
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 180
[2021 Senate Bill 600]

**Decriminalizing
Fentanyl Testing Strips**

BACKGROUND

Wisconsin's controlled substances laws prohibit certain acts involving drug paraphernalia. For example, state law prohibits a person from using or delivering drug paraphernalia for the purpose of engaging in certain acts with controlled substances, such as planting, growing, testing, or ingesting a controlled substance. The penalties for violating the prohibitions involving drug paraphernalia range from a misdemeanor to a Class G felony, depending on the type of controlled substance involved and whether certain provisions involving minors apply.

State law defines "drug paraphernalia" to include, among other equipment, testing equipment used, designed for use or primarily intended for use in identifying, or in analyzing the strength, effectiveness or purity of, controlled substances or controlled substance analogs.

2021 WISCONSIN ACT 180

2021 Wisconsin Act 180 effectively exempts fentanyl testing strips from the definition of drug paraphernalia, thereby decriminalizing certain acts related to their use. Specifically, under the act, the definition of drug paraphernalia excludes any materials used or intended for use in testing for the presence of fentanyl or a fentanyl analog in a substance.

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