



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBa1387/1
JK/EAW/MED/JAM:klm

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 599**

February 23, 2022 - Offered by Representative NEUBAUER.

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

2 **1.** Page 1, line 2: delete “regulating kratom products,” and substitute “medical
3 marijuana.”

4 **2.** Page 2, line 1: delete the material beginning with that line and ending with
5 page 4, line 19, and substitute:

6 “**SECTION 1.** 15.435 (title) of the statutes is amended to read:

7 **15.435** (title) **Same; attached boards and commissions.**

8 **SECTION 2.** 15.435 (2) of the statutes is created to read:

9 15.435 (2) **MEDICAL MARIJUANA REGULATORY COMMISSION.** (a) *Creation;*
10 *membership.* No later than 30 days after the effective date of this paragraph [LRB
11 inserts date], there is created a medical marijuana regulatory commission attached
12 to the department of revenue under s. 15.03, consisting of the following members:

13 1. One member appointed by the governor.

- 1 2. One member appointed by the senate majority leader.
- 2 3. One member appointed by the speaker of the assembly.
- 3 4. One member appointed by the senate minority leader.
- 4 5. One member appointed by the assembly minority leader.

5 (b) *Chairperson.* The governor shall designate one of the appointees under par.
6 (a) to serve as chairperson for a 2-year term. The chairperson is responsible for the
7 commission's daily operations and administrative oversight.

8 (c) *Assistance.* The commission may request of any state agency such
9 assistance as may be necessary for the commission to fulfill its duties.

10 (d) *Licenses.* The commission shall begin issuing licenses under s. 73.17 no
11 sooner than 180 days after the creation of the commission.

12 (e) *Report.* 1. Annually, the commission shall submit a report to the legislature
13 under s. 13.172 (2) that provides an overview of the medical marijuana industry in
14 this state, specifies the administrative and enforcement actions undertaken by the
15 commission, and makes recommendations regarding the operation of the
16 commission and the administration of ss. 73.17 and 73.18 and subch. IV of ch. 139.

17 2. No later than January 15, 2022, and no later than each January 15
18 thereafter, the commission shall submit to the legislature, as provided under s.
19 13.172 (2), its recommendation for using moneys from the medical marijuana fund
20 for law enforcement drug prevention programs, treatment alternative and diversion
21 programs, and alcohol and other drug abuse treatment programs.

22 **SECTION 3.** 15.437 of the statutes is created to read:

23 **15.437 Same; councils. (1) COUNCIL ON MEDICAL MARIJUANA.** (a) There is
24 created in the department of revenue a council on medical marijuana to provide

1 advice to the medical marijuana regulatory commission. The council consists of the
2 following members:

- 3 1. One individual who represents the interests of licensees under s. 73.17.
- 4 2. One individual who represents local government.
- 5 3. One individual who represents law enforcement.
- 6 4. One individual who represents medical providers.
- 7 5. One individual who represents providers of financial services.
- 8 6. The secretary of agriculture, trade and consumer protection or the
9 secretary's designee.
- 10 7. The secretary of health services or the secretary's designee.
- 11 8. The secretary of revenue or the secretary's designee.
- 12 9. One member appointed by the senate majority leader.
- 13 10. One member appointed by the senate minority leader.
- 14 11. One member appointed by the speaker of the assembly.
- 15 12. One member appointed by the assembly minority leader.

16 (b) The governor shall appoint the members under par. (a) 1. to 5. All members
17 serve for staggered 3-year terms, as determined by the secretary of revenue.

18 **SECTION 4.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
19 the following amounts for the purposes indicated:

	2021-22	2022-23
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20 **20.566 Revenue, department of**

21 (9) MEDICAL MARIJUANA REGULATORY COMMISSION

22 (q) General program operations and

23 enforcement	SEG	A	-0-	-0-
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1 **SECTION 5.** 20.566 (9) of the statutes is created to read:

2 20.566 **(9)** MEDICAL MARIJUANA REGULATORY COMMISSION. (q) *General program*
3 *operations and enforcement.* From the medical marijuana fund, the amounts in the
4 schedule for general program operations, administration, and enforcement of ss.
5 73.17 and 73.18 and subch. IV of ch. 139.

6 **SECTION 6.** 20.923 (4) (e) 13. of the statutes is created to read:

7 20.923 **(4)** (e) 13. Revenue, department of: medical marijuana regulatory
8 commission: members and chairperson.

9 **SECTION 7.** 20.923 (6) (hp) of the statutes is created to read:

10 20.923 **(6)** (hp) Revenue, department of: medical marijuana regulatory
11 commission: all positions other than the members and chairperson.

12 **SECTION 8.** 25.56 of the statutes is created to read:

13 **25.56 Medical marijuana fund.** There is established a separate nonlapsible
14 trust fund, designated as the medical marijuana fund, consisting of all revenue from
15 the fees, taxes, interest, and penalties under ss. 73.17 and 73.18 and subch. IV of ch.
16 139.

17 **SECTION 9.** Chapter 73 (title) of the statutes is amended to read:

18 **CHAPTER 73**

19 **TAX APPEALS COMMISSION,**

20 **MEDICAL MARIJUANA REGULATORY**

21 **COMMISSION, AND DEPARTMENT**

22 **OF REVENUE**

23 **SECTION 10.** 73.17 of the statutes is created to read:

24 **73.17 Medical marijuana; licensees.** (1) DEFINITIONS. In this section:

25 (a) “Child care center” has the meaning given in s. 49.136 (1) (ad).

1 (b) “Commission” means the medical marijuana regulatory commission.

2 (c) “Dispensary” means a person who obtains packaged and labeled medical
3 marijuana from a licensed processor and dispenses that marijuana at a permanent
4 location to qualifying patients or primary caregivers holding a valid registry
5 identification card issued under s. 73.18 (3), regardless of whether the dispensing is
6 done in exchange for monetary consideration.

7 (d) “Laboratory” means a person who obtains medical marijuana from a
8 licensed processor and tests that medical marijuana for tetrahydrocannabinol
9 content and the presence of molds, pesticides, heavy metals, and other
10 contaminants.

11 (e) “Licensee” means a producer, processor, dispensary, transporter, or
12 laboratory that holds a valid license under this section.

13 (f) “Marijuana” has the meaning given in s. 961.01 (14).

14 (g) “Medical marijuana” has the meaning given in s. 73.18 (1) (e).

15 (gm) “Primary caregiver” has the meaning given in s. 73.18 (1) (h).

16 (h) “Processor” means a person who obtains marijuana from a licensed
17 producer, processes the marijuana into medical marijuana, packages and labels the
18 medical marijuana, and transfers or sells the packaged and labeled medical
19 marijuana to a licensed dispensary.

20 (i) “Producer” means a person who plants, grows, cultivates, and harvests
21 marijuana and transfers or sells the marijuana to a licensed processor.

22 (im) “Qualifying patient” has the meaning given in s. 961.01 (20hm).

23 (j) “School” has the meaning given in s. 118.257 (1) (d).

24 (k) “Transporter” means a person who transports marijuana or medical
25 marijuana to other licensees.

1 **(2) ANNUAL LICENSE REQUIRED.** No person may operate in this state as a
2 producer, processor, dispensary, transporter, or laboratory without a license issued
3 by the commission under this section. A person who engages in more than one of
4 these activities shall obtain a separate license for each activity. A person who
5 operates more than one dispensary location shall obtain a separate license for each
6 location. A person who is an employee of a licensee is not required to obtain a
7 separate license. A license issued under this section expires after one year. A person
8 is not required to obtain a license under this section if the person handles only
9 industrial hemp and holds a valid license under s. 94.55.

