

1 (3) If any permittee fails to file a report when due, the permittee shall be
2 required to pay a late filing fee of \$10. A report that is mailed is filed on time if it is
3 mailed in a properly addressed envelope with postage prepaid, the envelope is
4 officially postmarked, or marked or recorded electronically as provided under section
5 7502 (f) (2) (c) of the Internal Revenue Code, on the date due, and the report is
6 actually received by the department or at the destination that the department
7 prescribes within 5 days of the due date. A report that is not mailed is timely if it
8 is received on or before the due date by the department or at the destination that the
9 department prescribes. For purposes of this subsection, "mailed" includes delivery
10 by a delivery service designated under section 7502 (f) of the Internal Revenue Code.

11 (4) Sections 71.78 (1), (1m), and (4) to (9) and 71.83 (2) (a) 3. and 3m., relating
12 to confidentiality of income, franchise, and gift tax returns, apply to any information
13 obtained from any permittee under this subchapter on a tax return, report, schedule,
14 exhibit, or other document or from an audit report relating to any of those documents,
15 except that the department shall publish production and sales statistics.

16 **139.975 Administration and enforcement.** (1) The department shall
17 administer and enforce this subchapter and promulgate rules necessary to
18 administer and enforce this subchapter.

19 (2) The duly authorized employees of the department have all necessary police
20 powers to prevent violations of this subchapter.

21 (3) Authorized personnel of the department of justice and the department of
22 revenue, and any law enforcement officer, within their respective jurisdictions, may
23 at all reasonable hours enter the premises of any permittee and examine the books
24 and records to determine whether the tax imposed by this subchapter has been fully
25 paid and may enter and inspect any premises where marijuana or usable marijuana

1 is produced, processed, made, sold, or stored to determine whether the permittee is
2 complying with this subchapter.

3 (4) The department may suspend or revoke the permit of any permittee who
4 violates s. 100.30, any provision of this subchapter, or any rules promulgated under
5 sub. (1). The department shall revoke the permit of any permittee who violates s.
6 100.30 3 or more times within a 5-year period.

7 (5) No suit shall be maintained in any court to restrain or delay the collection
8 or payment of the tax levied in s. 139.971. The aggrieved taxpayer shall pay the tax
9 when due and, if paid under protest, may at any time within 90 days from the date
10 of payment sue the state to recover the tax paid. If it is finally determined that any
11 part of the tax was wrongfully collected, the secretary of administration shall pay the
12 amount wrongfully collected. A separate suit need not be filed for each separate
13 payment made by any taxpayer, but a recovery may be had in one suit for as many
14 payments as may have been made.

15 (6) (a) Any person may be compelled to testify in regard to any violation of this
16 subchapter of which the person may have knowledge, even though such testimony
17 may tend to incriminate the person, upon being granted immunity from prosecution
18 in connection with the testimony, and upon the giving of such testimony, the person
19 shall not be prosecuted because of the violation relative to which the person has
20 testified.

21 (b) The immunity provided under par. (a) is subject to the restrictions under
22 s. 972.085.

23 (7) The provisions on timely filing under s. 71.80 (18) apply to the tax imposed
24 under this subchapter.

1 **(8)** Sections 71.74 (1), (2), (10), (11), and (14), 71.77, 71.91 (1) (a) and (c) and
2 (2) to (7), 71.92, and 73.0301 as they apply to the taxes under ch. 71 apply to the taxes
3 under this subchapter. Section 71.74 (13) as it applies to the collection of the taxes
4 under ch. 71 applies to the collection of the taxes under this subchapter, except that
5 the period during which notice of an additional assessment shall be given begins on
6 the due date of the report under this subchapter.

7 **(9)** Any building or place of any kind where marijuana or usable marijuana is
8 sold, possessed, stored, or manufactured without a lawful permit or in violation of
9 s. 139.972 or 139.973 is declared a public nuisance and may be closed and abated as
10 such.

11 **(10)** At the request of the secretary of revenue, the attorney general may
12 represent this state or assist a district attorney in prosecuting any case arising under
13 this subchapter.

14 **(11)** The tax imposed under this subchapter does apply to the sale, distribution,
15 or delivery of medical marijuana as described in s. 50.85 (1).

16 **139.976 Theft of tax moneys.** All marijuana tax moneys received by a
17 permittee for the sale of marijuana or usable marijuana on which the tax under this
18 subchapter has become due and has not been paid are trust funds in the permittee's
19 possession and are the property of this state. Any permittee who fraudulently
20 withholds, appropriates, or otherwise uses marijuana tax moneys that are the
21 property of this state is guilty of theft under s. 943.20 (1), whether or not the
22 permittee has or claims to have an interest in those moneys.

23 **139.977 Seizure and confiscation.** **(1)** All marijuana and usable marijuana
24 produced, processed, made, kept, stored, sold, distributed, or transported in violation
25 of this subchapter, and all tangible personal property used in connection with the

1 marijuana or usable marijuana is unlawful property and subject to seizure by the
2 department or a law enforcement officer. Except as provided in sub. (2), all
3 marijuana and usable marijuana seized under this subsection shall be destroyed.

4 (2) If marijuana or usable marijuana on which the tax has not been paid is
5 seized as provided under sub. (1), it may be given to law enforcement officers to use
6 in criminal investigations or sold to qualified buyers by the department, without
7 notice. If the department finds that the marijuana or usable marijuana may
8 deteriorate or become unfit for use in criminal investigations or for sale, or that those
9 uses would otherwise be impractical, the department may order it destroyed.

10 (3) If marijuana or usable marijuana on which the tax has been paid is seized
11 as provided under sub. (1), it shall be returned to the true owner if ownership can be
12 ascertained and the owner or the owner's agent is not involved in the violation
13 resulting in the seizure. If the ownership cannot be ascertained or if the owner or
14 the owner's agent was guilty of the violation that resulted in the seizure of the
15 marijuana or usable marijuana, it may be sold or otherwise disposed of as provided
16 in sub. (2).

17 (4) If tangible personal property other than marijuana or usable marijuana is
18 seized as provided under sub. (1), the department shall advertise the tangible
19 personal property for sale by publication of a class 2 notice under ch. 985. If no person
20 claiming a lien on, or ownership of, the property has notified the department of the
21 person's claim within 10 days after last insertion of the notice, the department shall
22 sell the property. If a sale is not practical the department may destroy the property.
23 If a person claiming a lien on, or ownership of, the property notifies the department
24 within the time prescribed in this subsection, the department may apply to the
25 circuit court in the county where the property was seized for an order directing

1 disposition of the property or the proceeds from the sale of the property. If the court
2 orders the property to be sold, all liens, if any, may be transferred from the property
3 to the sale proceeds. Neither the property seized nor the proceeds from the sale shall
4 be turned over to any claimant of lien or ownership unless the claimant first
5 establishes that the property was not used in connection with any violation under
6 this subchapter or that, if so used, it was done without the claimant's knowledge or
7 consent and without the claimant's knowledge of facts that should have given the
8 claimant reason to believe it would be put to such use. If no claim of lien or ownership
9 is established as provided under this subsection the property may be ordered
10 destroyed.

11 **139.978 Interest and penalties.** (1) Any person who makes or signs any
12 false or fraudulent report under this subchapter or who attempts to evade the tax
13 imposed by s. 139.971, or who aids in or abets the evasion or attempted evasion of
14 that tax, may be fined not more than \$10,000 or imprisoned for not more than 9
15 months or both.

16 (2) Any permittee who fails to keep the records required by s. 139.974 (1) and
17 (2) shall be fined not less than \$100 nor more than \$500 or imprisoned not more than
18 6 months or both.

19 (3) Any person who refuses to permit the examination or inspection authorized
20 under s. 139.975 (3) may be fined not more than \$500 or imprisoned not more than
21 6 months or both. The department shall immediately suspend or revoke the permit
22 of any person who refuses to permit the examination or inspection authorized under
23 s. 139.975 (3).

1 (4) Any person who violates any of the provisions of this subchapter for which
2 no other penalty is prescribed shall be fined not less than \$100 nor more than \$1,000
3 or imprisoned not less than 10 days nor more than 90 days or both.

4 (5) Any person who violates any of the rules promulgated in accordance with
5 this subchapter shall be fined not less than \$100 nor more than \$500 or imprisoned
6 not more than 6 months or both.

