

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB206)

Received: **01/15/2010**

Received By: **btradewe**

Wanted: **01/20/2010**

Identical to LRB:

For: **Louis Molepske Jr (608) 267-9649**

By/Representing: **Abby Van de Borgert**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - other
Criminal Law - drugs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Molepske@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorize production and procesing of industrial hemp

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	btradewe 01/19/2010	nmatzke 01/19/2010	jfrantze 01/19/2010	_____	sbasford 01/19/2010	sbasford 01/19/2010	
/2	btradewe 01/19/2010	nmatzke 01/19/2010	phenry 01/20/2010	_____	sbasford 01/20/2010	sbasford 01/20/2010	

FE Sent For:

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/?	btradewe	/1 nwn 1/1/19	JF 1/1/19	PH 1/1/19			
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FE Sent For:

<END>

Tradewell, Becky

From: Van de Bogert, Abigail
Sent: Friday, January 15, 2010 2:38 PM
To: Tradewell, Becky
Subject: Rep. Molepske amendment request for AB 206

Hi Becky,

Rep. Molepske has asked me to place a request for an amendment to be drafted to AB 206 (creating a committee to study the uses of industrial hemp). He would like his amendment "to remove all barriers to the industrial production of hemp." I have put this information below in the outline of a bill draft request.

I realize you are busy and apologize for this, but he would like to put in a rush request for this. The bill is up for exec on Thursday and he would like to have the amendment ready by then if it is at all possible.

If you have any questions please don't hesitate to call me at the office, 7-9649. Thank you.

Thank you,
Abby Van de Bogert

Date: 1/15/10

Legislator requesting the draft: Rep. Molepske

Person submitting request: Abby Van de Bogert, 7-9649

Person to contact for questions: Abby Van de Bogert, 7-9649

The problem/solution: Rep. Molepske would like to remove all barriers to the production of industrial hemp.

Additional materials: http://www.votehemp.com/state/north_dakota.html is the North Dakota law. Maine modeled their law after this one, which has the law, Agriculture Department regulations, and licensing forms.

There are historical documents that may be helpful available at <http://www.votehemp.com/state/wisconsin.html>

Confidentiality: Please do not tell others that we are working on this.

Urgency: Yes, we consider this request urgent, because the bill is coming up for executive hearing on 1/21/09.

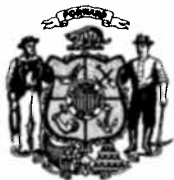
CHAPTER 4-41 INDUSTRIAL HEMP

4-41-01. Industrial hemp (cannabis sativa l.) - Oilseed. Industrial hemp (cannabis sativa l.), having no more than three-tenths of one percent tetrahydrocannabinol, is recognized as an oilseed. Upon meeting the requirements of section 4-41-02, any person in this state may plant, grow, harvest, possess, process, sell, and buy industrial hemp (cannabis sativa l.) having no more than three-tenths of one percent tetrahydrocannabinol.

4-41-02. Industrial hemp - Licensure - Reporting requirements - Continuing appropriation.

1. Any person desiring to grow or process industrial hemp for commercial purposes or research shall apply to the agriculture commissioner for a license on a form prescribed by the commissioner. The application for a license must include the name and address of the applicant and the legal description of the land area to be used to produce or process industrial hemp. Except for employees of the state seed department, the agricultural experiment station, or the North Dakota state university extension service involved in research and extension-related activities, the commissioner shall require each applicant for initial licensure to submit to a statewide and nationwide criminal history check. The nationwide criminal history check must be conducted in the manner provided in section 12-60-24. All costs associated with the background check are the responsibility of the applicant. Criminal history records provided to the commissioner under this section are confidential. The commissioner may use the records only in determining an applicant's eligibility for licensure. Any person with a prior criminal conviction is not eligible for licensure. If the applicant has completed the application process to the satisfaction of the commissioner, the commissioner shall issue the license, which is valid for a period of one year. Any person licensed under this section is presumed to be growing or processing industrial hemp for commercial purposes or research. A license required by this section is not conditioned on or subject to review or approval by the United States drug enforcement agency. This subsection does not apply to any person licensed by the United States drug enforcement agency to conduct research.
2. Each licensee must file with the commissioner documentation indicating that the seeds planted were of a type and variety certified to have no more than three-tenths of one percent tetrahydrocannabinol and a copy of any contract to grow industrial hemp. Each licensee shall notify the commissioner of the sale or distribution of any industrial hemp grown by the licensee, and the names of the persons to whom the hemp was sold or distributed.
3. The commissioner shall adopt rules to allow the industrial hemp to be tested during growth for tetrahydrocannabinol levels and to allow for supervision of the industrial hemp during its growing, harvesting, and processing. To provide sufficient funds to pay costs associated with monitoring and testing industrial hemp in the state, the commissioner shall assess each applicant a fee of five dollars per acre. The minimum fee assessed must be one hundred fifty dollars per applicant. Collections from this fee must be deposited in the commissioner's operating fund and are appropriated to the commissioner to be used to enforce this chapter.

