

2017 DRAFTING REQUEST**Bill**

For: **Van Wanggaard (608) 266-1832** Drafter: **chanaman**
 By: **Scott** Secondary Drafters:
 Date: **11/18/2016** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Sen.Wanggaard@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Modifying the definition of tetrahydrocannabinols in controlled substances act

Instructions:

See attached; add amendment and incorporation of federal law changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/18/2016	anienaja 11/18/2016			
/P1	chanaman 11/21/2016	kfollett 11/22/2016	lparisi 11/18/2016		
/1	chanaman 1/18/2017	anienaja 1/18/2017	lparisi 11/22/2016	rmilford 1/5/2017	
/2	chanaman 1/19/2017	anienaja 1/19/2017	lparisi 1/18/2017	lparisi 1/18/2017	
/3			hkohn 1/19/2017	hkohn 1/19/2017	

FE Sent For:

<END>

*not
needed*



State of Wisconsin
2015 - 2016 LEGISLATURE

-0854/P1
LRB-1911/1
CMH:kjf
MED

SA
Xref
Dwf

2015 SENATE BILL 221

July 31, 2015 – Introduced by Senators WANGGAARD, WIRCH, L. TAYLOR, GUDEx, BEWLEY, C. LARSON, PETROWSKI, HARRIS DODD, MARKLEIN, RINGHAND and ROTH, cosponsored by Representatives KRUG, KAHL, KITCHENS, SARGENT, SPIROS, GOYKE, E. BROOKS, DOYLE, MACCO, DANOU, MURPHY, BERCEAU, SUBECK, TITTL, OHNSTAD, CRAIG, MEYERS, WEATHERSTON, POPE, BRANDTJEN, HEBL, PETRYK, BROSTOFF and C. TAYLOR. Referred to Committee on Judiciary and Public Safety.

1 AN ACT to amend 961.14 (4) (t) of the statutes; relating to: definition of
2 tetrahydrocannabinols.

and the use of cannabidiol
INS PR (no PH)

Analysis by the Legislative Reference Bureau

Current law designates tetrahydrocannabinols (THC) as a schedule I controlled substance. Current law specifies that THC does not include cannabidiol (CBD oil) in a form without a psychoactive effect that is dispensed by a pharmacy or physician approved by the Controlled Substances Board or that is possessed by an individual who has documentation from a physician that the CBD oil is used for the treatment of a seizure disorder. This bill eliminates the requirement that, to be excluded from the definition of THC, the CBD oil must be dispensed by an approved pharmacy or physician or possessed by an individual with such documentation.

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

INS
(-)

3 SECTION 1. 961.14 (4) (t) of the statutes is amended to read:
4 X 961.14 (4) (t) Tetrahydrocannabinols, commonly known as "THC", in any form
5 including tetrahydrocannabinols contained in marijuana, obtained from marijuana,
6 or chemically synthesized, except that tetrahydrocannabinols do not include

SENATE BILL 221

SECTION 1

1 cannabidiol in a form without a psychoactive effect ~~that is dispensed or documented~~

2 as provided in s. 961.38 (1n);

3

(END)

INS
2-3



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa2061/2
CMH:klm

SENATE AMENDMENT 1,
TO SENATE BILL 221

961.11(4)

February 11, 2016 – Offered by Senator WANGGAARD.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 2: after that line insert:

3 ~~SECTION 1m.~~ 961.32 of the statutes, as affected by 2015 Wisconsin Act 198, is
4 renumbered 961.32 (1m).

5 SECTION ~~1g.~~ 961.32 (2m) of the statutes is created to read:

6 961.32 (2m) (a) In this subsection, "certification" means a letter or other official
7 document issued by a physician licensed under s. 448.04 (1) (a) that contains all of
8 the following:

- 9 1. The name, address, and telephone number of the physician.
- 10 2. The name and address of the patient who is issued the letter or document.
- 11 3. The date on which the letter or document is issued.