7 (6) In addition to the penalties imposed for violating the provisions of this
8 subchapter or any of the department's rules, the department shall revoke the permit
9 of any person convicted of such a violation and not issue another permit to that
10 person for a period of 2 years following the revocation.

11 (7) Unpaid taxes bear interest at the rate of 12 percent per year from the due
12 date of the return until paid or deposited with the department, and all refunded taxes
13 bear interest at the rate of 3 percent per year from the due date of the return to the
14 date on which the refund is certified on the refund rolls.

15 (8) All nondelinquent payments of additional amounts owed shall be applied
16 in the following order: penalties, interest, tax principal.

17 (9) Delinquent marijuana taxes bear interest at the rate of 1.5 percent per
18 month until paid. The taxes imposed by this subchapter shall become delinquent if
19 not paid:

20 (a) In the case of a timely filed return, no return filed or a late return, on or
21 before the due date of the return.

22 (b) In the case of a deficiency determination of taxes, within 2 months after the
23 date of demand.

24 (10) If due to neglect an incorrect return is filed, the entire tax finally
25 determined is subject to a penalty of 25 percent of the tax exclusive of interest or

that have reached the flowering stage

1 other penalty. A person filing an incorrect return has the burden of proving that the
2 error or errors were due to good cause and not due to neglect.

3 **139.979 Personal use.** An individual who possesses no more than 6
4 marijuana plants at any one time is not subject to the tax imposed under s. 139.971.
5 An individual who possesses more than 6 marijuana plants at any one time shall
6 apply for the appropriate permit under s. 139.972 and pay the appropriate tax
7 imposed under s. 139.971.

8 **139.980 Agreement with tribes.** The department may enter into an
9 agreement with a federally recognized American Indian Tribe in this state for the
10 administration and enforcement of this subchapter and to provide refunds of the tax
11 imposed under s. 139.971 on marijuana sold on tribal land by or to enrolled members
12 of the tribe residing on the tribal land.

13 **SECTION 90.** 146.40 (1) (bo) of the statutes is amended to read:

14 146.40 (1) (bo) "Hospice" means a hospice that is licensed under subch. VI VII
15 of ch. 50.

16 **SECTION 91.** 146.44 of the statutes is created to read:

17 **146.44 Medical marijuana registry program. (1) DEFINITIONS.** In this
18 section:

19 (a) "Applicant" means a person who is applying for a registry identification card
20 under sub. (2) (a).

21 (b) "Debilitating medical condition or treatment" has the meaning given in s.
22 50.80 (2).

23 (c) "Medical use of tetrahydrocannabinols" has the meaning given in s. 50.80
24 (4).

1 (d) "Out-of-state registry identification card" means a document issued by an
2 entity listed in the rule promulgated under sub. (7) (f) that identifies the person as
3 a qualifying patient or primary caregiver, or an equivalent designation.

4 (e) "Primary caregiver" has the meaning given in s. 50.80 (5).

5 (f) "Qualifying patient" has the meaning given in s. 50.80 (6).

6 (g) "Registrant" means a person to whom a registry identification card is issued
7 under sub. (4).

8 (h) "Registry identification card" means a document issued by the department
9 under this section that identifies a person as a qualifying patient or primary
10 caregiver.

11 (i) "Written certification" has the meaning given in s. 50.80 (10).

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

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

16 2. A written certification.

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

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

21 (b) An adult registrant who is a qualifying patient or an applicant may jointly
22 apply with another adult to the department for a registry identification card for the
23 other adult, designating the other adult as a primary caregiver for the registrant or
24 applicant. Both persons who jointly apply for a registry identification card under this

1 paragraph shall sign the application form, which shall contain the name, address,
2 and date of birth of the individual applying to be registered as a primary caregiver.

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

7 **(3) PROCESSING THE APPLICATION.** The department shall verify the information
8 contained in or accompanying an application submitted under sub. (2) and shall
9 approve or deny the application within 30 days after receiving it. Except as provided
10 in sub. (2) (c), the department may deny an application submitted under sub. (2) only
11 if the required information has not been provided or if false information has been
12 provided.

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

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

- 20 1. The registrant.
- 21 2. Each primary caregiver if the registrant is a qualifying patient.
- 22 3. The qualifying patient if the registrant is a primary caregiver.

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

24 (c) A photograph of the registrant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (8) PHYSICIAN EDUCATION AND PUBLIC AWARENESS CAMPAIGN. The department
25 shall provide, in a manner determined by the department, information to physicians

1 about the availability of the medical marijuana registry program. The department
2 shall also conduct a public awareness campaign to inform the public about issues
3 relating to medical marijuana, including information about the medical marijuana
4 registry program in this state and information about possible risks and benefits of
5 the medical use of tetrahydrocannabinols.

6 **SECTION 92.** 146.46 of the statutes is created to read:

7 **146.46 Medical marijuana logotype.** The department shall design an
8 official logotype, appropriate for including on a label affixed to medical marijuana
9 under s. 50.85. The department shall design the logotype to be distinguishable from
10 any logotype for recreational marijuana.

11 **SECTION 93.** 146.81 (1) (L) of the statutes is amended to read:

12 146.81 (1) (L) A hospice licensed under subch. ~~VI~~ VII of ch. 50.

13 **SECTION 94.** 146.997 (1) (d) 18. of the statutes is amended to read:

14 146.997 (1) (d) 18. A hospice licensed under subch. ~~VI~~ VII of ch. 50.

15 **SECTION 95.** 157.06 (11) (hm) of the statutes is created to read:

16 157.06 (11) (hm) Unless otherwise required by federal law, a hospital,
17 physician, procurement organization, or other person may not determine the
18 ultimate recipient of an anatomical gift based solely upon a positive test for the use
19 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.

20 **SECTION 96.** 157.06 (11) (i) of the statutes is amended to read:

21 157.06 (11) (i) Except as provided under ~~par. pars.~~ (a) 2. and (hm), nothing in
22 this section affects the allocation of organs for transplantation or therapy.

23 **SECTION 97.** 289.33 (3) (d) of the statutes is amended to read:

1 289.33 (3) (d) “Local approval” includes any requirement for a permit, license,
2 authorization, approval, variance or exception or any restriction, condition of
3 approval or other restriction, regulation, requirement or prohibition imposed by a
4 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
5 a town, city, village, county or special purpose district, including without limitation
6 because of enumeration any ordinance, resolution or regulation adopted under s.
7 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),
8 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),
9 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),
10 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),
11 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) (a), and (26), 59.55 (3),
12 (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16),
13 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70
14 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (7), (8),
15 and (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34,
16 61.35, 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415,
17 87.30, 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III
18 of ch. 91.

19 **SECTION 98.** 340.01 (50m) (a) of the statutes is amended to read:

20 340.01 (50m) (a) A controlled substance included in schedule I under ch. 961
21 ~~other than a tetrahydrocannabinol.~~

22 **SECTION 99.** 340.01 (50m) (e) of the statutes is repealed.

23 **SECTION 100.** 340.01 (66m) of the statutes is created to read:

24 340.01 (66m) “Tetrahydrocannabinols concentration” means the number of
25 nanograms of tetrahydrocannabinols per milliliter of blood.

1 **SECTION 101.** 343.06 (1) (d) of the statutes is amended to read:

2 343.06 (1) (d) To any person whose dependence on alcohol or
3 tetrahydrocannabinols has attained such a degree that it interferes with his or her
4 physical or mental health or social or economic functioning, or who is addicted to the
5 use of controlled substances or controlled substance analogs, except that the
6 secretary may issue a license if the person submits to an examination, evaluation or
7 treatment in a treatment facility meeting the standards prescribed in s. 51.45 (8) (a),
8 as directed by the secretary, in accordance with s. 343.16 (5).

9 **SECTION 102.** 343.10 (5) (a) 1. of the statutes is amended to read:

10 343.10 (5) (a) 1. In addition to any restrictions appearing on the former
11 operator's license of the applicant, the occupational license shall contain definite
12 restrictions as to hours of the day, not to exceed 12, hours per week, not to exceed 60,
13 type of occupation and areas or routes of travel which are permitted under the
14 license. The occupational license may permit travel to and from church during
15 specified hours if the travel does not exceed the restrictions as to hours of the day and
16 hours per week in this subdivision. The occupational license may permit travel
17 necessary to comply with a driver safety plan ordered under s. 343.30 (1q) or 343.305
18 if the travel does not exceed the restrictions as to hours of the day and hours per week
19 in this subdivision. The occupational license may contain restrictions on the use of
20 alcohol, of tetracannabinols, and of controlled substances and controlled substance
21 analogs in violation of s. 961.41.

