

2013 DRAFTING REQUEST

Bill

Received: 1/8/2014 Received By: chanaman
Wanted: As time permits Same as LRB:
For: Robb Kahl (608) 266-8570 By/Representing: Michael Tierney
May Contact: Drafter: chanaman
Subject: Criminal Law - drugs Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Kahl@legis.wisconsin.gov
Carbon copy (CC) to: laura.rose@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Allowing cannabidiol to be dispensed for seizure disorders; enumerate that it is not a schedule I drug

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>
/?	chanaman 1/8/2014	evinz 1/8/2014		_____			
/P1	chanaman 1/14/2014	scalvin 1/14/2014	rschluet 1/8/2014	_____	mbarman 1/8/2014		
/P2	chanaman 1/17/2014	scalvin 1/17/2014	rschluet 1/14/2014	_____	srose 1/14/2014		
/1			jfrantze	_____	lparisi	lparisi	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			1/17/2014	_____	1/17/2014	1/17/2014	

FE Sent For:

*None
needed*

<END>

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/P2			rschluet 1/14/2014	_____	srose 1/14/2014		
		1 sac 01/17/2014	1 sac 01/17/2014				

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/P1		rschluet 1/8/2014		_____	mbarman 1/8/2014		

FE Sent For:

1/2 suc 01/14/2014
1/2 suc 01/14/2014
9
1/14/14
SM

<END>

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/?	chanaman	1/8/14	1/8/14	1/8/14			

FE Sent For:

<END>



3931/P2P

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

today
please

tetrahydrocannabinol
providing that cannabidiol
is not a
tetrahydrocann-
abidiol
and

egm

1 AN ACT to create 961.38 (1n) of the statutes; relating to: dispensing of
2 cannabidiol as a treatment for a seizure disorder.

Analysis by the Legislative Reference Bureau

Under current law, a controlled substance is classified in one of five separate schedules. The classification is based on: 1) whether there is a currently accepted medical use for the drug; 2) the drug's potential for being abused; and 3) the nature of the dependence that use of the drug may produce. A Schedule I controlled substance may not be dispensed, even with a prescription, and a Schedule II, III, or IV controlled substance may be dispensed with a prescription. This bill specifically allows cannabidiol (commonly known as CBD oil extract) to be dispensed by a practitioner for the treatment of a seizure disorder.

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

INS
1-3

3 SECTION 1. 961.38 (1n) of the statutes is created to read:
4 961.38 (1n) A practitioner may dispense cannabidiol as a treatment for a
5 seizure disorder.

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3931/pzins
CMH:.....

PI

1 Insert A (no paragraph)

A Schedule I controlled substance, such as tetrahydrocannabinols (THC), may not be dispensed, even with a prescription. This bill specifically provides that cannabidiol (commonly known as CBD oil extract) in a form without a psychoactive effect is not THC and allows cannabidiol to be dispensed by a practitioner for the treatment of a seizure disorder.

2

3 Insert 1-3

4 **SECTION 1.** 961.14 (4) (t) of the statutes is amended to read:

5 961.14 (4) (t) Tetrahydrocannabinols, commonly known as "THC", in any form
6 including tetrahydrocannabinols contained in marijuana, obtained from marijuana
7 or chemically synthesized except that tetrahydrocannabinols does not include
8 cannabidiol if it is in a form without a psychoactive effect;

History: 1971 c. 219; 1981 c. 206; CSB 2.16, 2.15, 2.17, 2.18, 2.19, 2.20; 1989 a. 121; CSB 2.21; 1993 a. 98, 118; CSB 2.22; 1995 a. 225; 1995 a. 448 ss. 157 to 165; Stats. 1995 s. 961.14; 1997 a. 220; 1999 a. 21; 2001 a. 16; 2005 a. 52; CSB 2.31, 2.32, 2.33, 2.34; 2011 a. 31; s. 35.17 correction in (4) (wgm).



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 961.14 (4) (t); and *to create* 961.38 (1n) of the statutes;
2 **relating to:** providing that cannabidiol is not a tetrahydrocannabinol and
3 dispensing of cannabidiol as a treatment for a seizure disorder.

Analysis by the Legislative Reference Bureau

Under current law, a controlled substance is classified in one of five separate schedules. The classification is based on: 1) whether there is a currently accepted medical use for the drug; 2) the drug's potential for being abused; and 3) the nature of the dependence that use of the drug may produce. A Schedule I controlled substance, such as a tetrahydrocannabinol (THC), may not be dispensed, even with a prescription. This bill specifically provides that cannabidiol (commonly known as CBD oil extract) in a form without a psychoactive effect is not THC and allows cannabidiol to be dispensed by a practitioner for the treatment of a seizure disorder.

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

4 **SECTION 1.** 961.14 (4) (t) of the statutes is amended to read:
5 961.14 (4) (t) Tetrahydrocannabinols, commonly known as "THC", in any form
6 including tetrahydrocannabinols contained in marijuana, obtained from marijuana,

1 or chemically synthesized, except that tetrahydrocannabinols do not include
2 cannabidiol if it is in a form without a psychoactive effect;

3 **SECTION 2.** 961.38 (1n) of the statutes is created to read:

4 961.38 (1n) A practitioner may dispense cannabidiol as a treatment for a
5 seizure disorder.

