jail upon a first conviction and is guilty of a Class
3 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense
4 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
5 offense, the offender has at any time been convicted of any felony or misdemeanor
6 under this chapter or under any statute of the United States or of any state relating
7 to controlled substances, controlled substance analogs, narcotic drugs, marijuana,
8 or depressant, stimulant, or hallucinogenic drugs.

9 SECTION 183. 961.41 (3g) (d) of the statutes is amended to read:

10 961.41 (3g) (d) *Certain hallucinogenic and stimulant drugs.* If a person
11 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,
12 amphetamine, 3,4-methylenedioxymethamphetamine, methcathinone, cathinone,
13 N-benzylpiperazine, a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm),
14 (u) to (xb), or (7) (L), psilocin, or psilocybin, or a controlled substance analog of
15 lysergic acid diethylamide, phencyclidine, amphetamine,
16 3,4-methylenedioxymethamphetamine, methcathinone, cathinone,
17 N-benzylpiperazine, a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm),
18 (u) to (xb), or (7) (L), psilocin, or psilocybin, the person may be fined not more than
19 \$5,000 or imprisoned for not more than one year in the county jail or both upon a first
20 conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For
21 purposes of this paragraph, an offense is considered a 2nd or subsequent offense if,
22 prior to the offender's conviction of the offense, the offender has at any time been
23 convicted of any felony or misdemeanor under this chapter or under any statute of
24 the United States or of any state relating to controlled substances, controlled

ASSEMBLY BILL 482**SECTION 183**

1 substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or
2 hallucinogenic drugs.

3 **SECTION 184.** 961.41 (3g) (e) of the statutes is repealed.

4 **SECTION 185.** 961.41 (3g) (em) of the statutes is amended to read:

5 961.41 (3g) (em) *Synthetic cannabinoids*. If a person possesses or attempts to
6 possess a controlled substance specified in s. 961.14 (4) (tb), or a controlled substance
7 analog of a controlled substance specified in s. 961.14 (4) (tb), the person may be fined
8 not more than \$1,000 or imprisoned for not more than 6 months or both upon a first
9 conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For
10 purposes of this paragraph, an offense is considered a 2nd or subsequent offense if,
11 prior to the offender's conviction of the offense, the offender has at any time been
12 convicted of any felony or misdemeanor under this chapter or under any statute of
13 the United States or of any state relating to controlled substances, controlled
14 substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or
15 hallucinogenic drugs.

16 **SECTION 186.** 961.47 (1) of the statutes is amended to read:

17 961.47 (1) Whenever any person who has not previously been convicted of any
18 offense under this chapter, or of any offense under any statute of the United States
19 or of any state or of any county ordinance relating to controlled substances or
20 controlled substance analogs, narcotic drugs, marijuana or stimulant, depressant,
21 or hallucinogenic drugs, pleads guilty to or is found guilty of possession or attempted
22 possession of a controlled substance or controlled substance analog under s. 961.41
23 (3g) (b), the court, without entering a judgment of guilt and with the consent of the
24 accused, may defer further proceedings and place him or her on probation upon terms
25 and conditions. Upon violation of a term or condition, the court may enter an

ASSEMBLY BILL 482

1 adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the
2 terms and conditions, the court shall discharge the person and dismiss the
3 proceedings against him or her. Discharge and dismissal under this section shall be
4 without adjudication of guilt and is not a conviction for purposes of disqualifications
5 or disabilities imposed by law upon conviction of a crime, including the additional
6 penalties imposed for 2nd or subsequent convictions under s. 961.48. There may be
7 only one discharge and dismissal under this section with respect to any person.

8 **SECTION 187.** 961.48 (3) of the statutes is amended to read:

9 961.48 (3) For purposes of this section, a felony offense under this chapter is
10 considered a 2nd or subsequent offense if, prior to the offender's conviction of the
11 offense, the offender has at any time been convicted of any felony or misdemeanor
12 offense under this chapter or under any statute of the United States or of any state
13 relating to controlled substances or controlled substance analogs, narcotic drugs,
14 marijuana or depressant, stimulant, or hallucinogenic drugs.

15 **SECTION 188.** 961.48 (5) of the statutes is amended to read:

16 961.48 (5) This section does not apply if the person is presently charged with
17 a felony under s. 961.41 (3g) (c), (d), (e), or (g).

