

Senate Bill 76

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CHAPTER 93, LAWS OF 1967

AN ACT to repeal and recreate 151.07 (1) (a) and (12); and to create 151.07 (1) (k), (11m) and (13) of the statutes, relating to control of LSD and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 151.07 (1) (a) and (12) of the statutes are repealed and recreated to read:

151.07 (1) (a) "Dangerous drug" means any of the following:

1. Any drug or drug-containing preparation, the original container of which bears the statement "Caution—federal law prohibits dispensing without prescription."

2. Any preparation which contains barbiturates, sulfonamides, thyroid, cinchophen, neocinchophen, aminopyrine, amphetamine, desoxyephedrine, diethylstilbestrol, ergot or any salts, derivatives, compounds, combinations or mixtures thereof except wherein one or more of the said drugs are in those combinations which by federal law may be dispensed without the prescription of a physician.

3. "Lysergic Acid," "LSD" (lysergic acid diethylamide), "DMT" (N-N-Dimethyltryptamine), peyote, mescaline, psilocyn or psilocybin, or any salts, derivatives, compounds, combinations or mixtures thereof and any substances which are chemically identical with such substances.

(12) Any person who violates this section by illegally using or possessing, without intent to sell, any dangerous drug under this section may, upon a first conviction, be imprisoned not more than one year or fined not more than \$500 or both, and for a 2nd or subsequent conviction under this section may be imprisoned not more than 2 years or fined not less than \$250 nor more than \$1,000 or both.

(b) Any person who is convicted of illegal possession, sale, furnishing or transportation of any dangerous drug defined under this section in the capacity of a supplier may be imprisoned not more than 5 years or fined not more than \$5,000 or both.

(c) Whoever, with intent that a violation of this section be committed, advises, induces or encourages directly or by any other means, another to commit a violation of this section under circumstances which indicate unequivocally that he has such intent may be fined not more than \$2,500 or imprisoned not more than 5 years or both.

SECTION 2. 151.07 (1) (k), (11m) and (13) of the statutes are created to read:

151.07 (1) (k) "Supplier" means any unauthorized person who manufactures, sells or gives any dangerous drug defined under this section for the use of any person for whom such drug has not been prescribed by a practitioner or who in any way delivers such contraband material to anyone he intends to induce to become a user.

(11m) The provisions of this section do not apply to the nondrug-use of peyote and mescaline in the bona fide religious ceremonies of the Native American church.

(13) In any complaint, information or indictment, and in any action or proceeding brought for the enforcement of any provision of this section, it shall not be necessary to negate any exception, excuse, proviso or exemption, contained in this section and the burden of proof of any such exception, excuse, proviso or exemption, shall be upon the defendant.

Approved July 27, 1967.