

2009 DRAFTING REQUEST

Bill

Received: **01/21/2010**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Abby van de Bogert**

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 processing 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>
/?	btradewe 01/21/2010	nmatzke 01/29/2010		_____			State
/1			jfrantze 02/01/2010	_____	sbasford 02/01/2010	sbasford 02/02/2010	

FE Sent For:

↳ **At Intro.**

<END>

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/?	btradewe	/1 ^{mn} 1/29	JF	AD			
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FE Sent For:

1/29
<END>



State of Wisconsin

2009 - 2010 LEGISLATURE

5000 (in 1/21)

4164/1
LRS0245/2

RCF:nwn:ph

VMNR

ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2009 ASSEMBLY BILL 206

SA ✓

January 20, 2010 - Offered by Representatives MOLEPSKE JR., GARTHWAITE, VRUWINK and DANOU.

Regen.

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.

Analysis →

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 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)
18 who grows industrial hemp shall provide all of the following to the department:

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

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

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

1

(4) AUTHORITY TO IMPORT AND SELL SEED. A person licensed under sub. (2) may

2

bring into this state and resell industrial hemp seed that is certified to have no more

3

than 0.3 percent tetrahydrocannabinol.

4

(5) RULES. The department shall promulgate rules for the administration of

5

this section including rules concerning all of the following:

6

(a) Certifying industrial hemp seeds.

7

(b) Testing plants during growth for tetrahydrocannabinol levels.

8

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

9

SECTION 3. 961.32 (3) of the statutes is created to read:

10

961.32 (3) (a) In this subsection, "industrial hemp" has the meaning given in

11

s. 94.55 (1).

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.

18

SECTION 4. 961.55 (8) of the statutes is renumbered 961.55 (8) (intro.) and

19

amended to read:

20

961.55 (8) (intro.) The failure, upon demand by any officer or employee

21

designated in s. 961.51 (1) or (2), of the person in occupancy or in control of land or

22

premises upon which the species of plants are growing or being stored, to produce an

23

one of the following constitutes authority for the seizure and forfeiture of the plants

24

described in sub. (7):

seed
↓
seed of varieties of
are

Analysis insert

anal:line →

Current law places various restrictions on the possession, manufacture, and delivery of controlled substances. One such controlled substance is tetrahydrocannabinol (THC), including THC contained in or obtained from marijuana. The controlled substances law defines marijuana as all parts of plants of the genus *Cannabis*, whether growing or not, and most derivatives or preparations of the plants (though it does not include, for instance, fiber produced from the stalks or oil made from the seeds of the plants). THC is currently placed in the most restrictive category of controlled substances: it may not be prescribed for medical use and may be manufactured and possessed only for particular purposes (such as research) under special permits.

This bill requires the Department of Agriculture, Trade and Consumer Protection (DATCP) to issue licenses that authorize the growing and processing of industrial hemp. Industrial hemp is defined as the plant *Cannabis sativa* with no more than 0.3 percent THC. The bill requires an applicant for a license to provide a legal description of the land on which industrial hemp will be grown or processed and to pay a fee for the license. It also requires DATCP to obtain a criminal history search from the Wisconsin Department of Justice for each applicant and prohibits DATCP from issuing a license to a person if the criminal history search shows the person has been convicted of violating the controlled substances law. The bill requires reporting by a person with an industrial hemp license, including reporting all sales of industrial hemp. The bill also requires DATCP to promulgate rules for the administration of the licensing law.

This bill creates an exemption from the controlled substances law for growing or processing industrial hemp in conformity with a license issued by DATCP.

Growing and possessing the plant *Cannabis* is also prohibited by federal law, except with a permit issued by the federal Drug Enforcement Administration. This bill does not change federal law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

anal:line →

Tradewell, Becky

From: Van de Bogert, Abigail
Sent: Thursday, January 21, 2010 11:30 AM
To: Tradewell, Becky
Subject: Substitute Amendment to AB 206: please draft as a bill

Hi Becky,

Thank you for the speedy turnaround on Rep. Molepske's substitute amendment to AB 206. Louis is happy to report that it passed committee, but he thinks it will die on the floor. He's asked me to ask you if you could please draft his substitute amendment to AB206 as a separate bill for introduction.

There is one small edit Louis would like made to the new bill. On page 3, line 2, he would like it to read, "...bring into this state and resell **varieties of** industrial hemp seed that **are** certified..." The changes are in bold.

If you have any questions, please let me know. Thank you very much!

Abby

Abigail Van de Bogert
Office of Representative Louis Molepske, Jr.
(608) 267-9649
abigail.vandebogert@legis.wisconsin.gov

Basford, Sarah

From: Van de Bogert, Abigail
Sent: Tuesday, February 02, 2010 9:28 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-4164/1 Topic: Authorize production and processing of industrial hemp

Please Jacket LRB 09-4164/1 for the ASSEMBLY.