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LRB-3254/1 MGD:jld:kjf

2001 ASSEMBLY BILL 425

May 31, 2001 – Introduced by Representatives Walker, Suder, Albers, Jeskewitz, Krawczyk, Ladwig, McCormick, Nass, Owens, Stone, Sykora, Townsend and Vrakas, cosponsored by Senators Darling and Harsdorf. Referred to Committee on Criminal Justice.

AN ACT to amend subchapter VI (title) of chapter 961 [precedes 961.571]; and

to create 961.58 of the statutes; **relating to:** substances used to induce false negative drug tests and providing a penalty.

Analysis by the Legislative Reference Bureau

With certain limited exceptions, current law prohibits the possession, manufacture, distribution, and delivery of controlled substances. In addition, current law prohibits the possession, manufacture, and delivery of drug paraphernalia. Current law also permits, and in certain circumstances requires, the administration of a test for the use of controlled substances (drug test) for law enforcement purposes, in connection with certain government benefits programs, and for other purposes.

This bill prohibits a person from manufacturing, advertising, selling, delivering, or possessing with intent to advertise, sell, or deliver any product (a masking agent) with the intent that it be used to produce a false negative drug test result. A person who violates this prohibition may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. The bill also prohibits a person from using or possessing with intent to use a masking agent with the intent to produce a false negative drug test result. A person who violates this prohibition may be fined not more than \$500 or imprisoned for not more than 30 days or both.

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

ASSEMBLY BILL 425

1	SECTION 1. Subchapter VI (title) of chapter 961 [precedes 961.571] of the
2	statutes is amended to read:
3	CHAPTER 961
4	SUBCHAPTER VI
5	DRUG PARAPHERNALIA <u>AND RELATED</u>
6	<u>PROVISIONS</u>
7	Section 2. 961.58 of the statutes is created to read:
8	961.58 Masking agents. (1) (a) No person may manufacture, advertise, sell,
9	deliver, or possess with intent to advertise, sell, or deliver any product with the intent
10	that it be used to produce a false negative result on a test for the use of a controlled
11	substance.
12	(b) A person who violates par. (a) may be fined not more than \$1,000 or
13	imprisoned for not more than 90 days or both.
14	(2) (a) No person may use or possess with intent to use any product described
15	in sub. (1) (a) with the intent to produce a false negative result on a test for the use
16	of a controlled substance.
17	(b) A person who violates par. (a) may be fined not more than \$500 or
18	imprisoned for not more than 30 days or both.
19	(END)