State of Misconsin 2019 - 2020 LEGISLATURE

LRB-2592/1 CMH:ahe

2019 ASSEMBLY BILL 236

May 24, 2019 - Introduced by Representatives Sortwell, Felzkowski, Magnafici, Quinn, Duchow and Edming, cosponsored by Senator Bernier. Referred to Committee on State Affairs.

AN ACT to amend 175.35 (2g) (c) 3.; and to create 146.901 and 175.60 (9g) (a)

2m. of the statutes; relating to: persons who use medical marijuana legally
and possession of a firearm and confidentiality of the registry status of a person
on a medical marijuana registry.

Analysis by the Legislative Reference Bureau

Under current law, when a person purchases a handgun, the firearms dealer may not transfer the handgun to the purchaser until the dealer requests the Department of Justice to conduct a firearms restrictions record search to determine if the purchaser is prohibited from possessing a firearm under state or federal law. DOJ must conduct an identical search on a person who applies for a license to carry a concealed weapon. This bill prohibits DOJ, when conducting a search to determine if a person is prohibited from possessing a firearm, from considering if the person participates in a medical marijuana program that is legal under state or federal law.

This bill also prohibits the Department of Health Services from disclosing to any federal agency the registry status of a person who participates in a medical marijuana registry program that is legal under state or federal law.

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

Section 1. 146.901 of the statutes is created to read:

ASSEMBLY BILL 236

146.901 Confidentiality of medical marijuana registry. The department may not disclose to any federal agency any information regarding the registry status of a person who participates in a medical marijuana registry program that is legal under a state or federal law.

Section 2. 175.35 (2g) (c) 3. of the statutes is amended to read:

175.35 (2g) (c) 3. The department to conduct the firearms restrictions record search regarding the transferee. The rules shall include, but not be limited to, a requirement that the department use the transaction information for management of enforcement system and the national crime information center system and a requirement that the department, in making a determination of whether the transferee is prohibited from possessing a firearm, may not consider the transferee's status in a medical marijuana program that is legal under state or federal law.

Section 3. 175.60 (9g) (a) 2m. of the statutes is created to read:

175.60 (**9g**) (a) 2m. The department, in making a determination of whether the applicant is prohibited from possessing a firearm, may not consider the applicant's status in a medical marijuana program that is legal under state or federal law.

(END)