18 **SECTION 189.** 961.49 (1m) (intro.) of the statutes is amended to read:

19 961.49 (1m) (intro.) If any person violates s. 961.41 (1) (cm), (d), (e), (f), or (g)
20 or (h) by delivering or distributing, or violates s. 961.41 (1m) (cm), (d), (e), (f), or (g)
21 or (h) by possessing with intent to deliver or distribute, cocaine, cocaine base, heroin,
22 phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine,
23 methamphetamine, or methcathinone or any form of tetrahydrocannabinols or a
24 controlled substance analog of any of these substances and the delivery, distribution

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SECTION 189

1 or possession takes place under any of the following circumstances, the maximum
2 term of imprisonment prescribed by law for that crime may be increased by 5 years:

3 **SECTION 190.** 961.571 (1) (a) 7. of the statutes is repealed.

4 **SECTION 191.** 961.571 (1) (a) 11. (intro.) of the statutes is amended to read:

5 961.571 (1) (a) 11. (intro.) Objects used, designed for use or primarily intended
6 for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish
7 or hashish oil into the human body, such as:

8 **SECTION 192.** 961.571 (1) (a) 11. e. of the statutes is repealed.

9 **SECTION 193.** 961.571 (1) (a) 11. k. and L. of the statutes are repealed.

10 **SECTION 194.** Subchapter VIII of chapter 961 [precedes 961.70] of the statutes
11 is created to read:

CHAPTER 961

SUBCHAPTER VIII

REGULATION OF MARIJUANA

12 **961.70 Definitions.** In this subchapter:

13 (1) "Compassion center" has the meaning given in s. 50.80 (1). ✓

14 (2) "Legal age" means 21 years of age.

15 (5) "Permissible amount" means one of the following:

16 (a) For a person who is a resident of Wisconsin, an amount that does not exceed
17 2 ounces of usable marijuana.

18 (b) For a person who is not a resident of Wisconsin, an amount that does not
19 exceed one-quarter ounce of usable marijuana.

20 (6) "Permittee" has the meaning given under s. 139.97 (9). ✓

21 (7) "Qualifying patient" has the meaning given in s. 50.80 (6). ✓

22 (8) "Retail outlet" has the meaning given in s. 139.97 (10). ✓

Handwritten notes: A vertical line with '961.70' written vertically, a horizontal line crossing it, and the number '3' written below. An arrow points from this area towards the text of SECTION 190.

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1 (9) "Tetrahydrocannabinols concentration" means ^{the} percent of
2 delta-9-tetrahydrocannabinol content per dry weight of any part of the plant
3 Cannabis, or per volume or weight of marijuana product, or the combined percent of
4 delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the
5 plant Cannabis regardless of moisture content.

6 (10) "Treatment team" has the meaning given in s. 50.80 (8). ✓

7 (11) "Underage person" means a person who has not attained the legal age. ✓

8 (12) "Usable marijuana" has the meaning given in s. 139.97 (12). ✓

9 **961.71 Underage persons prohibitions; penalties.** (1) (a) 1. No permittee
10 may sell, distribute, or deliver marijuana to any underage person, except that a
11 permittee that is also a compassion center may sell, distribute, or deliver to an
12 underage person who is a qualifying patient or to a treatment team.

13 2. No permittee or compassion center may directly or indirectly permit an
14 underage person to violate sub. (2m). ✓

15 (b) 1. A permittee that violates par. (a) 1. or 2. may be subject to a forfeiture of
16 not more than \$500 and to a suspension of the permittee's permit for an amount of
17 time not to exceed 30 days.

18 2. A compassion center that violates par. (a) 2. may be subject to a forfeiture
19 of not more than \$500.

20 (c) In determining whether a permittee or compassion center has violated par.
21 (a) 2., all relevant circumstances surrounding the presence of the underage person
22 may be considered. In determining whether a permittee has violated par. (a) 1., all
23 relevant circumstances surrounding the selling, distributing, or delivering of
24 marijuana may be considered. In addition, proof of all of the following facts by the

ASSEMBLY BILL 482**SECTION 194**

1 permittee or compassion center is a defense to any prosecution for a violation under
2 par. (a):

3 1. That the underage person falsely represented that he or she had attained the
4 legal age.

