

- 1           2. The producer's business or trade name.
- 2           3. The licensee or registrant number.
- 3           4. The unique identification number.
- 4           5. The harvest date.
- 5           6. The strain name and product identity.
- 6           7. The net weight.
- 7           8. The activation time.
- 8           9. The name of laboratory performing any test, the test batch number, and the
- 9 test analysis dates.
- 10          10. The logotype for recreational marijuana developed by the department of
- 11 agriculture, trade and consumer protection under s. 100.145, or the logotype for
- 12 medical marijuana developed by the department of health services under s. 146.46,
- 13 whichever is appropriate.
- 14          11. Warnings about all of the following:
- 15           a. Risks of marijuana use and pregnancy and risks of marijuana use by persons
- 16 under the age of 18.
- 17           b. The prohibitions under ss. 23.33 (4c) (a) 2g. and 3g. and (b) 2n., 30.681 (1)
- 18 (b) 1g. and (bn) 2. and (2) (b) 1g., 343.10 (5) (a) 2., 343.12 (7) (a) 11., 346.63 (1) (b), (2)
- 19 (a) 2., and (2p), and 350.101 (1) (bg) and (cg) and (2) (bg).
- 20           (b) No marijuana processor or microbusiness that operates as a marijuana
- 21 processor may make usable marijuana using marijuana grown outside this state.
- 22 The label on each package of usable marijuana may indicate that the usable
- 23 marijuana is made in this state.
- 24          (11) (a) No permittee may sell marijuana or usable marijuana that contains
- 25 more than 3 parts tetrahydrocannabinols to one part cannabidiol.

1 (b) No permittee may sell marijuana or usable marijuana that tests positive  
2 under sub. (9) (a) for mold, fungus, pesticides, or other contaminants if the  
3 contaminants, or level of contaminants, are identified by a testing laboratory to be  
4 potentially unsafe to the consumer.

5 (12) Immediately after beginning employment with a permittee, every  
6 employee of a permittee shall receive training, approved by the department, on the  
7 safe handling of marijuana and usable marijuana and on security and inventory  
8 accountability procedures.

9 **139.974 Records and reports.** (1) Every permittee shall keep accurate and  
10 complete records of the production and sales of marijuana and usable marijuana in  
11 this state. The records shall be kept on the premises described in the permit and in  
12 such manner as to ensure permanency and accessibility for inspection at reasonable  
13 hours by the department's authorized personnel. The department shall prescribe  
14 reasonable and uniform methods of keeping records and making reports and shall  
15 provide the necessary forms to permittees.

16 (2) If the department determines that any permittee's records are not kept in  
17 the prescribed form or are in such condition that the department requires an unusual  
18 amount of time to determine from the records the amount of the tax due, the  
19 department shall give notice to the permittee that the permittee is required to revise  
20 the permittee's records and keep them in the prescribed form. If the permittee fails  
21 to comply within 30 days, the permittee shall pay the expenses reasonably  
22 attributable to a proper examination and tax determination at the rate of \$30 a day  
23 for each auditor used to make the examination and determination. The department  
24 shall send a bill for such expenses, and the permittee shall pay the amount of such  
25 bill within 10 days.

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



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 that have reached the flowering stage at any one time is not subject  
5 to the tax imposed under s. 139.971. An individual who possesses more than 6  
6 marijuana plants that have reached the flowering stage at any one time shall apply  
7 for the appropriate permit under s. 139.972 and pay the appropriate tax imposed  
8 under s. 139.971.

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

14 **SECTION 93.** 146.40 (1) (bo) of the statutes is amended to read:

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

17 **SECTION 94.** 146.44 of the statutes is created to read:

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

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

22 (b) "Debilitating medical condition or treatment" has the meaning given in s.  
23 50.80 (2).

24 (c) "Medical use of tetrahydrocannabinols" has the meaning given in s. 50.80  
25 (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 95.** 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 96.** 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 97.** 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 98.** 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.

