

1 INSERT MCP-A

[editor: no new paragraph] The bill requires a person to obtain separate permits from the Department of Revenue to produce, process, distribute, or sell marijuana, and requires marijuana producers and processors to obtain additional permits from the Department of Agriculture, Trade and Consumer Protection. The requirements for obtaining these permits differ based on whether the permit is issued by DOR or DATCP but, in general, a person may not obtain such a permit if he or she is not a state resident, is under the age of 21, or has been convicted of certain crimes, ~~or if the operation would be located within 500 feet of a school.~~ A person who holds a permit from DOR must also comply with certain operational requirements. [editor: new paragraph]

2 ; in addition, a person may not operate under a DOR permit
within 500 feet of a school, playground, recreation facility,
3 INSERT 7-6 (MCP) child care facility, public park, public transit
4 facility, or library, and may not operate as

5 **SECTION 1.** 20.115 (7) (ge) of the statutes is created to read: a marijuana

6 20.115 (7) (ge) *Marijuana producers and processors; official logotype.* All
7 moneys received under s. 94.56 for regulation of activities relating to marijuana
8 under s. 94.56, for conducting public awareness campaigns under s. 94.56, and for
9 the creation of a logotype under s. 100.145.

9 **INSERT 7-7 (SWB)**

10 CR; 20.435 (1) (gq)

11 20.435 (1) (gq) *Medical marijuana registry program; physician education and*
12 *public awareness campaign; official logotype.* All moneys received under s. 146.44
13 for costs relating to the administration of the medical marijuana registry program
14 under s. 146.44, for educating physicians about the availability of medical marijuana
15 and conducting public awareness campaigns under s. 146.44, and for the creation of
16 a logotype under s. 146.46.

16 **END INSERT 7-7 (SWB)**

17 insert 8-6

18 **SECTION 2.** 20.435 (6) (jm) of the statutes is amended to read:

producer under a DATCP permit within 500 feet
of a school.

1 20.435 (6) (jm) *Licensing and support services.* The amounts in the schedule
2 for the purposes specified in ss. 48.685 (2) (am) and (b), (3) (a) and (b), and (5) (a),
3 48.686 (2) (am), (3) (am) and (bm), and (5) (a), 49.45 (47), 50.02 (2), 50.025, 50.065
4 (2) (am) and (b) 1., (3) (a) and (b), and (5), 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495,
5 50.52 (2) (a), 50.57, 50.981, and 146.40 (4r) (b) and (er), and subch. VI VII of ch. 50
6 and to conduct health facilities plan and rule development activities, for accrediting
7 nursing homes, convalescent homes, and homes for the aged, to conduct capital
8 construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2), and
9 for the costs of inspecting, licensing or certifying, and approving facilities, issuing
10 permits, and providing technical assistance, that are not specified under any other
11 paragraph in this subsection. All moneys received under ss. 48.685 (8), 48.686 (2)
12 (ag), 49.45 (42) (c), 49.45 (47) (c), 50.02 (2), 50.025, 50.065 (8), 50.13, 50.36 (2), 50.49
13 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c), and 50.981, all moneys received from
14 fees for the costs of inspecting, licensing or certifying, and approving facilities,
15 issuing permits, and providing technical assistance, that are not specified under any
16 other paragraph in this subsection, and all moneys received under s. 50.135 (2) shall
17 be credited to this appropriation account.

NOTE: Par. (jm) is shown as amended eff. 9-30-18 by 2017 Wis. Act 59. Prior to 9-30-18 it reads:

(jm) *Licensing and support services.* The amounts in the schedule for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a), (am), (b), and (bm), and (5) (a), 49.45 (47), 50.02 (2), 50.025, 50.065 (2) (am) and (b) 1., (3) (a) and (b), and (5), 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.981, and 146.40 (4r) (b) and (er), and subch. VI of ch. 50 and to conduct health facilities plan and rule development activities, for accrediting nursing homes, convalescent homes, and homes for the aged, to conduct capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2), and for the costs of inspecting, licensing or certifying, and approving facilities, issuing permits, and providing technical assistance, that are not specified under any other paragraph in this subsection. All moneys received under ss. 48.685 (8), 49.45 (42) (c), 49.45 (47) (c), 50.02 (2), 50.025, 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c), and 50.981, all moneys received from fees for the costs of inspecting, licensing or certifying, and approving facilities, issuing permits, and providing technical assistance, that are not specified under any other paragraph in this subsection, and all moneys received under s. 50.135 (2) shall be credited to this appropriation account.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334; 2011 a. 32, 70, 257; 2013 a. 20, 92; 2013 a. 116 s. 31; 2013 a. 126, 127, 129, 131, 132, 137; 2013 a. 166 s. 77; 2013 a. 168 s. 21; 2013 a. 195, 203, 246; 2015 a. 55, 153, 172, 195, 265, 274; 2017 a. 12, 28; 2017 a. 59 ss. 369 to 392, 451; 2017 a. 96, 184, 186, 250, 261, 266, 296.

1 INS 10-6

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3 **SECTION 3.** 23.33 (4c) (a) 5. b. of the statutes is created to read:

4 23.33 (4c) (a) 5. b. In an action under subd. 2g. or 3g. that is based on the
5 defendant allegedly having a prohibited tetrahydrocannabinols concentration, the
6 defendant has a defense if he or she proves by a preponderance of the evidence that
7 at the time of the incident or occurrence he or she had a valid prescription for
8 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6). ✓

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10 INS 11-18

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12 **SECTION 4.** 23.33 (4c) (b) 4. c. of the statutes is created to read:

13 23.33 (4c) (b) 4. c. In an action under subd. 2n. that is based on the defendant
14 allegedly having a prohibited tetrahydrocannabinols concentration, the defendant
15 has a defense if he or she proves by a preponderance of the evidence that at the time
16 of the incident or occurrence he or she had a valid prescription for
17 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6). ✓

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19 INS 12-23

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21 **SECTION 5.** 23.33 (13) (b) 4. of the statutes is amended to read:

22 23.33 (13) (b) 4. A person who violates sub. (4c) (a) 3. or 3g. or (4p) (e) and who
23 has not attained the age of 21 shall forfeit not more than \$50.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365.