5 2. That the appearance of the underage person was such that an ordinary and
6 prudent person would believe that the underage person had attained the legal age.

7 3. That the action was made in good faith and in reliance on the representation
8 and appearance of the underage person in the belief that the underage person had
9 attained the legal age.

10 4. That the underage person supported the representation under subd. 1. with
11 documentation that he or she had attained the legal age.

12 **(2)** Any underage person who does any of the following is subject to a forfeiture
13 of not less than \$250 nor more than \$500:

14 (a) Procures or attempts to procure marijuana from a permittee.

15 (b) Falsely represents his or her age for the purpose of receiving marijuana from
16 a permittee.

17 (c) Knowingly possesses or consumes marijuana, except that this paragraph
18 does not apply to an underage person who is a qualifying patient.

19 (d) Violates sub. (2m).

20 **(2m)** An underage person not accompanied by his or her parent, guardian, or
21 spouse who has attained the legal age may not enter, knowingly attempt to enter, or
22 be on the premises of a retail outlet that is not a compassion center. An underage
23 person not accompanied by his or her parent, guardian, or spouse who has attained
24 the legal age or by his or her treatment team may not enter, knowingly attempt to
25 enter, or be on the premises of a compassion center.

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1 (3) An individual who has attained the legal age and who knowingly does any
2 of the following may be subject to a forfeiture that does not exceed \$1,000:

3 (a) Permits or fails to take action to prevent a violation of sub. (2) (c) on premises
4 owned by the individual or under the individual's control.

5 (b) Encourages or contributes to a violation of sub. (2) (a).

6 **961.72 Restrictions; penalties.** (1) No person except a permittee or a
7 compassion center may sell, or possess with the intent to sell, marijuana. No person
8 may distribute or deliver, or possess with the intent to distribute or deliver,
9 marijuana except a permittee or except a compassion center or a member of a
10 treatment team who distributes or delivers, or possesses with the intent to distribute
11 or deliver, to a qualifying patient. Any person who violates a prohibition under this
12 subsection is guilty of the following:

13 (a) Except as provided in par. (b), a Class I felony.

14 (b) If the individual to whom the marijuana is, or is intended to be, sold,
15 distributed, or delivered has not attained the legal age and the actual or intended
16 seller, distributor, or deliverer is at least 3 years older than the individual to whom
17 the marijuana is, or is intended to be, sold, distributed, or delivered, a Class H felony.

18 (2) (a) A person that is not a permittee or a compassion center who possesses
19 an amount of marijuana that exceeds the permissible amount but does not exceed 28
20 grams of marijuana is subject to a civil forfeiture not to exceed \$1,000 or
21 imprisonment not to exceed 90 days or both.

22 (b) A person who is not a permittee, a compassion center, a qualifying patient,
23 or a treatment team member who possesses an amount of marijuana that exceeds 28
24 grams of marijuana:

25 1. Except as provided in subd. 2., a Class B misdemeanor.

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SECTION 194

1 2. A Class I felony if the person has taken action to hide how much marijuana
2 the person possesses and any of the following applies:

3 a. The person has in place a system that could alert the person if law
4 enforcement approaches an area that contains marijuana if the system exceeds a
5 security system that would be used by a reasonable person in the person's region.

6 b. The person has in place a method of intimidating individuals who approach
7 an area that contains marijuana if the method exceeds a method that would be used
8 by a reasonable person in the person's region.

9 c. The person has rigged a system so that any individual approaching the area
10 may be injured or killed by the system.

11 (c) A person who is not a permittee, a compassion center, a qualifying patient,
12 or a treatment team member who cultivates more than 6 marijuana plants at one
13 time is one of the following:

14 1. Except as provided in subds. 2. and 3., subject to a civil forfeiture not to
15 exceed \$1,000 or imprisonment not to exceed 90 days or both.

16 2. Except as provided in subd. 3., guilty of a Class B misdemeanor if the number
17 of marijuana plants is more than 12.

18 3. Guilty of a Class I felony if the number of marijuana plants is more than 12,
19 if the individual has taken action to hide how many ^{marijuana} plants are being cultivated, and
20 if any of the following applies:

21 a. The person has in place a system that could alert the person if law
22 enforcement approaches an area that contains ^{marijuana} ~~plants~~ if the system exceeds a security
23 system that would be used by a reasonable person in the person's region.