20 **SECTION 99.** 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 100.** 289.33 (3) (d) of the statutes is amended to read:

24 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,  
25 authorization, approval, variance or exception or any restriction, condition of

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

17 **SECTION 101.** 340.01 (50m) (a) of the statutes is amended to read:

18 340.01 **(50m)** (a) A controlled substance included in schedule I under ch. 961  
19 other than a tetrahydrocannabinol.

20 **SECTION 102.** 340.01 (50m) (e) of the statutes is repealed.

21 **SECTION 103.** 340.01 (66m) of the statutes is created to read:

22 340.01 **(66m)** "Tetrahydrocannabinols concentration" means the number of  
23 nanograms of tetrahydrocannabinols per milliliter of blood.

24 **SECTION 104.** 343.06 (1) (d) of the statutes is amended to read:

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

8           **SECTION 105.** 343.10 (5) (a) 1. of the statutes is amended to read:

9           343.10 (5) (a) 1. In addition to any restrictions appearing on the former  
10 operator's license of the applicant, the occupational license shall contain definite  
11 restrictions as to hours of the day, not to exceed 12, hours per week, not to exceed 60,  
12 type of occupation and areas or routes of travel which are permitted under the  
13 license. The occupational license may permit travel to and from church during  
14 specified hours if the travel does not exceed the restrictions as to hours of the day and  
15 hours per week in this subdivision. The occupational license may permit travel  
16 necessary to comply with a driver safety plan ordered under s. 343.30 (1q) or 343.305  
17 if the travel does not exceed the restrictions as to hours of the day and hours per week  
18 in this subdivision. The occupational license may contain restrictions on the use of  
19 alcohol, of tetracannabinols, and of controlled substances and controlled substance  
20 analogs in violation of s. 961.41.

21           **SECTION 106.** 343.10 (5) (a) 2. of the statutes is amended to read:

22           343.10 (5) (a) 2. If the applicant has 2 or more convictions, suspensions or  
23 revocations, as counted under s. 343.307 (1), the occupational license shall prohibit  
24 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 107.** 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 108.** 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 109.** 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 110.** 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 111.** 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 112.** 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 113.** 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 114.** 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 115.** 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 116.** 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 117.** 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 118.** 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 119.** 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 120.** 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 121.** 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 122.** 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 123.** 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 124.** 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 125.** 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 126.** 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 127.** 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 128.** 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 129.** 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 130.** 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 131.** 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 132.** 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 133.** 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 134.** 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 135.** 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 136.** 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 137.** 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 138.** 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 139.** 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 140.** 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 141.** 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 142.** 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 143.** 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 144.** 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 145.** 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 146.** 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 147.** 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 148.** 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 149.** 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 150.** 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 151.** 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 152.** 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 153.** 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 154.** 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 155.** 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 156.** 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 157.** 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 158.** 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 159.** 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 160.** 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 161.** 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 162.** 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 <sup>plaint</sup>s. 346.63 (2m) or (2p), the person  
8 shall be fined \$400.

9 **SECTION 163.** 346.93 (1) of the statutes is amended to read:

10 346.93 (1) No underage person, as defined under s. 125.02 (20m), may  
11 knowingly possess, transport, or have under his or her control any alcohol beverage  
12 or tetrahydrocannabinols in any motor vehicle ~~unless the~~. This subsection does not  
13 prohibit a person who is employed by a brewer, brewpub, alcohol beverage licensee,  
14 wholesaler, retailer, distributor, manufacturer, or rectifier and is from possessing,  
15 transporting, or having ~~such beverage~~ alcohol beverages in a motor vehicle under his  
16 or her control during his or her working hours and in the course of employment, as  
17 provided under s. 125.07 (4) (bm).

\*\*\*\*NOTE: Please let me know if you did not intend to include a prohibition on  
minors transporting marijuana in this draft.

18 **SECTION 164.** 346.935 (1) of the statutes is amended to read:

19 346.935 (1) No person may drink alcohol beverages; burn, inhale, or ingest  
20 products containing tetrahydrocannabinol; or inhale nitrous oxide while he or she  
21 is in any motor vehicle when the vehicle is upon a highway.