12 (b) An individual may possess cannabidiol in a form without a psychoactive
13 effect if the individual has certification stating that the individual possesses

1WS
2-3

961.11(4)

1 cannabidiol to treat a seizure disorder, if the certification has an issue date that is
2 no more than 2 years prior to the possession, and if any expiration date provided by
3 the physician in the certification has not passed.

4 ~~SECTION 1s.~~ 961.38 (1n) of the statutes is amended to read:

5 961.38 (1n) A pharmacy or physician approved under s. 961.34 (2) (a) or (b) may
6 dispense cannabidiol in a form without a psychoactive effect as a treatment for a
7 seizure disorder ~~or any~~ and a physician licensed under s. 448.04 (1) (a) may provide
8 issue an individual with a hard copy of a letter or other official documentation
9 certification, as defined in s. 961.32 (2m) (a), stating that the individual possesses
10 cannabidiol to treat a seizure disorder if the cannabidiol is in a form without a
11 psychoactive effect.

12 ~~SECTION 1t.~~ 961.52 (2) (a) 1. and 2. of the statutes are amended to read:

13 × 961.52 (2) (a) 1. Places where persons authorized under s. 961.32 (1m) to
14 possess controlled substances in this state are required by federal law to keep
15 records; and

16 2. Places including factories, warehouses, establishments, and conveyances in
17 which persons authorized under s. 961.32 (1m) to possess controlled substances in
18 this state are permitted by federal law to hold, manufacture, compound, process, sell,
19 deliver, or otherwise dispose of any controlled substance.”

SA
xref

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0854/plins
CMH&MED:...
amm

1 Insert A

This bill specifies that THC does not include CBD oil in a form without a psychoactive effect without adding any conditions.

In addition, this bill allows an individual to possess CBD oil in a form without a psychoactive effect if the individual has certification issued by a physician within the previous two years that the individual possesses the CBD oil to treat a seizure disorder.

Under current law, if a substance is designated, rescheduled, or deleted as a controlled substance under federal law, the controlled substances board must similarly treat the substance under state law within 30 days unless there is an objection, in which case the board must follow certain other procedures before the substance is designated, rescheduled, or deleted. This bill requires that, if ~~cannabidiol~~ is rescheduled or deleted as a controlled substance under federal law, the board must similarly treat ~~cannabidiol~~ under state law as soon as practically possible, but within 30 days, and does not allow for an objection.

CBD oil

2

3 Insert 1-3

CBD oil

4 SECTION 1. 961.11 (4g) of the statutes is created to read:

5

961.11 (4g) Notwithstanding sub. (4), if cannabidiol is rescheduled or deleted as a controlled substance under federal law, the controlled substances board shall similarly treat cannabidiol under this chapter as soon as practically possible but no later than 30 days from the date of publication in the federal register of a final order rescheduling or deleting cannabidiol or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h). The board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21, a final rule, for which notice of proposed rule making is omitted, rescheduling or deleting cannabidiol.

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State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0854/PT
CMH&MED:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Rogen

- 1 **AN ACT to renumber 961.32; to amend 961.14 (4) (t), 961.38 (1n) and 961.52 (2)**
2 **(a) 1. and 2.; and to create 961.11 (4g) and 961.32 (2m) of the statutes; relating**
3 **to: definition of tetrahydrocannabinols and the use of cannabidiol.**

Analysis by the Legislative Reference Bureau

Current law designates tetrahydrocannabinols as a Schedule I controlled substance. Current law specifies that THC does not include cannabidiol (CBD oil) in a form without a psychoactive effect that is dispensed by a pharmacy or physician approved by the Controlled Substances Board or that is possessed by an individual who has documentation from a physician that the CBD oil is used to treat a seizure disorder. This bill specifies that THC does not include CBD oil in a form without a psychoactive effect without adding any conditions.

