



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 116
[2005 Assembly Bill 307]

**Municipal Drug Paraphernalia
Ordinances**

Prior to Act 116, a city, village, or town was authorized to enact and enforce ordinances prohibiting the possession, manufacture, or delivery of drug paraphernalia by a person **under** the age of 17 if the ordinances prohibited the same conduct that is prohibited under state statutes relating generally to the possession, manufacture, and delivery of drug paraphernalia. Counties have authority to enact ordinances prohibiting the possession, manufacture, or delivery of drug paraphernalia and matching similar prohibitions under state law, regardless of the age of the offender. See s. 59.54 (25m), Stats., as affected by 2005 Wisconsin Act 90.

Act 116 authorizes a city, village, or town to enact and enforce an ordinance prohibiting the possession, manufacture, or delivery of drug paraphernalia by persons 17 years of age and older. As with prior authorization applicable to persons under 17, the ordinance must prohibit the same conduct that is prohibited under state statutes relating generally to the possession, manufacture, and delivery of drug paraphernalia. The penalty for violating a local ordinance is a civil forfeiture.

Effective Date: Act 116 became effective March 16, 2006.

Prepared by: Don Dyke, Chief of Legal Services

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.