22 **SECTION 165.** 346.935 (2) of the statutes is amended to read:

1           346.935 (2) No person may possess on his or her person, in a privately owned  
2 motor vehicle upon a public highway, any bottle or receptacle containing alcohol  
3 beverages, tetrahydrocannabinols, or nitrous oxide if the bottle or receptacle has  
4 been opened, the seal has been broken or the contents of the bottle or receptacle have  
5 been partially removed or released.

6           **SECTION 166.** 346.935 (3) of the statutes is amended to read:

7           346.935 (3) The owner of a privately owned motor vehicle, or the driver of the  
8 vehicle if the owner is not present in the vehicle, shall not keep, or allow to be kept  
9 in the motor vehicle when it is upon a highway any bottle or receptacle containing  
10 alcohol beverages, tetrahydrocannabinols, or nitrous oxide if the bottle or receptacle  
11 has been opened, the seal has been broken or the contents of the bottle or receptacle  
12 have been partially removed or released. This subsection does not apply if the bottle  
13 or receptacle is kept in the trunk of the vehicle or, if the vehicle has no trunk, in some  
14 other area of the vehicle not normally occupied by the driver or passengers. A utility  
15 compartment or glove compartment is considered to be within the area normally  
16 occupied by the driver and passengers.

      \*\*\*\*NOTE: This draft does not change s. 346.935 (4) (b) to allow use of  
tetrahydrocannabinols by passengers in a limousine or bus. Please let me know if you  
want this provision altered.

17           **SECTION 167.** 349.02 (2) (b) 4. of the statutes is amended to read:

18           349.02 (2) (b) 4. Local ordinances enacted under s. 59.54 (25) (a) or (25m) or  
19 66.0107 (1) (bm).

20           **SECTION 168.** 349.03 (2m) of the statutes is amended to read:

21           349.03 (2m) Notwithstanding sub. (2), a municipal court may suspend a license  
22 for a violation of a local ordinance in conformity with s. 346.63 (1) ~~or~~, (2m), or (2p).

23           **SECTION 169.** 349.06 (1m) of the statutes is amended to read:



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

3           **SECTION 170.** 350.01 (10v) (a) of the statutes is amended to read:

4           350.01 **(10v)** (a) A controlled substance included in schedule I under ch. 961  
5 ~~other than a tetrahydrocannabinol.~~

6           **SECTION 171.** 350.01 (10v) (e) of the statutes is repealed.

7           **SECTION 172.** 350.01 (21g) of the statutes is created to read:

8           350.01 **(21g)** "Tetrahydrocannabinols concentration" has the meaning given in  
9 s. 23.33 (1) (k).

10          **SECTION 173.** 350.101 (1) (bg) of the statutes is created to read:

11          350.101 **(1)** (bg) *Operating with tetrahydrocannabinols concentration at or*  
12 *above specified levels.* No person may engage in the operation of a snowmobile while  
13 the person has a tetrahydrocannabinols concentration of 5.0 or more.

14          **SECTION 174.** 350.101 (1) (cg) of the statutes is created to read:

15          350.101 **(1)** (cg) *Operating with tetrahydrocannabinols concentration at or*  
16 *above specified levels; below age 21.* If a person has not attained the age of 21, the  
17 person may not engage in the operation of a snowmobile while he or she has a  
18 tetrahydrocannabinols concentration of more than 0.0 but not more than 5.0.

19          **SECTION 175.** 350.101 (1) (d) of the statutes is amended to read:

20          350.101 **(1)** (d) *Related charges.* A person may be charged with and a prosecutor  
21 may proceed upon a complaint based upon a violation of any combination of par. (a),  
22 (b), (bg), or (bm) for acts arising out of the same incident or occurrence. If the person  
23 is charged with violating any combination of par. (a), (b), (bg), or (bm), the offenses  
24 shall be joined. If the person is found guilty of any combination of par. (a), (b), (bg),  
25 or (bm) for acts arising out of the same incident or occurrence, there shall be a single

1 conviction for purposes of sentencing and for purposes of counting convictions under  
2 s. 350.11 (3) (a) 2. and 3. Paragraphs (a), (b), (bg), and (bm) each require proof of a  
3 fact for conviction which the others do not require.