10 **(3) LICENSE CRITERIA.** The commission may issue a license to a producer,
11 processor, dispensary, transporter, or laboratory if the commission determines that
12 all of the following requirements are met:

13 (a) Notwithstanding ss. 111.321, 111.322, and 111.335, the applicant, or each
14 principal officer or board member of the applicant, has never been convicted of a
15 criminal violation of the federal Controlled Substances Act under 21 USC 801 to 971,
16 the Uniform Controlled Substances Act under ch. 961, or any controlled substances
17 law of another state. The commission shall determine whether this requirement is
18 met on the basis of a criminal history search obtained from the records maintained
19 by the department of justice for each of these persons. The department of justice
20 shall provide information to the commission necessary to determine whether this
21 requirement is met.

22 (b) The applicant, or each principal officer or board member of the applicant,
23 is at least 21 years of age.

24 (c) For the 24 months following the first date on which the commission receives
25 applications under this section, the applicant, or at least one principal officer or

1 board member of the applicant, has resided in this state, in accordance with the
2 qualifications set forth in s. 6.10, for at least one year before submitting an
3 application to the commission under this subsection.

4 (d) 1. If the applicant is a producer or processor, the applicant, or each principal
5 officer or board member of the applicant, does not have any financial interest in a
6 licensed dispensary or laboratory or an applicant for a dispensary or laboratory
7 license.

8 2. If the applicant is a laboratory, the applicant, or each principal officer or
9 board member of the applicant, does not have any financial interest in a licensed
10 producer, processor, or dispensary or an applicant for a producer, processor, or
11 dispensary license.

12 3. If the applicant is a dispensary, the applicant, or each principal officer or
13 board member of the applicant, does not have any financial interest in a licensed
14 producer, processor, or laboratory or an applicant for a producer, processor, or
15 laboratory license.

16 (e) The applicant and each principal officer or board member of the applicant
17 have never had a license revoked and not reinstated under this section or been a
18 principal officer or board member of an entity that has had a license revoked and not
19 reinstated under this section.

20 (f) The applicant's facility or the site of the applicant's facility is not prohibited
21 by a local ordinance of the county or municipality where the facility would be located.

22 (g) The applicant's operation is not or will not be located within 300 feet of the
23 premises of a school or child care center.

24 (h) The applicant has or will have sufficient security measures in place at its
25 operating location.

1 (i) The applicant has or will have sufficient record-keeping procedures in place.

2 (j) If the applicant is a laboratory, the applicant employs and retains at least
3 one employee with an advanced degree in a medical or laboratory science.

4 (k) The applicant provides proof of financial responsibility equal to no less than
5 \$1,000,000 for liability for bodily injury that may result from producing, processing,
6 transporting, or dispensing medical marijuana.

7 (L) The applicant has paid the fee specified under sub. (4).

8 (m) The applicant meets any other conditions for obtaining a license as
9 required by the department of revenue by rule.

10 **(4) APPLICATION AND ANNUAL RENEWAL FEES.** (a) The commission shall set, by
11 rule, the amount of application, registration, and renewal fees for applying for and
12 receiving a license under this section, subject to the limitations under par. (b). The
13 amount of the fees under this subsection shall be sufficient to cover the commission's
14 costs of administering and enforcing this section.

15 (b) 1. For a license under sub. (7) (d) 1. a., the application fee shall be no less
16 than \$1,000, but no more than \$5,000; the registration fee shall be no less than
17 \$50,000, but no more than \$100,000; and the renewal fee shall be no less than
18 \$50,000, but no more than \$150,000.

19 2. For a license under sub. (7) (d) 1. b., the application fee shall be no less than
20 \$10,000, but no more than \$15,000; the registration fee shall be no less than
21 \$100,000, but no more than \$150,000; and the renewal fee shall be no less than
22 \$100,000, but no more than \$200,000.

23 3. For a license under sub. (7) (d) 1. c., the application fee shall be no less than
24 \$20,000, but no more than \$25,000; the registration fee shall be no less than

1 \$150,000, but no more than \$200,000; and the renewal fee shall be no less than
2 \$150,000, but no more than \$250,000.

3 4. For a license under sub. (8), the application fee shall be no less than \$1,000,
4 but no more than \$25,000; the registration fee shall be no less than \$50,000, but no
5 more than \$200,000; and the renewal fee shall be no less than \$50,000, but no more
6 than \$250,000.

7 5. For a license under sub. (9), the application fee shall be no less than \$2,500,
8 but no more than \$7,500; the registration fee shall be no less than \$6,000, but no more
9 than \$9,000; and the renewal fee shall be no less than \$5,000, but no more than
10 \$45,000.

11 **(5) EMPLOYEES.** A licensee may not employ a person unless all of the following
12 requirements are met:

13 (a) The person is at least 21 years of age.

14 (b) Notwithstanding ss. 111.321, 111.322, and 111.335, the person has never
15 been convicted of a criminal violation of the federal Controlled Substances Act under
16 21 USC 801 to 971, the Uniform Controlled Substances Act under ch. 961, or any
17 controlled substances law of another state, based on a criminal history search
18 obtained from the records maintained by the department of justice. The department
19 of justice shall provide information to the commission necessary to determine
20 whether this requirement is met.

21 (c) If the person is employed at a dispensary, the person has completed the
22 training required for dispensary employees, which the commission shall establish by
23 rule.

24 **(6) LOCATION.** Except as provided by rules promulgated under this section, no
25 licensee may operate within 300 feet of the premises of a school or child care center.

1 If a licensee's operation relocates to within 300 feet of the premises of a school or child
2 care center, the commission shall immediately revoke the licensee's license. The
3 commission shall establish, by rule, whether a licensee may remain in operation or
4 must relocate if the premises of a school or child care center locates within 300 feet
5 of the licensee's operation.

6 (7) PRODUCERS. (a) A licensed producer may plant, grow, cultivate, and harvest
7 marijuana; transfer or sell the marijuana to a licensed processor; and engage in any
8 related activities that are necessary for the operation, such as possessing and storing
9 the marijuana. A licensed producer may transport marijuana from the producer's
10 facility only if the producer has a valid transporter license under sub. (11).

11 (b) A licensed producer may not plant, grow, cultivate, or harvest marijuana
12 for personal, family, or household use.

13 (c) A licensed producer may operate only within an enclosed, locked facility.

14 (d) 1. The commission may issue the following licenses to producers:

15 a. A Class A license, which allows the producer to annually plant, grow,
16 cultivate, or harvest no more than 200 marijuana plants.

17 b. A Class B license, which allows the producer to annually plant, grow,
18 cultivate, or harvest no more than 500 marijuana plants.

19 c. A Class C license, which allows the producer to annually plant, grow,
20 cultivate, or harvest an unlimited number of marijuana plants.

21 2. The commission may issue no more than 50 Class A licenses, 20 Class B
22 licenses, and 5 Class C licenses.

23 (e) As part of the application process, the commission shall require an applicant
24 to provide the global positioning system coordinates of the single, contiguous

1 property identified on the license application and on which the marijuana will be
2 planted, grown, cultivated, and harvested.

3 (8) PROCESSORS. (a) A licensed processor may obtain marijuana in this state
4 from a licensed producer, process the marijuana into medical marijuana, transfer
5 samples of the medical marijuana to a licensed laboratory by using a licensed
6 transporter, package and label the medical marijuana, transfer or sell the medical
7 marijuana to a licensed dispensary, and engage in any related activities that are
8 necessary for the operation, such as possessing and storing the marijuana or medical
9 marijuana.

