

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

Hemp Flower and CBD Products Method of Sale and Labeling

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

DEADLINE FOR SUBMISSION

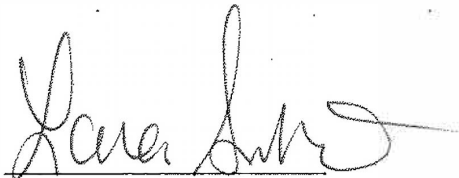
The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. ch. 98, Wis. Admin. Code, chs. 90 and 91.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



Lara Sutherlin
Administrator

Division of Trade and Consumer Protection



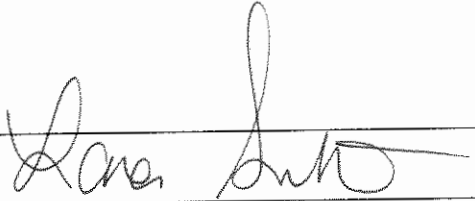
Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Trade and Consumer Protection
PO Box 8911, Madison, WI 53708-8911
Phone: 6082244942 Fax:6082237732
GUIDANCE DOCUMENT

Hemp Flower and CBD Products Method of Sale and Labeling

This guidance document is based on Wis. Stat. ch. 98 and chapter(s) ATCP 90 and 91 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

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	August 15, 2019
Lara Sutherland - Administrator, Division of Trade and Consumer Protection	DATE
Contributors:	



Hemp Flower and CBD Products Method of Sale and Labeling

BUREAU OF WEIGHTS & MEASURES

PO Box 8911

Madison, WI 53708

608-224-4942

[datcpweightsandmeasures](mailto:datcpweightsandmeasures@wisconsin.gov)

[@wisconsin.gov](mailto:datcp.wi.gov)

datcp.wi.gov

RESOURCES

Wis. Admin. Code ATCP 90

https://docs.legis.wisconsin.gov/code/admin_code/atcp/090/90.pdf

Wis. Admin. Code ATCP 91

https://docs.legis.wisconsin.gov/code/admin_code/atcp/090/91.pdf

Basics of Tare fact sheet

<https://datcp.wi.gov/Documents/BasicsTareFAQ.pdf>

Product Labeling

Requirements fact sheet

<https://datcp.wi.gov/Documents/ProductLabelingRequirementsFactSheet.pdf>

Selling Hemp Flower from Bulk fact sheet

<https://datcp.wi.gov/Documents/HempBulkFactSheet.pdf>

Hemp Flower Scales for Retailers fact sheet

<https://datcp.wi.gov/Documents/HempScalesRetailersFactSheet.pdf>

Hemp Flower Scales for Packagers fact sheet

<https://datcp.wi.gov/Documents/HempScalesPackagersFactSheet.pdf>

CBD oils, food products, health and beauty products, and hemp flower must meet the method of sale and labeling requirements specified by Wisconsin Administrative Code Chapters ATCP 90 and ATCP 91, and NIST Handbook 130.

All packaged hemp flower and CBD products must be labeled with the following:

1. **Declaration of Product Identity** – Wis. Admin. Code s. ATCP 90.02
 - The package must clearly and conspicuously identify the contents on the principal display panel of the package.
 - The principal display panel means the part of the package which is most likely to be displayed to, or examined by, a consumer under normal conditions at retail.

2. **Declaration of Responsibility** – Wis. Admin. Code s. ATCP 90.03
 - If a package is sold anywhere besides the premises where it was packaged, it must be clearly and conspicuously labeled with all of the following:
 - 1) The name of the responsible party, i.e. the manufacturer, packer, or distributor.
 - 2) The business address of the responsible party including street address, city, state, and ZIP code. The street address may be omitted if it can be found in a local directory.
 - 3) The connection to the commodity, i.e. if the responsible party is not the manufacturer or producer, the label shall declare “packaged by” or “distributed by” prior to the name of the responsible party.

3. **Declaration of Net Quantity** – Wis. Admin. Code s. ATCP 90.04
 - A declaration of net quantity shall disclose the net quantity of the commodity contained in the package, excluding tare, i.e. wrappers and other packaging materials. For additional information on tare requirements, please see the Basics of Tare fact sheet.
 - The declaration of net quantity must clearly and conspicuously appear on the bottom 30% of the principal display panel.
 - The declaration of net quantity must be in the required unit of measure. See page 2 for additional information on method of sale.

Additional information on labeling requirements is available on the Product Labeling Requirements fact sheet.

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Method of sale refers to the unit of measure used to sell a commodity. Specific methods of sale for commodities are required in order to provide accurate and adequate quantity information that permits the buyer to make price and quality comparisons. The method of sale requirements for packaged hemp flower and CBD products are provided in the table below.

Product type	Example products	Must be sold by	Required units	Example label
Liquid Food Standard weight	Hemp milk Salad dressing Sauce	Volume	U.S. Customary and Metric	1 fl-oz/30ml
Liquid Non-food Standard weight	CBD Oil Any CBD-infused liquid	Volume	Metric units	5 ml
Non-liquid Food Standard weight	Chocolate Gummies Bars	Weight	U.S. Customary and Metric	Net Wt. 0.6 oz./17 g
Non-liquid Non-food Standard weight	Pre-rolled joints Soap Balm	Weight	Metric units	Net Wt. 35g
Random weight products	Hemp flower Hemp seed Kief	Weight	U.S. Customary or Metric	Net Wt. 0.5g \$10/g Total Price \$5.00

Questions? Contact us at 608-224-4942 or DATCPWeightsAndMeasures@wisconsin.gov