4 **SECTION 176.** 350.101 (1) (e) of the statutes is renumbered 350.101 (1) (e) 1. and  
5 amended to read:

6 350.101 (1) (e) 1. In an action under par. (bm) that is based on the defendant  
7 allegedly having a detectable amount of methamphetamine, or  
8 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ in his or her blood,  
9 the defendant has a defense if he or she proves by a preponderance of the evidence  
10 that at the time of the incident or occurrence he or she had a valid prescription for  
11 methamphetamine or one of its metabolic precursors, or gamma-hydroxybutyric  
12 acid, ~~or delta-9-tetrahydrocannabinol~~.

13 **SECTION 177.** 350.101 (1) (e) 2. of the statutes is created to read:

14 350.101 (1) (e) 2. In an action under par. (bg) or (cg) that is based on the  
15 defendant allegedly having a prohibited tetrahydrocannabinols concentration, the  
16 defendant has a defense if he or she proves by a preponderance of the evidence that  
17 at the time of the incident or occurrence he or she had a valid prescription for  
18 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6).

19 **SECTION 178.** 350.101 (2) (bg) of the statutes is created to read:

20 350.101 (2) (bg) *Causing injury with tetrahydrocannabinols concentrations at*  
21 *or above specified levels.* No person who has a tetrahydrocannabinols concentration  
22 of 5.0 or more may cause injury to another person by the operation of a snowmobile.

23 **SECTION 179.** 350.101 (2) (c) of the statutes is amended to read:

24 350.101 (2) (c) *Related charges.* A person may be charged with and a prosecutor  
25 may proceed upon a complaint based upon a violation of any combination of par. (a),

1 (b), (bg), or (bm) for acts arising out of the same incident or occurrence. If the person  
2 is charged with violating any combination of par. (a), (b), (bg), or (bm) in the  
3 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty  
4 of any combination of par. (a), (b), (bg), or (bm) for acts arising out of the same incident  
5 or occurrence, there shall be a single conviction for purposes of sentencing and for  
6 purposes of counting convictions under s. 350.11 (3) (a) 2. and 3. Paragraphs (a), (b),  
7 (bg), and (bm) each require proof of a fact for conviction which the others do not  
8 require.

9 **SECTION 180.** 350.101 (2) (d) 1. of the statutes is amended to read:

10 350.101 (2) (d) 1. In an action under this subsection, the defendant has a  
11 defense if he or she proves by a preponderance of the evidence that the injury would  
12 have occurred even if he or she had been exercising due care and he or she had not  
13 been under the influence of an intoxicant or did not have an alcohol concentration  
14 of 0.08 or more, a tetrahydrocannabinols concentration of 5.0 or more, or a detectable  
15 amount of a restricted controlled substance in his or her blood.

16 **SECTION 181.** 350.101 (2) (d) 2. of the statutes is amended to read:

17 350.101 (2) (d) 2. In an action under par. (bm) that is based on the defendant  
18 allegedly having a detectable amount of methamphetamine, or  
19 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ in his or her blood,  
20 the defendant has a defense if he or she proves by a preponderance of the evidence  
21 that at the time of the incident or occurrence he or she had a valid prescription for  
22 methamphetamine or one of its metabolic precursors, or gamma-hydroxybutyric  
23 acid, ~~or delta-9-tetrahydrocannabinol~~.