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1 b. The person has in place a method of intimidating individuals who approach
 2 an area that contains ~~plants~~ ^{marijuana} if the method exceeds a method that would be used by
 3 a reasonable person in the person's region.

4 c. The person has ~~rigged~~ ^{marijuana} a system so that any individual approaching the area
 5 that contains ~~plants~~ may be injured or killed by the system.

6 (d) No person except a qualifying patient, a member of a treatment team, a
 7 permittee, or a compassion center may cultivate marijuana plants. Any person who
 8 violates this prohibition must apply for a permit under s. 139.979; in addition, the
 9 person is one of the following:

10 1. Except as provided in subds. 2., 3., and 4., subject to a civil forfeiture that
 11 is not more than twice the permitting fee under s. 139.979.

12 2. Except as provided in subds. 3. and 4., subject to a civil forfeiture not to
 13 exceed \$1,000 or imprisonment not to exceed 90 days or both if the number of
 14 marijuana plants is more than 6.

15 3. Except as provided in subd. 4., guilty of a Class B misdemeanor if the number
 16 of marijuana plants is more than 12.

17 4. Guilty of a Class I felony if the number of marijuana plants is more than 12,
 18 if the person has taken action to hide how many ~~plants~~ ^{marijuana} are being cultivated, and if
 19 any of the following applies:

20 a. The person has in place a system that could alert the person if law
 21 enforcement approaches an area that contains ~~plants~~ if the system exceeds a security
 22 system that would be used by a reasonable person in the person's region.

23 b. The person has in place a method of intimidating individuals who approach
 24 an area that contains ~~plants~~ if the method exceeds a method that would be used by
 25 a reasonable person in the person's region.

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1 c. The person has rigged a system so that any individual approaching the area
2 that contains plants may be injured or killed by the system.

3 (e) Whoever uses or displays marijuana in a public space is subject to a civil
4 forfeiture of not more than \$100.

5 (3) Any person except a compassion center who sells or attempts to sell
6 marijuana via mail, telephone, or Internet is guilty of a Class A misdemeanor.

7 **SECTION 195.** 967.055 (1) (a) of the statutes is amended to read:

8 967.055 (1) (a) The legislature intends to encourage the vigorous prosecution
9 of offenses concerning the operation of motor vehicles by persons under the influence
10 of an intoxicant, a controlled substance, a controlled substance analog or any
11 combination of an intoxicant, controlled substance and controlled substance analog,
12 under the influence of any other drug to a degree which renders him or her incapable
13 of safely driving, or under the combined influence of an intoxicant and any other drug
14 to a degree which renders him or her incapable of safely driving or having a
15 prohibited alcohol concentration, as defined in s. 340.01 (46m), or having a
16 tetrahydrocannabinols concentration of 5.0 or greater, offenses concerning the
17 operation of motor vehicles by persons with a detectable amount of a restricted
18 controlled substance in his or her blood, and offenses concerning the operation of
19 commercial motor vehicles by persons with an alcohol concentration of 0.04 or more.

20 **SECTION 196.** 967.055 (1) (b) of the statutes is amended to read:

21 967.055 (1) (b) The legislature intends to encourage the vigorous prosecution
22 of offenses concerning the operation of motorboats by persons under the influence of
23 an intoxicant, a controlled substance, a controlled substance analog or any
24 combination of an intoxicant, controlled substance and controlled substance analog
25 to a degree which renders him or her incapable of operating a motorboat safely, or

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1 under the combined influence of an intoxicant and any other drug to a degree which
2 renders him or her incapable of operating a motorboat safely or having an alcohol
3 concentration of 0.08 or more or a tetrahydrocannabinols concentration of 5.0 or
4 greater.