22 **SECTION 103.** 343.10 (5) (a) 2. of the statutes is amended to read:

23 343.10 (5) (a) 2. If the applicant has 2 or more convictions, suspensions or
24 revocations, as counted under s. 343.307 (1), the occupational license shall prohibit
25 the applicant from driving or operating a motor vehicle while he or she has an alcohol

1 concentration of more than 0.0 or a tetrahydrocannabinols concentration of more
2 than 0.0.

3 **SECTION 104.** 343.10 (8) (intro.) of the statutes is amended to read:

4 343.10 (8) VIOLATION OF RESTRICTIONS. (intro.) Any person who violates a
5 restriction on an occupational license as to hours of the day, area, routes or purpose
6 of travel, vehicles allowed to be operated, use of an ignition interlock device, sobriety
7 or use of alcohol, tetrahydrocannabinols, controlled substances or controlled
8 substance analogs shall be:

9 **SECTION 105.** 343.12 (7) (a) 9. of the statutes is amended to read:

10 343.12 (7) (a) 9. Operating a motor vehicle under the influence of an intoxicant
11 or other drug or with a prohibited alcohol or tetrahydrocannabinols concentration
12 under s. 346.63 (1).

13 **SECTION 106.** 343.12 (7) (a) 11. of the statutes is amended to read:

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

17 **SECTION 107.** 343.16 (2) (b) of the statutes is amended to read:

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

1 card issued under s. 343.175 (2), and an actual demonstration of ability to exercise
2 ordinary and reasonable control in the operation of a motor vehicle. The test of
3 knowledge of the traffic laws shall include questions on the provisions of ss. 343.30
4 (1q), 343.303 to 343.31 and 346.63 to 346.655, relating to the operation of a motor
5 vehicle and the consumption of alcohol beverages and tetrahydrocannabinols. The
6 test of knowledge may also include questions on the social, medical and economic
7 effects of alcohol and other drug abuse. The examination of applicants for
8 authorization to operate 'Class M' vehicles shall test an applicant's knowledge of
9 Type 1 motorcycle safety, including proper eye protection to be worn during hours of
10 darkness. The department may require persons changing their residence to this
11 state from another jurisdiction and persons applying for a reinstated license after
12 termination of a revocation period to take all or parts of the examination required
13 of persons making their first application for an operator's license. Any applicant who
14 is required to give an actual demonstration of ability to exercise ordinary and
15 reasonable control in the operation of a motor vehicle shall furnish a representative
16 vehicle in safe operating condition for use in testing ability.

17 **SECTION 108.** 343.16 (5) (a) of the statutes is amended to read:

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

1 a physician, physician assistant, as defined in s. 448.01 (6), advanced practice nurse
2 prescriber certified under s. 441.16 (2), or optometrist under s. 146.82 (3), or if the
3 department has a report of 2 or more arrests within a one-year period for any
4 combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity with
5 s. 346.63 (1) or (5) or a law of a federally recognized American Indian tribe or band
6 in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or
7 s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a
8 vehicle, the department shall determine, by interview or otherwise, whether the
9 operator should submit to an examination under this section. The examination may
10 consist of an assessment. If the examination indicates that education or treatment
11 for a disability, disease, or condition concerning the use of alcohol, a controlled
12 substance or a controlled substance analog, or tetrahydrocannabinols is appropriate,
13 the department may order a driver safety plan in accordance with s. 343.30 (1q). If
14 there is noncompliance with assessment or the driver safety plan, the department
15 shall revoke the person's operating privilege in the manner specified in s. 343.30 (1q)
16 (d).

17 **SECTION 109.** 343.30 (1p) of the statutes is amended to read:

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

25 **SECTION 110.** 343.30 (1q) (c) 1. (intro.) of the statutes is amended to read:

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

10 **SECTION 111.** 343.30 (1q) (d) 1. of the statutes is amended to read:

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

23 **SECTION 112.** 343.30 (1q) (h) of the statutes is amended to read:

24 343.30 (1q) (h) The court or department shall provide that the period of
25 suspension or revocation imposed under this subsection shall be reduced by any

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

9 **SECTION 113.** 343.305 (2) of the statutes is amended to read:

10 343.305 (2) IMPLIED CONSENT. Any person who is on duty time with respect to
11 a commercial motor vehicle or drives or operates a motor vehicle upon the public
12 highways of this state, or in those areas enumerated in s. 346.61, is deemed to have
13 given consent to one or more tests of his or her breath, blood or urine, for the purpose
14 of determining the presence or quantity in his or her blood or breath, of alcohol,
15 tetrahydrocannabinols, controlled substances, controlled substance analogs or other
16 drugs, or any combination of alcohol, tetrahydrocannabinols, controlled substances,
17 controlled substance analogs and other drugs, when requested to do so by a law
18 enforcement officer under sub. (3) (a) or (am) or when required to do so under sub.
19 (3) (ar) or (b). Any such tests shall be administered upon the request of a law
20 enforcement officer. The law enforcement agency by which the officer is employed
21 shall be prepared to administer, either at its agency or any other agency or facility,
22 2 of the 3 tests under sub. (3) (a), (am), or (ar), and may designate which of the tests
23 shall be administered first.

24 **SECTION 114.** 343.305 (3) (a) of the statutes is amended to read:

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

8 **SECTION 115.** 343.305 (3) (am) of the statutes is amended to read:

9 343.305 (3) (am) Prior to arrest, a law enforcement officer may request the
10 person to provide one or more samples of his or her breath, blood or urine for the
11 purpose specified under sub. (2) whenever a law enforcement officer detects any
12 presence of alcohol, tetrahydrocannabinols, a controlled substance, a controlled
13 substance analog or other drug, or a combination thereof, on a person driving or
14 operating or on duty time with respect to a commercial motor vehicle or has reason
15 to believe the person is violating or has violated s. 346.63 (7). Compliance with a
16 request for one type of sample does not bar a subsequent request for a different type
17 of sample. For the purposes of this paragraph, "law enforcement officer" includes
18 inspectors in the performance of duties under s. 110.07 (3).

19 **SECTION 116.** 343.305 (3) (ar) 1. of the statutes is amended to read:

20 343.305 (3) (ar) 1. If a person is the operator of a vehicle that is involved in an
21 accident that causes substantial bodily harm, as defined in s. 939.22 (38), to any
22 person, and a law enforcement officer detects any presence of alcohol,
23 tetrahydrocannabinols, a controlled substance, a controlled substance analog or
24 other drug, or a combination thereof, the law enforcement officer may request the
25 operator to provide one or more samples of his or her breath, blood, or urine for the

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

7 **SECTION 117.** 343.305 (3) (b) of the statutes is amended to read:

8 343.305 (3) (b) A person who is unconscious or otherwise not capable of
9 withdrawing consent is presumed not to have withdrawn consent under this
10 subsection, and if a law enforcement officer has probable cause to believe that the
11 person has violated s. 346.63 (1), (2m), (2p), 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 detects any presence of alcohol, tetrahydrocannabinols, controlled
14 substance, controlled substance analog or other drug, or a combination thereof, on
15 a person driving or operating or on duty time with respect to a commercial motor
16 vehicle or has reason to believe the person has violated s. 346.63 (7), one or more
17 samples specified in par. (a) or (am) may be administered to the person.

18 **SECTION 118.** 343.305 (5) (b) of the statutes is amended to read:

19 343.305 (5) (b) Blood may be withdrawn from the person arrested for violation
20 of s. 346.63 (1), (2), (2m), (2p), (5), or (6) or 940.25, or s. 940.09 where the offense
21 involved the use of a vehicle, or a local ordinance in conformity with s. 346.63 (1),
22 (2m), (2p), or (5), or as provided in sub. (3) (am) or (b) to determine the presence or
23 quantity of alcohol, tetrahydrocannabinols, a controlled substance, a controlled
24 substance analog, or any other drug, or any combination of alcohol, controlled
25 substance, controlled substance analog, and any other drug in the blood only by a

1 physician, registered nurse, medical technologist, physician assistant, phlebotomist,
2 or other medical professional who is authorized to draw blood, or person acting under
3 the direction of a physician.