24 **SECTION 182.** 350.101 (2) (d) 3. of the statutes is created to read:

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

6           **SECTION 183.** 350.104 (4) of the statutes is amended to read:

7           350.104 (4) ADMISSIBILITY; EFFECT OF TEST RESULTS; OTHER EVIDENCE. The results  
8 of a chemical test required or administered under sub. (1), (2) or (3) are admissible  
9 in any civil or criminal action or proceeding arising out of the acts committed by a  
10 person alleged to have violated the intoxicated snowmobiling law on the issue of  
11 whether the person was under the influence of an intoxicant or the issue of whether  
12 the person had alcohol or tetrahydrocannabinols concentrations at or above specified  
13 levels or a detectable amount of a restricted controlled substance in his or her blood.  
14 Results of these chemical tests shall be given the effect required under s. 885.235.  
15 This section does not limit the right of a law enforcement officer to obtain evidence  
16 by any other lawful means.

17           **SECTION 184.** 350.11 (3) (a) 1. of the statutes is amended to read:

18           350.11 (3) (a) 1. Except as provided under subds. 2. and 3., a person who violates  
19 s. 350.101 (1) (a), (b), (bg), or (bm) or s. 350.104 (5) shall forfeit not less than \$400 nor  
20 more than \$550.

21           **SECTION 185.** 350.11 (3) (a) 2. of the statutes is amended to read:

22           350.11 (3) (a) 2. Except as provided under subd. 3., a person who violates s.  
23 350.101 (1) (a), (b), (bg), or (bm) or 350.104 (5) and who, within 5 years prior to the  
24 arrest for the current violation, was convicted previously under the intoxicated

1 snowmobiling law or the refusal law shall be fined not less than \$300 nor more than  
2 \$1,000 and shall be imprisoned not less than 5 days nor more than 6 months.

3 **SECTION 186.** 350.11 (3) (a) 3. of the statutes is amended to read:

4 350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a), (b), (bg), or (bm) or  
5 350.104 (5) and who, within 5 years prior to the arrest for the current violation, was  
6 convicted 2 or more times previously under the intoxicated snowmobiling law or  
7 refusal law shall be fined not less than \$600 nor more than \$2,000 and shall be  
8 imprisoned not less than 30 days nor more than one year in the county jail.

9 **SECTION 187.** 350.11 (3) (a) 4. of the statutes is amended to read:

10 350.11 (3) (a) 4. A person who violates s. 350.101 (1) (c) or (cg) or 350.104 (5)  
11 and who has not attained the age of 19 shall forfeit not more than \$50.

12 **SECTION 188.** 350.11 (3) (d) of the statutes is amended to read:

13 350.11 (3) (d) *Alcohol, controlled substances or controlled substance analogs,*  
14 *or tetrahydrocannabinols; assessment.* In addition to any other penalty or order, a  
15 person who violates s. 350.101 (1) or (2) or 350.104 (5) or who violates s. 940.09 or  
16 940.25 if the violation involves the operation of a snowmobile, shall be ordered by the  
17 court to submit to and comply with an assessment by an approved public treatment  
18 facility for an examination of the person's use of alcohol, controlled substances or  
19 controlled substance analogs, or tetrahydrocannabinols. The assessment order shall  
20 comply with s. 343.30 (1q) (c) 1. a. to c. Intentional failure to comply with an  
21 assessment ordered under this paragraph constitutes contempt of court, punishable  
22 under ch. 785.

23 **SECTION 189.** 609.83 of the statutes is amended to read:

1           **609.83 Coverage of drugs and devices.** Limited service health  
2 organizations, preferred provider plans, and defined network plans are subject to ss.  
3 632.853 and 632.895 (16p) and (16t).

4           **SECTION 190.** 632.895 (16p) of the statutes is created to read:

5           **632.895 (16p) MEDICAL USE OF MARIJUANA.** (a) In this subsection, “medical use  
6 of tetrahydrocannabinols” has the meaning given in s. 50.80 (4).