Cross-reference: See also ch. NR 64, Wis. adm. code.

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INS 13-10

AMi 23.335 (1) (zgm) 1. to strike "tetrahydrocannabinol" per EVM
Rpi 23.335 (1)(zgm) 5.

SECTION 6. 23.335 (1) (zLg) of the statutes is created to read:

23.335 (1) (zLg) "Tetrahydrocannabinols concentration" has the meaning given in s. 340.01 (66m).

SECTION 7. 23.335 (12) (a) 2g. of the statutes is created to read:

23.335 (12) (a) 2g. No person may engage in the operation of an off-highway motorcycle while the person has a tetrahydrocannabinols concentration of 5.0 or more.

SECTION 8. 23.335 (12) (a) 3m. of the statutes is created to read:

23.335 (12) (a) 3m. If a person has not attained the age of 21, the person may not engage in the operation of an off-highway motorcycle while he or she has a tetrahydrocannabinols concentration of more than 0.0 but less than 5.0.

SECTION 9. 23.335 (12) (a) 4. of the statutes is amended to read:

23.335 (12) (a) 4. A person may be charged with and a prosecutor may proceed upon a complaint based upon a violation of any combination of subd. 1., 2., 2g., or 2m. for acts arising out of the same incident or occurrence. If the person is charged with violating any combination of subd. 1., 2., 2g., or 2m., the offenses shall be joined. If the person is found guilty of any combination of subd. 1., 2., 2g., or 2m. for acts arising out of the same incident or occurrence, there shall be a single conviction for purposes of sentencing and for purposes of counting convictions under sub. (23) (c) 2. and 3.

1 Subdivisions 1., 2., 2g., and 2m. each require proof of a fact for conviction which the
2 others do not require.

History: 2015 a. 170; 2017 a. 59, 161.

3 **SECTION 10.** 23.335 (12) (a) 5. of the statutes is renumbered 23.335 (12) (a) 5.
4 a. and amended to read:

5 23.335 (12) (a) 5. a. In an action under subd. 2m. that is based on the defendant
6 allegedly having a detectable amount of methamphetamine, or
7 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ in his or her blood,
8 the defendant has a defense if he or she proves by a preponderance of the evidence
9 that at the time of the incident or occurrence he or she had a valid prescription for
10 methamphetamine or one of its metabolic precursors, or gamma-hydroxybutyric
11 acid, ~~or delta-9-tetrahydrocannabinol~~.

History: 2015 a. 170; 2017 a. 59, 161.

12 **SECTION 11.** 23.335 (12) (a) 5. b. of the statutes is created to read:

13 23.335 (12) (a) 5. b. In an action under subd. 2g. or 3m. that is based on the
14 defendant allegedly having a prohibited tetrahydrocannabinols concentration, the
15 defendant has a defense if he or she proves by a preponderance of the evidence that
16 at the time of the incident or occurrence he or she had a valid prescription for
17 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6).

18 **SECTION 12.** 23.335 (12) (b) 2g. of the statutes is created to read:

19 23.335 (12) (b) 2g. No person who has a tetrahydrocannabinols concentration
20 of 5.0 or more may cause injury to another person by the operation of an off-highway
21 motorcycle.

22 **SECTION 13.** 23.335 (12) (b) 3. of the statutes is amended to read:

1 23.335 (12) (b) 3. A person may be charged with and a prosecutor may proceed
2 upon a complaint based upon a violation of any combination of subd. 1., 2., 2g., or 2m.
3 for acts arising out of the same incident or occurrence. If the person is charged with
4 violating any combination of subd. 1., 2., 2g., or 2m. in the complaint, the crimes shall
5 be joined under s. 971.12. If the person is found guilty of any combination of subd.
6 1., 2., 2g., or 2m. for acts arising out of the same incident or occurrence, there shall
7 be a single conviction for purposes of sentencing and for purposes of counting
8 convictions under sub. (23) (c) 2. and 3. Subdivisions 1., 2., 2g., and 2m. each require
9 proof of a fact for conviction which the others do not require.

History: 2015 a. 170; 2017 a. 59, 161.

10 **SECTION 14.** 23.335 (12) (b) 4. of the statutes is amended to read:

11 23.335 (12) (b) 4. In an action under this paragraph, the defendant has a
12 defense if he or she proves by a preponderance of the evidence that the injury would
13 have occurred even if he or she had been exercising due care and even if he or she had
14 not been under the influence of an intoxicant to a degree which rendered him or her
15 incapable of safe operation, did not have an alcohol concentration of 0.08 or more, ~~or~~
16 did not have a detectable amount of a restricted controlled substance in his or her
17 blood, or did not have a tetrahydrocannabinols concentration of 5.0 or more.

History: 2015 a. 170; 2017 a. 59, 161.

18 **SECTION 15.** 23.335 (12) (b) 5. of the statutes is renumbered 23.335 (12) (b) 5.

19 a. and amended to read:

20 23.335 (12) (b) 5. a. In an action under subd. 2m. that is based on the defendant
21 allegedly having a detectable amount of methamphetamine, or
22 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ in his or her blood,
23 the defendant has a defense if he or she proves by a preponderance of the evidence

1 that at the time of the incident or occurrence he or she had a valid prescription for
2 methamphetamine or one of its metabolic precursors, or gamma-hydroxybutyric
3 acid, or delta-9-tetrahydrocannabinol. ✓

History: 2015 a. 170; 2017 a. 59, 161.

4 **SECTION 16.** 23.335 (12) (b) 5. b. of the statutes is created to read:

5 23.335 (12) (b) 5. b. In an action under subd. 2g. that is based on the defendant
6 allegedly having a prohibited tetrahydrocannabinols concentration, the defendant
7 has a defense if he or she proves by a preponderance of the evidence that at the time
8 of the incident or occurrence he or she had a valid prescription for
9 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6).