4 **SECTION 119.** 343.305 (5) (d) of the statutes is amended to read:

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

1 alcohol concentration. Test results shall be given the effect required under s.
2 885.235.

3 **SECTION 120.** 343.305 (5) (dm) of the statutes is created to read:

4 343.305 (5) (dm) At the trial of any civil or criminal action or proceeding arising
5 out of the acts committed by a person alleged to have been driving or operating a
6 motor vehicle while having a tetrahydrocannabinols concentration at or above
7 specified levels, the results of a blood test administered in accordance with this
8 section are admissible on any issue relating to the tetrahydrocannabinols
9 concentration. Test results shall be given the effect required under s. 885.235.

10 **SECTION 121.** 343.305 (6) (a) of the statutes is amended to read:

11 343.305 (6) (a) Chemical analyses of blood or urine to be considered valid under
12 this section shall have been performed substantially according to methods approved
13 by the laboratory of hygiene and by an individual possessing a valid permit to
14 perform the analyses issued by the department of health services. The department
15 of health services shall approve laboratories for the purpose of performing chemical
16 analyses of blood or urine for alcohol, tetrahydrocannabinols, controlled substances
17 or controlled substance analogs and shall develop and administer a program for
18 regular monitoring of the laboratories. A list of approved laboratories shall be
19 provided to all law enforcement agencies in the state. Urine specimens are to be
20 collected by methods specified by the laboratory of hygiene. The laboratory of
21 hygiene shall furnish an ample supply of urine and blood specimen containers to
22 permit all law enforcement officers to comply with the requirements of this section.

23 **SECTION 122.** 343.305 (7) (a) of the statutes is amended to read:

24 343.305 (7) (a) If a person submits to chemical testing administered in
25 accordance with this section and any test results indicate the presence of a detectable

1 amount of a restricted controlled substance in the person's blood or a prohibited
2 alcohol or tetrahydrocannabinols concentration, the law enforcement officer shall
3 report the results to the department. The person's operating privilege is
4 administratively suspended for 6 months.

5 **SECTION 123.** 343.305 (8) (b) 2. bm. of the statutes is amended to read:

6 343.305 (8) (b) 2. bm. Whether the person had a prohibited alcohol or
7 tetrahydrocannabinols concentration or a detectable amount of a restricted
8 controlled substance in his or her blood at the time the offense allegedly occurred.

9 **SECTION 124.** 343.305 (8) (b) 2. d. of the statutes is amended to read:

10 343.305 (8) (b) 2. d. If one or more tests were administered in accordance with
11 this section, whether each of the test results for those tests indicate the person had
12 a prohibited alcohol or tetrahydrocannabinols concentration or a detectable amount
13 of a restricted controlled substance in his or her blood.

14 **SECTION 125.** 343.305 (8) (b) 4m. a. of the statutes is amended to read:

15 343.305 (8) (b) 4m. a. A blood test administered in accordance with this section
16 indicated that the person had a detectable amount of methamphetamine, or
17 gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol or a prohibited
18 tetrahydrocannabinols concentration but did not have a detectable amount of any
19 other restricted controlled substance in his or her blood.

20 **SECTION 126.** 343.305 (8) (b) 5. b. of the statutes is amended to read:

21 343.305 (8) (b) 5. b. The person did not have a prohibited alcohol or
22 tetrahydrocannabinols concentration or a detectable amount of a restricted
23 controlled substance in his or her blood at the time the offense allegedly occurred.

24 **SECTION 127.** 343.305 (8) (b) 6. b. of the statutes is amended to read:

1 343.305 (8) (b) 6. b. The person had a prohibited alcohol or
2 tetrahydrocannabinols concentration or a detectable amount of a restricted
3 controlled substance in his or her blood at the time the offense allegedly occurred.

4 **SECTION 128.** 343.305 (9) (a) 5. a. of the statutes is amended to read:

5 343.305 (9) (a) 5. a. Whether the officer had probable cause to believe the
6 person was driving or operating a motor vehicle while under the influence of alcohol,
7 tetrahydrocannabinols, a controlled substance or a controlled substance analog or
8 any combination of alcohol, tetrahydrocannabinols, a controlled substance and a
9 controlled substance analog, under the influence of any other drug to a degree which
10 renders the person incapable of safely driving, or under the combined influence of
11 alcohol and any other drug to a degree which renders the person incapable of safely
12 driving, having a restricted controlled substance in his or her blood, or having a
13 prohibited alcohol or tetrahydrocannabinols concentration or, if the person was
14 driving or operating a commercial motor vehicle, an alcohol concentration of 0.04 or
15 more and whether the person was lawfully placed under arrest for violation of s.
16 346.63 (1), (2m) or (5) or a local ordinance in conformity therewith or s. 346.63 (2) or
17 (6), 940.09 (1) or 940.25.

18 **SECTION 129.** 343.305 (9) (a) 5. c. of the statutes is amended to read:

19 343.305 (9) (a) 5. c. Whether the person refused to permit the test. The person
20 shall not be considered to have refused the test if it is shown by a preponderance of
21 evidence that the refusal was due to a physical inability to submit to the test due to
22 a physical disability or disease unrelated to the use of alcohol,
23 tetrahydrocannabinols, controlled substances, controlled substance analogs or other
24 drugs.

25 **SECTION 130.** 343.305 (9) (am) 5. a. of the statutes is amended to read:

1 343.305 (9) (am) 5. a. Whether the officer detected any presence of alcohol,
2 tetrahydrocannabinols, controlled substance, controlled substance analog or other
3 drug, or a combination thereof, on the person or had reason to believe that the person
4 was violating or had violated s. 346.63 (7).

5 **SECTION 131.** 343.305 (9) (am) 5. c. of the statutes is amended to read:

6 343.305 (9) (am) 5. c. Whether the person refused to permit the test. The person
7 shall not be considered to have refused the test if it is shown by a preponderance of
8 evidence that the refusal was due to a physical inability to submit to the test due to
9 a physical disability or disease unrelated to the use of alcohol,
10 tetrahydrocannabinols, controlled substances, controlled substance analogs or other
11 drugs.

12 **SECTION 132.** 343.305 (9) (d) of the statutes is amended to read:

13 343.305 (9) (d) At the close of the hearing, or within 5 days thereafter, the court
14 shall determine the issues under par. (a) 5. or (am) 5. If all issues are determined
15 adversely to the person, the court shall proceed under sub. (10). If one or more of the
16 issues is determined favorably to the person, the court shall order that no action be
17 taken on the operating privilege on account of the person's refusal to take the test in
18 question. This section does not preclude the prosecution of the person for violation
19 of s. 346.63 (1), (2m), (2p), (5) or (7) or a local ordinance in conformity therewith, or
20 s. 346.63 (2) or (6), 940.09 (1) or 940.25.

21 **SECTION 133.** 343.305 (10) (c) 1. (intro.) of the statutes is amended to read:

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

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

6 **SECTION 134.** 343.305 (10) (d) of the statutes is amended to read:

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

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

22 **SECTION 135.** 343.305 (10) (em) of the statutes is amended to read:

23 343.305 (10) (em) One penalty for improperly refusing to submit to a test for
24 intoxication regarding a person arrested for a violation of s. 346.63 (2m), (2p), or (7)
25 or a local ordinance in conformity therewith is revocation of the person's operating

1 privilege for 6 months. If there was a minor passenger under 16 years of age in the
2 motor vehicle at the time of the incident that gave rise to the improper refusal, the
3 revocation period is 12 months. After the first 15 days of the revocation period, the
4 person is eligible for an occupational license under s. 343.10. Any such improper
5 refusal or revocation for the refusal does not count as a prior refusal or a prior
6 revocation under this section or ss. 343.30 (1q), 343.307 and 346.65 (2). The person
7 shall not be required to submit to and comply with any assessment or driver safety
8 plan under pars. (c) and (d).

9 **SECTION 136.** 343.307 (1) (d) of the statutes is amended to read:

10 343.307 (1) (d) Convictions under the law of another jurisdiction that prohibits
11 a person from refusing chemical testing or using a motor vehicle while intoxicated
12 or under the influence of a controlled substance or controlled substance analog, or
13 a combination thereof; with an excess or specified range of alcohol or
14 tetrahydrocannabinols concentration; while under the influence of any drug to a
15 degree that renders the person incapable of safely driving; or while having a
16 detectable amount of a restricted controlled substance in his or her blood, as those
17 or substantially similar terms are used in that jurisdiction's laws.