In addition, this bill allows an individual to possess CBD oil in a form without a psychoactive effect if the individual has certification issued by a physician within the previous ~~two~~ years that the individual possesses the CBD oil to treat a seizure disorder.

Under current law, if a substance is designated, rescheduled, or deleted as a controlled substance under federal law, the controlled substances board must similarly treat the substance under state law within 30 days unless there is an objection, in which case the board must follow certain other procedures before the substance is designated, rescheduled, or deleted. This bill requires that, if CBD oil is rescheduled or deleted as a controlled substance under federal law, the board must

similarly treat CBD oil under state law as soon as practically possible, but within 30 days, and does not allow for an objection.

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

1 **SECTION 1.** 961.11 (4g) of the statutes is created to read:

2 961.11 (4g) Notwithstanding sub. (4), if cannabidiol is rescheduled or deleted
3 as a controlled substance under federal law, the controlled substances board shall
4 similarly treat cannabidiol under this chapter as soon as practically possible but no
5 later than 30 days from the date of publication in the federal register of a final order
6 rescheduling or deleting cannabidiol or from the date of issuance of an order of
7 temporary scheduling under 21 USC 811 (h). The board shall promulgate, without
8 making the determinations or findings required by subs. (1), (1m), (1r), and (2) or s.
9 961.13, 961.15, 961.17, 961.19, or 961.21, a final rule, for which notice of proposed
10 rule making is omitted, rescheduling or deleting cannabidiol.

11 **SECTION 2.** 961.14 (4) (t) of the statutes is amended to read:

12 961.14 (4) (t) Tetrahydrocannabinols, commonly known as “THC”, in any form
13 including tetrahydrocannabinols contained in marijuana, obtained from marijuana,
14 or chemically synthesized, except that tetrahydrocannabinols do not include
15 cannabidiol in a form without a psychoactive effect ~~that is dispensed or documented~~
16 ~~as provided in s. 961.38 (1n);~~

17 **SECTION 3.** 961.32 of the statutes is renumbered 961.32 (1m).

18 **SECTION 4.** 961.32 (2m) of the statutes is created to read:

19 961.32 (2m) (a) In this subsection, “certification” means a letter or other official
20 document issued by a physician licensed under s. 448.04 (1) (a) that contains all of
21 the following:

- 1 1. The name, address, and telephone number of the physician.
- 2 2. The name and address of the patient who is issued the letter or document.
- 3 3. The date on which the letter or document is issued.

4 (b) An individual may possess cannabidiol in a form without a psychoactive
5 effect if the individual has certification stating that the individual possesses
6 cannabidiol to treat a seizure disorder, if the certification has an issue date that is
7 no more than ^{one} ~~2~~ years prior to the possession, and if any expiration date provided by
8 the physician in the certification has not passed.

9 **SECTION 5.** 961.38 (1n) of the statutes is amended to read:

10 961.38 (1n) A pharmacy or physician approved under s. 961.34 (2) (a) or (b) may
11 dispense cannabidiol in a form without a psychoactive effect as a treatment for a
12 seizure disorder ~~or any~~ and a physician licensed under s. 448.04 (1) (a) may provide
13 issue an individual with a hard copy of a letter or other official documentation
14 certification, as defined in s. 961.32 (2m) (a), stating that the individual possesses
15 cannabidiol to treat a seizure disorder if the cannabidiol is in a form without a
16 psychoactive effect.

17 **SECTION 6.** 961.52 (2) (a) 1. and 2. of the statutes are amended to read:

18 961.52 (2) (a) 1. Places where persons authorized under s. 961.32 (1m) to
19 possess controlled substances in this state are required by federal law to keep
20 records; and

21 2. Places including factories, warehouses, establishments and conveyances in
22 which persons authorized under s. 961.32 (1m) to possess controlled substances in
23 this state are permitted by federal law to hold, manufacture, compound, process, sell,
24 deliver or otherwise dispose of any controlled substance.