10 **SECTION 17.** 23.335 (12) (i) of the statutes is amended to read:

11 23.335 (12) (i) *Chemical tests; effect of test results.* The results of a chemical
12 test required or administered under par. (f) or (g) are admissible in any civil or
13 criminal action or proceeding arising out of the acts committed by a person alleged
14 to have violated the intoxicated operation of an off-highway motorcycle law on the
15 issue of whether the person was under the influence of an intoxicant or the issue of
16 whether the person had alcohol concentrations or tetrahydrocannabinols
17 concentrations at or above specified levels or a detectable amount of a restricted
18 controlled substance in his or her blood. Results of these chemical tests shall be given
19 the effect required under s. 885.235. Paragraphs (f) to (h) do not limit the right of
20 a law enforcement officer to obtain evidence by any other lawful means.

History: 2015 a. 170; 2017 a. 59, 161.

21 **SECTION 18.** 23.335 (23) (c) 1. of the statutes is amended to read:

1 23.335 (23) (c) 1. Except as provided under subds. 2., 3., and 4., a person who
2 violates sub. (12) (a) 1., 2., 2g., or 2m. or (h) shall forfeit not less than \$150 nor more
3 than \$300.

History: 2015 a. 170; 2017 a. 59, 161.

4 **SECTION 19.** 23.335 (23) (c) 2. of the statutes is amended to read:

5 23.335 (23) (c) 2. Except as provided under subds. 3. and 4., a person who
6 violates sub. (12) (a) 1., 2., 2g., or 2m. or (h) and who, within 5 years prior to the arrest
7 for the current violation, was convicted previously under the intoxicated operation
8 of an off-highway motorcycle law shall be fined not less than \$300 nor more than
9 \$1,100 and shall be imprisoned not less than 5 days nor more than 6 months.

History: 2015 a. 170; 2017 a. 59, 161.

10 **SECTION 20.** 23.335 (23) (c) 3. of the statutes is amended to read:

11 23.335 (23) (c) 3. Except as provided in subd. 4., a person who violates sub. (12)
12 (a) 1., 2., 2g., or 2m. or (h) and who, within 5 years prior to the arrest for the current
13 violation, was convicted 2 or more times previously under the intoxicated operation
14 of an off-highway motorcycle law shall be fined not less than \$600 nor more than
15 \$2,000 and shall be imprisoned not less than 30 days nor more than one year in the
16 county jail.

History: 2015 a. 170; 2017 a. 59, 161.

17 **SECTION 21.** 23.335 (23) (c) 4. of the statutes is amended to read:

18 23.335 (23) (c) 4. A person who violates sub. (12) (a) 3. or 3m. or (h) and who
19 has not attained the age of 21 shall forfeit not more than \$50.

History: 2015 a. 170; 2017 a. 59, 161.

20 **SECTION 22.** 30.50 (13t) of the statutes is created to read:

21 30.50 (13t) "Tetrahydrocannabinols concentration" has the meaning given in
22 s. 340.01 (66m).

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INS 15-8

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SECTION 23. 30.681 (1) (d) 2. of the statutes is created to read:

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30.681 (1) (d) 2. In an action under par. (b) 1g. or (bn) 2. that is based on the defendant allegedly having a prohibited tetrahydrocannabinols concentration, 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 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6). ✓

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INS 16-22

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SECTION 24. 30.681 (2) (d) 1. c. of the statutes is created to read:

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30.681 (2) (d) 1. c. In an action under par. (b) 1g. that is based on the defendant allegedly having a prohibited tetrahydrocannabinols concentration, 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 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6). ✓

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INSERT 31-2 (MCP)

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The department shall conduct an awareness campaign to inform potential marijuana producers and processors of the availability and viability of marijuana as a crop or product in this state.

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INSERT 31-13 (MCP)

1 **SECTION 25.** 100.145 of the statutes is created to read:

2 **100.145 Recreational marijuana logotype.** The department shall design
3 an official logotype, appropriate for including on a label affixed to recreational
4 marijuana under s. 139.973⁽¹⁰⁾ (a). The department shall design the logotype to be
5 distinguishable from any logotype for medical marijuana.

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7 INS 32-20

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9 **SECTION 26.** 114.09 (2) (bm) 1. (intro.) of the statutes is amended to read:

10 114.09 (2) (bm) 1. (intro.) Except as provided in subd. 1. a. or b., the court shall
11 order the person violating sub. (1) (b) 1. or 1m. to submit to and comply with an
12 assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for
13 examination of the person's use of alcohol, tetrahydrocannabinols, controlled
14 substances, or controlled substance analogs and development of an airman safety
15 plan for the person. The court shall notify the person, the department, and the proper
16 federal agency of the assessment order. The assessment order shall:

17 **SECTION 27.** 114.09 (2) (bm) 4. of the statutes is amended to read:

18 114.09 (2) (bm) 4. The assessment report shall order compliance with an
19 airman safety plan. The report shall inform the person of the fee provisions under
20 s. 46.03 (18) (f). The safety plan may include a component that makes the person
21 aware of the effect of his or her offense on a victim and a victim's family. The safety
22 plan may include treatment for the person's misuse, abuse, or dependence on alcohol,
23 tetrahydrocannabinols, controlled substances, or controlled substance analogs. If
24 the plan requires inpatient treatment, the treatment shall not exceed 30 days. An
25 airman safety plan under this paragraph shall include a termination date consistent

1 with the plan that shall not extend beyond one year. The county department under
2 s. 51.42 shall assure notification of the department of transportation and the person
3 of the person's compliance or noncompliance with assessment and treatment.

History: 1971 c. 192, 219, 307; 1977 c. 29 s. 1654 (5); 1983 a. 459; 1985 a. 146 s. 8; 1995 a. 448; 2007 a. 20 ss. 2665g to 2665r, 9121 (6) (a).

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5 Insert 41-24



6 The label may not be designed to appeal to persons under the age of 18.

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8 Insert 42-3

9 2. The producer's business or trade name.