18 **SECTION 137.** 343.307 (2) (e) of the statutes is amended to read:

19 343.307 (2) (e) Convictions under the law of another jurisdiction that prohibits
20 a person from refusing chemical testing or using a motor vehicle while intoxicated
21 or under the influence of a controlled substance or controlled substance analog, or
22 a combination thereof; with an excess or specified range of alcohol or
23 tetrahydrocannabinols concentration; while under the influence of any drug to a
24 degree that renders the person incapable of safely driving; or while having a

1 detectable amount of a restricted controlled substance in his or her blood, as those
2 or substantially similar terms are used in that jurisdiction's laws.

3 **SECTION 138.** 343.31 (1) (am) of the statutes is amended to read:

4 343.31 (1) (am) Injury by the operation of a vehicle while under the influence
5 of an intoxicant, tetrahydrocannabinols, a controlled substance or a controlled
6 substance analog, or any combination of an intoxicant, tetrahydrocannabinols, a
7 controlled substance and a controlled substance analog, under the influence of any
8 other drug to a degree which renders him or her incapable of safely driving, or under
9 the combined influence of an intoxicant and any other drug to a degree which renders
10 him or her incapable of safely driving or while the person has a detectable amount
11 of a restricted controlled substance in his or her blood or has a prohibited alcohol or
12 tetrahydrocannabinols concentration and which is criminal under s. 346.63 (2).

13 **SECTION 139.** 343.31 (2) of the statutes is amended to read:

14 343.31 (2) The department shall revoke the operating privilege of any resident
15 upon receiving notice of the conviction of such person in another jurisdiction for an
16 offense therein which, if committed in this state, would have been cause for
17 revocation under this section or for revocation under s. 343.30 (1q). Such offenses
18 shall include violation of any law of another jurisdiction that prohibits a person from
19 using a motor vehicle while intoxicated or under the influence of a controlled
20 substance or controlled substance analog, or a combination thereof; with an excess
21 or specified range of alcohol or tetrahydrocannabinols concentration; while under
22 the influence of any drug to a degree that renders the person incapable of safely
23 driving; or while having a detectable amount of a restricted controlled substance in
24 his or her blood, as those or substantially similar terms are used in that jurisdiction's
25 laws. Upon receiving similar notice with respect to a nonresident, the department

1 shall revoke the privilege of the nonresident to operate a motor vehicle in this state.
2 Such revocation shall not apply to the operation of a commercial motor vehicle by a
3 nonresident who holds a valid commercial driver license issued by another state.

4 **SECTION 140.** 343.315 (2) (a) 2. of the statutes is amended to read:

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

12 **SECTION 141.** 343.315 (2) (a) 5. of the statutes is amended to read:

13 343.315 (2) (a) 5. Section 343.305 (7) or (9) or a local ordinance in conformity
14 therewith or a law of a federally recognized American Indian tribe or band in this
15 state in conformity with s. 343.305 (7) or (9) or the law of another jurisdiction
16 prohibiting refusal of a person driving or operating a motor vehicle to submit to
17 chemical testing to determine the person's alcohol or tetrahydrocannabinols
18 concentration or intoxication or the amount of a restricted controlled substance in
19 the person's blood, or prohibiting positive results from such chemical testing, as
20 those or substantially similar terms are used in that jurisdiction's laws.

21 **SECTION 142.** 343.315 (2) (a) 6. of the statutes is amended to read:

22 343.315 (2) (a) 6. Section 346.63 (2) or (6), 940.09 (1) or 940.25 or a law of a
23 federally recognized American Indian tribe or band in this state in conformity with
24 s. 346.63 (2) or (6), 940.09 (1) or 940.25, or the law of another jurisdiction prohibiting
25 causing or inflicting injury, great bodily harm or death through use of a motor vehicle

1 while intoxicated or under the influence of alcohol, tetrahydrocannabinols, a
2 controlled substance, a controlled substance analog or a combination thereof, or with
3 an alcohol concentration of 0.04 or more or with an excess or specified range of alcohol
4 or tetrahydrocannabinols concentration, while under the influence of any drug to a
5 degree that renders the person incapable of safely driving, or while having a
6 detectable amount of a restricted controlled substance in the person's blood, as those
7 or substantially similar terms are used in that jurisdiction's laws.

8 **SECTION 143.** 343.315 (2) (bm) 2. of the statutes is amended to read:

9 343.315 (2) (bm) 2. The offense relates to a vehicle operator's alcohol or
10 tetrahydrocannabinols concentration or intoxication or the amount of a restricted
11 controlled substance in the operator's blood.

12 **SECTION 144.** 343.32 (2) (bj) of the statutes is amended to read:

13 343.32 (2) (bj) The scale adopted by the secretary shall assess, for each
14 conviction, 6 demerit points for a violation of s. 346.63 (6), 4 demerit points for a
15 violation of s. 346.63 (2m) or (2p), and 3 demerit points for a violation of s. 346.63 (7)
16 (a) 3. The scale adopted by the secretary shall not assess any demerit points for
17 conviction of a violation of s. 346.63 (5) or (7) (a) 1. or 2.

18 **SECTION 145.** 343.38 (1) (d) 2. of the statutes is amended to read:

19 343.38 (1) (d) 2. Not more than 45 days before applying for reinstatement, the
20 person submits to and complies with an assessment by an approved public treatment
21 facility, as defined in s. 51.45 (2) (c), for examination of the person's use of alcohol,
22 tetrahydrocannabinols, controlled substances, or controlled substance analogs and
23 development of a driver safety plan for the person.

24 **SECTION 146.** 343.44 (1) (a) of the statutes is amended to read:

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

11 **SECTION 147.** 343.44 (1) (b) of the statutes is amended to read:

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

22 **SECTION 148.** 344.576 (2) (b) of the statutes is amended to read:

23 344.576 (2) (b) The damage occurs while the renter or authorized driver
24 operates the private passenger vehicle in this state while under the influence of an

1 intoxicant or other drug, as described under s. 346.63 (1) (a), (am), or (b) ~~or~~, (2m), or
2 (2p).

3 **SECTION 149.** 346.63 (1) (b) of the statutes is amended to read:

4 346.63 (1) (b) The person has a prohibited alcohol or tetrahydrocannabinols
5 concentration.

6 **SECTION 150.** 346.63 (1) (d) of the statutes is renumbered 346.63 (1) (d) 1. and
7 amended to read:

8 346.63 (1) (d) 1. In an action under par. (am) that is based on the defendant
9 allegedly having a detectable amount of methamphetamine, or
10 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ in his or her blood,
11 the defendant has a defense if he or she proves by a preponderance of the evidence
12 that at the time of the incident or occurrence he or she had a valid prescription for
13 methamphetamine or one of its metabolic precursors, or gamma-hydroxybutyric
14 acid, ~~or delta-9-tetrahydrocannabinol~~.

15 **SECTION 151.** 346.63 (1) (d) 2. of the statutes is created to read:

16 346.63 (1) (d) 2. In an action under par. (b) that is based on the defendant
17 allegedly having a prohibited tetrahydrocannabinols concentration, the defendant
18 has a defense if he or she proves by a preponderance of the evidence that at the time
19 of the incident or occurrence he or she had a valid prescription for
20 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6).

21 **SECTION 152.** 346.63 (2) (a) 2. of the statutes is amended to read:

22 346.63 (2) (a) 2. The person has a prohibited alcohol or tetrahydrocannabinols
23 concentration.

24 **SECTION 153.** 346.63 (2) (b) 1. of the statutes is amended to read:

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 154.** 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 delta-9-tetrahydrocannabinol~~.

19 **SECTION 155.** 346.63 (2) (b) 3. of the statutes is created to read:

20 346.63 (2) (b) 3. In an action under par. (a) 2. that is based on the defendant
21 allegedly having a prohibited tetrahydrocannabinols concentration, the defendant
22 has a defense if he or she proves by a preponderance of the evidence that at the time
23 of the incident or occurrence he or she had a valid prescription for
24 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6).