25

(END)

Barman, Mike

From: Hanaman, Cathlene
Sent: Thursday, January 05, 2017 1:57 PM
To: Kohn, Hanna; Parisi, Lori; Barman, Mike; Milford, Renae; Rose, Stefanie
Subject: 0854

Please jacket for the Wanggaard office.



Xref ✓
SA ✓
PWF ✓

2017 BILL

Regen

1 **AN ACT to renumber 961.32; to amend 961.14 (4) (t), 961.38 (1n) and 961.52 (2)**
2 **(a) 1. and 2.; and to create 961.11 (4g) and 961.32 (2m) of the statutes; relating**
3 **to: definition of tetrahydrocannabinols and the use of cannabidiol.**

INS A

Analysis by the Legislative Reference Bureau

Current law designates tetrahydrocannabinols as a Schedule I controlled substance. Current law specifies that THC does not include cannabidiol (CBD oil) in a form without a psychoactive effect that is dispensed by a pharmacy or physician approved by the Controlled Substances Board or that is possessed by an individual who has documentation from a physician that the CBD oil is used to treat a seizure disorder. This bill specifies that THC does not include CBD oil in a form without a psychoactive effect without adding any conditions.

In addition, this bill allows an individual to possess CBD oil in a form without a psychoactive effect if the individual has certification issued by a physician within the previous year that the individual possesses the CBD oil to treat a seizure disorder. *stating*

Under current law, if a substance is designated, rescheduled, or deleted as a controlled substance under federal law, the controlled substances board must similarly treat the substance under state law within 30 days unless there is an objection, in which case the board must follow certain other procedures before the substance is designated, rescheduled, or deleted. This bill requires that, if CBD oil is rescheduled or deleted as a controlled substance under federal law, the board must

BILL

similarly treat CBD oil under state law as soon as practically possible, but within 30 days, and does not allow for an objection.

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

SECTION 1. 961.11 (4g) of the statutes is created to read:

961.11 (4g) Notwithstanding sub. (4), if cannabidiol is rescheduled or deleted as a controlled substance under federal law, the controlled substances board shall similarly treat cannabidiol under this chapter as soon as practically possible but no later than 30 days from the date of publication in the federal register of a final order rescheduling or deleting cannabidiol or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h). The board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r), and (2) or s. 961.13, 961.15, 961.17, 961.19, or 961.21, a final rule, for which notice of proposed rule making is omitted, rescheduling or deleting cannabidiol.

SECTION 2. 961.14 (4) (t) of the statutes is amended to read:

961.14 (4) (t) Tetrahydrocannabinols, commonly known as "THC", in any form including tetrahydrocannabinols contained in marijuana, obtained from marijuana, or chemically synthesized, except that tetrahydrocannabinols do not include cannabidiol in a form without a psychoactive effect that is dispensed or documented

as provided in s. 961.38 (1n);

plain

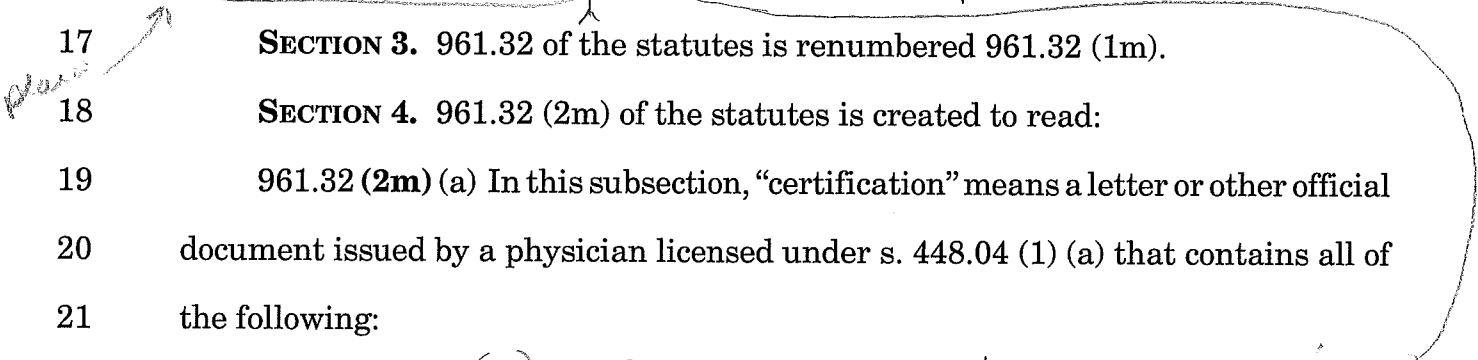
SECTION 3. 961.32 of the statutes is renumbered 961.32 (1m).

