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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Senate Bill 242**

**Senate Amendment 1**

### 2021 SENATE BILL 242

Senate Bill 242 creates a new crime related to recklessly<sup>1</sup> handling vaccines or other similar products.

Specifically, under the bill, it is a Class I felony to recklessly handle, store, or treat a vaccine, drug, or any other biologic product used as a therapeutic treatment in a manner that may render the vaccine, drug, or product unsafe, tainted, spoiled, ineffective, or otherwise unusable.

### SENATE AMENDMENT 1

Senate Amendment 1 modifies the elements of the crime and specifies circumstances in which the crime does not apply.

First, the amendment changes the crime's required mental state from "reckless" to "intentional" and adds "destroys" to the list of prohibited acts. Thus, under the amendment, it is a Class I felony to destroy, handle, store, or treat a vaccine, drug, or any other biologic product used as a therapeutic treatment with intent to render the vaccine, drug, or product unsafe, tainted, spoiled, ineffective, or otherwise unusable.

Second, the amendment specifies that this crime does not apply to the disposal of expired or recalled vaccines, drugs, or other products.

### BILL HISTORY

Senators Stroebel and Wimberger offered Senate Amendment 1 on May 7, 2021. On June 2, 2021, the Senate Committee on Judiciary and Public Safety recommended adoption of the amendment on a vote of Ayes, 7; Noes, 0; and passage of the bill, as amended, on a vote of Ayes, 6; Noes, 1.

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<sup>1</sup> Under Wisconsin criminal law, a person acts "recklessly" when he or she creates an unreasonable and substantial risk of death or great bodily harm to another human being and is aware of that risk. [s. 939.24, Stats.]