10 (b) Before transferring medical marijuana to a licensed dispensary, a licensed
11 processor shall do all of the following:

12 1. Provide samples of each type of medical marijuana that it processes to a
13 licensed laboratory and receive certified test results of those samples showing the
14 tetrahydrocannabinol content of the medical marijuana and showing that the
15 medical marijuana does not contain unsafe levels of any molds, pesticides, heavy
16 metals, or any other contaminant for which the commission requires, by rule, the
17 medical marijuana to be tested.

18 2. Package the medical marijuana in child-resistant packaging. The
19 commission may establish, by rule, additional packaging requirements.

20 3. Attach a label to the packaging that identifies the weight, in ounces, of
21 marijuana contained in the package, the tetrahydrocannabinol content of the
22 medical marijuana, and any other information required to be included by the
23 commission by rule. The commission shall promulgate rules specifying marijuana
24 weight equivalencies for different types of medical marijuana.

25 (c) A licensed processor may operate only within an enclosed, locked facility.

1 **(9) DISPENSARIES.** (a) A licensed dispensary may obtain packaged, labeled
2 medical marijuana from a licensed processor, dispense the medical marijuana
3 according to the provisions of this section, and engage in any related activities that
4 are necessary for the operation, such as possessing and storing the medical
5 marijuana.

6 (b) A licensed dispensary may dispense medical marijuana only to a person who
7 presents a valid registry identification card issued under s. 73.18 (3) and a valid
8 written hard copy or electronic recommendation under s. 73.18 (2) and only in
9 accordance with the recommendation presented.

10 (c) Before dispensing medical marijuana, a licensed dispensary shall do all of
11 the following:

12 1. Verify that the registry identification card presented is valid and unexpired.

13 2. Verify that the person receiving the medical marijuana is the person
14 identified on the registry identification card.

15 3. Attach a label to the packaging that identifies the name and address of the
16 dispensary, the date on which the medical marijuana is dispensed, the name of the
17 practitioner who recommended the use of medical marijuana, the name of the
18 qualifying patient, the name of the primary caregiver if the medical marijuana is
19 dispensed to a primary caregiver, and any other information required to be included
20 by the commission by rule.

21 (d) No more than 10 licensed dispensaries may operate in a county with a
22 population exceeding 500,000; no more than 5 licensed dispensaries may operate in
23 a county with a population that is less than 500,000, but at least 100,000; and no
24 more than 3 licensed dispensaries may operate in a county with a population less than
25 100,000.

1 **(10) LABORATORIES.** (a) A licensed laboratory may obtain samples of medical
2 marijuana from a licensed processor, test and certify the tetrahydrocannabinol
3 content of the medical marijuana and whether the medical marijuana contains any
4 contaminants, and engage in any related activities that are necessary for the
5 operation, such as possessing and storing the medical marijuana.

6 (b) If any part of a sample remains after testing and certifying the
7 tetrahydrocannabinol content of the sample, the licensed laboratory shall destroy
8 the sample or return the sample to the licensed processor.

9 (c) A licensed laboratory may operate only within an enclosed, locked facility.

10 **(11) TRANSPORTERS.** Marijuana or medical marijuana may be transported on
11 public roads only by a licensed transporter and only to other licensees. A transporter
12 shall designate a crew of at least 2 individuals to transport any shipment of
13 marijuana or medical marijuana, and at least one individual shall remain with the
14 transportation vehicle at all times. A transporter shall keep accurate and complete
15 records, as prescribed by the commission, including route plans and manifests, and
16 shall provide such records to the commission at the time and in the manner
17 prescribed by the commission and to law enforcement upon request.

18 **(12) STATEWIDE TRACKING SYSTEM.** (a) The commission shall establish and
19 maintain a statewide tracking system to ensure compliance with this section and s.
20 73.18 and subch. IV of ch. 139, to track marijuana and medical marijuana from
21 cultivation to consumption by qualifying patients, to enable product recalls, and to
22 ensure efficient revenue collection. The commission shall use the tracking system
23 to do all of the following:

24 1. Track inventory throughout the product life of marijuana and medical
25 marijuana, including the monitoring of seed-to-sale transfers.

1 2. Verify that a registry identification card issued under s. 73.18 (3) is current
2 and valid and has not been suspended, revoked, or denied, and record other
3 information concerning such cards.

4 3. Record the date, time, quantity, and price of each sale or transfer of
5 marijuana or medical marijuana to a qualifying patient or primary caregiver.

6 4. Ensure that a specific sale or transaction does not exceed permissible
7 quantity limits.

8 5. Receive and integrate 3rd-party inventory control and tracking systems.

9 6. Record any other information, as determined by the commission, that is
10 applicable to licensees, qualifying patients, and primary caregivers.

11 (b) All persons issued a license under this section shall comply with the
12 commission's requirements, as prescribed by the commission by rule, for
13 maintaining the statewide tracking system under this subsection.

14 **(13) CONFIDENTIALITY.** (a) The commission shall ensure that any of the
15 following information that is in the commission's possession is confidential and not
16 open to public inspection or copying under s. 19.35 (1), except that it shall be made
17 available to a law enforcement agency or law enforcement officer:

18 1. Information relating to the locations of marijuana production and processing
19 operations.

20 2. Personally identifiable information relating to a person who is lawfully
21 engaging in activities related to marijuana.

22 3. Information obtained about an individual as a result of any criminal history
23 search performed in relation to authorizing the individual to engage in activities
24 related to marijuana.

1 4. Any other information about activities related to marijuana that could create
2 a security risk if disclosed.

3 (b) A licensed dispensary shall ensure that any information that is in the
4 dispensary's possession relating to a qualifying patient or primary caregiver is
5 confidential, except that it shall be made available to a law enforcement agency or
6 law enforcement officer.

7 **(14) INSPECTIONS.** The commission may inspect, without prior notice, the
8 premises of an applicant or licensee and any records required to be retained by a
9 licensee.

10 **(15) FALSE INFORMATION ON AN APPLICATION.** No person may intentionally submit
11 false information in any application submitted under this section.

12 **(16) PENALTIES AND DISCIPLINARY ACTIONS.** (a) A person who violates any
13 provision of this section, or an order issued or rule promulgated under this section,
14 may be required to forfeit not less than \$200 nor more than \$5,000 or, for an offense
15 committed within 5 years of an offense for which a penalty has been assessed under
16 this section, may be required to forfeit not less than \$400 nor more than \$10,000.

17 (b) In addition to or in lieu of any other penalty or disciplinary action allowed
18 under state law or under rules promulgated by the commission, the commission may,
19 for any reason specified by the commission by rule, suspend, with or without prior
20 hearing, revoke, refuse to issue, or refuse to renew a license issued under this section.

21 **(17) APPEAL.** Any person aggrieved by an order or determination issued by the
22 commission under this section or s. 73.18 may appeal the order or determination as
23 a contested case under ch. 227 by filing with the commission a request for a hearing
24 within 30 days after the date of the order or determination.

1 **(18) RULES.** No later than 90 days after the creation of the commission, as
2 provided under s. 15.435 (2) (a), the commission shall promulgate rules necessary to
3 administer and enforce this section. When promulgating rules under this
4 subsection, the commission shall consider standards and procedures that have been
5 found to be best practices relating to the use and regulation of marijuana and medical
6 marijuana.

