

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 Derived CBD FAQs

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

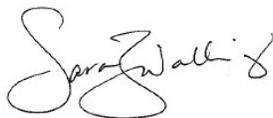
The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

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.94.55, Wis. Admin. Code, ch. 22.

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.



Sara Z. Walling
Administrator
Division of Agricultural Resource Management



Wisconsin Department of Agriculture, Trade and Consumer Protection

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GUIDANCE DOCUMENT

Hemp Derived CBD Faqs

This guidance document is based on Wis. Stat. ch. 94.55 and chapter(s) ATCP 22 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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Printed document that is also available on the DATCP website that is a detailed frequently asked questions document. The document has information regarding hemp derived CBD.

Attached is the full document

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

Sara Walling - Administrator, Division of Agricultural Resource Management

May 13, 2020

DATE

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Wisconsin Hemp Pilot Research Program



Hemp-derived CBD

Wisconsin's hemp pilot research program is permitted under federal ([2014 Farm Bill](#)) and state ([Wis. Stat. § 94.55](#)) laws. Below are answers to frequently asked questions about CBD. This information is a guide. If you have questions, contact the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Hemp Pilot Research Program by phone (844) 449-4367 (toll-free) or email datcpindustrialhemp@wi.gov. Information is also available at <https://hemp.wi.gov>.

1. What is hemp?

Under the [2018 Farm Bill](#), federal law defines hemp as, "the plant *cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis."

2. What is hemp-derived CBD?

CBD stands for cannabidiol. CBD is a cannabinoid and is one of many biologically active chemical compounds in the plant *Cannabis sativa*. CBD is legal if it is derived from hemp that has been lawfully produced.

3. What is lawfully produced hemp?

Hemp produced under a hemp research pilot program, a U.S. Department of Agriculture (USDA) hemp producer license, or a state or tribal plan approved by USDA and contains a total delta-9 THC content of 0.3% or below.

4. Can I sell hemp-derived CBD oil in Wisconsin?

Yes. You can sell CBD oil made from hemp that has been lawfully produced. Any product made from lawfully produced hemp must have a total delta-9 THC content of 0.3% or below before it can be transferred, transported, or sold.

If you are processing CBD oil, you must have a hemp processor license. Requirements for

obtaining a hemp processor license is available at https://datcp.wi.gov/Pages/Programs_Services/IHLicRegFee.aspx.

Consult a legal professional for advice on complying with local, state, and federal laws.

5. Can I sell food products that contain hemp-derived CBD?

Information about this is available at <https://datcp.wi.gov/Documents/IndustrialHempProductsHumanFoodIngredients.pdf>.

6. Can I bottle water that contains hemp-derived CBD?

Information about laws for bottled water in Wisconsin is available at https://datcp.wi.gov/Pages/Programs_Services/BottledWater.aspx.

7. Can I purchase hemp-derived CBD from a wholesaler who is not in Wisconsin and then re-brand the CBD and sell it with my company's logo in Wisconsin?

Yes, but only if you have a State of Wisconsin hemp processor license, and current annual registration, and if the CBD was lawfully produced. See [Wis. Admin. Code § ATCP 22.13](#) for additional transportation requirements. Lawfully produced hemp has a fit for commerce certificate (or equivalent). Any product made from lawfully produced hemp must have a total delta-9 THC

content of 0.3% or below before it can be transferred, transported, or sold.

8. Can I feed hemp to my livestock, make pet food with hemp, or sell pet treats that contain CBD?

No. Animal feed (animal food) and animal feed ingredients, including pet food and pet treats, are regulated by the U.S. Food and Drug Administration (FDA) and each individual state. At this time, hemp, its byproducts and extracts (for example, CBD concentrates, or isolates) cannot be used in or on any animal feed product or animal feed ingredient.

9. Where can I learn more?

You can learn more about hemp through these resources:

- DATCP Hemp Program: <https://hemp.wi.gov>
- University of Wisconsin-Madison, Division of Extension: <https://fyi.extension.wisc.edu/hemp/>
- USDA:
 - <https://www.usda.gov/topics/hemp>
 - <https://www.farmers.gov/manage/hemp>
- FDA:
 - <https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-including-cannabidiol-cbd>



**Wisconsin Department of Agriculture,
Trade and Consumer Protection**
Division of Agricultural Resource
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