10 3. The licensee or registrant number.

11 4. The unique identification number.

12 5. The harvest date.

13 6. The strain name and product identity.

14 7. The net weight.

15 8. The activation time.

16 9. The name of laboratory performing any test, the test batch number, and the
17 test analysis dates.

18 10. The logotype for recreational marijuana developed by the department of
19 agriculture, trade and consumer protection under s. 100.145, or the logotype for
20 medical marijuana developed by the department of health services under s. 146.46,
21 whichever is appropriate.

22 11. Warnings about all of the following:

23 a. Risks of marijuana use and pregnancy and risks of marijuana use by persons
24 under the age of 18.

1 b. The prohibitions under ss. 23.33 (4c) (a) 2g. and 3g. and (b) 2n., 30.681 (1)
2 (b) 1g. and (bn) 2. and (2) (b) 1g., 343.10 (5) (a) 2., 343.12 (7) (a) 11., 346.63 (1) (b),
3 (2) (a) 2., and (2p), and 350.101 (1) (bg) and (cg) and (2) (bg).

4 **INS 54-12 (SWB)**

5 **(8) PHYSICIAN EDUCATION AND PUBLIC AWARENESS CAMPAIGN.** The department
6 shall provide, in a manner determined by the department, information to physicians
7 about the availability of ^{the} medical marijuana registry program. The department shall
8 also conduct a public awareness campaign to inform the public about issues relating
9 to medical marijuana, including information about the medical marijuana registry
10 program in this state and information about possible risks and benefits of marijuana.

11 **SECTION 73m.** 146.46 of the statutes is created to read:

12 **146.46 Medical marijuana logotype.** The department shall design an
13 official logotype, appropriate for including on a label affixed to medical marijuana
14 under s. 139.973 (10) (a) ^{50.85}. The department shall design the logotype to be
15 distinguishable from any logotype for recreational marijuana.

16 **End INS 54-12 (SWB)**

17 **INS 54-16 (SWB)**

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19 **SECTION 75m.** 157.06 (11) (hm) of the statutes is created to read:

20 157.06 (11) (hm) Unless otherwise required by federal law, a hospital,
21 physician, procurement organization, or other person may not determine the
22 ultimate recipient of an anatomical gift based solely upon a positive test for the use
23 of marijuana by a potential recipient.

****NOTE: At least one state has included an exception to its prohibition if a physician/surgeon finds the marijuana use in a particular case to be "medically significant." Please let me know if you would like to discuss options.

1 **SECTION 28.** 157.06 (11) (i) of the statutes is amended to read:
 2 157.06 (11) (i) Except as provided under ~~par. pars.~~ (a) 2. and (hm), nothing in
 3 this section affects the allocation of organs for transplantation or therapy.

History: 1971 c. 40 s. 93; 1971 c. 213 s. 5; 1977 c. 46, 124; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20, 290; 1983 a. 485; 1985 a. 286, 315; 1985 a. 316 s. 14; Stats. 1985 s. 157.06; 1989 a. 105; 1989 a. 298 ss. 3, 10m, 11m; 1991 a. 32; 1995 a. 27 s. 9126 (19); 1997 a. 52, 206, 305; 1999 a. 83; 2001 a. 103; 2005 a. 229, 230; 2007 a. 20 s. 9121 (6) (a); 2007 a. 106; 2009 a. 28, 177, 180; 2011 a. 258; 2011 a. 260 s. 81; 2013 a. 151 s. 28; 2015 a. 195 s. 83; 2017 a. 12.

Cross-reference: See also ch. DHS 137, Wis. adm. code.

4 **End INS 54-16 (SWB)**
 5 INS 55-17

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 7 **SECTION 29.** 343.06 (1) (d) of the statutes is amended to read:
 8 343.06 (1) (d) To any person whose dependence on alcohol or
 9 tetrahydrocannabinols has attained such a degree that it interferes with his or her
 10 physical or mental health or social or economic functioning, or who is addicted to the
 11 use of controlled substances or controlled substance analogs, except that the
 12 secretary may issue a license if the person submits to an examination, evaluation or
 13 treatment in a treatment facility meeting the standards prescribed in s. 51.45 (8) (a),
 14 as directed by the secretary, in accordance with s. 343.16 (5).

History: 1971 c. 40 s. 93; 1971 c. 154 s. 79 (3); 1971 c. 219; 1975 c. 184 s. 13; 1975 c. 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 41, 238, 273, 360, 447; 1983 a. 17, 243; 1985 a. 202; 1987 a. 40, 122; 1987 a. 332 s. 64; 1987 a. 403; 1989 a. 31, 105; 1993 a. 16, 227, 363, 399, 491; 1995 a. 27 s. 9145 (1); 1995 a. 77, 113, 448; 1997 a. 27, 84, 283; 1999 a. 9, 140; 2001 a. 38; 2003 a. 33; 2005 a. 126, 149, 277, 387; 2007 a. 20, 97; 2009 a. 28, 103, 302; 2011 a. 23, 32, 260; 2013 a. 371.

Cross-reference: See also s. PI 21.04, Wis. adm. code.

15
 16 INS 56-11

17
 18 **SECTION 30.** 343.10 (8) (intro.) of the statutes is amended to read:
 19 343.10 (8) VIOLATION OF RESTRICTIONS. (intro.) Any person who violates a
 20 restriction on an occupational license as to hours of the day, area, routes or purpose
 21 of travel, vehicles allowed to be operated, use of an ignition interlock device, sobriety

1 or use of alcohol, tetrahydrocannabinols, controlled substances or controlled
2 substance analogs shall be:

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109; 2001 a. 16 ss. 3409f, 3409g, 4060hw, 4060hy; 2003 a. 33, 80, 200, 326; 2005 a. 443 s. 265; 2007 a. 20, 94; 2009 a. 100, 103; 2011 a. 23, 32; 2015 a. 77, 389.

Cross-reference: See also ch. Trans 117, Wis. adm. code.

