

State of Wisconsin



2011 Senate Bill 54

Date of enactment: **June 24, 2011**
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2011 WISCONSIN ACT 31

AN ACT *to amend* 961.14 (4) (intro.), 961.14 (4) (x), 961.14 (7) (intro.), 961.41 (1) (e) (intro.), 961.41 (1m) (e) (intro.) and 961.41 (3g) (d); and *to create* 59.54 (25g), 66.0107 (1) (bn), 961.14 (4) (tb), 961.14 (4) (te), 961.14 (4) (th), 961.14 (4) (tL), 961.14 (4) (tp), 961.14 (4) (tr), 961.14 (4) (tu), 961.14 (4) (ty), 961.14 (4) (wgm), 961.14 (7) (m), 961.14 (7) (n) and 961.41 (3g) (em) of the statutes; **relating to**: certain controlled substances and providing a penalty.

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

SECTION 1. 59.54 (25g) of the statutes is created to read:

59.54 (25g) POSSESSION OF A SYNTHETIC CANNABINOID. The board may enact and enforce an ordinance to prohibit the possession of any controlled substance specified in s. 961.14 (4) (tb) to (ty), and provide a forfeiture for a violation of the ordinance, except that any person who is charged with possession of a controlled substance specified in s. 961.14 (4) (tb) to (ty) following a conviction for possession of a controlled substance in this state shall not be prosecuted under this subsection. Any ordinance enacted under this subsection applies in every municipality within the county.

SECTION 2. 66.0107 (1) (bn) of the statutes is created to read:

66.0107 (1) (bn) Enact and enforce an ordinance to prohibit the possession of a controlled substance specified in s. 961.14 (4) (tb) to (ty) and provide a forfeiture for a violation of the ordinance, except that any person who is charged with possession of a controlled substance specified in s. 961.14 (4) (tb) to (ty) following a conviction

for possession of a controlled substance in this state shall not be prosecuted under this paragraph.

SECTION 3. 961.14 (4) (intro.) of the statutes is amended to read:

961.14 (4) HALLUCINOGENIC SUBSTANCES. (intro.) Any material, compound, mixture or preparation which contains any quantity of any of the following hallucinogenic substances, including any of their salts, isomers, precursors, analogs, esters, ethers, and salts of isomers, esters, or ethers that are theoretically possible within the specific chemical designation, in any form ~~including a substance, salt, isomer or salt of an isomer~~ contained in a plant, obtained from a plant, or chemically synthesized:

SECTION 4. 961.14 (4) (tb) of the statutes is created to read:

961.14 (4) (tb) Cannabicyclohexonal: 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methylnan-2-yl)phenol.

SECTION 5. 961.14 (4) (te) of the statutes is created to read:

961.14 (4) (te) CP47,497 and homologues: 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methylotant-2-yl)phenol.

* Section 991.11, WISCONSIN STATUTES 2009-10 : 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].

SECTION 6. 961.14 (4) (th) of the statutes is created to read:

961.14 (4) (th) HU-210: [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol)], also known as (6aR,10aR)-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol.

SECTION 7. 961.14 (4) (tL) of the statutes is created to read:

961.14 (4) (tL) JWH-018: 1-pentyl-3-(1-naphthyl)indole, also known as Naphthalen-1-yl-(1-pentylindol-3-yl)methanone.

SECTION 8. 961.14 (4) (tp) of the statutes is created to read:

961.14 (4) (tp) JWH-073: 1-butyl-3-(1-naphthyl)indole, also known as Naphthalen-1-yl-(1-butylindol-3-yl)methanone.

SECTION 9. 961.14 (4) (tr) of the statutes is created to read:

961.14 (4) (tr) JWH-081: 1-pentyl-3-(4-methoxy-1-naphthyl)indole, also known as 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone.

SECTION 10. 961.14 (4) (tu) of the statutes is created to read:

961.14 (4) (tu) JWH-200: 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthyl)indole.

SECTION 11. 961.14 (4) (ty) of the statutes is created to read:

961.14 (4) (ty) JWH-250: 1-pentyl-3-(2-methoxyphenylacetyl)indole, also known as 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone.

SECTION 12. 961.14 (4) (wgm) of the statutes is created to read:

961.14 (4) (wgm) 4-iodo-2,5-dimethoxy-beta-phenylethylamine, commonly known as "2C-I".

SECTION 13. 961.14 (4) (x) of the statutes is amended to read:

961.14 (4) (x) 4-methoxyamphetamine, commonly known as "PMA."

SECTION 14. 961.14 (7) (intro.) of the statutes is amended to read:

961.14 (7) STIMULANTS. (intro.) Any material, compound, mixture or preparation which contains any quantity of any of the following substances having a stimulant effect on the central nervous system, including any of their precursors, analogs, salts, isomers and salts of isomers that are theoretically possible within the specific chemical designation:

SECTION 15. 961.14 (7) (m) of the statutes is created to read:

961.14 (7) (m) Methylendioxypropylvalerone, commonly known as "MDPV."

SECTION 16. 961.14 (7) (n) of the statutes is created to read:

961.14 (7) (n) 4-methylmethcathinone, commonly known as "mephedrone" or "4-MMC."

SECTION 17. 961.41 (1) (e) (intro.) of the statutes is amended to read:

961.41 (1) (e) *Phencyclidine, amphetamine, methamphetamine, and methcathinone, methylendioxypropylvalerone, and 4-methylmethcathinone.* (intro.) If the person violates this subsection with respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, methylendioxypropylvalerone, or 4-methylmethcathinone, or a controlled substance analog of phencyclidine, amphetamine, methamphetamine, or methcathinone, methylendioxypropylvalerone, or 4-methylmethcathinone, and the amount manufactured, distributed, or delivered is:

SECTION 18. 961.41 (1m) (e) (intro.) of the statutes is amended to read:

961.41 (1m) (e) *Phencyclidine, amphetamine, methamphetamine, and methcathinone, methylendioxypropylvalerone, and 4-methylmethcathinone.* (intro.) If a person violates this subsection with respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, methylendioxypropylvalerone, or 4-methylmethcathinone, or a controlled substance analog of phencyclidine, amphetamine, methamphetamine, or methcathinone, methylendioxypropylvalerone, or 4-methylmethcathinone, and the amount possessed, with intent to manufacture, distribute, or deliver, is:

SECTION 19. 961.41 (3g) (d) of the statutes is amended to read:

961.41 (3g) (d) *Certain hallucinogenic and stimulant drugs.* If a person possesses or attempts to possess lysergic acid diethylamide, phencyclidine, amphetamine, methcathinone, methylendioxypropylvalerone, 4-methylmethcathinone, psilocin or psilocybin, or a controlled substance analog of lysergic acid diethylamide, phencyclidine, amphetamine, methcathinone, methylendioxypropylvalerone, 4-methylmethcathinone, psilocin or psilocybin, the person may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. 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.

SECTION 20. 961.41 (3g) (em) of the statutes is created to read:

961.41 (3g) (em) *Synthetic cannabinoids*. If a person possesses or attempts to possess a controlled substance specified in s. 961.14 (4) (tb) to (ty), or a controlled substance analog of a controlled substance specified in s. 961.14 (4) (tb) to (ty), 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 a Class I felony for a 2nd or subsequent offense. 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.