SECTION 4. 961.32 (2m) of the statutes is created to read:

961.32 (2m) (a) In this subsection, "certification" means a letter or other official document issued by a physician licensed under s. 448.04 (1) (a) that contains all of the following:

(a) that is possessed

as provided in s. 961.32 (2m) (b)



BILL

- 1 1. The name, address, and telephone number of the physician.
- 2 2. The name and address of the patient who is issued the letter or document.
- 3 3. The date on which the letter or document is issued.

4 (b) An individual may possess cannabidiol in a form without a psychoactive
5 effect if the individual has certification stating that the individual possesses
6 cannabidiol to treat a seizure disorder, if the certification has an issue date that is
7 no more than one year prior to the possession, and if any expiration date provided
8 by the physician in the certification has not passed.

9 **SECTION 5.** 961.38 (1n) of the statutes is ^{renumbered 961.38 (1n) (a)} amended to read: ^{and}

10 961.38 (1n) ^(a) A pharmacy or physician approved under s. 961.34 (2) (a) or (b) may
11 dispense cannabidiol in a form without a psychoactive effect as a treatment for a
12 seizure disorder ~~or any~~ ^(b) and a physician licensed under s. 448.04 (1) (a) may provide
13 issue an individual ~~with a hard copy of a letter or other official documentation~~
14 certification, as defined in s. 961.32 (2m) (a), stating that the individual possesses
15 cannabidiol to treat a seizure disorder if the cannabidiol is in a form without a
16 psychoactive effect.

17 **SECTION 6.** 961.52 (2) (a) 1. and 2. of the statutes are amended to read:

18 961.52 (2) (a) 1. Places where persons authorized under s. 961.32 (1m) to
19 possess controlled substances in this state are required by federal law to keep
20 records; and

21 2. Places including factories, warehouses, establishments and conveyances in
22 which persons authorized under s. 961.32 (1m) to possess controlled substances in
23 this state are permitted by federal law to hold, manufacture, compound, process, sell,
24 deliver or otherwise dispose of any controlled substance.

25

(END)

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0854/2ins

CMH:...

qmw

1 This bill specifies that the documentation must be a



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0854/2
CMH&MED:amn

3

2017 BILL

1 AN ACT to renumber 961.32; to renumber and amend 961.38 (1n); to amend
2 961.14 (4) (t) and 961.52 (2) (a) 1. and 2.; and to create 961.11 (4g) and 961.32
3 (2m) of the statutes; relating to: definition of tetrahydrocannabinols and the
4 use of cannabidiol.

and that the individual may possess CBD oil to treat a medical condition,

Analysis by the Legislative Reference Bureau

Current law designates tetrahydrocannabinols as a Schedule I controlled substance. Current law specifies that THC does not include cannabidiol (CBD oil) in a form without a psychoactive effect that is dispensed by a pharmacy or physician approved by the Controlled Substances Board or that is possessed by an individual who has documentation from a physician that the CBD oil is used to treat a seizure disorder. This bill specifies that the documentation must be a certification issued by a physician within the previous year stating that the individual possesses the CBD oil to treat a seizure disorder.