3 **SECTION 31.** 343.12 (7) (a) 9. of the statutes is amended to read:

4 343.12 (7) (a) 9. Operating a motor vehicle under the influence of an intoxicant
5 or other drug or with a prohibited alcohol or tetrahydrocannabinols concentration
6 under s. 346.63 (1).

History: 1971 c. 213 s. 5; 1973 c. 174, 218; 1975 c. 19, 199; 1977 c. 29 s. 1654 (7) (a); 1977 c. 125; 1977 c. 193 s. 17; 1977 c. 273, 418, 447; 1981 c. 71; 1981 c. 334 s. 25 (1); 1983 a. 175, 459, 480; 1985 a. 337; 1987 a. 3; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1993 a. 16; 1995 a. 113; 2003 a. 33, 280, 326, 327; 2005 a. 253, 277; 2007 a. 116; 2013 a. 96; 2015 a. 366.

Cross-reference: See also ch. Trans 112, Wis. adm. code.

7

8 INS 58-23

9

10 **SECTION 32.** 343.30 (1q) (c) 1. (intro.) of the statutes is amended to read:

11 343.30 (1q) (c) 1. (intro.) Except as provided in subd. 1. a., b., or d., the court
12 shall order the person to submit to and comply with an assessment by an approved
13 public treatment facility as defined in s. 51.45 (2) (c) for examination of the person's
14 use of alcohol, tetrahydrocannabinols, controlled substances or controlled substance
15 analogs and development of a driver safety plan for the person. The court shall notify
16 the department of transportation of the assessment order. The court shall notify the
17 person that noncompliance with assessment or the driver safety plan will result in
18 revocation of the person's operating privilege until the person is in compliance. The
19 assessment order shall:

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80; 2005 a. 277; 2005 a. 443 s. 265; 2005 a. 466; 2007 a. 20 ss. 3300, 9121 (6) (a); 2007 a. 134; 2009 a. 100, 102, 103, 402; 2011 a. 113, 173, 262; 2013 a. 246; 2015 a. 55; 2017 a. 105; s. 13.92 (1) (bm) 2.

Cross-reference: See also ch. DHS 62, Wis. adm. code.

20 **SECTION 33.** 343.30 (1q) (d) 1. of the statutes is amended to read:

1 343.30 (1q) (d) 1. The assessment report shall order compliance with a driver
 2 safety plan. The report shall inform the person of the fee provisions under s. 46.03
 3 (18) (f). The driver safety plan may include a component that makes the person
 4 aware of the effect of his or her offense on a victim and a victim’s family. The driver
 5 safety plan may include treatment for the person’s misuse, abuse or dependence on
 6 alcohol, tetrahydrocannabinols, controlled substances or controlled substance
 7 analogs, or attendance at a school under s. 345.60, or both. If the plan requires
 8 treatment at an approved tribal treatment facility, as defined in s. 51.01 (2c), the plan
 9 may include traditional tribal treatment modes. If the plan requires inpatient
 10 treatment, the treatment shall not exceed 30 days. A driver safety plan under this
 11 paragraph shall include a termination date consistent with the plan which shall not
 12 extend beyond one year.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80; 2005 a. 277; 2005 a. 443 s. 265; 2005 a. 466; 2007 a. 20 ss. 3300, 9121 (6) (a); 2007 a. 134; 2009 a. 100, 102, 103, 402; 2011 a. 113, 173, 262; 2013 a. 246; 2015 a. 55; 2017 a. 105; s. 13.92 (1) (bm) 2.

Cross-reference: See also ch. DHS 62, Wis. adm. code.

13

14 INS 63-10

15

16 **SECTION 34.** 343.305 (6) (a) of the statutes is amended to read:

17 343.305 (6) (a) Chemical analyses of blood or urine to be considered valid under
 18 this section shall have been performed substantially according to methods approved
 19 by the laboratory of hygiene and by an individual possessing a valid permit to
 20 perform the analyses issued by the department of health services. The department
 21 of health services shall approve laboratories for the purpose of performing chemical
 22 analyses of blood or urine for alcohol, tetrahydrocannabinols, controlled substances
 23 or controlled substance analogs and shall develop and administer a program for

1 regular monitoring of the laboratories. A list of approved laboratories shall be
 2 provided to all law enforcement agencies in the state. Urine specimens are to be
 3 collected by methods specified by the laboratory of hygiene. The laboratory of
 4 hygiene shall furnish an ample supply of urine and blood specimen containers to
 5 permit all law enforcement officers to comply with the requirements of this section.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36, 224; 2017 a. 331.

Cross-reference: See also chs. DHS 62 and Trans 107 and 113, Wis. adm. code.

6

7 INS 65-5

8

9 **SECTION 35.** 343.305 (9) (a) 5. c. of the statutes is amended to read:

10 343.305 (9) (a) 5. c. Whether the person refused to permit the test. The person
 11 shall not be considered to have refused the test if it is shown by a preponderance of
 12 evidence that the refusal was due to a physical inability to submit to the test due to
 13 a physical disability or disease unrelated to the use of alcohol,
 14 tetrahydrocannabinols, controlled substances, controlled substance analogs or other
 15 drugs.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36, 224; 2017 a. 331.

Cross-reference: See also chs. DHS 62 and Trans 107 and 113, Wis. adm. code.

16

17 INS 66-2

18

19 **SECTION 36.** 343.305 (10) (c) 1. (intro.) of the statutes is amended to read:

20 343.305 (10) (c) 1. (intro.) Except as provided in subd. 1. a. or b., the court shall
 21 order the person to submit to and comply with an assessment by an approved public
 22 treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of

1 alcohol, tetrahydrocannabinols, controlled substances or controlled substance
 2 analogs and development of a driver safety plan for the person. The court shall notify
 3 the person and the department of transportation of the assessment order. The court
 4 shall also notify the person that noncompliance with assessment or the driver safety
 5 plan will result in license suspension until the person is in compliance. The
 6 assessment order shall:

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36, 224; 2017 a. 331.