7 **(19) MEDICAL MARIJUANA FUND.** The commission shall deposit all fees and
8 penalties collected under this section into the medical marijuana fund.

9 **SECTION 11.** 73.18 of the statutes is created to read:

10 **73.18 Medical marijuana; dispensaries. (1) DEFINITIONS.** In this section:

11 (a) “Applicant” means a person who is applying for a registry identification card
12 under sub. (3).

13 (b) “Certified advanced practice nurse prescriber” means a nurse who is
14 certified under s. 441.16 (2).

15 (c) “Commission” means the medical marijuana regulatory commission.

16 (d) “Marijuana” has the meaning given in s. 961.01 (14).

17 (e) “Medical marijuana” means marijuana that has been processed for human
18 consumption in the form of a liquid, oil, pill, or tincture or in a form that is applied
19 topically and that is used or is intended for use by a qualifying patient to alleviate
20 the symptoms of a qualifying medical condition.

21 (f) “Physician” has the meaning given in s. 448.01 (5).

22 (g) “Physician assistant” has the meaning given in s. 448.01 (6).

23 (h) “Primary caregiver” means a person who is at least 21 years of age and who
24 has agreed to help a qualifying patient in the qualifying patient’s use or acquisition
25 of medical marijuana.

1 (i) “Qualifying medical condition” means any of the following:

2 1. Amyotrophic lateral sclerosis.

3 2. Cancer.

4 3. Crohn’s disease.

5 4. Glaucoma.

6 5. HIV/AIDS.

7 6. Multiple sclerosis.

8 7. Post-traumatic stress disorder.

9 8. Seizure disorders.

10 9. Any other medical condition designated as a qualifying medical condition in
11 rules promulgated by the commission in consultation with the medical examining
12 board and only with the approval of all members of the commission.

13 (j) “Qualifying patient” has the meaning given in s. 961.01 (20hm).

14 (k) “Registrant” means a person to whom a registry identification card is issued
15 under sub. (3).

16 (L) “Registry identification card” means a document issued by the commission
17 under sub. (3) that identifies a person as a qualifying patient or primary caregiver.

18 **(2) RECOMMENDATIONS; REQUIREMENTS AND LIMITATIONS.** (a) A physician,
19 physician assistant, or certified advanced practice nurse prescriber who is certified
20 under par. (d) may recommend the use of medical marijuana to treat a patient if all
21 of the following apply:

22 1. The patient has been diagnosed with a qualifying medical condition and the
23 physician, physician assistant, or certified advanced practice nurse prescriber
24 advises the use of medical marijuana to treat that condition or the symptoms of that
25 condition.

1 2. A health care provider-patient relationship has been established between
2 the physician, physician assistant, or certified advanced practice nurse prescriber
3 and the patient through all of the following:

4 a. An in-person physical examination of the patient by the physician, physician
5 assistant, or certified advanced practice nurse prescriber.

6 b. A review of the patient's medical history by the physician, physician
7 assistant, or certified advanced practice nurse prescriber.

8 c. An expectation of the physician, physician assistant, or certified advanced
9 practice nurse prescriber providing care to the patient, and the patient receiving care
10 from the physician, physician assistant, or certified advanced practice nurse
11 prescriber, on an ongoing basis.

12 3. If the patient is a minor, the physician, physician assistant, or certified
13 advanced practice nurse prescriber has obtained the consent of the patient's parent,
14 guardian, or legal custodian.

15 (b) A physician, physician assistant, or certified advanced practice nurse
16 prescriber may not recommend the use of medical marijuana under this subsection
17 for himself or herself or to any member of his or her immediate family or household.
18 A physician, physician assistant, or certified advanced practice nurse prescriber may
19 not have any financial interest in a medical marijuana producer, processor, or
20 dispensary.

21 (c) When recommending the use of medical marijuana, a physician, physician
22 assistant, or certified advanced practice nurse prescriber shall include on the
23 recommendation the patient's name, the name of the recommending physician,
24 physician assistant, or certified advanced practice nurse prescriber, and a

1 recommended usage and shall specify any other information required in rules
2 promulgated by the commission, in consultation with the medical examining board.

3 (d) The commission shall establish procedures for physicians, physician
4 assistants, and certified advanced practice nurse prescribers to apply for
5 certification and to be certified to recommend the use of medical marijuana under
6 this section. An applicant for certification under this paragraph shall provide the
7 applicant's name, office address, contact information, and medical license number.
8 The applicant shall also provide written documentation that the applicant is
9 authorized to dispense controlled substances under 21 USC 821 to 832 and provide
10 on the application the applicant's registration number issued by the U.S. drug
11 enforcement administration. In addition, the applicant shall provide written
12 documentation that the applicant has completed at least 4 hours of continuing
13 education to assist in diagnosing qualifying medical conditions and treating such
14 conditions with medical marijuana. A person certified in accordance with this
15 paragraph shall keep complete and accurate records of the recommendations made
16 and the qualifying patients for whom the recommendations are made under this
17 section and shall report to the commission, at the commission's request, the number
18 of recommendations made and for whom.

19 **(3) APPLICATION; REGISTRY IDENTIFICATION CARD.** (a) An applicant who is a
20 qualifying patient may apply for a registry identification card by submitting to the
21 commission a signed application form containing or accompanied by all of the
22 following:

- 23 1. His or her name, address, and date of birth.
- 24 2. A written recommendation provided under sub. (2) that is no more than 30
25 days old as of the date the application is filed.

1 3. The name, address, and telephone number of the physician, physician
2 assistant, or certified advanced practice nurse prescriber who provided the
3 recommendation.

4 4. A registration fee in an amount determined by the commission.

5 (b) 1. A registrant or applicant who is a qualifying patient may jointly apply
6 to the commission with another person for a registry identification card for the other
7 person and designate the other person as a primary caregiver for the registrant or
8 applicant if the other person is at least 21 years of age and, notwithstanding ss.
9 111.321, 111.322, and 111.335, has never been convicted of a criminal violation of the
10 federal Controlled Substances Act under 21 USC 801 to 971, the Uniform Controlled
11 Substances Act under ch. 961, or any controlled substances law of another state. The
12 department of justice shall provide information to the commission necessary to
13 determine whether this requirement is met. Both persons who jointly apply for a
14 registry identification card under this subdivision shall sign the application form,
15 which shall contain the name, address, and date of birth of the individual applying
16 to be registered as a primary caregiver.

17 2. Except as provided under par. (c), a registrant or an applicant who is a
18 qualifying patient may designate only one primary caregiver under subd. 1., unless
19 the commission grants an exception to allow for an additional designation.

20 3. A primary caregiver designated by a person under subd. 1. may not be
21 designated as a primary caregiver for more than one qualifying patient or applicant
22 unless the patients or applicants live in the same residence or unless the commission
23 otherwise allows.

24 (c) The commission shall promulgate rules specifying how a parent, guardian,
25 or legal custodian of a minor may apply for a registry identification card for himself

1 or herself and for the minor and the circumstances under which the commission may
2 approve or deny the application. The commission shall require a minor who is a
3 qualifying patient or applicant to have the minor's parent, guardian, or legal
4 custodian designated as a primary caregiver under par. (b). Notwithstanding par.
5 (b) 2., a minor may designate both parents as primary caregivers.

6 (d) A registry identification card issued under this subsection expires after one
7 year.

8 (e) A registrant, whether a qualifying patient or primary caregiver, may not
9 plant, grow, cultivate, or harvest marijuana without a valid producer license under
10 s. 73.17.

