



Legislation Details (With Text)

**File #:** 62420      **Version:** 1      **Name:** Create exception for cannabis  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/30/2020      **In control:** Attorney's Office  
**On agenda:** 11/17/2020      **Final action:** 11/17/2020  
**Enactment date:** 12/4/2020      **Enactment #:** ORD-20-00110

**Title:** Amending Section 23.201(1) of the Madison General Ordinances to create an exception for possession of drug paraphernalia for cannabis and cannabis derivatives use.

**Sponsors:** Satya V. Rhodes-Conway, Michael E. Verveer, Max Prestigiacomio, Zachary Henak, Marsha A. Rummel, Michael J. Tierney, Grant Foster, Patrick W. Heck, Rebecca Kemble, Sheri Carter, Keith Furman, Tag Evers, Shiva Bidar, Lindsay Lemmer, Arvina Martin, Syed Abbas, Barbara Harrington-McKinney

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/17/2020	1	COMMON COUNCIL	Adopt	Pass
10/14/2020	1	PUBLIC SAFETY REVIEW COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
10/6/2020	1	COMMON COUNCIL	Refer	Pass
9/30/2020	1	Attorney's Office	Referred for Introduction	

No fiscal impact.

Amending Section 23.201(1) of the Madison General Ordinances to create an exception for possession of drug paraphernalia for cannabis and cannabis derivatives use.

DRAFTER'S ANALYSIS: This ordinance creates an exception for possession of drug paraphernalia if possession is permitted for use of cannabis or cannabis derivatives under MGO Sec. 23.20. MGO Sec. 23.20 permits a person who is eighteen (18) years of age or older to possess cannabis or cannabis derivatives in an amount not to exceed twenty-eight (28) grams on public property with the permission of the property owner, landlord or tenant or on private property.

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The Common Council of the City of Madison do hereby ordain as follows:

Subsection (1) of Section 23.201 entitled "Possession of Drug Paraphernalia" of the Madison General Ordinances is amended to read as follows:

**"23.201 POSSESSION OF DRUG PARAPHERNALIA.**

- (1) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of Chapter 961, Wis. Stats. Any person who violates this section is subject to a forfeiture of not more than \$500. This

section does not apply to individuals possessing drug paraphernalia or other items covered in this section if said possession is for the use of cannabis or cannabis derivatives as authorized under Madison General Ordinance Sec. 23.20.”