Cross-reference: See also chs. DHS 62 and Trans 107 and 113, Wis. adm. code.

7 **SECTION 37. 343.305 (10) (d)** of the statutes is amended to read:
 8 **343.305 (10) (d)** The assessment report shall order compliance with a driver
 9 safety plan. The report shall inform the person of the fee provisions under s. 46.03
 10 (18) (f). The driver safety plan may include a component that makes the person
 11 aware of the effect of his or her offense on a victim and a victim’s family. The driver
 12 safety plan may include treatment for the person’s misuse, abuse or dependence on
 13 alcohol, tetrahydrocannabinols, controlled substances or controlled substance
 14 analogs, attendance at a school under s. 345.60, or both. If the plan requires
 15 inpatient treatment, the treatment shall not exceed 30 days. A driver safety plan
 16 under this paragraph shall include a termination date consistent with the plan
 17 which shall not extend beyond one year. The county department under s. 51.42 shall
 18 assure notification of the department of transportation and the person of the person’s
 19 compliance or noncompliance with assessment and treatment. The school under s.
 20 345.60 shall notify the department, the county department under s. 51.42 and the
 21 person of the person’s compliance or noncompliance with the requirements of the
 22 school. Nonpayment of the assessment fee or, if the person has the ability to pay,
 23 nonpayment of the driver safety plan fee is noncompliance with the court order. If

1 the department is notified of noncompliance, other than for nonpayment of the
2 assessment fee or driver safety plan fee, it shall revoke the person's operating
3 privilege until the county department under s. 51.42 or the school under s. 345.60
4 notifies the department that the person is in compliance with assessment or the
5 driver safety plan. If the department is notified that a person has not paid the
6 assessment fee, or that a person with the ability to pay has not paid the driver safety
7 plan fee, the department shall suspend the person's operating privilege for a period
8 of 2 years or until it receives notice that the person has paid the fee, whichever occurs
9 first. The department shall notify the person of the suspension or revocation, the
10 reason for the suspension or revocation and the person's right to a review. A person
11 may request a review of a revocation based upon failure to comply with a driver safety
12 plan within 10 days of notification. The review shall be handled by the subunit of
13 the department of transportation designated by the secretary. The issues at the
14 review are limited to whether the driver safety plan, if challenged, is appropriate and
15 whether the person is in compliance with the assessment order or the driver safety
16 plan. The review shall be conducted within 10 days after a request is received. If the
17 driver safety plan is determined to be inappropriate, the department shall order a
18 reassessment and if the person is otherwise eligible, the department shall reinstate
19 the person's operating privilege. If the person is determined to be in compliance with
20 the assessment or driver safety plan, and if the person is otherwise eligible, the
21 department shall reinstate the person's operating privilege. If there is no decision
22 within the 10-day period, the department shall issue an order reinstating the

1 person’s operating privilege until the review is completed, unless the delay is at the
2 request of the person seeking the review.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36, 224; 2017 a. 331.

Cross-reference: See also chs. DHS 62 and Trans 107 and 113, Wis. adm. code.

3

4 INS 69-24

5

6 **SECTION 38.** 343.38 (1) (d) 2. of the statutes is amended to read:

7 343.38 (1) (d) 2. Not more than 45 days before applying for reinstatement, the
8 person submits to and complies with an assessment by an approved public treatment
9 facility, as defined in s. 51.45 (2) (c), for examination of the person’s use of alcohol,
10 tetrahydrocannabinols, controlled substances, or controlled substance analogs and
11 development of a driver safety plan for the person.

NOTE: Par. (d) is created eff. 12-1-18 by 2017 Wis. Act 172.

History: 1977 c. 29 s. 1654 (7) (a), (c); 1979 c. 306, 316; 1983 a. 525; 1989 a. 72; 1991 a. 277, 316; 1997 a. 27, 84; 1999 a. 143; 2007 a. 20; 2009 a. 100, 103; 2011 a. 173, 258; 2017 a. 172.

12 **SECTION 39.** 343.44 (1) (a) of the statutes is amended to read:

13 343.44 (1) (a) *Operating while suspended.* No person whose operating privilege
14 has been duly suspended under the laws of this state may operate a motor vehicle
15 upon any highway in this state during the period of suspension or in violation of any
16 restriction on an occupational license issued to the person during the period of
17 suspension. A person’s knowledge that his or her operating privilege is suspended
18 is not an element of the offense under this paragraph. In this paragraph, “restriction
19 on an occupational license” means restrictions imposed under s. 343.10 (5) (a) as to
20 hours of the day, area, routes or purpose of travel, vehicles allowed to be operated,

1 use of an ignition interlock device, sobriety or use of alcohol, tetrahydrocannabinols,
2 controlled substances or controlled substance analogs.

History: 1971 c. 164 s. 83; 1971 c. 280, 307; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a); 1977 c. 165, 272; 1979 c. 221; 1981 c. 20; 1983 a. 535; 1989 a. 12, 105, 336; 1991 a. 39, 64, 189, 277; 1995 a. 113; 1997 a. 84; 1999 a. 9, 32, 143; 2003 a. 33; 2005 a. 25, 254, 412; 2009 a. 28; 2011 a. 32, 113, 258; 2013 a. 165; 2017 a. 127, 172.

3 **SECTION 40.** 343.44 (1) (b) of the statutes is amended to read:

4 343.44 (1) (b) *Operating while revoked.* No person whose operating privilege
5 has been duly revoked under the laws of this state may operate a motor vehicle upon
6 any highway in this state during the period of revocation or in violation of any
7 restriction on an occupational license issued to the person during the period of
8 revocation. A person’s knowledge that his or her operating privilege is revoked is not
9 an element of the offense under this paragraph. In this paragraph, “restriction on
10 an occupational license” means restrictions imposed under s. 343.10 (5) (a) as to
11 hours of the day, area, routes or purpose of travel, vehicles allowed to be operated,
12 use of an ignition interlock device, sobriety or use of alcohol, tetrahydrocannabinols,
13 controlled substances or controlled substance analogs.