11 (f) An applicant who is a qualifying patient must have resided in the state, in
12 accordance with the qualifications set forth in s. 6.10, for at least 10 consecutive days
13 before submitting an application to the commission under this subsection.

14 (g) A person may not register as a qualifying patient or primary caregiver or
15 hold a registry identification card while serving a term of imprisonment or while on
16 parole or probation.

17 (h) The commission shall maintain a list of all registrants.

18 (i) Notwithstanding s. 19.35 and except as provided in par. (j), the commission
19 may not disclose information from an application submitted or a registry
20 identification card issued under this subsection.

21 (j) The commission may disclose to state or local law enforcement agencies
22 information from an application submitted by or from a registry identification card
23 issued to a specific person under this subsection for the purpose of verifying that the
24 person possesses a valid registry identification card.

1 (k) A person who holds a registry identification card may only purchase or use
2 medical marijuana that has been produced, processed, distributed, and dispensed as
3 provided under this section and s. 73.17 and for which the taxes have been paid as
4 provided under subch. IV of ch. 139.

5 (L) A person who holds a registry identification card may only possess a 30-day
6 supply of individual doses of medical marijuana, except that during the last 7 days
7 of any such 30-day period, the person may obtain and possess a 30-day supply for
8 the subsequent 30-day period.

9 (4) RULES. The commission shall promulgate rules to implement this section,
10 including rules that do all of the following:

11 (a) Establish a timeline for approving or denying applications under sub. (3).

12 (b) Set the amount of fees to be submitted with applications.

13 (c) Establish any other rules necessary for the administration of the registry
14 under sub. (3), including issuance of registry identification cards.

15 (5) EFFECT OF THIS SECTION; EMPLOYMENT. Nothing in this section does any of the
16 following:

17 (a) Requires an employer to permit or accommodate the use, consumption,
18 possession, transfer, display, transportation, sale, or cultivation of medical
19 marijuana at a place of employment by an employee.

20 (b) Interferes with an employer's ability to prohibit the use, possession, or sale
21 of medical marijuana at a place of employment by an employee.

22 (c) Provides a cause of action against an employer.

23 (d) Limits an employer's ability to establish and enforce a drug-free workplace
24 policy.

25 (e) Requires an employer to violate federal law.

1 **SECTION 12.** 77.52 (13) of the statutes is amended to read:

2 77.52 (13) For the purpose of the proper administration of this section and to
3 prevent evasion of the sales tax it shall be presumed that all receipts are subject to
4 the tax until the contrary is established. The burden of proving that a sale of tangible
5 personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services
6 is not a taxable sale at retail is upon the person who makes the sale unless that
7 person takes from the purchaser an electronic or a paper certificate, in a manner
8 prescribed by the department, to the effect that the property, item, good, or service
9 is purchased for resale or is otherwise exempt, except that no certificate is required
10 for the sale of tangible personal property, or items, property, or goods under sub. (1)
11 (b), (c), or (d), or services that are exempt under s. 77.54 (5) (a) 3., (7), (7m), (8), (10),
12 (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46),
13 (51), (52), (66), and (67), and (70).

14 **SECTION 13.** 77.53 (10) of the statutes is amended to read:

15 77.53 (10) For the purpose of the proper administration of this section and to
16 prevent evasion of the use tax and the duty to collect the use tax, it is presumed that
17 tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or
18 (d), or taxable services sold by any person for delivery in this state is sold for storage,
19 use, or other consumption in this state until the contrary is established. The burden
20 of proving the contrary is upon the person who makes the sale unless that person
21 takes from the purchaser an electronic or paper certificate, in a manner prescribed
22 by the department, to the effect that the property, or items, property, or goods under
23 s. 77.52 (1) (b), (c), or (d), or taxable service is purchased for resale, or otherwise
24 exempt from the tax, except that no certificate is required for the sale of tangible
25 personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or

1 services that are exempt under s. 77.54 (7), (7m), (8), (10), (11), (14), (15), (17), (20n),
2 (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), (52), ~~and (67), and (70).~~

3 **SECTION 14.** 77.54 (70) of the statutes is created to read:

4 77.54 **(70)** The sales price from the sales of and the storage, use, or other
5 consumption of medical marijuana distributed by a dispensary licensed and
6 operating under s. 73.17.

7 **SECTION 15.** 108.04 (5) (a) (intro.) of the statutes is amended to read:

8 108.04 **(5)** (a) (intro.) A violation by an employee of an employer's reasonable
9 written policy concerning the use of alcohol beverages, or use of a controlled
10 substance or a controlled substance analog, including a drug-free workplace policy,
11 if the employee:

12 **SECTION 16.** 111.32 (9m) of the statutes is created to read:

13 111.32 **(9m)** "Lawful product" does not include medical marijuana.

14 **SECTION 17.** 111.32 (12c) of the statutes is created to read:

15 111.32 **(12c)** "Medical marijuana" has the meaning given in s. 73.18 (1) (e).

16 **SECTION 18.** 111.34 (1) (b) of the statutes is amended to read:

17 111.34 **(1)** (b) ~~Refusing~~ Subject to sub. (3), refusing to reasonably accommodate
18 an employee's or prospective employee's disability unless the employer can
19 demonstrate that the accommodation would pose a hardship on the employer's
20 program, enterprise or business.

21 **SECTION 19.** 111.34 (3) of the statutes is created to read:

22 111.34 **(3)** Notwithstanding s. 111.322, this subchapter does not apply to any
23 act of an employer based upon an individual's use of medical marijuana.

24 **SECTION 20.** Subchapter IV of chapter 139 [precedes 139.97] of the statutes is
25 created to read:

1 proposed rate would apply. If the cochairpersons of the joint committee on finance
2 do not notify the commission that the committee has scheduled a meeting for the
3 purpose of reviewing the request within 30 working days after the date of the
4 submission, the commission may implement the proposal. If within 30 working days
5 after the date of the submission, the cochairpersons of the committee notify the
6 commission that the committee has scheduled a meeting for the purpose of reviewing
7 the request, the commission may implement the proposal only upon approval of the
8 committee.

9 **139.972 Records and reports. (1)** Every producer and processor shall keep
10 accurate and complete records of its production and sales of marijuana and medical
11 marijuana in this state. The records shall be kept on the premises described in its
12 license application under s. 73.17 and in such manner as to ensure permanency and
13 accessibility for inspection at reasonable hours by the authorized personnel of the
14 commission or department. The commission shall prescribe reasonable and uniform
15 methods of keeping records and making reports and shall provide the necessary
16 forms to producers and processors.

17 **(2)** If the commission determines that any records of a producer or processor
18 are not kept in the prescribed form or are in such condition that the commission
19 requires an unusual amount of time to determine from the records the amount of the
20 tax due, the commission shall give notice to the producer or processor that it is
21 required to revise its records and keep them in the prescribed form. If the producer
22 or processor fails to comply within 30 days, it shall pay the expenses reasonably
23 attributable to a proper examination and tax determination at the rate of \$30 per day
24 for each auditor used to make the examination and determination. The commission

1 shall send a bill for such expenses, and the producer or processor shall pay the
2 amount of such bill within 10 days.

3 (3) If any producer or processor fails to file a report when due, it shall be
4 required to pay a late filing fee of \$10. A report that is mailed is filed on time if it is
5 mailed in a properly addressed envelope with postage prepaid, the envelope is
6 officially postmarked, or marked or recorded electronically as provided under section
7 7502 (f) (2) (C) of the Internal Revenue Code, on the date due, and the report is
8 actually received by the commission or at the destination that the commission
9 prescribes within 5 days of the due date. A report that is not mailed is timely if it
10 is received on or before the due date by the commission or at the destination that the
11 commission prescribes. For purposes of this subsection, "mailed" includes delivery
12 by a delivery service designated under section 7502 (f) of the Internal Revenue Code.