25 **SECTION 156.** 346.63 (2p) of the statutes is created to read:

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 157.** 346.637 of the statutes is amended to read:

10 **346.637 Driver awareness program.** The department shall conduct a
11 campaign to educate drivers in this state concerning:

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

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

19 **SECTION 158.** 346.65 (2m) (a) of the statutes is amended to read:

20 346.65 (2m) (a) In imposing a sentence under sub. (2) for a violation of s. 346.63
21 (1) (am) or (b) or (5) or a local ordinance in conformity therewith, the court shall
22 review the record and consider the aggravating and mitigating factors in the matter.
23 If the amount of alcohol in the person's blood or urine or the amount of a restricted
24 controlled substance or tetrahydrocannabinols in the person's blood is known, the
25 court shall consider that amount as a factor in sentencing. The chief judge of each

1 judicial administrative district shall adopt guidelines, under the chief judge's
2 authority to adopt local rules under SCR 70.34, for the consideration of aggravating
3 and mitigating factors.

4 **SECTION 159.** 346.65 (2q) of the statutes is amended to read:

5 346.65 (2q) Any person violating s. 346.63 (2m) or (2p) shall forfeit \$200. If
6 there was a minor passenger under 16 years of age in the motor vehicle at the time
7 of the violation that gave rise to the conviction under s. 346.63 (2m) or (2p), the person
8 shall be fined \$400.

9 **SECTION 160.** 349.02 (2) (b) 4. of the statutes is amended to read:

10 349.02 (2) (b) 4. Local ordinances enacted under s. 59.54 (25) (a) or (25m) or
11 66.0107 (1) (bm).

12 **SECTION 161.** 349.03 (2m) of the statutes is amended to read:

13 349.03 (2m) Notwithstanding sub. (2), a municipal court may suspend a license
14 for a violation of a local ordinance in conformity with s. 346.63 (1) ~~or~~, (2m), or (2p).

15 **SECTION 162.** 349.06 (1m) of the statutes is amended to read:

16 349.06 (1m) Notwithstanding sub. (1), a municipal court may suspend a license
17 for a violation of a local ordinance in conformity with s. 346.63 (1) ~~or~~, (2m), or (2p).

18 **SECTION 163.** 350.01 (10v) (a) of the statutes is amended to read:

19 350.01 (10v) (a) A controlled substance included in schedule I under ch. 961
20 other than a tetrahydrocannabinol.

21 **SECTION 164.** 350.01 (10v) (e) of the statutes is repealed.

22 **SECTION 165.** 350.01 (21g) of the statutes is created to read:

23 350.01 (21g) "Tetrahydrocannabinols concentration" has the meaning given in
24 s. 23.33 (1) (k).

25 **SECTION 166.** 350.101 (1) (bg) of the statutes is created to read:

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

4 **SECTION 167.** 350.101 (1) (cg) of the statutes is created to read:

5 350.101 (1) (cg) *Operating with tetrahydrocannabinols concentration at or*
6 *above specified levels; below age 21.* If a person has not attained the age of 21, the
7 person may not engage in the operation of a snowmobile while he or she has a
8 tetrahydrocannabinols concentration of more than 0.0 but not more than 5.0.

9 **SECTION 168.** 350.101 (1) (d) of the statutes is amended to read:

10 350.101 (1) (d) *Related charges.* A person may be charged with and a prosecutor
11 may proceed upon a complaint based upon a violation of any combination of par. (a),
12 (b), (bg), or (bm) for acts arising out of the same incident or occurrence. If the person
13 is charged with violating any combination of par. (a), (b), (bg), or (bm), the offenses
14 shall be joined. If the person is found guilty of any combination of par. (a), (b), (bg),
15 or (bm) for acts arising out of the same incident or occurrence, there shall be a single
16 conviction for purposes of sentencing and for purposes of counting convictions under
17 s. 350.11 (3) (a) 2. and 3. Paragraphs (a), (b), (bg), and (bm) each require proof of a
18 fact for conviction which the others do not require.

19 **SECTION 169.** 350.101 (1) (e) of the statutes is renumbered 350.101 (1) (e) 1. and
20 amended to read:

21 350.101 (1) (e) 1. In an action under par. (bm) that is based on the defendant
22 allegedly having a detectable amount of methamphetamine, or
23 gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol in his or her blood,
24 the defendant has a defense if he or she proves by a preponderance of the evidence
25 that at the time of the incident or occurrence he or she had a valid prescription for

1 methamphetamine or one of its metabolic precursors, or gamma-hydroxybutyric
2 acid, ~~or delta-9-tetrahydrocannabinol.~~

3 **SECTION 170.** 350.101 (1) (e) 2. of the statutes is created to read:

4 350.101 (1) (e) 2. In an action under par. (bg) or (cg) 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).

9 **SECTION 171.** 350.101 (2) (bg) of the statutes is created to read:

10 350.101 (2) (bg) *Causing injury with tetrahydrocannabinols concentrations at*
11 *or above specified levels.* No person who has a tetrahydrocannabinols concentration
12 of 5.0 or more may cause injury to another person by the operation of a snowmobile.

13 **SECTION 172.** 350.101 (2) (c) of the statutes is amended to read:

14 350.101 (2) (c) *Related charges.* A person may be charged with and a prosecutor
15 may proceed upon a complaint based upon a violation of any combination of par. (a),
16 (b), (bg), or (bm) for acts arising out of the same incident or occurrence. If the person
17 is charged with violating any combination of par. (a), (b), (bg), or (bm) in the
18 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty
19 of any combination of par. (a), (b), (bg), or (bm) for acts arising out of the same incident
20 or occurrence, there shall be a single conviction for purposes of sentencing and for
21 purposes of counting convictions under s. 350.11 (3) (a) 2. and 3. Paragraphs (a), (b),
22 (bg), and (bm) each require proof of a fact for conviction which the others do not
23 require.

24 **SECTION 173.** 350.101 (2) (d) 1. of the statutes is amended to read:

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

7 **SECTION 174.** 350.101 (2) (d) 2. of the statutes is amended to read:

8 350.101 (2) (d) 2. In an action under par. (bm) that is based on the defendant
9 allegedly having a detectable amount of methamphetamine, or
10 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ in his or her blood,
11 the defendant has a defense if he or she proves by a preponderance of the evidence
12 that at the time of the incident or occurrence he or she had a valid prescription for
13 methamphetamine or one of its metabolic precursors, or gamma-hydroxybutyric
14 acid, ~~or delta-9-tetrahydrocannabinol~~.

15 **SECTION 175.** 350.101 (2) (d) 3. of the statutes is created to read:

16 350.101 (2) (d) 3. In an action under par. (bg) that is based on the defendant
17 allegedly having a prohibited tetrahydrocannabinols concentration, the defendant
18 has a defense if he or she proves by a preponderance of the evidence that at the time
19 of the incident or occurrence he or she had a valid prescription for
20 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6).

21 **SECTION 176.** 350.104 (4) of the statutes is amended to read:

22 350.104 (4) ADMISSIBILITY; EFFECT OF TEST RESULTS; OTHER EVIDENCE. The results
23 of a chemical test required or administered under sub. (1), (2) or (3) are admissible
24 in any civil or criminal action or proceeding arising out of the acts committed by a
25 person alleged to have violated the intoxicated snowmobiling law on the issue of

1 whether the person was under the influence of an intoxicant or the issue of whether
2 the person had alcohol or tetrahydrocannabinols concentrations at or above specified
3 levels or a detectable amount of a restricted controlled substance in his or her blood.
4 Results of these chemical tests shall be given the effect required under s. 885.235.
5 This section does not limit the right of a law enforcement officer to obtain evidence
6 by any other lawful means.

7 **SECTION 177.** 350.11 (3) (a) 1. of the statutes is amended to read:

8 350.11 (3) (a) 1. Except as provided under subs. 2. and 3., a person who violates
9 s. 350.101 (1) (a), (b), (bg), or (bm) or s. 350.104 (5) shall forfeit not less than \$400 nor
10 more than \$550.

11 **SECTION 178.** 350.11 (3) (a) 2. of the statutes is amended to read:

12 350.11 (3) (a) 2. Except as provided under subd. 3., a person who violates s.
13 350.101 (1) (a), (b), (bg), or (bm) or 350.104 (5) and who, within 5 years prior to the
14 arrest for the current violation, was convicted previously under the intoxicated
15 snowmobiling law or the refusal law shall be fined not less than \$300 nor more than
16 \$1,000 and shall be imprisoned not less than 5 days nor more than 6 months.

