



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 332
[2015 Assembly Bill 557]

**Chemical Analysis of Heroin
Metabolite in Blood**

The statutes provide when a court must treat the chemical analysis of a person's blood for a detectable amount of a "restricted controlled substance" as *prima facie* evidence that the person has a detectable amount in his or her blood, without requiring any expert testimony as to the restricted controlled substance's effect. Specifically, the court must do so in any action or proceeding in which it is material to prove that a person had a detectable amount of a restricted controlled substance in his or her blood while: (1) operating or driving a motor vehicle or, if the vehicle is a commercial motor vehicle, on duty time; (2) operating a motorboat, except a sailboat operating under sail alone; (3) operating a snowmobile; (4) operating an all-terrain vehicle or utility terrain vehicle; or (5) handling a firearm.

Under prior law, a "restricted controlled substance" was defined to mean any of the following:

- A controlled substance included in Schedule I of the Controlled Substances Act, other than a tetrahydrocannabinol.
- A controlled substance analog, as defined in the Controlled Substances Act.
- Cocaine or any of its metabolites.
- Methamphetamine.
- Delta-9-tetrahydrocannabinol.

2015 Wisconsin Act 332 (the Act) adds heroin metabolite 6-monoacetylmorphine to the definition of a "restricted controlled substance." Consequently, under the Act, a court must treat the chemical analysis of a person's blood for a detectable amount of such heroin metabolite as *prima facie* evidence that the person has a detectable amount in his or her blood. The Act first applies to violations committed or refusals occurring on April 1, 2016, but does not preclude the

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.wisconsin.gov>.

counting of other violations, convictions, suspensions, or revocations for purposes of administrative action by the Department of Transportation, sentencing by a court, or revocation or suspension of motor vehicle operating privileges.

Effective date: The Act took effect on April 1, 2016.

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