13 (4) Sections 71.78 (1), (1m), and (4) to (9) and 71.83 (2) (a) 3. and 3m., relating
14 to confidentiality of income, franchise, and gift tax returns, apply to any information
15 obtained from any producer or processor under this subchapter on a tax return,
16 report, schedule, exhibit, or other document or from an audit report relating to any
17 of those documents, except that the commission shall publish production and sales
18 statistics.

19 **139.973 Administration and enforcement.** (1) The commission, in
20 consultation with the department, shall administer and enforce this subchapter and
21 promulgate rules necessary to administer and enforce this subchapter.

22 (2) The duly authorized employees of the commission and the department have
23 all necessary police powers to prevent violations of this subchapter.

24 (3) Authorized personnel of the commission, the department of justice, and the
25 department of revenue, and any law enforcement officer, within their respective

1 jurisdictions, may at all reasonable hours enter the premises of any producer or
2 processor and examine the books and records to determine whether the tax imposed
3 by this subchapter has been fully paid and may enter and inspect any premises
4 where marijuana or medical marijuana is produced, processed, made, sold, or stored
5 to determine whether the producer or processor is complying with this subchapter.

6 (4) The commission may suspend or revoke the license of any producer or
7 processor who violates s. 100.30, any provision of this subchapter, or any rules
8 promulgated under sub. (1). The commission shall revoke the permit of any producer
9 or processor who violates s. 100.30 3 or more times within a 5-year period.

10 (5) No suit shall be maintained in any court to restrain or delay the collection
11 or payment of the tax levied in s. 139.971. The aggrieved taxpayer shall pay the tax
12 when due and, if paid under protest, may at any time within 90 days from the date
13 of payment sue the state to recover the tax paid. If it is finally determined that any
14 part of the tax was wrongfully collected, the secretary of administration shall pay the
15 amount wrongfully collected out of the medical marijuana fund. A separate suit need
16 not be filed for each separate payment made by any taxpayer, but a recovery may be
17 had in one suit for as many payments as may have been made.

18 (6) (a) Any person may be compelled to testify in regard to any violation of this
19 subchapter of which the person may have knowledge, even though such testimony
20 may tend to incriminate the person, upon being granted immunity from prosecution
21 in connection with such testimony. Upon the giving of the testimony under this
22 paragraph, the person shall not be prosecuted because of the violation relative to
23 which the person has testified.

24 (b) The immunity provided under par. (a) is subject to the restrictions under
25 s. 972.085.

1 (7) The provisions on timely filing under s. 71.80 (18) apply to the tax imposed
2 under this subchapter.

3 (8) Sections 71.74 (1), (2), (10), (11), and (14), 71.77, 71.91 (1) (a) and (c) and
4 (2) to (7), 71.92, and 73.0301 as they apply to the taxes under ch. 71 apply to the taxes
5 under this subchapter. Section 71.74 (13) as it applies to the collection of the taxes
6 under ch. 71 applies to the collection of the taxes under this subchapter, except that
7 the period during which notice of an additional assessment shall be given begins on
8 the due date of the report under this subchapter.

9 (9) Any building or place of any kind where marijuana or medical marijuana
10 is sold, possessed, stored, or manufactured without a valid license under s. 73.17 or
11 in violation of s. 139.972 is declared a public nuisance and may be closed and abated
12 as such.

13 (10) At the request of the commission chairperson or the secretary of revenue,
14 the attorney general may represent this state or assist a district attorney in
15 prosecuting any case arising under this subchapter.

16 **139.974 Theft of tax moneys.** All medical marijuana tax moneys received by
17 a producer or processor for the sale of marijuana or medical marijuana on which the
18 tax under this subchapter has become due and has not been paid are trust funds in
19 the possession of the producer or processor and are the property of this state. Any
20 producer or processor who fraudulently withholds, appropriates, or otherwise uses
21 medical marijuana tax moneys that are the property of this state is guilty of theft
22 under s. 943.20 (1), whether or not the producer or processor has or claims to have
23 an interest in those moneys.

24 **139.975 Seizure and confiscation.** (1) All marijuana and medical
25 marijuana produced, processed, made, kept, stored, sold, distributed, or transported

1 in violation of this subchapter or s. 73.17 or 73.18 and all tangible personal property
2 used in connection with the marijuana or medical marijuana is unlawful property
3 and subject to seizure by the commission or a law enforcement officer. Except as
4 provided in sub. (2), all marijuana and medical marijuana seized under this
5 subsection shall be destroyed.

6 (2) If marijuana or medical marijuana on which the tax has not been paid is
7 seized as provided under sub. (1), it may be given to law enforcement officers to use
8 in criminal investigations or sold to qualified buyers by the commission without
9 notice. If the marijuana or medical marijuana is sold, after deducting the costs of
10 selling and storing the property, the commission shall pay the sale proceeds into the
11 medical marijuana fund. If the commission finds that the marijuana or medical
12 marijuana may deteriorate or become unfit for use in criminal investigations or for
13 sale, or that those uses would otherwise be impractical, the commission may order
14 them destroyed.

15 (3) If marijuana or medical marijuana on which the tax has been paid is seized
16 as provided under sub. (1), it shall be returned to the true owner if ownership can be
17 ascertained and the owner or the owner's agent is not involved in the violation
18 resulting in the seizure. If the ownership cannot be ascertained or if the owner or
19 the owner's agent was guilty of the violation that resulted in the seizure of the
20 marijuana or medical marijuana, it may be sold or otherwise disposed of as provided
21 in sub. (2).

22 (4) If tangible personal property other than marijuana or medical marijuana
23 is seized as provided under sub. (1), the commission shall advertise the tangible
24 personal property for sale by publication of a class 2 notice under ch. 985. If no person
25 claiming a lien on, or ownership of, the property has notified the commission of the

1 person's claim within 10 days after last insertion of the notice, the commission shall
2 sell the property. If a sale is not practical, the commission may destroy the property.
3 If a person claiming a lien on, or ownership of, the property notifies the commission
4 within the time prescribed in this subsection, the commission may apply to the
5 circuit court in the county where the property was seized for an order directing
6 disposition of the property or the proceeds from the sale of the property. If the court
7 orders the property to be sold, all liens, if any, may be transferred from the property
8 to the sale proceeds. Neither the property seized nor the proceeds from the sale shall
9 be turned over to any claimant of lien or ownership unless the claimant first
10 establishes that the property was not used in connection with any violation under
11 this subchapter or s. 73.17 or 73.18 or that, if so used, it was done without the
12 claimant's knowledge or consent and without the claimant's knowledge of facts that
13 should have given the claimant reason to believe it would be put to such use. If no
14 claim of lien or ownership is established as provided under this subsection, the
15 property may be ordered destroyed. In case of a sale, the net proceeds after deducting
16 costs, expenses, and established claims shall be paid into the medical marijuana
17 fund.

18 **139.976 Interest and penalties.** (1) Any person who makes or signs any
19 false or fraudulent report under this subchapter, who attempts to evade the tax
20 imposed under this subchapter, or who aids in or abets the evasion or attempted
21 evasion of that tax may be fined not more than \$10,000 or imprisoned not more than
22 9 months or both.