4-41-03. Industrial hemp seed - Authority to import and sell. North Dakota state university and any other person licensed under this chapter may import and resell industrial hemp seed that has been certified as having no more than three-tenths of one percent tetrahydrocannabinol.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0245/1
RCT:f:....
nwn

Wed 8 a.m.

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2009 ASSEMBLY BILL 206

OWete

SAV
X-ref ✓

Gen.

1 AN ACT ...; relating to: growing and processing industrial hemp, granting
2 rule-making authority, and making an appropriation.

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

3 SECTION 1. 20.115[^](7) (gc) of the statutes is created to read:
4 20.115 (7) (gc) Industrial hemp. All moneys received under s. 94.55 for
5 regulation of growing and processing industrial hemp under s. 94.55.

6 SECTION 2. 94.55[^] of the statutes is created to read:

7 **94.55 Industrial hemp.** (1) DEFINITION. In this section, "industrial hemp"
8 means the plant Cannabis sativa having no more than 0.3 percent
9 tetrahydrocannabinol.

10 (2) LICENSING. (a) The department shall issue licenses that authorize growing,
11 processing, and ^{in conjunction with growing or processing,} selling industrial hemp for commercial purposes or research.

1 (b) (1) A person applying for a license under this subsection shall provide the
2 name and address of the applicant and the legal description of the land on which
3 industrial hemp will be grown or processed and shall pay a fee equal to \$150 or, if the
4 person will grow industrial hemp, ^{the greater of \$150 or} \$5 times the number of acres on which the person
5 will grow industrial hemp if that amount is greater than \$150.

6 (c) 1. The department shall obtain a criminal history search from the records
7 maintained by the department of justice for each person applying for initial licensure
8 under this subsection.

9 2. The department may not issue a license if the person has ever been convicted
10 of a crime as indicated in the information obtained under subd. 1.

11 3. Information obtained by the department under subd. 1. is confidential and
12 may be used only to determine eligibility for licensure.

13 (d) A license issued under this subsection is valid for one year.

14 (3) DOCUMENTATION AND REPORTING REQUIREMENTS. (a) A licensee under sub. (2)
15 who grows industrial hemp shall provide all of the following to the department:

16 1. Documentation showing that the seeds planted were of a variety certified to
17 have no more than 0.3 percent tetrahydrocannabinol.

18 2. A copy of any contract under which the licensee grows industrial hemp.

19 (b) A licensee under sub. (2) shall report to the department the name and
20 address of each person to whom the licensee sells industrial hemp and the amount
21 of industrial hemp sold to each person.

22 (4) AUTHORITY TO IMPORT AND SELL SEED. A person licensed under sub. (2) may
23 bring into this state and resell industrial hemp seed that is certified to have no more
24 than 0.3 percent tetrahydrocannabinol.

1 (5) RULES. The department shall promulgate rules for the administration of
2 this section including rules concerning all of the following:✓

3 (a) Certifying industrial hemp seeds.✓

4 (b) Testing plants during growth for tetrahydrocannabinol levels.✓

5 (c) Supervising the growing, harvesting, and processing of industrial hemp.✓

6 **SECTION 3.** 961.32^{✓^} (3) of the statutes is created to read:

7 961.32 (3) (a) In this subsection, “industrial hemp” has the meaning given in
8 s. 94.55 (1).✓

9 (b) A person licensed by the department of agriculture, trade and consumer
10 protection under s. 94.55 (2),✓ and an agent or employee of the person acting in the
11 usual course of the agent’s or employee’s business or employment, may plant,
12 cultivate, grow, harvest,^{process} possess, and deliver industrial hemp in this state to the
13 extent authorized by the person’s license and in conformity with s. 94.55[✓] and the
14 rules promulgated under that section.✓

15 **SECTION 4.** 961.55[✓] (8) of the statutes is renumbered 961.55 (8) (intro.) and
16 amended to read:

