



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2005 Assembly Bill 214**

**Assembly Amendment 1**

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*Assembly Bill 214* provides that it is a Class A misdemeanor to possess a hazardous substance with the intent to abuse the hazardous substance or to intentionally abuse a hazardous substance. Also, under the bill, it is a Class I felony to distribute, or possess with intent to distribute, a hazardous substance, knowing or having reason to know that the hazardous substance will be abused.

The bill defines “hazardous substance” using the meaning provided in s. 100.37, Stats., which regulates the sale of hazardous substances. The bill also includes in the definition of “hazardous substance” any substance or mixture of substances that has the capacity to produce personal injury or illness to a person who abuses the substance. Under s. 100.37, Stats., “hazardous substance” means: (1) any substance or mixture of substances that is toxic, corrosive, an irritant, a strong sensitizer, or flammable or combustible, or that generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children; (2) any substances which the Department of Agriculture, Trade and Consumer Protection (DATCP) finds by rule to be a hazardous substance under the conditions specified above; (3) any radioactive substance if DATCP determines by rule that the substance is sufficiently hazardous to require labeling in order to protect public health; and (4) any toy or other article intended for use by children which DATCP determines by rule to present an electrical, mechanical, or thermal hazard or to contain a toxic substance.

*Assembly Amendment 1* provides that the definition of “hazardous substance” also includes any household product or any mixture of household products. “Household product” means any food, drug, device, or cosmetic or any article, product, or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of consumption or use.

**Legislative History**

Representative Bies offered Assembly Amendment 1 on March 16, 2005. The Assembly Committee on Criminal Justice and Homeland Security recommended adoption of the amendment on a vote of Ayes, 11; Noes, 0, and recommended passage of the bill, as amended, on a vote of Ayes, 11; Noes, 0, on May 18, 2005.

AS:ksm