5 SECTION 197. 967.055 (1m) (b) 1. of the statutes is amended to read:

6 967.055 (1m) (b) 1. A controlled substance included in schedule I under ch. 961
7 ~~other than a tetrahydrocannabinol.~~

8 SECTION 198. 967.055 (1m) (b) 5. of the statutes is repealed.

9 SECTION 199. 967.055 (2) (a) of the statutes is amended to read:

10 967.055 (2) (a) Notwithstanding s. 971.29, if the prosecutor seeks to dismiss
11 or amend a charge under s. 346.63 (1) or (5) or a local ordinance in conformity
12 therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the
13 use of a vehicle or an improper refusal under s. 343.305, the prosecutor shall apply
14 to the court. The application shall state the reasons for the proposed amendment or
15 dismissal. The court may approve the application only if the court finds that the
16 proposed amendment or dismissal is consistent with the public's interest in deterring
17 the operation of motor vehicles by persons who are under the influence of an
18 intoxicant, a controlled substance, a controlled substance analog or any combination
19 of an intoxicant, controlled substance and controlled substance analog, under the
20 influence of any other drug to a degree which renders him or her incapable of safely
21 driving, or under the combined influence of an intoxicant and any other drug to a
22 degree which renders him or her incapable of safely driving, in deterring the
23 operation of motor vehicles by persons with a detectable amount of a restricted
24 controlled substance in his or her blood, in deterring the operation of motor vehicles
25 by persons with a tetrahydrocannabinols concentration that is 5.0 or greater, or in

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1 deterring the operation of commercial motor vehicles by persons with an alcohol
2 concentration of 0.04 or more. The court may not approve an application to amend
3 the vehicle classification from a commercial motor vehicle to a noncommercial motor
4 vehicle unless there is evidence in the record that the motor vehicle being operated
5 by the defendant at the time of his or her arrest was not a commercial motor vehicle.

6 **SECTION 200.** 971.365 (1) (a) of the statutes is amended to read:

7 971.365 (1) (a) In any case under s. 961.41 (1) (em), 1999 stats., or s. 961.41 (1)
8 (cm), (d), (e), (f), or (g) ~~or~~ (h) involving more than one violation, all violations may be
9 prosecuted as a single crime if the violations were pursuant to a single intent and
10 design.

11 **SECTION 201.** 971.365 (1) (b) of the statutes is amended to read:

12 971.365 (1) (b) In any case under s. 961.41 (1m) (em), 1999 stats., or s. 961.41
13 (1m) (cm), (d), (e), (f), or (g) ~~or~~ (h) involving more than one violation, all violations may
14 be prosecuted as a single crime if the violations were pursuant to a single intent and
15 design.

16 **SECTION 202.** 971.365 (1) (c) of the statutes is amended to read:

17 971.365 (1) (c) In any case under s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41
18 (3g) (dm), 1999 stats., or s. 961.41 (3g) (am), (c), (d), (e), or (g) involving more than
19 one violation, all violations may be prosecuted as a single crime if the violations were
20 pursuant to a single intent and design.

21 **SECTION 203.** 971.365 (2) of the statutes is amended to read:

22 971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent
23 prosecution for any acts in violation of s. 961.41 (1) (em), 1999 stats., s. 961.41 (1m)
24 (em), 1999 stats., s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 (3g) (dm), 1999 stats.,
25 or s. 961.41 (1) (cm), (d), (e), (f), or (g), ~~or~~ (h), (1m) (cm), (d), (e), (f), or (g), ~~or~~ (h) or (3g)

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SECTION 203

1 (am), (c), (d), (e), or (g) on which no evidence was received at the trial on the original
2 charge.

3 **SECTION 204. Nonstatutory provisions.**

4 (1) JOINT LEGISLATIVE COUNCIL STUDY. The joint legislative council shall study
5 the implementation of the marijuana tax and regulation provided under subchapter
6 IV of chapter 139 of the statutes and identify uses for the revenues generated by the
7 tax. The joint legislative council shall report its findings, conclusions, and
8 recommendations to the joint committee on finance no later than 2 years after the
9 effective date of this subsection.

10 **SECTION 205. Initial applicability.**

11 (1) INSURANCE COVERAGE OF MEDICAL USE OF MARIJUANA.

12 (a) For policies and plans containing provisions inconsistent with this act, the
13 treatment of sections 609.83 and 632.895 (16p) of the statutes first applies to policy
14 or plan years beginning on January 1 of the year following the year in which this
15 paragraph takes effect, except as provided in paragraph (b).

16 (b) For policies or plans that are affected by a collective bargaining agreement
17 containing provisions inconsistent with this act, the treatment of sections 609.83 and
18 632.895 (16p) of the statutes first applies to policy or plan years beginning on the
19 effective date of this paragraph or on the day on which the collective bargaining
20 agreement is newly established, extended, modified, or renewed, whichever is later.