Under current law, if a substance is designated, rescheduled, or deleted as a controlled substance under federal law, the controlled substances board must similarly treat the substance under state law within 30 days unless there is an objection, in which case the board must follow certain other procedures before the substance is designated, rescheduled, or deleted. This bill requires that, if CBD oil is rescheduled or deleted as a controlled substance under federal law, the board must

why

not just a seizure disorder

BILL

similarly treat CBD oil under state law as soon as practically possible, but within 30 days, and does not allow for an objection.

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

1 **SECTION 1.** 961.11 (4g) of the statutes is created to read:

2 961.11 (4g) Notwithstanding sub. (4), if cannabidiol is rescheduled or deleted
3 as a controlled substance under federal law, the controlled substances board shall
4 similarly treat cannabidiol under this chapter as soon as practically possible but no
5 later than 30 days from the date of publication in the federal register of a final order
6 rescheduling or deleting cannabidiol or from the date of issuance of an order of
7 temporary scheduling under 21 USC 811 (h). The board shall promulgate, without
8 making the determinations or findings required by subs. (1), (1m), (1r), and (2) or s.
9 961.13, 961.15, 961.17, 961.19, or 961.21, a final rule, for which notice of proposed
10 rule making is omitted, rescheduling or deleting cannabidiol.

11 **SECTION 2.** 961.14 (4) (t) of the statutes is amended to read:

12 961.14 (4) (t) Tetrahydrocannabinols, commonly known as “THC”, in any form
13 including tetrahydrocannabinols contained in marijuana, obtained from marijuana,
14 or chemically synthesized, except that tetrahydrocannabinols do not include
15 cannabidiol in a form without a psychoactive effect that is dispensed or documented
16 as provided in s. 961.38 (1n) (a) or that is possessed as provided in s. 961.32 (2m) (b);

17 **SECTION 3.** 961.32 of the statutes is renumbered 961.32 (1m).

18 **SECTION 4.** 961.32 (2m) of the statutes is created to read:

19 961.32 (2m) (a) In this subsection, “certification” means a letter or other official
20 document issued by a physician licensed under s. 448.04 (1) (a) that contains all of
21 the following:

BILL

1 1. The name, address, and telephone number of the physician.

2 2. The name and address of the patient who is issued the letter or document.

3 3. The date on which the letter or document is issued.

4 (b) An individual may possess cannabidiol in a form without a psychoactive
5 effect if the individual has certification stating that the individual possesses
6 cannabidiol to treat a seizure disorder ^{medical condition}, if the certification has an issue date that is
7 no more than one year prior to the possession, and if any expiration date provided
8 by the physician in the certification has not passed.

9 **SECTION 5.** 961.38 (1n) of the statutes is renumbered 961.38 (1n) (a) and
10 amended to read:

11 961.38 (1n) (a) A pharmacy or physician approved under s. 961.34 (2) (a) or (b)
12 may dispense cannabidiol in a form without a psychoactive effect as a treatment for
13 a ~~seizure disorder or any~~ ^{medical condition}

14 (b) A physician licensed under s. 448.04 (1) (a) may provide issue an individual
15 with a hard copy of a letter or other official documentation certification, as defined
16 in s. 961.32 (2m) (a), stating that the individual possesses cannabidiol to treat a
17 ~~seizure disorder~~ ^{medical condition} if the cannabidiol is in a form without a psychoactive effect.

18 **SECTION 6.** 961.52 (2) (a) 1. and 2. of the statutes are amended to read:

19 961.52 (2) (a) 1. Places where persons authorized under s. 961.32 (1m) to
20 possess controlled substances in this state are required by federal law to keep
21 records; and

22 2. Places including factories, warehouses, establishments and conveyances in
23 which persons authorized under s. 961.32 (1m) to possess controlled substances in

BILL

SECTION 6

1 this state are permitted by federal law to hold, manufacture, compound, process, sell,
2 deliver or otherwise dispose of any controlled substance.

3 (END)