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

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

15           **SECTION 191.** 767.41 (5) (am) (intro.) of the statutes is amended to read:

16           **767.41 (5) (am) (intro.)** Subject to pars. (bm) ~~and, (c), and (d)~~, in determining  
17 legal custody and periods of physical placement, the court shall consider all facts  
18 relevant to the best interest of the child. The court may not prefer one parent or  
19 potential custodian over the other on the basis of the sex or race of the parent or  
20 potential custodian. Subject to pars. (bm) ~~and, (c), and (d)~~, the court shall consider  
21 the following factors in making its determination:

22           **SECTION 192.** 767.41 (5) (d) of the statutes is created to read:

23           **767.41 (5) (d)** The court may not consider as a factor in determining the legal  
24 custody of a child whether a parent or potential custodian holds or has applied for  
25 a registry identification card, as defined in s. 146.44 (1) (h), is or has been the subject

1 of a written certification, as defined in s. 50.80 (10), or is or has been a qualifying  
2 patient, as defined in s. 50.80 (6), or a primary caregiver, as defined in s. 50.80 (5),  
3 unless the parent or potential custodian's behavior creates an unreasonable danger  
4 to the child that can be clearly articulated and substantiated.

5 **SECTION 193.** 767.451 (5m) (a) of the statutes is amended to read:

6 767.451 (5m) (a) Subject to pars. (b) ~~and~~, (c), and (d) in all actions to modify  
7 legal custody or physical placement orders, the court shall consider the factors under  
8 s. 767.41 (5) (am), subject to s. 767.41 (5) (bm), and shall make its determination in  
9 a manner consistent with s. 767.41.

10 **SECTION 194.** 767.451 (5m) (d) of the statutes is created to read:

11 767.451 (5m) (d) In an action to modify a legal custody order, the court may not  
12 consider as a factor in making a determination whether a parent or potential  
13 custodian holds or has applied for a registry identification card, as defined in s.  
14 146.44 (1) (h), is or has been the subject of a written certification, as defined in s.  
15 50.80 (10), or is or has been a qualifying patient, as defined in s. 50.80 (6), or a  
16 primary caregiver, as defined in s. 50.80 (5), unless the parent or potential  
17 custodian's behavior creates an unreasonable danger to the child that can be clearly  
18 articulated and substantiated.

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

20 885.235 (1) (d) 1. A controlled substance included in schedule I under ch. 961  
21 other than a tetrahydrocannabinol.

22 **SECTION 196.** 885.235 (1) (d) 5. of the statutes is repealed.

23 **SECTION 197.** 885.235 (1) (e) of the statutes is created to read:

24 885.235 (1) (e) "Tetrahydrocannabinols concentration" has the meaning given  
25 in s. 23.33 (1) (k).

1           **SECTION 198.** 885.235 (1g) (intro.) of the statutes is amended to read:

2           885.235 (1g) (intro.) In any action or proceeding in which it is material to prove  
3 that a person was under the influence of an intoxicant or had a prohibited alcohol or  
4 tetrahydrocannabinols concentration or a specified alcohol concentration while  
5 operating or driving a motor vehicle or, if the vehicle is a commercial motor vehicle,  
6 on duty time, while operating a motorboat, except a sailboat operating under sail  
7 alone, while operating a snowmobile, while operating an all-terrain vehicle or utility  
8 terrain vehicle or while handling a firearm, evidence of the amount of alcohol or  
9 tetrahydrocannabinols in the person's blood at the time in question, as shown by  
10 chemical analysis of a sample of the person's blood or urine or evidence of the amount  
11 of alcohol in the person's breath, is admissible on the issue of whether he or she was  
12 under the influence of an intoxicant or had a prohibited alcohol or  
13 tetrahydrocannabinols concentration or a specified alcohol concentration if the  
14 sample was taken within 3 hours after the event to be proved. The chemical analysis  
15 shall be given effect as follows without requiring any expert testimony as to its effect:

16           **SECTION 199.** 885.235 (1g) (ag) of the statutes is created to read:

17           885.235 (1g) (ag) The fact that the analysis shows that the person had a  
18 tetrahydrocannabinols concentration of more than 0.0 but less than 5.0 is relevant  
19 evidence on the issue of being under the combined influence of  
20 tetrahydrocannabinols and alcohol, a controlled substance, a controlled substance  
21 analog, or any other drug, but, except as provided in sub. (1L), is not to be given any  
22 prima facie effect.