17 961.55 (8)^(intro.) The failure, upon demand by any officer or employee designated in
18 s. 961.51 (1) or (2), of the person in occupancy or in control of land or premises upon
19 which the species of plants are growing or being stored, to produce ~~an~~ one of the
20 following constitutes authority for the seizure and forfeiture of the plants described
21 in sub. (7):✓

22 (a) An appropriate federal registration, or proof that the person is the holder
23 thereof, ~~constitutes authority for the seizure and forfeiture of the plants.~~✓

History: 1971 c. 219, 307; 1981 c. 267; 1985 a. 245, 328; 1987 a. 339; 1989 a. 121; 1993 a. 118, 482; 1995 a. 448 ss. 297 to 305; Stats. 1995 s. 961.55; 1997 a. 220; 1999 a. 48, 57, 110; 2001 a. 109; 2003 a. 49; 2005 a. 91. ✓^

24 **SECTION 5.** 961.55 (8) (b) of the statutes is created to read:

1 961.55 (8) (b) Evidence of licensure under s. 94.55. ✓

2 (END)

→ Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0245/1dn

RCT:f:...

rwn

Date

Rep. Molepske:

This substitute amendment requires DATCP to issue licenses that authorize the growing and processing of industrial hemp and exempts a person with a license from the controlled substances act (ch. 961). A person with a license would still be subject to prosecution under federal law unless the person obtained a permit from the Drug Enforcement Administration.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

✓ If As with the North Dakota statute this draft does not indicate how the THC content of the plant will be measured.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0245/1dn
RCT:nwn:jf

January 19, 2010

Rep. Molepske:

This substitute amendment requires DATCP to issue licenses that authorize the growing and processing of industrial hemp and exempts a person with a license from the controlled substances act (ch. 961). A person with a license would still be subject to prosecution under federal law unless the person obtained a permit from the Drug Enforcement Administration.

As with the North Dakota statute, this draft does not indicate how the THC content of the plant will be measured.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

1/19/10 - Per Rep. Molepste - ^{p. 2, line 13:} only disqualify for violations
of ch. 961 = drug crimes.
RET

I asked acde to send stripes back.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0245/2
RCT:nwn:jf

8:30wed.

✓WR

**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2009 ASSEMBLY BILL 206**

1 **AN ACT** *to renumber and amend* 961.55 (8); and *to create* 20.115 (7) (gc), 94.55,
2 961.32 (3) and 961.55 (8) (b) of the statutes; **relating to:** growing and
3 processing industrial hemp, granting rule-making authority, and making an
4 appropriation.

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

5 **SECTION 1.** 20.115 (7) (gc) of the statutes is created to read:
6 20.115 (7) (gc) *Industrial hemp.* All moneys received under s. 94.55 for
7 regulation of growing and processing industrial hemp under s. 94.55.

8 **SECTION 2.** 94.55 of the statutes is created to read:

9 **94.55 Industrial hemp.** (1) **DEFINITION.** In this section, "industrial hemp"
10 means the plant *Cannabis sativa* having no more than 0.3 percent
11 tetrahydrocannabinol.

1 (2) LICENSING. (a) The department shall issue licenses that authorize growing,
2 processing, and, in conjunction with growing or processing, selling industrial hemp
3 for commercial purposes or research.

4 (b) A person applying for a license under this subsection shall provide the name
5 and address of the applicant and the legal description of the land on which industrial
6 hemp will be grown or processed and shall pay a fee equal to \$150 or, if the person
7 will grow industrial hemp, the greater of \$150 or \$5 times the number of acres on
8 which the person will grow industrial hemp.

9 (c) 1. The department shall obtain a criminal history search from the records
10 maintained by the department of justice for each person applying for initial licensure
11 under this subsection.

12 2. The department may not issue a license if the person has ever been convicted
13 of a crime *violation of ch. 961* as indicated in the information obtained under subd. 1.

14 3. Information obtained by the department under subd. 1. is confidential and
15 may be used only to determine eligibility for licensure.

16 (d) A license issued under this subsection is valid for one year.

17 (3) DOCUMENTATION AND REPORTING REQUIREMENTS. (a) A licensee under sub. (2)
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12 (b) A person licensed by the department of agriculture, trade and consumer
13 protection under s. 94.55 (2), and an agent or employee of the person acting in the
14 usual course of the agent’s or employee’s business or employment, may plant,
15 cultivate, grow, harvest, process, possess, and deliver industrial hemp in this state
16 to the extent authorized by the person’s license and in conformity with s. 94.55 and
17 the rules promulgated under that section.

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