



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0009/1
MPG&CMH:ahc

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 49**

February 22, 2017 - Offered by Representative C. TAYLOR.

1 **AN ACT** *to repeal* 961.34 (2) (b); *to renumber* subchapter XIV of chapter 440
2 [precedes 440.99] and 961.32; *to renumber and amend* 961.34 (2) (a); *to*
3 *amend* 450.03 (1) (e), 961.14 (4) (t), 961.38 (1n) and 961.52 (2) (a) 1. and 2.; and
4 *to create* 440.08 (2) (a) 20r., subchapter XIV of chapter 440 [precedes 440.989],
5 450.07 (2m), 450.071 (1m) and 961.32 (2m) of the statutes; **relating to:**
6 production and possession of cannabidiol for treatment of a medical condition
7 and providing a penalty.

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

8 **SECTION 1.** 440.08 (2) (a) 20r. of the statutes is created to read:
9 440.08 (2) (a) 20r. Cannabidiol producer: June 1 of each odd-numbered year.
10 **SECTION 2.** Subchapter XIV of chapter 440 [precedes 440.989] of the statutes
11 is created to read:

1 **440.9894 Disciplinary proceedings and actions.** (1) Subject to the rules
2 promulgated under s. 440.03 (1), the department may conduct investigations and
3 hold hearings to determine whether a violation of this subchapter or a rule
4 promulgated under this subchapter or a violation of another law that substantially
5 relates to the production of cannabidiol has occurred.

6 (2) Subject to the rules promulgated under s. 440.03 (1), the department may
7 reprimand a licensed producer or deny, limit, suspend, or revoke a license granted
8 under s. 440.9892 if the department finds that an applicant for licensure or a licensed
9 producer has done any of the following:

10 (a) Intentionally made a material misstatement in an application for a license
11 or license renewal.

12 (b) Advertised in a manner that is false or misleading.

13 (c) Obtained or attempted to obtain compensation through fraud or deceit.

14 (d) Violated this subchapter or a rule promulgated under this subchapter or
15 violated another law that substantially relates to the production or delivery of
16 cannabidiol.

17 (3) In addition to or in lieu of a reprimand or other action under sub. (2), the
18 department may assess against a licensed provider, for the violations enumerated
19 under sub. (2), a forfeiture of not more than \$1,000 for each separate offense.

20 **440.9895 Penalties.** Any person who violates this subchapter or any rule
21 promulgated under this subchapter may be fined not more than \$1,000 or imprisoned
22 for not more than 90 days or both.

23 **SECTION 3.** Subchapter XIV of chapter 440 [precedes 440.99] of the statutes is
24 renumbered subchapter XV of chapter 440 [precedes 440.99].

25 **SECTION 4.** 450.03 (1) (e) of the statutes is amended to read:

1 450.03 (1) (e) Any person lawfully practicing within the scope of a license,
2 permit, registration, certificate, or certification granted to provide home medical
3 oxygen under s. 450.076, to produce cannabidiol under subch. XIV of ch. 440, to
4 practice professional or practical nursing or nurse-midwifery under ch. 441, to
5 practice dentistry or dental hygiene under ch. 447, to practice medicine and surgery
6 under ch. 448, to practice optometry under ch. 449, or to practice veterinary medicine
7 under ch. 89, or as otherwise provided by statute.

8 **SECTION 5.** 450.07 (2m) of the statutes is created to read:

9 450.07 (2m) No license under this section is required for a cannabidiol producer
10 licensed under s. 440.9892 acting within the scope of that license.

11 **SECTION 6.** 450.071 (1m) of the statutes is created to read:

12 450.071 (1m) The board shall exempt a cannabidiol producer licensed under
13 s. 440.9892 from the licensing and other requirements under this section.

14 **SECTION 7.** 961.14 (4) (t) of the statutes is amended to read:

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

20 **SECTION 8.** 961.32 of the statutes is renumbered 961.32 (1m).

21 **SECTION 9.** 961.32 (2m) of the statutes is created to read:

22 961.32 (2m) A cannabidiol producer licensed under s. 440.9892 may possess
23 tetrahydrocannabinols if the possession is only for the purpose of producing
24 cannabidiol in a form without a psychoactive effect for the treatment of a medical

1 condition. Any person may possess cannabidiol in a form without a psychoactive
2 effect if the possession is for the treatment of a medical condition.

3 **SECTION 10.** 961.34 (2) (a) of the statutes is renumbered 961.34 (2) and
4 amended to read:

5 961.34 (2) Upon the request of any physician, the controlled substances board
6 shall aid the physician in applying for and processing an investigational drug permit
7 under 21 USC 355 (i) for cannabidiol as treatment for a seizure disorder. ~~If the~~
8 ~~federal food and drug administration issues an investigational drug permit, the~~
9 ~~controlled substances board shall approve which pharmacies and physicians may~~
10 ~~dispense cannabidiol to patients~~ medical condition.

11 **SECTION 11.** 961.34 (2) (b) of the statutes is repealed.

12 **SECTION 12.** 961.38 (1n) of the statutes is amended to read:

13 961.38 (1n) A pharmacy or physician ~~approved under s. 961.34 (2) (a) or (b)~~ may
14 dispense cannabidiol in a form without a psychoactive effect as a treatment for a
15 ~~seizure disorder~~ medical condition or any physician may provide an individual with
16 a hard copy of a letter or other official documentation stating that the individual
17 possesses cannabidiol to treat a ~~seizure disorder~~ medical condition if the cannabidiol
18 is in a form without a psychoactive effect.

19 **SECTION 13.** 961.52 (2) (a) 1. and 2. of the statutes are amended to read:

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

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

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)