

# State of Wisconsin



2021 Assembly Bill 440

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

AN ACT to create 961.41 (1) (gt), 961.41 (1m) (gt) and 961.41 (3g) (dt) of the statutes; relating to: butane extraction of resin from marijuana plants and providing a penalty.

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

**SECTION 1.** 961.41 (1) (gt) of the statutes is created to read:

961.41 (1) (gt) *Manufacturing by butane extraction.* If the person violates this subsection by manufacturing marijuana, or by separating plant resin from a marijuana plant, either directly or indirectly, by butane or other similar fuel extraction, the person is guilty of a Class E felony.

**SECTION 2.** 961.41 (1m) (gt) of the statutes is created to read:

961.41 (1m) (gt) *Manufacturing by butane extraction.* If the person violates this subsection by manufacturing marijuana, or by separating plant resin from a marijuana plant, either directly or indirectly, by butane or other similar fuel extraction, the person is guilty of a Class E felony.

**SECTION 3.** 961.41 (3g) (dt) of the statutes is created to read:

961.41 (3g) (dt) *Resin separated through butane extraction.* 1. If a person possesses or attempts to possess

plant resin that has been directly or indirectly separated from a marijuana plant by butane or other similar fuel extraction, the person may be fined not more than \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and is guilty of one of the following for a 2nd or subsequent offense:

- a. If the amount involved is 3 grams or less, a Class H felony.
- b. If the amount involved is more than 3 grams but not more than 10 grams, a Class G felony.
- c. If the amount involved is more than 10 grams but not more than 50 grams, a Class F felony.
- d. If the amount involved is more than 50 grams, a Class E felony.

2. For purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

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\* Section 991.11, WISCONSIN STATUTES: 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."