23 (2) Any producer or processor who fails to keep the records required under this
24 subchapter shall be fined not less than \$100 nor more than \$500 or imprisoned not
25 more than 6 months or both.

1 **(3)** Any person who refuses to permit the examination or inspection authorized
2 under s. 139.973 (3) may be fined not more than \$500 or imprisoned not more than
3 6 months or both. The commission shall immediately suspend or revoke the license
4 of any person who refuses to permit the examination or inspection authorized under
5 s. 139.973 (3).

6 **(4)** Any person who violates any of the provisions of this subchapter for which
7 no other penalty is prescribed shall be fined not less than \$100 nor more than \$1,000
8 or imprisoned not less than 10 days nor more than 90 days or both.

9 **(5)** Any person who violates any of the rules promulgated in accordance with
10 this subchapter shall be fined not less than \$100 nor more than \$500 or imprisoned
11 not more than 6 months or both.

12 **(6)** In addition to the penalties imposed for violating the provisions of this
13 subchapter or any of the commission's rules, the commission shall automatically
14 revoke the license of any person convicted of such a violation and not issue another
15 license to that person for a period of 2 years following the revocation.

16 **(7)** Unpaid taxes under this subchapter bear interest at the rate of 12 percent
17 per year from the due date of the return until paid or deposited with the commission,
18 and all refunded taxes under this subchapter bear interest at the rate of 3 percent
19 per year from the due date of the return to the date on which the refund is certified
20 on the refund rolls.

21 **(8)** All nondelinquent payments of additional amounts owed under this
22 subchapter shall be applied in the following order: penalties, interest, tax principal.

23 **(9)** Delinquent medical marijuana taxes bear interest at the rate of 1.5 percent
24 per month until paid. The taxes imposed by this subchapter shall become delinquent
25 if not paid by the following:

1 (a) In the case of a timely filed return, no return filed, or a late return, on or
2 before the due date of the return.

3 (b) In the case of a deficiency determination of taxes, within 2 months after the
4 date of demand.

5 **(10)** If due to neglect an incorrect return is filed under this subchapter, the
6 entire tax finally determined is subject to a penalty of 25 percent of the tax exclusive
7 of interest or other penalty. A person filing an incorrect return has the burden of
8 proving that the error or errors were due to good cause and not due to neglect.

9 **SECTION 21.** 182.001 (3) of the statutes is amended to read:

10 182.001 **(3)** PROHIBITED ACTIVITIES. Those farming operations prohibited under
11 this section are the production of dairy products not including the processing of such
12 dairy products; the production of cattle, hogs, and sheep; and the production of
13 wheat, field corn, barley, oats, rye, hay, pasture, soybeans, millet, sorghum, and
14 hemp, and marijuana and medical marijuana as provided under ss. 73.17 and 73.18.

15 **SECTION 22.** 440.035 (2m) (a) of the statutes is renumbered 440.035 (2m) (a)
16 (intro.) and amended to read:

17 440.035 **(2m)** (a) (intro.) In this subsection, ~~“controlled;~~

18 1. “Controlled substance” has the meaning given in s. 961.01 (4).

19 **SECTION 23.** 440.035 (2m) (a) 2. of the statutes is created to read:

20 440.035 **(2m)** (a) 2. “Medical marijuana” has the meaning given in s. 73.18 (1)
21 (e).

22 **SECTION 24.** 440.035 (2m) (b) of the statutes, as affected by 2021 Wisconsin Act
23 23, is renumbered 440.035 (2m) (b) 1.

24 **SECTION 25.** 440.035 (2m) (b) 2. of the statutes is created to read:

1 440.035 **(2m)** (b) 2. The medical examining board and the board of nursing may
2 issue guidelines regarding best practices in making recommendations for the use of
3 medical marijuana under s. 73.18 (2) for persons credentialed by that board who are
4 authorized to recommend the use of medical marijuana.

5 **SECTION 26.** 441.07 (1g) (d) 3. of the statutes is created to read:

6 441.07 **(1g)** (d) 3. Recommending the use of medical marijuana to treat a
7 patient in accordance with s. 73.18 (2).

8 **SECTION 27.** 441.20 of the statutes is created to read:

9 **441.20 Recommendations for use of medical marijuana.** (1) In this
10 section, “medical marijuana” has the meaning given in s. 73.18 (1) (e).

11 (2) A certified advanced practice nurse prescriber who, acting in good faith,
12 recommends the use of medical marijuana to treat a patient in accordance with s.
13 73.18 (2) shall be immune from criminal or civil liability and may not be subject to
14 professional discipline under s. 441.07 for any outcomes resulting from that
15 recommendation.

16 **SECTION 28.** 448.015 (4) (bm) 3. of the statutes is created to read:

17 448.015 **(4)** (bm) 3. Recommending the use of medical marijuana, as defined
18 in s. 73.18 (1) (e), to treat a patient in accordance with s. 73.18 (2).

19 **SECTION 29.** 448.039 of the statutes is created to read:

20 **448.039 Recommendations for use of medical marijuana.** (1) In this
21 section, “medical marijuana” has the meaning given in s. 73.18 (1) (e).

22 (2) A physician or physician assistant who, acting in good faith, recommends
23 the use of medical marijuana to treat a patient in accordance with s. 73.18 (2) shall
24 be immune from criminal or civil liability and may not be subject to professional
25 discipline under s. 448.02 for any outcomes resulting from that recommendation.

1 **SECTION 30.** 450.03 (1) (em) of the statutes is created to read:

2 450.03 (1) (em) Any person acting within the scope of a valid medical marijuana
3 producer, processor, or dispensary license under s. 73.17.

4 **SECTION 31.** 450.07 (1m) of the statutes is renumbered 450.07 (1m) (a).

5 **SECTION 32.** 450.07 (1m) (b) of the statutes is created to read:

6 450.07 (1m) (b) No license under this section is required for a person acting
7 within the scope of a valid medical marijuana producer, processor, or dispensary
8 license under s. 73.17.

9 **SECTION 33.** 450.071 (1) of the statutes is renumbered 450.071 (1) (a) and
10 amended to read:

11 450.071 (1) (a) ~~No~~ Except as provided in par. (b), no person may engage in the
12 wholesale distribution of a prescription drug in this state without obtaining a license
13 from the board for each facility from which the person distributes prescription drugs.

14 (b) 1. The board shall exempt from the licensure requirement under this section
15 a manufacturer that distributes prescription drugs or devices manufactured by the
16 manufacturer from licensing and other requirements under this section to the extent
17 the license or requirement is not required under federal law or regulation, unless the
18 board determines that it is necessary to apply a requirement to a manufacturer.

19 **SECTION 34.** 450.071 (1) (b) 2. of the statutes is created to read:

20 450.071 (1) (b) 2. No license under this section is required for a person acting
21 within the scope of a valid medical marijuana producer, processor, or dispensary
22 license under s. 73.17.

23 **SECTION 35.** 961.01 (12q) of the statutes is created to read:

24 961.01 (12q) “Licensed entity” means a producer, processor, dispensary,
25 transporter, or laboratory licensed under s. 73.17.

1 **SECTION 36.** 961.01 (14g) of the statutes is created to read:

2 961.01 (14g) “Medical marijuana” has the meaning given in s. 73.18 (1) (e).

3 **SECTION 37.** 961.01 (19m) of the statutes is created to read:

4 961.01 (19m) “Primary caregiver” means a person who is registered under s.
5 73.18 to help a qualifying patient in his or her use or acquisition of medical
6 marijuana.