History: 1971 c. 164 s. 83; 1971 c. 280, 307; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a); 1977 c. 165, 272; 1979 c. 221; 1981 c. 20; 1983 a. 535; 1989 a. 12, 105, 336; 1991 a. 39, 64, 189, 277; 1995 a. 113; 1997 a. 84; 1999 a. 9, 32, 143; 2003 a. 33; 2005 a. 25, 254, 412; 2009 a. 28; 2011 a. 32, 113, 258; 2013 a. 165; 2017 a. 127, 172.

14
15 INS 70-21

16
17 **SECTION 41.** 346.63 (1) (d) 2. of the statutes is created to read:

18 346.63 (1) (d) 2. In an action under par. (b) that is based on the defendant
19 allegedly having a prohibited tetrahydrocannabinols concentration, the defendant
20 has a defense if he or she proves by a preponderance of the evidence that at the time
21 of the incident or occurrence he or she had a valid prescription for
22 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6).

23

1 INS 71-23

2
3 SECTION 42. 346.63 (2) (b) 3. of the statutes is created to read:

4 346.63 (2) (b) 3. In an action under par. (a) 2. that is based on the defendant
5 allegedly having a prohibited tetrahydrocannabinols concentration, the defendant
6 has a defense if he or she proves by a preponderance of the evidence that at the time
7 of the incident or occurrence he or she had a valid prescription for
8 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6).

9
10 INS 72-8

11
12 SECTION 43. 346.637 of the statutes is amended to read:

13 **346.637 Driver awareness program.** The department shall conduct a
14 campaign to educate drivers in this state concerning:

15 (1) The laws relating to operating a motor vehicle and drinking alcohol, using
16 tetrahydrocannabinols, controlled substances, or controlled substance analogs, or
17 using any combination of alcohol, tetrahydrocannabinols, controlled substances, and
18 controlled substance analogs.

19 (2) The effects of alcohol, tetrahydrocannabinols, controlled substances, or
20 controlled substance analogs, or the use of them in any combination, on a person's
21 ability to operate a motor vehicle.

History: 1981 c. 20; 1995 a. 448.

22
23 INS 74-24

24

1 **SECTION 44.** 350.101 (1) (e) 2. of the statutes is created to read:

2 350.101 (1) (e) 2. In an action under par. (bg) or (cg) that is based on the
3 defendant allegedly having a prohibited tetrahydrocannabinols concentration, the
4 defendant has a defense if he or she proves by a preponderance of the evidence that
5 at the time of the incident or occurrence he or she had a valid prescription for
6 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6). ✓

7

8 INS 76-9

9

10 **SECTION 45.** 350.101 (2) (d) 3. of the statutes is created to read:

11 350.101 (2) (d) 3. In an action under par. (bg) that is based on the defendant
12 allegedly having a prohibited tetrahydrocannabinols concentration, the defendant
13 has a defense if he or she proves by a preponderance of the evidence that at the time
14 of the incident or occurrence he or she had a valid prescription for
15 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6). ✓

16

17 INS 76-20

18

19 **SECTION 46.** 350.11 (3) (a) 1. ✓ of the statutes is amended to read:

20 350.11 (3) (a) 1. Except as provided under subs. 2. and 3., a person who violates
21 s. 350.101 (1) (a), (b), (bg), or (bm) or s. 350.104 (5) shall forfeit not less than \$400 nor
22 more than \$550.

History: 1971 c. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119, 436; 1995 a. 417, 448; 1997 a. 27, 283; 2001 a. 109; 2003 a. 97.

Cross-reference: See s. 23.50 concerning enforcement procedures. ✓

23 **SECTION 47.** 350.11 (3) (a) 2. of the statutes is amended to read:

1 350.11 (3) (a) 2. Except as provided under subd. 3., a person who violates s.
 2 350.101 (1) (a), (b), (bg), or (bm) or 350.104 (5) and who, within 5 years prior to the
 3 arrest for the current violation, was convicted previously under the intoxicated
 4 snowmobiling law or the refusal law shall be fined not less than \$300 nor more than
 5 \$1,000 and shall be imprisoned not less than 5 days nor more than 6 months. ✓

History: 1971 c. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119, 436; 1995 a. 417, 448; 1997 a. 27, 283; 2001 a. 109; 2003 a. 97.

Cross-reference: See s. 23.50 concerning enforcement procedures.

6 **SECTION 48.** 350.11 (3) (a) 3. of the statutes is amended to read:

7 350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a), (b), (bg), or (bm) or
 8 350.104 (5) and who, within 5 years prior to the arrest for the current violation, was
 9 convicted 2 or more times previously under the intoxicated snowmobiling law or
 10 refusal law shall be fined not less than \$600 nor more than \$2,000 and shall be
 11 imprisoned not less than 30 days nor more than one year in the county jail. ✓

History: 1971 c. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119, 436; 1995 a. 417, 448; 1997 a. 27, 283; 2001 a. 109; 2003 a. 97.

Cross-reference: See s. 23.50 concerning enforcement procedures.

12 **SECTION 49.** 350.11 (3) (a) 4. of the statutes is amended to read:

13 350.11 (3) (a) 4. A person who violates s. 350.101 (1) (c) or (cg) or 350.104 (5)
 14 and who has not attained the age of 19 shall forfeit not more than \$50.

History: 1971 c. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119, 436; 1995 a. 417, 448; 1997 a. 27, 283; 2001 a. 109; 2003 a. 97.

Cross-reference: See s. 23.50 concerning enforcement procedures.

15
16
17 insert 77-11

18 **SECTION 50.** 609.83 of the statutes is amended to read:

19 **609.83 Coverage of drugs and devices.** Limited service health
 20 organizations, preferred provider plans, and defined network plans are subject to ss.
 21 632.853 and 632.895 (16p) and (16t).

History: 1997 a. 237; 2001 a. 16; 2017 a. 305.