21 **SECTION 206. Effective dates.** This act takes effect on the first day of the 6th
22 month beginning after publication, except as follows:

23 (1) The treatment of sections 23.33 (1) (jo) 1. and 5. and (k), (4c) (a) 2g., 3g., 4,
24 and 5 and (b) 2n., 3., and 4. a. and b., (4p) (d), and (13) (b) 1., 2., and 3. and (e), 30.50
25 (10m) (a) and (e) and (13p), 30.681 (1) (b) (title) and 1g., (bn) (title), (c), and (d) and

23.335 (12) (a) 4. and (b) 3. and 4. and (1) and (2) (c) 1., 2., 3., and 4.

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SECTION 206

1 (2) (b) (title) and 1g, (c), and (d) 1. a. and b., 30.684 (4), 30.80 (6) (d), 49.148 (4) (a),
 2 49.45 (23) (g) 1. e., 49.79 (1) (b), 51.49 (1) (d), 59.54 (25) (title) and (a) (intro.), 66.0107
 3 (1) (bm), 66.0414, 108.02 (18r), 108.04 (5m), 111.32 (9m) and (11m), 111.35 (2) (e),
 4 121.02 (1) (L) 1., 289.33 (3) (d), 340.01 (50m) (a) and (e) and (66m), 343.10 (5) (a) 1.
 5 and 2, 343.12 (7) (a) 11., 343.16 (2) (b) and (5) (a), 343.30 (1p) and (1q) (h), 343.305
 6 (2), (3) (a), (am), (ar) 1., and (b), (5) (b), (d), and (dm), (7) (a), (8) (b) 2. bm. and d., 4m.
 7 a., 5. b., and 6. b., (9) (a) 5. a., (am) 5. a. and c., and (d), and (10) (em), 343.307 (1) (d)
 8 and (2) (e), 343.31 (1) (am) and (2), 343.315 (2) (a) 2., 5., and 6. and (bm) 2., 343.32
 9 (2) (bj), 344.576 (2) (b), 346.63 (1) (b) and (d), (2) (a) 2. and (b) 1. and 2., and (2p),
 10 346.65 (2m) (a) and (2q), 349.02 (2) (b) 4., 349.03 (2m), 349.06 (1m), 350.01 (10v) (a)
 11 and (e) and (21g), 350.101 (1) (bg), (cg), (d), and (e) and (2) (bg), (c), and (d) 1. and 2.,
 12 350.104 (4), 350.11 (3) (d), 885.235 (1) (d) 1. and 5. and (e), (1g) (intro.), (ag), and (cg),
 13 (1L), (1m), and (4), 895.047 (3) (a), 905.04 (4) (f), 939.22 (33) (a) and (e) and (39g),
 14 940.09 (1) (bg) and (dg), (1g) (bg) and (dg), (1m) (a) and (b), and (2) (a) and (b), 940.25
 15 (1) (bg) and (dg), (1m), and (2), 941.20 (1) (bg) and (bm), 961.01 (14), 961.14 (4) (t),
 16 961.34, 961.38 (1n) (a), 961.41 (1) (h), (1m) (h), (1q), (1r), and (3g) (c), (d), (e), and (em),
 17 961.47 (1), 961.48 (3) and (5), 961.49 (1m) (intro.), 961.571 (1) (a) 7. and 11. (intro.),
 18 e., k and L., subchapter VIII of chapter 961, 967.055 (1) (a) and (b), (1m) (b) 1. and
 19 5., and (2) (a), and 971.365 (1) (a), (b), and (c) and (2) of the statutes, the renumbering
 20 of section 30.681 (1) (bn) of the statutes, the renumbering and amendment of sections
 21 108.133 (1) (a) and 115.35 (1) of the statutes, and the creation of sections 30.681 (1)
 22 (bn) 2., 108.133 (1) (a) 2., and 115.35 (1) (a) 6. of the statutes take effect on the day
 23 after publication.

(END)

22.33(4c)(a) 5., 23.335(12)(a) 5. and (b) 5.,
30.081(1)(d) 5.

973.016

and SECTION 206 (1) of this act

22.33(4d)(a) 5.b. and (b) 4. c., 23.335(1)(2g), (2)(a) 2g., 3m., and 5.b. and (b) 2g. and 5.b.,
30.50(12)