6 (END)



p 2
[Handwritten initials]

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

today please

refer out

1 AN ACT to amend 961.14 (4) (t); and to create 961.38 (1n) of the statutes;
2 relating to: providing that cannabidiol is not a tetrahydrocannabinol and
3 dispensing of cannabidiol as a treatment for a seizure disorder.

Analysis by the Legislative Reference Bureau

Under current law, a controlled substance is classified in one of five separate schedules. The classification is based on: 1) whether there is a currently accepted medical use for the drug; 2) the drug's potential for being abused; and 3) the nature of the dependence that use of the drug may produce. A Schedule I controlled substance, such as a tetrahydrocannabinol (THC), may not be dispensed, even with a prescription. This bill specifically provides that cannabidiol (commonly known as CBD oil extract) in a form without a psychoactive effect is not THC and allows cannabidiol to be dispensed by a practitioner for the treatment of a seizure disorder.

THC does not include

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

*INS
A
(no 9)*

4 SECTION 1. 961.14 (4) (t) of the statutes is amended to read:
5 961.14 (4) (t) Tetrahydrocannabinols, commonly known as "THC", in any form
6 including tetrahydrocannabinols contained in marijuana, obtained from marijuana,

*if dispensed or documented
by a practitioner*

1 or chemically synthesized, except that tetrahydrocannabinols do not include
2 cannabidiol ~~THC~~ in a form without a psychoactive effect;

3 **SECTION 2.** 961.38 (1n) of the statutes is created to read:

4 961.38 (1n) A practitioner may dispense cannabidiol as a treatment for a
5 seizure disorder.

6 (END)

INS
2-6

documented
that is dispensed or documented
as provided in s. 961.38(1n)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Inserts
to /P2

1 AN ACT *to amend* 961.41 (3g) (intro.); and *to create* 961.38 (1n) of the statutes;
2 **relating to:** dispensing and possessing cannabidiol as a treatment for a seizure
3 disorder.

Analysis by the Legislative Reference Bureau

Under current law, a controlled substance is classified in one of five separate schedules. The classification is based on 1) whether there is a currently accepted medical use for the drug, 2) the drug's potential for being abused; and 3) the nature of the dependence that use of the drug may produce. A Schedule I controlled substance may not be dispensed, even with a prescription, and a Schedule II, III, or IV controlled substance may be dispensed with a prescription. This bill specifically allows ~~cannabidiol commonly known as~~ CBD oil extract to be dispensed by a practitioner for the treatment of a seizure disorder and allows a practitioner to provide an individual with a letter or other documentation stating that the individual possesses ~~cannabidiol~~ to treat a seizure disorder. This bill also exempts an individual from the prohibition against possessing a controlled substance if the individual possesses CBD oil extract that was dispensed by a practitioner or the individual has a letter from a practitioner stating that the individual possesses CBD oil extract to treat a seizure disorder.

INS
A

also

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

CBD oil extract

in a form without a psychoactive effect

*INS
2:6*

1 SECTION 1. 961.38 (1n) of the statutes is created to read:

2 961.38 (1n) A practitioner may dispense cannabidiol as a treatment for a
3 seizure disorder or may provide an individual with a hard copy of a letter or other
4 official documentation stating that the individual possesses cannabidiol to treat a
5 seizure disorder. *if the cannabidiol is in a form without a psychoactive effect*

6 SECTION 2. 961.41 (3g) (intro.) of the statutes is amended to read:

7 961.41 (3g) POSSESSION. (intro.) No person may possess or attempt to possess
8 a controlled substance or a controlled substance analog unless the person obtains the
9 substance or the analog directly from, or pursuant to a valid prescription or order of,
10 a practitioner who is acting in the course of his or her professional practice; unless,
11 if the substance is cannabidiol, a practitioner dispensed the cannabidiol to the person
12 or the person has a letter or other official documentation as described under s. 961.38
13 (1n); or unless the person is otherwise authorized by this chapter to possess the
14 substance or the analog. Any person who violates this subsection is subject to the
15 following penalties:

16 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*now please
no changes*

revised

1 AN ACT *to amend* 961.14 (4) (t); and *to create* 961.38 (1n) of the statutes;
2 relating to: providing that cannabidiol is not a tetrahydrocannabinol and
3 dispensing cannabidiol as a treatment for a seizure disorder.

Analysis by the Legislative Reference Bureau

Under current law, a controlled substance is classified in one of five separate schedules. The classification is based on: 1) whether there is a currently accepted medical use for the drug; 2) the drug's potential for being abused; and 3) the nature of the dependence that use of the drug may produce. A Schedule I controlled substance, such as a tetrahydrocannabinol (THC), may not be dispensed, even with a prescription. This bill specifically provides that THC does not include cannabidiol (commonly known as CBD oil extract) in a form without a psychoactive effect if dispensed or documented by a practitioner. This bill also specifically allows CBD oil extract to be dispensed by a practitioner for the treatment of a seizure disorder and allows a practitioner to provide an individual with a letter or other documentation stating that the individual possesses CBD oil extract to treat a seizure disorder.

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

4 SECTION 1. 961.14 (4) (t) of the statutes is amended to read:

Barman, Mike

From: Tierney, Michael
Sent: Friday, January 17, 2014 3:04 PM
To: LRB.Legal
Subject: Draft Review: LRB -3931/1 Topic: Allowing cannabidiol to be dispensed for seizure disorders; enumerate that it is not a schedule I drug

Please Jacket LRB -3931/1 for the ASSEMBLY.