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INS 84-22

SECTION 51. 940.09 (2) (c) of the statutes is created to read:

940.09 (2) (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 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6). ✓

INS 86-17

SECTION 52. 940.25 (2) (c) of the statutes is created to read:

940.25 (2) (c) In any action under this section 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 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6). ✓

Insert 87-23

SECTION 53. 961.11 (4g) ✓ of the statutes is repealed.

Insert 87-24

SECTION 54. 961.32 (1m) of the statutes is renumbered 961.32. ✓

1 **SECTION 55.** 961.32 (2m) of the statutes is repealed.

2
3 Insert 88-9

4 **SECTION 56.** 961.38 (1n) of the statutes is repealed.

5
6 Insert 92-3

7 **SECTION 57.** 961.52 (2) (a) 1. of the statutes is amended to read:

8 961.52 (2) (a) 1. Places where persons authorized under s. 961.32 (1m) to
9 possess controlled substances in this state are required by federal law to keep
10 records; and

History: 1971 c. 219; 1983 a. 538; 1985 a. 29; 1993 a. 482; 1995 a. 448 s. 294; Stats. 1995 s. 961.52; 2017 a. 4.

11 **SECTION 58.** 961.52 (2) (a) 2. of the statutes is amended to read:

12 961.52 (2) (a) 2. Places including factories, warehouses, establishments and
13 conveyances in which persons authorized under s. 961.32 (1m) to possess controlled
14 substances in this state are permitted by federal law to hold, manufacture,
15 compound, process, sell, deliver or otherwise dispose of any controlled substance.

History: 1971 c. 219; 1983 a. 538; 1985 a. 29; 1993 a. 482; 1995 a. 448 s. 294; Stats. 1995 s. 961.52; 2017 a. 4.

16
17 insert 101-3

18 **SECTION 59.** 973.016 of the statutes is created to read:

19 **973.016 Special disposition for marijuana-related crimes. (1)**

20 **RESENTENCING PERSONS SERVING A SENTENCE OR PROBATION.** (a) A person serving a
21 sentence or on probation may request resentencing or dismissal as provided under
22 par. (b) if all of the following apply:

1 1. The sentence or probation period was imposed for a violation of s. 961.41 (1)
2 (h), 2017 stats., s. 961.41 (1m) (h), 2017 stats., or s. 961.41 (3g) (e), 2017 stats.

3 2. One of the following applies:

4 a. The person would not have been guilty of a crime had the violation occurred
5 on or after the effective date of this ^{Subd. 2. a.} subdivision paragraph... [LRB inserts date].

6 b. The person would have been guilty of a lesser crime had the violation
7 occurred on or after the effective date of this ^{Subd. 2. b.} subdivision paragraph ... [LRB inserts
8 date].

9 (b) 1. A person to whom par. (a) applies shall file a petition with the sentencing
10 court to request resentencing, adjustment of probation, or dismissal.

11 2. If the court receiving a petition under subd. 1. determines that par. (a)
12 applies, the court shall schedule a hearing to consider the petition. At the hearing,
13 if the court determines that par. (a) 2. b. applies, the court shall resentence the person
14 or adjust the probation, and, if the court determines that par. (a) 2. a. applies, the
15 court shall dismiss the conviction. Before resentencing, adjusting probation, or
16 dismissing a conviction under this subdivision, the court shall determine that the
17 action does not present an unreasonable risk of danger to public safety.

18 3. If the court resentsences the person or adjusts probation, the person shall
19 receive credit for time or probation served for the relevant offense.

20 **(2) REDESIGNATING OFFENSE FOR PERSONS WHO COMPLETED A SENTENCE OR**
21 **PROBATION.** (a) A person who has completed his or her sentence or period of probation
22 may request under par. (b) expungement of the conviction because the conviction is
23 legally invalid or redesignation to a lesser crime if all of the following apply:

24 1. The sentence or probation period was imposed for a violation of s. 961.41 (1)
25 (h), 2017 stats., s. 961.41 (1m) (h), 2017 stats., or s. 961.41 (3g) (e), 2017 stats.

1 2. One of the following applies:

2 a. The person would not have been guilty of a crime had the violation occurred
3 on or after the effective date of this ^{a Subd. 2. a.} subdivision paragraph... [LRB inserts date].

4 b. The person would have been guilty of a lesser crime had the violation
5 occurred on or after the effective date of this ^{a Subd. 2. b.} subdivision paragraph... [LRB inserts
6 date].

7 (b) 1. A person to whom par. (a) applies shall file a petition with the sentencing
8 court to request expungement or redesignation.

9 2. If the court receiving a petition under subd. 1. determines that par. (a)
10 applies, the court shall schedule a hearing to consider the petition. At the hearing,
11 if the court determines that par. (a) 2. b. applies, the court shall redesignate the crime
12 to a lesser crime, and if the court determines that par. (a) 2. a. applies, the court shall
13 expunge the conviction. Before redesignating or expunging under this subdivision,
14 the court shall determine that the action does not present an unreasonable risk of
15 danger to public safety.

16 3. A felony that has been redesignated as a misdemeanor under this paragraph
17 shall be considered a misdemeanor for all purposes.

18
19 INS 102-21
20
21 , 346.63 (1) (d), and 350.101 (1) (c)
22

23 INS 102-22

24

1 , 346.63 (1) (d) 2. and (2) (b) 3., 350.101 (1) (e) 2. and (2) (d) 3., 940.09 (2) (c), and
2 940.25 (2) (c)



Meeting

- ✓ (1) Organ donors - already in there - 157-06 (11) (Chr)
- ✓ (2) Violent offenders - already prohibited
- ✓ (3) Bridge to industrial hemp bill - MCP
- ✓ (4) Baby plants - - can sell them
- X (5) Certified dispensary - - adding validity - ~~MCP~~
prevent pop-up businesses SWB
- X (6) delivery rules - - DATCP?] ~~MCP~~ SWB/JK
- ✓ (7) All in one boutique
- ✓ (8) training program - DWD] - ~~KRP~~, ~~AM~~ JK
occ. ref. ?
↳ DDR retailers only