17 **SECTION 179.** 350.11 (3) (a) 3. of the statutes is amended to read:

18 350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a), (b), (bg), or (bm) or
19 350.104 (5) and who, within 5 years prior to the arrest for the current violation, was
20 convicted 2 or more times previously under the intoxicated snowmobiling law or
21 refusal law shall be fined not less than \$600 nor more than \$2,000 and shall be
22 imprisoned not less than 30 days nor more than one year in the county jail.

23 **SECTION 180.** 350.11 (3) (a) 4. of the statutes is amended to read:

24 350.11 (3) (a) 4. A person who violates s. 350.101 (1) (c) or (cg) or 350.104 (5)
25 and who has not attained the age of 19 shall forfeit not more than \$50.

1 **SECTION 181.** 350.11 (3) (d) of the statutes is amended to read:

2 350.11 (3) (d) *Alcohol, controlled substances or controlled substance analogs,*
3 *or tetrahydrocannabinols; assessment.* In addition to any other penalty or order, a
4 person who violates s. 350.101 (1) or (2) or 350.104 (5) or who violates s. 940.09 or
5 940.25 if the violation involves the operation of a snowmobile, shall be ordered by the
6 court to submit to and comply with an assessment by an approved public treatment
7 facility for an examination of the person's use of alcohol, controlled substances or
8 controlled substance analogs, or tetrahydrocannabinols. The assessment order shall
9 comply with s. 343.30 (1q) (c) 1. a. to c. Intentional failure to comply with an
10 assessment ordered under this paragraph constitutes contempt of court, punishable
11 under ch. 785.

12 **SECTION 182.** 609.83 of the statutes is amended to read:

13 **609.83 Coverage of drugs and devices.** Limited service health
14 organizations, preferred provider plans, and defined network plans are subject to ss.
15 632.853 and 632.895 (16p) and (16t).

16 **SECTION 183.** 632.895 (16p) of the statutes is created to read:

17 632.895 (16p) **MEDICAL USE OF MARIJUANA.** (a) In this subsection, "medical use
18 of tetrahydrocannabinols" has the meaning given in s. 50.80 (4).

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

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

4 **SECTION 184.** 767.41 (5) (am) (intro.) of the statutes is amended to read:

5 767.41 (5) (am) (intro.) Subject to pars. (bm) ~~and~~, (c), and (d), in determining
6 legal custody and periods of physical placement, the court shall consider all facts
7 relevant to the best interest of the child. The court may not prefer one parent or
8 potential custodian over the other on the basis of the sex or race of the parent or
9 potential custodian. Subject to pars. (bm) ~~and~~, (c), and (d), the court shall consider
10 the following factors in making its determination:

11 **SECTION 185.** 767.41 (5) (d) of the statutes is created to read:

12 767.41 (5) (d) The court may not consider as a factor in determining the legal
13 custody of a child whether a parent or potential custodian holds or has applied for
14 a registry identification card, as defined in s. 146.44 (1) (h), is or has been the subject
15 of a written certification, as defined in s. 50.80 (10), or is or has been a qualifying
16 patient, as defined in s. 50.80 (6), or a primary caregiver, as defined in s. 50.80 (5),
17 unless the parent or potential custodian's behavior creates an unreasonable danger
18 to the child that can be clearly articulated and substantiated.

19 **SECTION 186.** 767.451 (5m) (a) of the statutes is amended to read:

20 767.451 (5m) (a) Subject to pars. (b) ~~and~~, (c), and (d) in all actions to modify
21 legal custody or physical placement orders, the court shall consider the factors under
22 s. 767.41 (5) (am), subject to s. 767.41 (5) (bm), and shall make its determination in
23 a manner consistent with s. 767.41.

24 **SECTION 187.** 767.451 (5m) (d) of the statutes is created to read:

1 767.451 **(5m)** (d) In an action to modify a legal custody order, the court may not
2 consider as a factor in making a determination whether a parent or potential
3 custodian holds or has applied for a registry identification card, as defined in s.
4 146.44 (1) (h), is or has been the subject of a written certification, as defined in s.
5 50.80 (10), or is or has been a qualifying patient, as defined in s. 50.80 (6), or a
6 primary caregiver, as defined in s. 50.80 (5), unless the parent or potential
7 custodian's behavior creates an unreasonable danger to the child that can be clearly
8 articulated and substantiated.

9 **SECTION 188.** 885.235 (1) (d) 1. of the statutes is amended to read:

10 885.235 **(1)** (d) 1. A controlled substance included in schedule I under ch. 961
11 ~~other than a tetrahydrocannabinol.~~

12 **SECTION 189.** 885.235 (1) (d) 5. of the statutes is repealed.

13 **SECTION 190.** 885.235 (1) (e) of the statutes is created to read:

14 885.235 **(1)** (e) "Tetrahydrocannabinols concentration" has the meaning given
15 in s. 23.33 (1) (k).

16 **SECTION 191.** 885.235 (1g) (intro.) of the statutes is amended to read:

17 885.235 **(1g)** (intro.) In any action or proceeding in which it is material to prove
18 that a person was under the influence of an intoxicant or had a prohibited alcohol or
19 tetrahydrocannabinols concentration or a specified alcohol concentration while
20 operating or driving a motor vehicle or, if the vehicle is a commercial motor vehicle,
21 on duty time, while operating a motorboat, except a sailboat operating under sail
22 alone, while operating a snowmobile, while operating an all-terrain vehicle or utility
23 terrain vehicle or while handling a firearm, evidence of the amount of alcohol or
24 tetrahydrocannabinols in the person's blood at the time in question, as shown by
25 chemical analysis of a sample of the person's blood or urine or evidence of the amount

1 of alcohol in the person's breath, is admissible on the issue of whether he or she was
2 under the influence of an intoxicant or had a prohibited alcohol or
3 tetrahydrocannabinols concentration or a specified alcohol concentration if the
4 sample was taken within 3 hours after the event to be proved. The chemical analysis
5 shall be given effect as follows without requiring any expert testimony as to its effect:

6 **SECTION 192.** 885.235 (1g) (ag) of the statutes is created to read:

7 885.235 (1g) (ag) The fact that the analysis shows that the person had a
8 tetrahydrocannabinols concentration of more than 0.0 but less than 5.0 is relevant
9 evidence on the issue of being under the combined influence of
10 tetrahydrocannabinols and alcohol, a controlled substance, a controlled substance
11 analog, or any other drug, but, except as provided in sub. (1L), is not to be given any
12 prima facie effect.

13 **SECTION 193.** 885.235 (1g) (cg) of the statutes is created to read:

14 885.235 (1g) (cg) The fact that the analysis shows that the person had a
15 tetrahydrocannabinols concentration of 5.0 or more is prima facie evidence that he
16 or she had a tetrahydrocannabinols concentration of 5.0 or more.

17 **SECTION 194.** 885.235 (1L) of the statutes is created to read:

18 885.235 (1L) In any action under s. 23.33 (4c) (a) 3g., 30.681 (1) (bn) 2., 346.63
19 (2p), or 350.101 (1) (cg), evidence of the amount of tetrahydrocannabinols in the
20 person's blood at the time in question, as shown by chemical analysis of a sample of
21 the person's blood or urine, is admissible on the issue of whether he or she had a
22 tetrahydrocannabinols concentration in the range specified in s. 23.33 (4c) (a) 3g.,
23 30.681 (1) (bn) 2., 346.63 (2p), or 350.101 (1) (cg) if the sample was taken within 3
24 hours after the event to be proved. The fact that the analysis shows that the person
25 had a tetrahydrocannabinols concentration of more than 0.0 but not more than 5.0

1 is prima facie evidence that the person had a tetrahydrocannabinols concentration
2 in the range specified in s. 23.33 (4c) (a) 3g., 30.681 (1) (bn) 2., 346.63 (2p), or 350.101
3 (1) (cg).

4 **SECTION 195.** 885.235 (1m) of the statutes is amended to read:

5 885.235 (1m) In any action under s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681
6 (1) (bn), 346.63 (2m) or (7), or 350.101 (1) (c), evidence of the amount of alcohol in the
7 person's blood at the time in question, as shown by chemical analysis of a sample of
8 the person's blood or urine or evidence of the amount of alcohol in the person's breath,
9 is admissible on the issue of whether he or she had an alcohol concentration in the
10 range specified in s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681 (1) (bn) 1, 346.63 (2m),
11 or 350.101 (1) (c) or an alcohol concentration above 0.0 under s. 346.63 (7) if the
12 sample was taken within 3 hours after the event to be proved. The fact that the
13 analysis shows that the person had an alcohol concentration of more than 0.0 but not
14 more than 0.08 is prima facie evidence that the person had an alcohol concentration
15 in the range specified in s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681 (1) (bn) 1, 346.63
16 (2m), or 350.101 (1) (c) or an alcohol concentration above 0.0 under s. 346.63 (7).

