



2023 SENATE BILL 931

January 19, 2024 - Introduced by Senators JAMES, HESSELBEIN, WANGGAARD and TAYLOR, cosponsored by Representatives DONOVAN, ORTIZ-VELEZ, ALLEN, C. ANDERSON, BROOKS, CABRERA, CONLEY, DUCHOW, EDMING, KITCHENS, MAXEY, MELOTIK, NEDWESKI, SCHMIDT, SINICKI, STUBBS, WICHGERS, DITTRICH and PALMERI. Referred to Committee on Judiciary and Public Safety.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT to create** 961.573 (4) and 961.574 (4) of the statutes; **relating to:** pill
2 tableting devices, pill encapsulation devices, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is a crime to use, or possess with the intent to use, drug paraphernalia, which means all equipment, products, and materials that are used, designed for use, or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or controlled substance analog. Under current law, pill tableting devices, commonly known as pill presses, and pill encapsulators are not specifically enumerated as drug paraphernalia but meet the definition of drug paraphernalia nonetheless. Possession of drug paraphernalia is punishable by a \$500 fine or imprisonment for up to 30 days or both.

This bill provides that no person may possess a pill tableting device or a pill encapsulating device unless any of the following applies:

1. The person is licensed, or is an employee of a person licensed, under ch. 89, 450, or 466, stats., and the possession is in accordance with the person's license or employment.

2. The person is conducting research or is involved in a program of study at an institution of higher education and the possession occurs in the course of conducting research or completing the program of study.

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The bill also provides that no person may deliver, possess with intent to deliver, or manufacture with intent to deliver a pill tableting device or a pill encapsulating device unless any of the following applies:

1. The recipient of the device is licensed under ch. 89, 450, or 466 or is an employee of a person licensed under ch. 89, 450, or 466 and receipt of the device is in accordance with the person's license or employment.

2. The person is conducting research or is involved in a program of study at an institution of higher education and the possession occurs in the course of conducting research or completing the program of study.

Under the bill, any prohibited possession or delivery of a pill tableting or pill encapsulating device is punishable by a fine of up to \$10,000 or imprisonment for up to nine months, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

1 **SECTION 1.** 961.573 (4) of the statutes is created to read:

2 961.573 (4) (a) No person may possess a pill tableting device or a pill
3 encapsulating device unless any of the following applies:

4 1. The person is licensed under ch. 89, 450, or 466 or is an employee of a person
5 licensed under ch. 89, 450, or 466 and the possession is in accordance with the
6 person's license or employment.

7 2. The person is conducting research or is involved in a program of study at an
8 institution of higher education, as defined in s. 39.395 (1), and the possession occurs
9 in the course of conducting research or completing the program of study.

10 (b) Any person who violates par. (a) may be fined not more than \$10,000 or
11 imprisoned for not more than 9 months or both.

12 **SECTION 2.** 961.574 (4) of the statutes is created to read:

