



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 638**

March 14, 2014 - Offered by Representative VRUWINK.

1 **AN ACT to renumber and amend** 961.55 (8); and **to create** 94.55, 961.32 (3) and  
2 961.55 (8) (b) of the statutes; **relating to:** growing and processing industrial  
3 hemp for research purposes and granting rule-making authority.

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***Analysis by the Legislative Reference Bureau***

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.

Growing and possessing the plant *Cannabis* is also generally prohibited by federal law. The 2014 federal farm bill, Public Law 113-79, authorizes a state agriculture department or an institution of higher education to grow industrial hemp for the purpose of conducting research related to growing or marketing industrial hemp in states that allow it. Industrial hemp is defined as the plant *Cannabis sativa* with no more than 0.3 percent THC.

This substitute amendment authorizes the Department of Agriculture, Trade and Consumer Protection (DATCP) and institutions of higher education to grow and possess industrial hemp for the purpose of conducting research related to growing or marketing industrial hemp. The industrial hemp may only be grown on sites that are registered with and certified by DATCP.

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

1           **SECTION 1.** 94.55 of the statutes is created to read:

2           **94.55 Industrial hemp research. (1) DEFINITIONS.** In this section:

3           (a) “Industrial hemp” means the plant *Cannabis sativa* L., and any part of the  
4 plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration  
5 of not more than 0.3 percent on a dry weight basis.

6           (b) “Institution of higher education” has the meaning given in 20 USC 1001.

7           **(2) RESEARCH ALLOWED.** The department or an institution of higher education  
8 may grow and possess industrial hemp if all of the following apply:

9           (a) The industrial hemp is grown and possessed for the purpose of conducting  
10 research on the growth or marketing of industrial hemp.

11           (b) The industrial hemp is grown on a site registered with and certified by the  
12 department for purposes of this section.

13           **(3) CERTIFICATION.** The department shall issue evidence of certification for each  
14 site that it certifies under sub. (2) (b).

15           **(4) RULES.** The department may promulgate rules for the administration of this  
16 section in accordance with P.L. 113-79, section 7606.

17           **SECTION 2.** 961.32 (3) of the statutes is created to read:

18           961.32 **(3)** The department of agriculture, trade and consumer protection or an  
19 institution of higher education, as defined in 20 USC 1001, and an agent or employee

1 of the department or institution, may grow and possess industrial hemp for the  
2 purposes of conducting research in conformity with s. 94.55 (2) and any rules  
3 promulgated under s. 94.55 (3) without being registered under federal law and,  
4 notwithstanding s. 961.335 (1), without a permit from the controlled substances  
5 board.

6 **SECTION 3.** 961.55 (8) of the statutes is renumbered 961.55 (8) (intro.) and  
7 amended to read:

8 961.55 (8) (intro.) The failure, upon demand by any officer or employee  
9 designated in s. 961.51 (1) or (2), of the person in occupancy or in control of land or  
10 premises upon which the species of plants are growing or being stored, to produce ~~an~~  
11 one of the following constitutes authority for the seizure and forfeiture of the plants  
12 described in sub. (7):

13 (a) An appropriate federal registration, or proof that the person is the holder  
14 thereof, constitutes authority for the seizure and forfeiture of the plants.

15 **SECTION 4.** 961.55 (8) (b) of the statutes is created to read:

16 961.55 (8) (b) Evidence of certification of the land or premises under s. 94.55.

17 (END)