17 **SECTION 196.** 885.235 (4) of the statutes is amended to read:

18 885.235 (4) The provisions of this section relating to the admissibility of
19 chemical tests for alcohol or tetrahydrocannabinols concentration or intoxication or
20 for determining whether a person had a detectable amount of a restricted controlled
21 substance in his or her blood shall not be construed as limiting the introduction of
22 any other competent evidence bearing on the question of whether or not a person was
23 under the influence of an intoxicant, had a detectable amount of a restricted
24 controlled substance in his or her blood, had a specified alcohol or
25 tetrahydrocannabinols concentration, or had an alcohol concentration in the range

1 specified in s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681 (1) (bn) 1., 346.63 (2m), or
2 350.101 (1) (c), or had a tetrahydrocannabinols concentration in the range specified
3 in s. 23.33 (4c) (a) 3g., 30.681 (1) (bn) 2., 346.63 (2p), or 350.101 (1) (cg).

4 **SECTION 197.** 895.047 (3) (a) of the statutes is amended to read:

5 895.047 (3) (a) If the defendant proves by clear and convincing evidence that
6 at the time of the injury the claimant was under the influence of any controlled
7 substance or controlled substance analog to the extent prohibited under s. 346.63 (1)
8 (a), or had an alcohol concentration, as defined in s. 340.01 (1v), of 0.08 or more or
9 a tetrahydrocannabinols concentration, as defined in s. 23.33 (1) (k), of 5.0 or more,
10 there shall be a rebuttable presumption that the claimant's intoxication or drug use
11 was the cause of his or her injury.

12 **SECTION 198.** 905.04 (4) (f) of the statutes is amended to read:

13 905.04 (4) (f) *Tests for intoxication.* There is no privilege concerning the results
14 of or circumstances surrounding any chemical tests for intoxication or for alcohol
15 concentration, as defined in s. 340.01 (1v), or tetrahydrocannabinols concentration,
16 as defined in s. 23.33 (1) (k).

17 **SECTION 199.** 939.22 (33) (a) of the statutes is amended to read:

18 939.22 (33) (a) A controlled substance included in schedule I under ch. 961
19 other than a tetrahydrocannabinol.

20 **SECTION 200.** 939.22 (33) (e) of the statutes is repealed.

21 **SECTION 201.** 939.22 (39g) of the statutes is created to read:

22 939.22 (39g) "Tetrahydrocannabinols concentration" has the meaning given in
23 s. 23.33 (1) (k).

24 **SECTION 202.** 940.09 (1) (bg) of the statutes is created to read:

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

3 **SECTION 203.** 940.09 (1) (dg) of the statutes is created to read:

4 940.09 (1) (dg) Causes the death of an unborn child by the operation or
5 handling of a vehicle while the person has a tetrahydrocannabinols concentration of
6 5.0 or more.

7 **SECTION 204.** 940.09 (1g) (bg) of the statutes is created to read:

8 940.09 (1g) (bg) Causes the death of another by the operation or handling of
9 a firearm or airgun while the person has a tetrahydrocannabinols concentration of
10 5.0 or more.

11 **SECTION 205.** 940.09 (1g) (dg) of the statutes is created to read:

12 940.09 (1g) (dg) Causes the death of an unborn child by the operation or
13 handling of a firearm or airgun while the person has a tetrahydrocannabinols
14 concentration of 5.0 or more.

15 **SECTION 206.** 940.09 (1m) (a) of the statutes is amended to read:

16 940.09 (1m) (a) A person may be charged with and a prosecutor may proceed
17 upon an information based upon a violation of any combination of sub. (1) (a), (am),
18 ~~or (b), or (bg)~~; any combination of sub. (1) (a), (am), ~~(bg)~~, or (bm); any combination of
19 sub. (1) (c), (cm), ~~or (d), or (dg)~~; any combination of sub. (1) (c), (cm), ~~(dg)~~, or (e); any
20 combination of sub. (1g) (a), (am), ~~or (b), or (bg)~~; or any combination of sub. (1g) (c),
21 (cm), ~~or (d), or (dg)~~ for acts arising out of the same incident or occurrence.

22 **SECTION 207.** 940.09 (1m) (b) of the statutes is amended to read:

23 940.09 (1m) (b) If a person is charged in an information with any of the
24 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
25 971.12. If the person is found guilty of more than one of the crimes so charged for

1 acts arising out of the same incident or occurrence, there shall be a single conviction
2 for purposes of sentencing and for purposes of counting convictions under s. 23.33
3 (13) (b) 2. and 3., under s. 23.335 (23) (c) 2. and 3., under s. 30.80 (6) (a) 2. and 3., under
4 s. 343.307 (1) or under s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am), (b), (bg), (bm),
5 (c), (cm), (d), (dg), and (e) each require proof of a fact for conviction which the others
6 do not require, and sub. (1g) (a), (am), (b), (bg), (c), (cm), ~~and (d), and (dg)~~ each require
7 proof of a fact for conviction which the others do not require.

8 **SECTION 208.** 940.09 (2) (a) of the statutes is amended to read:

9 940.09 (2) (a) In any action under this section, the defendant has a defense if
10 he or she proves by a preponderance of the evidence that the death would have
11 occurred even if he or she had been exercising due care and he or she had not been
12 under the influence of an intoxicant, did not have a detectable amount of a restricted
13 controlled substance in his or her blood, did not have a tetrahydrocannabinols
14 concentration of 5.0 or greater, or did not have an alcohol concentration described
15 under sub. (1) (b), (bm), (d) or (e) or (1g) (b) or (d).

16 **SECTION 209.** 940.09 (2) (b) of the statutes is amended to read:

17 940.09 (2) (b) In any action under sub. (1) (am) or (cm) or (1g) (am) or (cm) that
18 is based on the defendant allegedly having a detectable amount of
19 methamphetamine or gamma-hydroxybutyric acid or
20 ~~delta-9-tetrahydrocannabinol~~ in his or her blood, 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 methamphetamine or one of its
23 metabolic precursors or gamma-hydroxybutyric acid or
24 ~~delta-9-tetrahydrocannabinol~~.

25 **SECTION 210.** 940.09 (2) (c) of the statutes is created to read:

1 940.09 (2) (c) In an action under sub. (1) (bg) or (dg) or (1g) (bg) or (dg) that is
2 based on the defendant allegedly having a tetrahydrocannabinols concentration that
3 is 5.0 or greater, the defendant has a defense if he or she proves by a preponderance
4 of the evidence that at the time of the incident or occurrence he or she had a valid
5 prescription for tetrahydrocannabinol or he or she was a qualifying patient, as
6 defined in s. 50.80 (6).

7 **SECTION 211.** 940.25 (1) (bg) of the statutes is created to read:

8 940.25 (1) (bg) Causes great bodily harm to another human being by the
9 operation of a vehicle while the person has a tetrahydrocannabinols concentration
10 of 5.0 or more.

11 **SECTION 212.** 940.25 (1) (dg) of the statutes is created to read:

12 940.25 (1) (dg) Causes great bodily harm to an unborn child by the operation
13 of a vehicle while the person has a tetrahydrocannabinols concentration of 5.0 or
14 more.

15 **SECTION 213.** 940.25 (1m) of the statutes is amended to read:

16 940.25 (1m) (a) A person may be charged with and a prosecutor may proceed
17 upon an information based upon a violation of any combination of sub. (1) (a), (am),
18 ~~or (b), or (bg)~~; any combination of sub. (1) (a), (am), (bg), or (bm); any combination of
19 sub. (1) (c), (cm), ~~or (d), or (dg)~~; or any combination of sub. (1) (c), (cm), (dg), or (e) for
20 acts arising out of the same incident or occurrence.

21 (b) If a person is charged in an information with any of the combinations of
22 crimes referred to in par. (a), the crimes shall be joined under s. 971.12. If the person
23 is found guilty of more than one of the crimes so charged for acts arising out of the
24 same incident or occurrence, there shall be a single conviction for purposes of
25 sentencing and for purposes of counting convictions under s. 23.33 (13) (b) 2. and 3.,