

No. 382, S.]

[Published July 15, 1959.

**CHAPTER 185**

**AN ACT to repeal and recreate 161.275 of the statutes, relating to prohibited uses of marijuana and providing a penalty.**

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

161.275 of the statutes is repealed and recreated to read:

**161.275 MARIJUANA, POSSESSION AND USE; EVIDENCE; PENALTIES.** (1) It is unlawful for any person to grow, cultivate, mix, compound, have control of, prepare, possess, prescribe, sell, give away, administer or dispense marijuana or hemp or the leaves or seeds thereof, or any infusion of marijuana or hemp, or of its leaves or seeds, for beverage or smoking purposes. Any person violating this subsection shall be imprisoned not more than 10 years.

(2) No person shall sell, give, prescribe, administer, or dispense any marijuana for smoking or beverage purposes to any person under the age of 21 years. Any person violating this subsection shall be imprisoned not less than 3 years nor more than 25 years for the first offense; not less than 5 years nor more than for life for the second offense; for life for the third or subsequent offense.

(3) No person shall use marijuana or hemp or the leaves or seeds thereof, or any infusion of marijuana or hemp or of its leaves or seeds, for smoking or beverage purposes. The possession of marijuana or hemp or the leaves or seeds thereof in a form suitable for smoking shall be prima facie evidence that it is intended for smoking purposes. Any person violating this subsection shall upon conviction be imprisoned not more than 5 years.

Approved July 10, 1959.