7 **SECTION 38.** 961.01 (20hm) of the statutes is created to read:

8 961.01 (20hm) “Qualifying patient” means a person who holds a
9 recommendation and registry identification card for the use of medical marijuana
10 under s. 73.18.

11 **SECTION 39.** 961.01 (20ht) of the statutes is created to read:

12 961.01 (20ht) “Registry identification card” has the meaning given in s. 73.18
13 (1) (L).

14 **SECTION 40.** 961.01 (20t) of the statutes is created to read:

15 961.01 (20t) “Treatment team” means a qualifying patient and his or her
16 primary caregivers.

17 **SECTION 41.** 961.33 of the statutes is created to read:

18 **961.33 Medical marijuana. (1) POSSESSION, DISTRIBUTION, AND DELIVERY BY**
19 **TREATMENT TEAM; AUTHORIZATION.** A member of a qualifying patient’s treatment team
20 may possess medical marijuana or distribute, deliver, or possess with intent to
21 distribute medical marijuana to another member of the same qualifying patient’s
22 treatment team if all of the following apply:

23 (a) The possession, distribution, or delivery of medical marijuana is done to
24 facilitate a qualifying patient’s use of medical marijuana in accordance with his or
25 her recommendation under s. 73.18.

1 (b) The medical marijuana is legally obtained from a person who is authorized
2 to distribute or deliver medical marijuana under the laws of this state.

3 (c) The amount of medical marijuana does not exceed the amount specified
4 under s. 73.18 (3) (L) for each qualifying patient.

5 (d) The qualifying patient or primary caregiver has in his or her immediate
6 possession a registry identification card.

7 **(2) LICENSED ENTITIES; AUTHORIZED ACTS.** A licensed entity or an agent or
8 employee of a licensed entity may possess, manufacture, distribute, or deliver
9 marijuana or possess with the intent to manufacture, distribute, or deliver
10 marijuana if the licensed entity or agent or employee is acting in the usual course of
11 his or her business or employment.

12 **(3) PROSECUTION.** (a) A person who is acting in accordance with this section and
13 s. 73.17 or 73.18 may not be prosecuted for a criminal offense under this chapter, or
14 under any municipal ordinance that prohibits conduct that is the same as that
15 prohibited under this chapter, for the possession, manufacture, distribution, or
16 delivery of marijuana or possession with the intent to manufacture, distribute, or
17 deliver marijuana.

18 (b) A licensed entity or an agent or employee of a licensed entity who possesses,
19 manufactures, distributes, or delivers marijuana or possesses with the intent to
20 manufacture, distribute, or deliver marijuana in violation of s. 73.17 or in violation
21 of a rule promulgated under s. 73.17 may not be prosecuted under this chapter unless
22 the person is referred to the district attorney for the county in which the violation
23 occurred by the medical marijuana regulatory commission and may not be
24 prosecuted under a municipal ordinance that prohibits the same conduct as is

1 prohibited under this chapter unless the person is referred to local law enforcement
2 by the medical marijuana regulatory commission.

3 **SECTION 42.** 961.38 (title) of the statutes is amended to read:

4 **961.38** (title) **Prescriptions and recommendations for medical use.**

5 **SECTION 43.** 961.38 (1p) of the statutes is created to read:

6 **961.38 (1p)** A dispensary licensed under s. 73.17 may dispense medical
7 marijuana to a person with a valid written hard copy or electronic recommendation
8 and a valid registry identification card in accordance with s. 73.18.

9 **SECTION 44.** 961.385 (1) (aj) of the statutes is amended to read:

10 961.385 (1) (aj) "Patient" means an individual or animal for whom a monitored
11 prescription drug is prescribed ~~or~~, to whom a monitored prescription drug is
12 dispensed or administered, or for whom the use of medical marijuana is
13 recommended under s. 73.18 (2).

14 **SECTION 45.** 961.385 (2) (intro.) of the statutes is amended to read:

15 961.385 (2) (intro.) The board shall establish by rule a program for monitoring
16 the dispensing of monitored prescription drugs and the making of recommendations
17 for the use of, and issuance of registry identification cards for, medical marijuana.

18 The program shall do all of the following:

19 **SECTION 46.** 961.385 (2) (am) and (an) of the statutes are created to read:

20 961.385 (2) (am) Require a practitioner to generate a record documenting each
21 recommendation made by the practitioner for the use of medical marijuana under s.
22 73.18 (2).

23 (an) Require the medical marijuana regulatory commission to generate a
24 record documenting the issuance of a registry identification card under s. 73.18 (3).

25 **SECTION 47.** 961.385 (2) (b) of the statutes is amended to read:

1 961.385 (2) (b) Identify specific data elements to be contained in a record
2 documenting the dispensing of a monitored prescription drug, including the method
3 of payment and, subject to sub. (2m), the name recorded under s. 450.11 (1b) (bm).

4 (bm) In identifying specific data elements, ~~the board shall under pars. (b), (bc),~~
5 and (bd), consider data elements identified by similar programs in other states and
6 shall ensure, to the extent possible, that records generated by the program are easily
7 shared with other states.

8 **SECTION 48.** 961.385 (2) (bc) and (bd) of the statutes are created to read:

9 961.385 (2) (bc) Identify specific data elements to be contained in a record
10 documenting the making of a recommendation for the use of medical marijuana
11 under s. 73.18 (2).

12 (bd) Identify specific data elements to be contained in a record documenting the
13 issuance of a registry identification card under s. 73.18 (3).

14 **SECTION 49.** 961.385 (2) (cm) 3. a. of the statutes is amended to read:

15 961.385 (2) (cm) 3. a. The state board or agency, agency of another state, law
16 enforcement agency, or prosecutorial unit makes a written request for the record and
17 is engaged in an active and specific investigation or prosecution of a violation of any
18 state or federal law involving a monitored prescription drug or any state or federal
19 law involving marijuana, and the record being requested is reasonably related to
20 that investigation or prosecution.

21 **SECTION 50.** 961.385 (2) (cs) 1. of the statutes is amended to read:

22 961.385 (2) (cs) 1. Require that a patient's records under the program be
23 reviewed before the practitioner issues a prescription order for the patient or before
24 the practitioner makes a recommendation to the patient for the use of medical
25 marijuana under s. 73.18 (2). The review required under this subdivision may be

1 performed by the practitioner or by the practitioner's agent in accordance with
2 applicable standards of practice. This subdivision does not apply after April 1, 2025.

3 **SECTION 51.** 961.385 (2) (cs) 2. (intro.), b., c. and d. of the statutes are amended
4 to read:

5 961.385 (2) (cs) 2. (intro.) ~~The requirement~~ requirements under subd. 1. ~~that~~
6 ~~a patient's records under the program be reviewed before the practitioner issues a~~
7 ~~prescription order for the patient does~~ do not apply if any of the following is true:

8 b. ~~The practitioner is issuing a~~ prescription order is for a monitored
9 prescription drug for a number of doses that is intended to last the patient 3 days or
10 less and is not subject to refill.

11 c. ~~The~~ A monitored prescription drug is lawfully administered to the patient.

12 d. Due to emergency, it is not possible to review the patient's records under the
13 program before the practitioner issues a prescription order for the patient or before
14 the practitioner makes a recommendation to the patient for the use of medical
15 marijuana under s. 73.18 (2).

16 **SECTION 52.** 961.55 (8) (c) of the statutes is created to read:

17 961.55 (8) (c) A license from the medical marijuana regulatory commission
18 under s. 73.17.”.

19 (END)