

# State of Wisconsin



2005 Senate Bill 294

Date of enactment: **December 15, 2005**  
Date of publication\*: **December 29, 2005**

## 2005 WISCONSIN ACT 52

AN ACT *to renumber* 961.01 (1); *to amend* 961.14 (5) (ag), 961.41 (1) (hm) (intro.), 961.41 (1m) (hm) (intro.), 961.41 (2) (bm) and 961.41 (3g) (f); and *to create* 961.01 (1g) and 961.01 (11s) of the statutes; **relating to:** defining certain uses of gamma-butyrolactone and 1,4-butanediol as controlled substances.

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

**SECTION 1.** 961.01 (1) of the statutes is renumbered 961.01 (1r).

**SECTION 2.** 961.01 (1g) of the statutes is created to read:

961.01 (1g) “1,4-butanediol” means 1,4-butanediol as packaged, marketed, manufactured, or promoted for human consumption, but does not include 1,4-butanediol intended for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes.

**SECTION 3.** 961.01 (11s) of the statutes is created to read:

961.01 (11s) “Gamma-butyrolactone” means gamma-butyrolactone as packaged, marketed, manufactured, or promoted for human consumption, but does not include gamma-butyrolactone intended for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes.

**SECTION 4.** 961.14 (5) (ag) of the statutes is amended to read:

961.14 (5) (ag) Gamma-hydroxybutyric acid (commonly known as gamma hydroxybutyrate or “GHB”) and gamma-butyrolactone, and 1,4-butanediol.

**SECTION 5.** 961.41 (1) (hm) (intro.) of the statutes is amended to read:

961.41 (1) (hm) *Certain other schedule I controlled substances and ketamine.* (intro.) If the person violates this subsection with respect to gamma-hydroxybutyric acid, gamma-butyrolactone, 1,4-butanediol, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 1,4-butanediol, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine and the amount manufactured, distributed, or delivered is:

**SECTION 6.** 961.41 (1m) (hm) (intro.) of the statutes is amended to read:

961.41 (1m) (hm) *Certain other schedule I controlled substances and ketamine.* (intro.) If the person violates this subsection with respect to gamma-hydroxybutyric acid, gamma-butyrolactone, 1,4-butanediol, 3,4-methylenedioxymethamphetamine 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 1,4-butanediol, 3,4-methylenedioxymethamphetamine 4-bromo-2,5-dimethoxy-

\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

beta-phenylethylamine, or 4-methylthioamphetamine is subject to the following penalties if the amount possessed, with intent to manufacture, distribute, or deliver is:

**SECTION 7.** 961.41 (2) (bm) of the statutes is amended to read:

961.41 (2) (bm) *Counterfeit of phencyclidine and certain other drugs.* If a person violates this subsection with respect to a counterfeit substance that is a counterfeit of phencyclidine, methamphetamine, lysergic acid diethylamide, gamma-hydroxybutyric acid, gamma-butyrolactone, 1,4-butanediol, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, or ketamine, the person is subject to the applicable fine and imprisonment for manufacture, distribution, delivery, or posses-

sion with intent to manufacture, distribute, or deliver, of the genuine controlled substance under sub. (1) or (1m).

**SECTION 8.** 961.41 (3g) (f) of the statutes is amended to read:

961.41 (3g) (f) *Gamma-hydroxybutyric acid, gamma-butyrolactone, 1,4-butanediol, ketamine, or flunitrazepam.* If a person possesses or attempts to possess gamma-hydroxybutyric acid, gamma-butyrolactone, 1,4-butanediol, ketamine or flunitrazepam, the person is guilty of a Class H felony.

**SECTION 9. Initial applicability.**

(1) The treatment of section 961.01 (11s) of the statutes first applies to cases in which a judgment of conviction has not yet been entered as of the effective date of this subsection.

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