23           **SECTION 200.** 885.235 (1g) (cg) of the statutes is created to read:



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

4           **SECTION 201.** 885.235 (1L) of the statutes is created to read:

5           885.235 (1L) In any action under s. 23.33 (4c) (a) 3g., 30.681 (1) (bn) 2., 346.63  
6 (2p), or 350.101 (1) (cg), evidence of the amount of tetrahydrocannabinols 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, is admissible on the issue of whether he or she had a  
9 tetrahydrocannabinols concentration in the range specified in s. 23.33 (4c) (a) 3g.,  
10 30.681 (1) (bn) 2., 346.63 (2p), or 350.101 (1) (cg) if the sample was taken within 3  
11 hours after the event to be proved. The fact that the analysis shows that the person  
12 had a tetrahydrocannabinols concentration of more than 0.0 but not more than 5.0  
13 is prima facie evidence that the person had a tetrahydrocannabinols concentration  
14 in the range specified in s. 23.33 (4c) (a) 3g., 30.681 (1) (bn) 2., 346.63 (2p), or 350.101  
15 (1) (cg).

16           **SECTION 202.** 885.235 (1m) of the statutes is amended to read:

17           885.235 (1m) In any action under s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681  
18 (1) (bn), 346.63 (2m) or (7), or 350.101 (1) (c), evidence of the amount of alcohol in the  
19 person's blood at the time in question, as shown by chemical analysis of a sample of  
20 the person's blood or urine or evidence of the amount of alcohol in the person's breath,  
21 is admissible on the issue of whether he or she had an alcohol concentration in the  
22 range specified in s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681 (1) (bn) 1, 346.63 (2m),  
23 or 350.101 (1) (c) or an alcohol concentration above 0.0 under s. 346.63 (7) if the  
24 sample was taken within 3 hours after the event to be proved. The fact that the  
25 analysis shows that the person had an alcohol concentration of more than 0.0 but not

1 more than 0.08 is prima facie evidence that the person had an alcohol concentration  
2 in the range specified in s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681 (1) (bn) 1., 346.63  
3 (2m), or 350.101 (1) (c) or an alcohol concentration above 0.0 under s. 346.63 (7).

4 **SECTION 203.** 885.235 (4) of the statutes is amended to read:

5 885.235 (4) The provisions of this section relating to the admissibility of  
6 chemical tests for alcohol or tetrahydrocannabinols concentration or intoxication or  
7 for determining whether a person had a detectable amount of a restricted controlled  
8 substance in his or her blood shall not be construed as limiting the introduction of  
9 any other competent evidence bearing on the question of whether or not a person was  
10 under the influence of an intoxicant, had a detectable amount of a restricted  
11 controlled substance in his or her blood, had a specified alcohol or  
12 tetrahydrocannabinols concentration, or had an alcohol concentration in the range  
13 specified in s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681 (1) (bn) 1., 346.63 (2m), or  
14 350.101 (1) (c), or had a tetrahydrocannabinols concentration in the range specified  
15 in s. 23.33 (4c) (a) 3g., 30.681 (1) (bn) 2., 346.63 (2p), or 350.101 (1) (cg).

16 **SECTION 204.** 895.047 (3) (a) of the statutes is amended to read:

17 895.047 (3) (a) If the defendant proves by clear and convincing evidence that  
18 at the time of the injury the claimant was under the influence of any controlled  
19 substance or controlled substance analog to the extent prohibited under s. 346.63 (1)  
20 (a), or had an alcohol concentration, as defined in s. 340.01 (1v), of 0.08 or more or  
21 a tetrahydrocannabinols concentration, as defined in s. 23.33 (1) (k), of 5.0 or more,  
22 there shall be a rebuttable presumption that the claimant's intoxication or drug use  
23 was the cause of his or her injury.

24 **SECTION 205.** 905.04 (4) (f) of the statutes is amended to read: