

1 to another or from one premises to another. A separate permit is required for each
2 place in this state where the operations of a marijuana producer, marijuana
3 processor, marijuana distributor, marijuana retailer, or microbusiness occur,
4 including each retail outlet. No person who has been issued a permit to operate as
5 a marijuana retailer, or who has any direct or indirect financial interest in the
6 operation of a marijuana retailer, shall be issued a permit to operate as a marijuana
7 producer, marijuana processor, or marijuana distributor. A person who has been
8 issued a permit to operate as a microbusiness is not required to hold separate permits
9 to operate as a marijuana processor, marijuana distributor, or marijuana retailer,
10 but shall specify on the person's application for a microbusiness permit the activities
11 that the person will be engaged in as a microbusiness.

12 (5) Each person issued a permit under this section shall post the permit in a
13 conspicuous place on the premises to which the permit relates.

14 **139.973 Regulation.** (1) (a) No permittee may employ an individual who is
15 under the age of 21 to work in the business to which the permit relates.

16 (b) Subject to ss. 111.321, 111.322, and 111.335, no permittee may employ an
17 individual if any of the conditions under s. 139.972 (1) (c) 1. to 7. applies to the
18 individual.

19 (2) A retail outlet shall sell no products or services other than usable marijuana
20 or paraphernalia intended for the storage or use of usable marijuana.

21 (3) No marijuana retailer may allow a person who is under the age of 21 to enter
22 or be on the premises of a retail outlet in violation of s. 961.71 (2m).

23 (4) The maximum amount of usable marijuana that a retail outlet may sell to
24 an individual consumer in a single transaction may not exceed the permissible
25 amount under s. 961.70 (5).

1 **(4m)** A marijuana retailer may not collect, retain, or distribute personal
2 information regarding the retailer's customers except that which is necessary to
3 complete a sale of usable marijuana.

4 **(5)** No marijuana retailer may display any signage in a window, on a door, or
5 on the outside of the premises of a retail outlet that is visible to the general public
6 from a public right-of-way, other than a single sign that is no larger than 1,600
7 square inches identifying the retail outlet by the permittee's business or trade name.

8 **(6)** No marijuana retailer may display usable marijuana in a manner that is
9 visible to the general public from a public right-of-way.

10 **(7)** No marijuana retailer or employee of a retail outlet may consume, or allow
11 to be consumed, any usable marijuana on the premises of the retail outlet.

12 **(7m)** A marijuana retailer may operate a retail outlet only between the hours
13 of 8 a.m. and 8 p.m.

14 **(8)** Except as provided under sub. (5), no marijuana producer, marijuana
15 processor, marijuana distributor, marijuana retailer, or microbusiness may place or
16 maintain, or cause to be placed or maintained, an advertisement of usable marijuana
17 in any form or through any medium.

18 **(9) (a)** On a schedule determined by the department, every marijuana
19 producer, marijuana processor, or microbusiness shall submit representative
20 samples of the marijuana and usable marijuana produced or processed by the
21 marijuana producer, marijuana processor, or microbusiness to a testing laboratory
22 registered under s. 50.86 for testing marijuana and usable marijuana in order to
23 certify that the marijuana and usable marijuana comply with standards prescribed
24 by the department by rule, including testing for potency and for mold, fungus,

1 pesticides, and other contaminants. The laboratory testing the sample shall destroy
2 any part of the sample that remains after the testing.

3 (b) Marijuana producers, marijuana processors, and microbusinesses shall
4 submit the results of the testing provided under par. (a) to the department in the
5 manner prescribed by the department by rule.

6 (c) If a representative sample tested under par. (a) does not meet the standards
7 prescribed by the department, the department shall take the necessary action to
8 ensure that the entire lot from which the sample was taken is destroyed. The
9 department shall promulgate rules to determine lots and lot numbers for purposes
10 of this subsection and for the reporting of lots and lot numbers to the department.

11 **(10)** (a) A marijuana processor or a microbusiness that operates as a marijuana
12 processor shall affix a label to all usable marijuana that the marijuana processor or
13 microbusiness sells to marijuana distributors. The label may not be designed to
14 appeal to persons under the age of 18. The label shall include all of the following:

15 1. The ingredients and the tetrahydrocannabinols concentration in the usable
16 marijuana.

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

18 3. The licensee or registrant number.

19 4. The unique identification number.

20 5. The harvest date.

21 6. The strain name and product identity.

22 7. The net weight.

23 8. The activation time.

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

1 10. The logotype for recreational marijuana developed by the department of
2 agriculture, trade and consumer protection under s. 100.145, or the logotype for
3 medical marijuana developed by the department of health services under s. 146.46,
4 whichever is appropriate.

5 11. Warnings about all of the following:

6 a. Risks of marijuana use and pregnancy and risks of marijuana use by persons
7 under the age of 18.

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

11 (b) No marijuana processor or microbusiness that operates as a marijuana
12 processor may make usable marijuana using marijuana grown outside this state.
13 The label on each package of usable marijuana may indicate that the usable
14 marijuana is made in this state.

15 (11) (a) No permittee may sell marijuana or usable marijuana that contains
16 more than 3 parts tetrahydrocannabinols to one part cannabidiol.

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

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

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

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

18 (3) If any permittee fails to file a report when due, the permittee shall be
19 required to pay a late filing fee of \$10. A report that is mailed is filed on time if it is
20 mailed in a properly addressed envelope with postage prepaid, the envelope is
21 officially postmarked, or marked or recorded electronically as provided under section
22 7502 (f) (2) (c) of the Internal Revenue Code, on the date due, and the report is
23 actually received by the department or at the destination that the department
24 prescribes within 5 days of the due date. A report that is not mailed is timely if it
25 is received on or before the due date by the department or at the destination that the

1 department prescribes. For purposes of this subsection, “mailed” includes delivery
2 by a delivery service designated under section 7502 (f) of the Internal Revenue Code.

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

8 **139.975 Administration and enforcement.** (1) The department shall
9 administer and enforce this subchapter and promulgate rules necessary to
10 administer and enforce this subchapter.

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

13 (3) Authorized personnel of the department of justice and the department of
14 revenue, and any law enforcement officer, within their respective jurisdictions, may
15 at all reasonable hours enter the premises of any permittee and examine the books
16 and records to determine whether the tax imposed by this subchapter has been fully
17 paid and may enter and inspect any premises where marijuana or usable marijuana
18 is produced, processed, made, sold, or stored to determine whether the permittee is
19 complying with this subchapter.

20 (4) The department may suspend or revoke the permit of any permittee who
21 violates s. 100.30, any provision of this subchapter, or any rules promulgated under
22 sub. (1). The department shall revoke the permit of any permittee who violates s.
23 100.30 3 or more times within a 5-year period.

24 (5) No suit shall be maintained in any court to restrain or delay the collection
25 or payment of the tax levied in s. 139.971. The aggrieved taxpayer shall pay the tax

1 when due and, if paid under protest, may at any time within 90 days from the date
2 of payment sue the state to recover the tax paid. If it is finally determined that any
3 part of the tax was wrongfully collected, the secretary of administration shall pay the
4 amount wrongfully collected. A separate suit need not be filed for each separate
5 payment made by any taxpayer, but a recovery may be had in one suit for as many
6 payments as may have been made.

7 (6) (a) Any person may be compelled to testify in regard to any violation of this
8 subchapter of which the person may have knowledge, even though such testimony
9 may tend to incriminate the person, upon being granted immunity from prosecution
10 in connection with the testimony, and upon the giving of such testimony, the person
11 shall not be prosecuted because of the violation relative to which the person has
12 testified.

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

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

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

23 (9) Any building or place of any kind where marijuana or usable marijuana is
24 sold, possessed, stored, or manufactured without a lawful permit or in violation of

1 s. 139.972 or 139.973 is declared a public nuisance and may be closed and abated as
2 such.

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

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

8 **139.976 Theft of tax moneys.** All marijuana tax moneys received by a
9 permittee for the sale of marijuana or usable marijuana on which the tax under this
10 subchapter has become due and has not been paid are trust funds in the permittee's
11 possession and are the property of this state. Any permittee who fraudulently
12 withholds, appropriates, or otherwise uses marijuana tax moneys that are the
13 property of this state is guilty of theft under s. 943.20 (1), whether or not the
14 permittee has or claims to have an interest in those moneys.

15 **139.977 Seizure and confiscation.** (1) All marijuana and usable marijuana
16 produced, processed, made, kept, stored, sold, distributed, or transported in violation
17 of this subchapter, and all tangible personal property used in connection with the
18 marijuana or usable marijuana is unlawful property and subject to seizure by the
19 department or a law enforcement officer. Except as provided in sub. (2), all
20 marijuana and usable marijuana seized under this subsection shall be destroyed.

21 (2) If marijuana or usable marijuana on which the tax has not been paid is
22 seized as provided under sub. (1), it may be given to law enforcement officers to use
23 in criminal investigations or sold to qualified buyers by the department, without
24 notice. If the department finds that the marijuana or usable marijuana may

1 deteriorate or become unfit for use in criminal investigations or for sale, or that those
2 uses would otherwise be impractical, the department may order it destroyed.

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

10 (4) If tangible personal property other than marijuana or usable marijuana is
11 seized as provided under sub. (1), the department shall advertise the tangible
12 personal property for sale by publication of a class 2 notice under ch. 985. If no person
13 claiming a lien on, or ownership of, the property has notified the department of the
14 person's claim within 10 days after last insertion of the notice, the department shall
15 sell the property. If a sale is not practical the department may destroy the property.
16 If a person claiming a lien on, or ownership of, the property notifies the department
17 within the time prescribed in this subsection, the department may apply to the
18 circuit court in the county where the property was seized for an order directing
19 disposition of the property or the proceeds from the sale of the property. If the court
20 orders the property to be sold, all liens, if any, may be transferred from the property
21 to the sale proceeds. Neither the property seized nor the proceeds from the sale shall
22 be turned over to any claimant of lien or ownership unless the claimant first
23 establishes that the property was not used in connection with any violation under
24 this subchapter or that, if so used, it was done without the claimant's knowledge or
25 consent and without the claimant's knowledge of facts that should have given the

1 claimant reason to believe it would be put to such use. If no claim of lien or ownership
2 is established as provided under this subsection the property may be ordered
3 destroyed.

4 **139.978 Interest and penalties.** (1) Any person who makes or signs any
5 false or fraudulent report under this subchapter or who attempts to evade the tax
6 imposed by s. 139.971, or who aids in or abets the evasion or attempted evasion of
7 that tax, may be fined not more than \$10,000 or imprisoned for not more than 9
8 months or both.

9 (2) Any permittee who fails to keep the records required by s. 139.974 (1) and
10 (2) shall be fined not less than \$100 nor more than \$500 or imprisoned not more than
11 6 months or both.

12 (3) Any person who refuses to permit the examination or inspection authorized
13 under s. 139.975 (3) may be fined not more than \$500 or imprisoned not more than
14 6 months or both. The department shall immediately suspend or revoke the permit
15 of any person who refuses to permit the examination or inspection authorized under
16 s. 139.975 (3).

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

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

23 (6) In addition to the penalties imposed for violating the provisions of this
24 subchapter or any of the department's rules, the department shall revoke the permit

1 of any person convicted of such a violation and not issue another permit to that
2 person for a period of 2 years following the revocation.

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

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

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

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

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

16 (10) If due to neglect an incorrect return is filed, the entire tax finally
17 determined is subject to a penalty of 25 percent of the tax exclusive of interest or
18 other penalty. A person filing an incorrect return has the burden of proving that the
19 error or errors were due to good cause and not due to neglect.

20 **139.979 Personal use.** An individual who possesses no more than 6
21 marijuana plants that have reached the flowering stage at any one time is not subject
22 to the tax imposed under s. 139.971. An individual who possesses more than 6
23 marijuana plants that have reached the flowering stage at any one time shall apply
24 for the appropriate permit under s. 139.972 and pay the appropriate tax imposed
25 under s. 139.971.

1 **139.980 Agreement with tribes.** The department may enter into an
2 agreement with a federally recognized American Indian Tribe in this state for the
3 administration and enforcement of this subchapter and to provide refunds of the tax
4 imposed under s. 139.971 on marijuana sold on tribal land by or to enrolled members
5 of the tribe residing on the tribal land.

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

7 146.40 (1) (bo) "Hospice" means a hospice that is licensed under subch. VI VII
8 of ch. 50.

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

10 **146.44 Medical marijuana registry program. (1) DEFINITIONS.** In this
11 section:

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

14 (b) "Debilitating medical condition or treatment" has the meaning given in s.
15 50.80 (2).

16 (c) "Medical use of tetrahydrocannabinols" has the meaning given in s. 50.80
17 (4).

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

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

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

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

1 (h) “Registry identification card” means a document issued by the department
2 under this section that identifies a person as a qualifying patient or primary
3 caregiver.

4 (i) “Written certification” has the meaning given in s. 50.80 (10).

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

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

9 2. A written certification.

10 3. The name, address, and telephone number of the person’s current physician,
11 as listed in the written certification.

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

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

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

24 **(3) PROCESSING THE APPLICATION.** The department shall verify the information
25 contained in or accompanying an application submitted under sub. (2) and shall

1 approve or deny the application within 30 days after receiving it. Except as provided
2 in sub. (2) (c), the department may deny an application submitted under sub. (2) only
3 if the required information has not been provided or if false information has been
4 provided.

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

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

- 12 1. The registrant.
- 13 2. Each primary caregiver if the registrant is a qualifying patient.
- 14 3. The qualifying patient if the registrant is a primary caregiver.

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

16 (c) A photograph of the registrant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **(8) PHYSICIAN EDUCATION AND PUBLIC AWARENESS CAMPAIGN.** The department
18 shall provide, in a manner determined by the department, information to physicians
19 about the availability of the medical marijuana registry program. The department
20 shall also conduct a public awareness campaign to inform the public about issues
21 relating to medical marijuana, including information about the medical marijuana
22 registry program in this state and information about possible risks and benefits of
23 the medical use of tetrahydrocannabinols.

24 **SECTION 95.** 146.46 of the statutes is created to read:

1 **146.46 Medical marijuana logotype.** The department shall design an
2 official logotype, appropriate for including on a label affixed to medical marijuana
3 under s. 50.85. The department shall design the logotype to be distinguishable from
4 any logotype for recreational marijuana.

5 **SECTION 96.** 146.81 (1) (L) of the statutes is amended to read:

6 146.81 (1) (L) A hospice licensed under subch. ~~VI~~ VII of ch. 50.

7 **SECTION 97.** 146.997 (1) (d) 18. of the statutes is amended to read:

8 146.997 (1) (d) 18. A hospice licensed under subch. ~~VI~~ VII of ch. 50.

9 **SECTION 98.** 157.06 (11) (hm) of the statutes is created to read:

10 157.06 (11) (hm) Unless otherwise required by federal law, a hospital,
11 physician, procurement organization, or other person may not determine the
12 ultimate recipient of an anatomical gift based solely upon a positive test for the use
13 of marijuana by a potential recipient.

14 **SECTION 99.** 157.06 (11) (i) of the statutes is amended to read:

15 157.06 (11) (i) Except as provided under ~~par. pars.~~ (a) 2. and (hm), nothing in
16 this section affects the allocation of organs for transplantation or therapy.

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

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

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

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

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

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

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

16 340.01 (66m) "Tetrahydrocannabinols concentration" means the number of
17 nanograms of tetrahydrocannabinols per milliliter of blood.

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

19 343.06 (1) (d) To any person whose dependence on alcohol or
20 tetrahydrocannabinols has attained such a degree that it interferes with his or her
21 physical or mental health or social or economic functioning, or who is addicted to the
22 use of controlled substances or controlled substance analogs, except that the
23 secretary may issue a license if the person submits to an examination, evaluation or
24 treatment in a treatment facility meeting the standards prescribed in s. 51.45 (8) (a),
25 as directed by the secretary, in accordance with s. 343.16 (5).

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

2 343.10 (5) (a) 1. In addition to any restrictions appearing on the former
3 operator's license of the applicant, the occupational license shall contain definite
4 restrictions as to hours of the day, not to exceed 12, hours per week, not to exceed 60,
5 type of occupation and areas or routes of travel which are permitted under the
6 license. The occupational license may permit travel to and from church during
7 specified hours if the travel does not exceed the restrictions as to hours of the day and
8 hours per week in this subdivision. The occupational license may permit travel
9 necessary to comply with a driver safety plan ordered under s. 343.30 (1q) or 343.305
10 if the travel does not exceed the restrictions as to hours of the day and hours per week
11 in this subdivision. The occupational license may contain restrictions on the use of
12 alcohol, tetracannabinols, and of controlled substances and controlled substance
13 analogs in violation of s. 961.41.

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

15 343.10 (5) (a) 2. If the applicant has 2 or more convictions, suspensions or
16 revocations, as counted under s. 343.307 (1), the occupational license shall prohibit
17 the applicant from driving or operating a motor vehicle while he or she has an alcohol
18 concentration of more than 0.0 or a tetrahydrocannabinols concentration of more
19 than 0.0.

20 **SECTION 107.** 343.10 (8) (intro.) of the statutes is amended to read:

21 343.10 (8) VIOLATION OF RESTRICTIONS. (intro.) Any person who violates a
22 restriction on an occupational license as to hours of the day, area, routes or purpose
23 of travel, vehicles allowed to be operated, use of an ignition interlock device, sobriety
24 or use of alcohol, tetrahydrocannabinols, controlled substances or controlled
25 substance analogs shall be:

1 **SECTION 108.** 343.12 (7) (a) 9. of the statutes is amended to read:

2 343.12 (7) (a) 9. Operating a motor vehicle under the influence of an intoxicant
3 or other drug or with a prohibited alcohol or tetrahydrocannabinols concentration
4 under s. 346.63 (1).

5 **SECTION 109.** 343.12 (7) (a) 11. of the statutes is amended to read:

6 343.12 (7) (a) 11. Operating a motor vehicle while under the legal drinking age
7 with a prohibited alcohol concentration under s. 346.63 (2m) or while under the legal
8 age with a prohibited tetrahydrocannabinols concentration under s. 346.63 (2p).

9 **SECTION 110.** 343.16 (2) (b) of the statutes is amended to read:

10 343.16 (2) (b) *Specific requirements.* The standards developed by the
11 department under par. (c) shall provide that the examination for persons making
12 their first application for an operator's license shall include, subject to sub. (3) (am),
13 a test of the applicant's eyesight, ability to read and understand highway signs
14 regulating, warning and directing traffic, knowledge of the traffic laws, including ss.
15 346.072 and 346.26, understanding of fuel-efficient driving habits and the relative
16 costs and availability of other modes of transportation, knowledge of the need for
17 anatomical gifts and the ability to make an anatomical gift through the use of a donor
18 card issued under s. 343.175 (2), and an actual demonstration of ability to exercise
19 ordinary and reasonable control in the operation of a motor vehicle. The test of
20 knowledge of the traffic laws shall include questions on the provisions of ss. 343.30
21 (1q), 343.303 to 343.31 and 346.63 to 346.655, relating to the operation of a motor
22 vehicle and the consumption of alcohol beverages and tetrahydrocannabinols. The
23 test of knowledge may also include questions on the social, medical and economic
24 effects of alcohol and other drug abuse. The examination of applicants for
25 authorization to operate 'Class M' vehicles shall test an applicant's knowledge of

1 Type 1 motorcycle safety, including proper eye protection to be worn during hours of
2 darkness. The department may require persons changing their residence to this
3 state from another jurisdiction and persons applying for a reinstated license after
4 termination of a revocation period to take all or parts of the examination required
5 of persons making their first application for an operator's license. Any applicant who
6 is required to give an actual demonstration of ability to exercise ordinary and
7 reasonable control in the operation of a motor vehicle shall furnish a representative
8 vehicle in safe operating condition for use in testing ability.

9 **SECTION 111.** 343.16 (5) (a) of the statutes is amended to read:

10 343.16 (5) (a) The secretary may require any applicant for a license or any
11 licensed operator to submit to a special examination by such persons or agencies as
12 the secretary may direct to determine incompetency, physical or mental disability,
13 disease, or any other condition that might prevent such applicant or licensed person
14 from exercising reasonable and ordinary control over a motor vehicle. If the
15 department requires the applicant to submit to an examination, the applicant shall
16 pay for the examination. If the department receives an application for a renewal or
17 duplicate license after voluntary surrender under s. 343.265 or receives a report from
18 a physician, physician assistant, as defined in s. 448.01 (6), advanced practice nurse
19 prescriber certified under s. 441.16 (2), or optometrist under s. 146.82 (3), or if the
20 department has a report of 2 or more arrests within a one-year period for any
21 combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity with
22 s. 346.63 (1) or (5) or a law of a federally recognized American Indian tribe or band
23 in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or
24 s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a
25 vehicle, the department shall determine, by interview or otherwise, whether the

1 operator should submit to an examination under this section. The examination may
2 consist of an assessment. If the examination indicates that education or treatment
3 for a disability, disease, or condition concerning the use of alcohol, a controlled
4 substance or a controlled substance analog, or tetrahydrocannabinols is appropriate,
5 the department may order a driver safety plan in accordance with s. 343.30 (1q). If
6 there is noncompliance with assessment or the driver safety plan, the department
7 shall revoke the person's operating privilege in the manner specified in s. 343.30 (1q)
8 (d).

9 **SECTION 112.** 343.30 (1p) of the statutes is amended to read:

10 343.30 (1p) Notwithstanding sub. (1), a court shall suspend the operating
11 privilege of a person for 3 months upon the person's conviction by the court for
12 violation of s. 346.63 (2m) or (2p) or a local ordinance in conformity with s. 346.63
13 (2m) or (2p). If there was a minor passenger under 16 years of age in the motor
14 vehicle at the time of the violation that gave rise to the conviction under s. 346.63
15 (2m) or (2p) or a local ordinance in conformity with s. 346.63 (2m) or (2p), the court
16 shall suspend the operating privilege of the person for 6 months.

17 **SECTION 113.** 343.30 (1q) (c) 1. (intro.) of the statutes is amended to read:

18 343.30 (1q) (c) 1. (intro.) Except as provided in subd. 1. a., b., or d., the court
19 shall order the person to submit to and comply with an assessment by an approved
20 public treatment facility as defined in s. 51.45 (2) (c) for examination of the person's
21 use of alcohol, tetrahydrocannabinols, controlled substances or controlled substance
22 analogs and development of a driver safety plan for the person. The court shall notify
23 the department of transportation of the assessment order. The court shall notify the
24 person that noncompliance with assessment or the driver safety plan will result in

1 revocation of the person's operating privilege until the person is in compliance. The
2 assessment order shall:

3 **SECTION 114.** 343.30 (1q) (d) 1. of the statutes is amended to read:

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

16 **SECTION 115.** 343.30 (1q) (h) of the statutes is amended to read:

17 343.30 (1q) (h) The court or department shall provide that the period of
18 suspension or revocation imposed under this subsection shall be reduced by any
19 period of suspension or revocation previously served under s. 343.305 if the
20 suspension or revocation under s. 343.305 and the conviction for violation of s. 346.63
21 (1) ~~or~~, (2m), or (2p) or a local ordinance in conformity therewith arise out of the same
22 incident or occurrence. The court or department shall order that the period of
23 suspension or revocation imposed under this subsection run concurrently with any
24 period of time remaining on a suspension or revocation imposed under s. 343.305

1 arising out of the same incident or occurrence. The court may modify an occupational
2 license authorized under s. 343.305 (8) (d) in accordance with this subsection.

3 **SECTION 116.** 343.305 (2) of the statutes is amended to read:

4 343.305 (2) IMPLIED CONSENT. Any person who is on duty time with respect to
5 a commercial motor vehicle or drives or operates a motor vehicle upon the public
6 highways of this state, or in those areas enumerated in s. 346.61, is deemed to have
7 given consent to one or more tests of his or her breath, blood or urine, for the purpose
8 of determining the presence or quantity in his or her blood or breath, of alcohol,
9 tetrahydrocannabinols, controlled substances, controlled substance analogs or other
10 drugs, or any combination of alcohol, tetrahydrocannabinols, controlled substances,
11 controlled substance analogs and other drugs, when requested to do so by a law
12 enforcement officer under sub. (3) (a) or (am) or when required to do so under sub.
13 (3) (ar) or (b). Any such tests shall be administered upon the request of a law
14 enforcement officer. The law enforcement agency by which the officer is employed
15 shall be prepared to administer, either at its agency or any other agency or facility,
16 2 of the 3 tests under sub. (3) (a), (am), or (ar), and may designate which of the tests
17 shall be administered first.

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

19 343.305 (3) (a) Upon arrest of a person for violation of s. 346.63 (1), (2m), (2p),
20 or (5) or a local ordinance in conformity therewith, or for a violation of s. 346.63 (2)
21 or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or upon
22 arrest subsequent to a refusal under par. (ar), a law enforcement officer may request
23 the person to provide one or more samples of his or her breath, blood or urine for the
24 purpose specified under sub. (2). Compliance with a request for one type of sample
25 does not bar a subsequent request for a different type of sample.

1 **SECTION 118.** 343.305 (3) (am) of the statutes is amended to read:

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

12 **SECTION 119.** 343.305 (3) (ar) 1. of the statutes is amended to read:

13 343.305 (3) (ar) 1. If a person is the operator of a vehicle that is involved in an
14 accident that causes substantial bodily harm, as defined in s. 939.22 (38), to any
15 person, and a law enforcement officer detects any presence of alcohol,
16 tetrahydrocannabinols, a controlled substance, a controlled substance analog or
17 other drug, or a combination thereof, the law enforcement officer may request the
18 operator to provide one or more samples of his or her breath, blood, or urine for the
19 purpose specified under sub. (2). Compliance with a request for one type of sample
20 does not bar a subsequent request for a different type of sample. A person who is
21 unconscious or otherwise not capable of withdrawing consent is presumed not to
22 have withdrawn consent under this subdivision and one or more samples specified
23 in par. (a) or (am) may be administered to the person. If a person refuses to take a
24 test under this subdivision, he or she may be arrested under par. (a).

25 **SECTION 120.** 343.305 (3) (b) of the statutes is amended to read:

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

11 **SECTION 121.** 343.305 (5) (b) of the statutes is amended to read:

12 343.305 (5) (b) Blood may be withdrawn from the person arrested for violation
13 of s. 346.63 (1), (2), (2m), (2p), (5), or (6) or 940.25, or s. 940.09 where the offense
14 involved the use of a vehicle, or a local ordinance in conformity with s. 346.63 (1),
15 (2m), (2p), or (5), or as provided in sub. (3) (am) or (b) to determine the presence or
16 quantity of alcohol, tetrahydrocannabinols, a controlled substance, a controlled
17 substance analog, or any other drug, or any combination of alcohol, controlled
18 substance, controlled substance analog, and any other drug in the blood only by a
19 physician, registered nurse, medical technologist, physician assistant, phlebotomist,
20 or other medical professional who is authorized to draw blood, or person acting under
21 the direction of a physician.

22 **SECTION 122.** 343.305 (5) (d) of the statutes is amended to read:

23 343.305 (5) (d) At the trial of any civil or criminal action or proceeding arising
24 out of the acts committed by a person alleged to have been driving or operating a
25 motor vehicle while under the influence of an intoxicant, a controlled substance, a

1 controlled substance analog or any other drug, or under the influence of any
2 combination of alcohol, tetrahydrocannabinols, a controlled substance, a controlled
3 substance analog and any other drug, to a degree which renders him or her incapable
4 of safely driving, or under the combined influence of an intoxicant and any other drug
5 to a degree which renders him or her incapable of safely driving, or having a
6 prohibited alcohol or tetrahydrocannabinols concentration, or alleged to have been
7 driving or operating or on duty time with respect to a commercial motor vehicle while
8 having an alcohol concentration above 0.0 or possessing an intoxicating beverage,
9 regardless of its alcohol content, or within 4 hours of having consumed or having been
10 under the influence of an intoxicating beverage, regardless of its alcohol content, or
11 of having an alcohol concentration of 0.04 or more, the results of a test administered
12 in accordance with this section are admissible on the issue of whether the person was
13 under the influence of an intoxicant, a controlled substance, a controlled substance
14 analog or any other drug, or under the influence of any combination of alcohol,
15 tetrahydrocannabinols, a controlled substance, a controlled substance analog and
16 any other drug, to a degree which renders him or her incapable of safely driving or
17 under the combined influence of an intoxicant and any other drug to a degree which
18 renders him or her incapable of safely driving or any issue relating to the person's
19 alcohol concentration. Test results shall be given the effect required under s.
20 885.235.

21 **SECTION 123.** 343.305 (5) (dm) of the statutes is created to read:

22 343.305 (5) (dm) At the trial of any civil or criminal action or proceeding arising
23 out of the acts committed by a person alleged to have been driving or operating a
24 motor vehicle while having a tetrahydrocannabinols concentration at or above
25 specified levels, the results of a blood test administered in accordance with this

1 section are admissible on any issue relating to the tetrahydrocannabinols
2 concentration. Test results shall be given the effect required under s. 885.235.

3 **SECTION 124.** 343.305 (6) (a) of the statutes is amended to read:

4 343.305 (6) (a) Chemical analyses of blood or urine to be considered valid under
5 this section shall have been performed substantially according to methods approved
6 by the laboratory of hygiene and by an individual possessing a valid permit to
7 perform the analyses issued by the department of health services. The department
8 of health services shall approve laboratories for the purpose of performing chemical
9 analyses of blood or urine for alcohol, tetrahydrocannabinols, controlled substances
10 or controlled substance analogs and shall develop and administer a program for
11 regular monitoring of the laboratories. A list of approved laboratories shall be
12 provided to all law enforcement agencies in the state. Urine specimens are to be
13 collected by methods specified by the laboratory of hygiene. The laboratory of
14 hygiene shall furnish an ample supply of urine and blood specimen containers to
15 permit all law enforcement officers to comply with the requirements of this section.

16 **SECTION 125.** 343.305 (7) (a) of the statutes is amended to read:

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

23 **SECTION 126.** 343.305 (8) (b) 2. bm. of the statutes is amended to read:

1 343.305 (8) (b) 2. bm. Whether 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 127.** 343.305 (8) (b) 2. d. of the statutes is amended to read:

5 343.305 (8) (b) 2. d. If one or more tests were administered in accordance with
6 this section, whether each of the test results for those tests indicate the person had
7 a prohibited alcohol or tetrahydrocannabinols concentration or a detectable amount
8 of a restricted controlled substance in his or her blood.

9 **SECTION 128.** 343.305 (8) (b) 4m. a. of the statutes is amended to read:

10 343.305 (8) (b) 4m. a. A blood test administered in accordance with this section
11 indicated that the person had a detectable amount of methamphetamine, or
12 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ or a prohibited
13 tetrahydrocannabinols concentration but did not have a detectable amount of any
14 other restricted controlled substance in his or her blood.

15 **SECTION 129.** 343.305 (8) (b) 5. b. of the statutes is amended to read:

16 343.305 (8) (b) 5. b. The person did not have a prohibited alcohol or
17 tetrahydrocannabinols concentration or a detectable amount of a restricted
18 controlled substance in his or her blood at the time the offense allegedly occurred.

19 **SECTION 130.** 343.305 (8) (b) 6. b. of the statutes is amended to read:

20 343.305 (8) (b) 6. b. The person had a prohibited alcohol or
21 tetrahydrocannabinols concentration or a detectable amount of a restricted
22 controlled substance in his or her blood at the time the offense allegedly occurred.

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

24 343.305 (9) (a) 5. a. Whether the officer had probable cause to believe the
25 person was driving or operating a motor vehicle while under the influence of alcohol,

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

12 **SECTION 132.** 343.305 (9) (a) 5. c. of the statutes is amended to read:

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

19 **SECTION 133.** 343.305 (9) (am) 5. a. of the statutes is amended to read:

20 343.305 (9) (am) 5. a. Whether the officer detected any presence of alcohol,
21 tetrahydrocannabinols, controlled substance, controlled substance analog or other
22 drug, or a combination thereof, on the person or had reason to believe that the person
23 was violating or had violated s. 346.63 (7).

24 **SECTION 134.** 343.305 (9) (am) 5. c. of the statutes is amended to read:

1 343.305 (9) (am) 5. c. Whether the person refused to permit the test. The person
2 shall not be considered to have refused the test if it is shown by a preponderance of
3 evidence that the refusal was due to a physical inability to submit to the test due to
4 a physical disability or disease unrelated to the use of alcohol,
5 tetrahydrocannabinols, controlled substances, controlled substance analogs or other
6 drugs.

7 **SECTION 135.** 343.305 (9) (d) of the statutes is amended to read:

8 343.305 (9) (d) At the close of the hearing, or within 5 days thereafter, the court
9 shall determine the issues under par. (a) 5. or (am) 5. If all issues are determined
10 adversely to the person, the court shall proceed under sub. (10). If one or more of the
11 issues is determined favorably to the person, the court shall order that no action be
12 taken on the operating privilege on account of the person's refusal to take the test in
13 question. This section does not preclude the prosecution of the person for violation
14 of s. 346.63 (1), (2m), (2p), (5) or (7) or a local ordinance in conformity therewith, or
15 s. 346.63 (2) or (6), 940.09 (1) or 940.25.

16 **SECTION 136.** 343.305 (10) (c) 1. (intro.) of the statutes is amended to read:

17 343.305 (10) (c) 1. (intro.) Except as provided in subd. 1. a. or b., the court shall
18 order the person to submit to and comply with an assessment by an approved public
19 treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of
20 alcohol, tetrahydrocannabinols, controlled substances or controlled substance
21 analogs and development of a driver safety plan for the person. The court shall notify
22 the person and the department of transportation of the assessment order. The court
23 shall also notify the person that noncompliance with assessment or the driver safety
24 plan will result in license suspension until the person is in compliance. The
25 assessment order shall:

1 **SECTION 137.** 343.305 (10) (d) of the statutes is amended to read:

2 343.305 (10) (d) The assessment report shall order compliance with a driver
3 safety plan. The report shall inform the person of the fee provisions under s. 46.03
4 (18) (f). The driver safety plan may include a component that makes the person
5 aware of the effect of his or her offense on a victim and a victim's family. The driver
6 safety plan may include treatment for the person's misuse, abuse or dependence on
7 alcohol, tetrahydrocannabinols, controlled substances or controlled substance
8 analogs, attendance at a school under s. 345.60, or both. If the plan requires
9 inpatient treatment, the treatment shall not exceed 30 days. A driver safety plan
10 under this paragraph shall include a termination date consistent with the plan
11 which shall not extend beyond one year. The county department under s. 51.42 shall
12 assure notification of the department of transportation and the person of the person's
13 compliance or noncompliance with assessment and treatment. The school under s.
14 345.60 shall notify the department, the county department under s. 51.42 and the
15 person of the person's compliance or noncompliance with the requirements of the
16 school. Nonpayment of the assessment fee or, if the person has the ability to pay,
17 nonpayment of the driver safety plan fee is noncompliance with the court order. If
18 the department is notified of noncompliance, other than for nonpayment of the
19 assessment fee or driver safety plan fee, it shall revoke the person's operating
20 privilege until the county department under s. 51.42 or the school under s. 345.60
21 notifies the department that the person is in compliance with assessment or the
22 driver safety plan. If the department is notified that a person has not paid the
23 assessment fee, or that a person with the ability to pay has not paid the driver safety
24 plan fee, the department shall suspend the person's operating privilege for a period
25 of 2 years or until it receives notice that the person has paid the fee, whichever occurs

1 first. The department shall notify the person of the suspension or revocation, the
2 reason for the suspension or revocation and the person's right to a review. A person
3 may request a review of a revocation based upon failure to comply with a driver safety
4 plan within 10 days of notification. The review shall be handled by the subunit of
5 the department of transportation designated by the secretary. The issues at the
6 review are limited to whether the driver safety plan, if challenged, is appropriate and
7 whether the person is in compliance with the assessment order or the driver safety
8 plan. The review shall be conducted within 10 days after a request is received. If the
9 driver safety plan is determined to be inappropriate, the department shall order a
10 reassessment and if the person is otherwise eligible, the department shall reinstate
11 the person's operating privilege. If the person is determined to be in compliance with
12 the assessment or driver safety plan, and if the person is otherwise eligible, the
13 department shall reinstate the person's operating privilege. If there is no decision
14 within the 10-day period, the department shall issue an order reinstating the
15 person's operating privilege until the review is completed, unless the delay is at the
16 request of the person seeking the review.

17 **SECTION 138.** 343.305 (10) (em) of the statutes is amended to read:

18 343.305 (10) (em) One penalty for improperly refusing to submit to a test for
19 intoxication regarding a person arrested for a violation of s. 346.63 (2m), ~~(2p)~~, or (7)
20 or a local ordinance in conformity therewith is revocation of the person's operating
21 privilege for 6 months. If there was a minor passenger under 16 years of age in the
22 motor vehicle at the time of the incident that gave rise to the improper refusal, the
23 revocation period is 12 months. After the first 15 days of the revocation period, the
24 person is eligible for an occupational license under s. 343.10. Any such improper
25 refusal or revocation for the refusal does not count as a prior refusal or a prior

1 revocation under this section or ss. 343.30 (1q), 343.307 and 346.65 (2). The person
2 shall not be required to submit to and comply with any assessment or driver safety
3 plan under pars. (c) and (d).

4 **SECTION 139.** 343.307 (1) (d) of the statutes is amended to read:

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

13 **SECTION 140.** 343.307 (2) (e) of the statutes is amended to read:

14 343.307 (2) (e) Convictions under the law of another jurisdiction that prohibits
15 a person from refusing chemical testing or using a motor vehicle while intoxicated
16 or under the influence of a controlled substance or controlled substance analog, or
17 a combination thereof; with an excess or specified range of alcohol or
18 tetrahydrocannabinols concentration; while under the influence of any drug to a
19 degree that renders the person incapable of safely driving; or while having a
20 detectable amount of a restricted controlled substance in his or her blood, as those
21 or substantially similar terms are used in that jurisdiction's laws.

22 **SECTION 141.** 343.31 (1) (am) of the statutes is amended to read:

23 343.31 (1) (am) Injury by the operation of a vehicle while under the influence
24 of an intoxicant, tetrahydrocannabinols, a controlled substance or a controlled
25 substance analog, or any combination of an intoxicant, tetrahydrocannabinols, a

1 controlled substance and a controlled substance analog, under the influence of any
2 other drug to a degree which renders him or her incapable of safely driving, or under
3 the combined influence of an intoxicant and any other drug to a degree which renders
4 him or her incapable of safely driving or while the person has a detectable amount
5 of a restricted controlled substance in his or her blood or has a prohibited alcohol or
6 tetrahydrocannabinols concentration and which is criminal under s. 346.63 (2).

7 **SECTION 142.** 343.31 (2) of the statutes is amended to read:

8 343.31 (2) The department shall revoke the operating privilege of any resident
9 upon receiving notice of the conviction of such person in another jurisdiction for an
10 offense therein which, if committed in this state, would have been cause for
11 revocation under this section or for revocation under s. 343.30 (1q). Such offenses
12 shall include violation of any law of another jurisdiction that prohibits a person from
13 using a motor vehicle while intoxicated or under the influence of a controlled
14 substance or controlled substance analog, or a combination thereof; with an excess
15 or specified range of alcohol or tetrahydrocannabinols concentration; while under
16 the influence of any drug to a degree that renders the person incapable of safely
17 driving; or while having a detectable amount of a restricted controlled substance in
18 his or her blood, as those or substantially similar terms are used in that jurisdiction's
19 laws. Upon receiving similar notice with respect to a nonresident, the department
20 shall revoke the privilege of the nonresident to operate a motor vehicle in this state.
21 Such revocation shall not apply to the operation of a commercial motor vehicle by a
22 nonresident who holds a valid commercial driver license issued by another state.

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

24 343.315 (2) (a) 2. Section 346.63 (1) (b) or (5) (a) or a local ordinance in
25 conformity therewith or a law of a federally recognized American Indian tribe or

1 band in this state in conformity with s. 346.63 (1) (b) or (5) (a) or the law of another
2 jurisdiction prohibiting driving or operating a commercial motor vehicle while the
3 person's alcohol concentration is 0.04 or more or with an excess or specified range of
4 alcohol or tetrahydrocannabinols concentration, as those or substantially similar
5 terms are used in that jurisdiction's laws.

6 **SECTION 144.** 343.315 (2) (a) 5. of the statutes is amended to read:

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

15 **SECTION 145.** 343.315 (2) (a) 6. of the statutes is amended to read:

16 343.315 (2) (a) 6. Section 346.63 (2) or (6), 940.09 (1) or 940.25 or a law of a
17 federally recognized American Indian tribe or band in this state in conformity with
18 s. 346.63 (2) or (6), 940.09 (1) or 940.25, or the law of another jurisdiction prohibiting
19 causing or inflicting injury, great bodily harm or death through use of a motor vehicle
20 while intoxicated or under the influence of alcohol, tetrahydrocannabinols, a
21 controlled substance, a controlled substance analog or a combination thereof, or with
22 an alcohol concentration of 0.04 or more or with an excess or specified range of alcohol
23 or 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 the person's blood, as those
2 or substantially similar terms are used in that jurisdiction's laws.

3 **SECTION 146.** 343.315 (2) (bm) 2. of the statutes is amended to read:

4 343.315 (2) (bm) 2. The offense relates to a vehicle operator's alcohol or
5 tetrahydrocannabinols concentration or intoxication or the amount of a restricted
6 controlled substance in the operator's blood.

7 **SECTION 147.** 343.32 (2) (bj) of the statutes is amended to read:

8 343.32 (2) (bj) The scale adopted by the secretary shall assess, for each
9 conviction, 6 demerit points for a violation of s. 346.63 (6), 4 demerit points for a
10 violation of s. 346.63 (2m) or (2p), and 3 demerit points for a violation of s. 346.63 (7)
11 (a) 3. The scale adopted by the secretary shall not assess any demerit points for
12 conviction of a violation of s. 346.63 (5) or (7) (a) 1. or 2.

13 **SECTION 148.** 343.38 (1) (d) 2. of the statutes is amended to read:

14 343.38 (1) (d) 2. Not more than 45 days before applying for reinstatement, the
15 person submits to and complies with an assessment by an approved public treatment
16 facility, as defined in s. 51.45 (2) (c), for examination of the person's use of alcohol,
17 tetrahydrocannabinols, controlled substances, or controlled substance analogs and
18 development of a driver safety plan for the person.

19 **SECTION 149.** 343.44 (1) (a) of the statutes is amended to read:

20 343.44 (1) (a) *Operating while suspended.* No person whose operating privilege
21 has been duly suspended under the laws of this state may operate a motor vehicle
22 upon any highway in this state during the period of suspension or in violation of any
23 restriction on an occupational license issued to the person during the period of
24 suspension. A person's knowledge that his or her operating privilege is suspended
25 is not an element of the offense under this paragraph. In this paragraph, "restriction

1 on an occupational license” means restrictions imposed under s. 343.10 (5) (a) as to
2 hours of the day, area, routes or purpose of travel, vehicles allowed to be operated,
3 use of an ignition interlock device, sobriety or use of alcohol, tetrahydrocannabinols,
4 controlled substances or controlled substance analogs.

5 **SECTION 150.** 343.44 (1) (b) of the statutes is amended to read:

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

16 **SECTION 151.** 344.576 (2) (b) of the statutes is amended to read:

17 344.576 (2) (b) The damage occurs while the renter or authorized driver
18 operates the private passenger vehicle in this state while under the influence of an
19 intoxicant or other drug, as described under s. 346.63 (1) (a), (am), or (b) ~~or~~, or
20 (2p).

21 **SECTION 152.** 346.63 (1) (b) of the statutes is amended to read:

22 346.63 (1) (b) The person has a prohibited alcohol or tetrahydrocannabinols
23 concentration.

24 **SECTION 153.** 346.63 (1) (d) of the statutes is renumbered 346.63 (1) (d) 1. and
25 amended to read:

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

8 **SECTION 154.** 346.63 (1) (d) 2. of the statutes is created to read:

9 346.63 (1) (d) 2. In an action under par. (b) that is based on the defendant
10 allegedly having a prohibited tetrahydrocannabinols concentration, the defendant
11 has a defense if he or she proves by a preponderance of the evidence that at the time
12 of the incident or occurrence he or she had a valid prescription for
13 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6).

14 **SECTION 155.** 346.63 (2) (a) 2. of the statutes is amended to read:

15 346.63 (2) (a) 2. The person has a prohibited alcohol or tetrahydrocannabinols
16 concentration.

17 **SECTION 156.** 346.63 (2) (b) 1. of the statutes is amended to read:

18 346.63 (2) (b) 1. In an action under this subsection, the defendant has a defense
19 if he or she proves by a preponderance of the evidence that the injury would have
20 occurred even if he or she had been exercising due care and he or she had not been
21 under the influence of an intoxicant, tetrahydrocannabinols, a controlled substance,
22 a controlled substance analog or a combination thereof, under the influence of any
23 other drug to a degree which renders him or her incapable of safely driving, or under
24 the combined influence of an intoxicant and any other drug to a degree which renders
25 him or her incapable of safely driving, did not have a prohibited alcohol or

1 tetrahydrocannabinols concentration described under par. (a) 2., or did not have a
2 detectable amount of a restricted controlled substance in his or her blood.

3 **SECTION 157.** 346.63 (2) (b) 2. of the statutes is amended to read:

4 346.63 (2) (b) 2. In an action under par. (a) 3. that is based on the defendant
5 allegedly having a detectable amount of methamphetamine, or
6 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ in his or her blood,
7 the defendant has a defense if he or she proves by a preponderance of the evidence
8 that at the time of the incident or occurrence he or she had a valid prescription for
9 methamphetamine or one of its metabolic precursors, or gamma-hydroxybutyric
10 acid, ~~or delta-9-tetrahydrocannabinol~~.

11 **SECTION 158.** 346.63 (2) (b) 3. of the statutes is created to read:

12 346.63 (2) (b) 3. In an action under par. (a) 2. that is based on the defendant
13 allegedly having a prohibited tetrahydrocannabinols concentration, the defendant
14 has a defense if he or she proves by a preponderance of the evidence that at the time
15 of the incident or occurrence he or she had a valid prescription for
16 tetrahydrocannabinol or he or she was a qualifying patient, as defined in s. 50.80 (6).

17 **SECTION 159.** 346.63 (2p) of the statutes is created to read:

18 346.63 (2p) If a person has not attained the legal age, as defined in s. 961.70
19 (2), the person may not drive or operate a motor vehicle while he or she has a
20 tetrahydrocannabinols concentration of more than 0.0 but not more than 5.0. One
21 penalty for violation of this subsection is suspension of a person's operating privilege
22 under s. 343.30 (1p). The person is eligible for an occupational license under s. 343.10
23 at any time. If a person arrested for a violation of this subsection refuses to take a
24 test under s. 343.305, the refusal is a separate violation and the person is subject to
25 revocation of the person's operating privilege under s. 343.305 (10) (em).