



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 206

**Assembly Substitute
Amendment 1**

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2009 Assembly Bill 206 would create a committee to study the uses of industrial hemp, and specify certain members of that committee. The committee would be required to:

- Review scientific and business literature on specified uses of industrial hemp.
- Review scientific literature on the different types of hemp and how industrial hemp differs from the hemp plant that is used in the illegal drug trade.
- Review economic literature on the economic benefits of and the economic markets for products made using industrial hemp.
- Review actions taken by the federal government and other states to allow production of industrial hemp for industrial uses.
- Evaluate the economic opportunities for this state that could result from producing industrial hemp as a farm product and using industrial hemp for industrial uses.
- Examine any other issues that the committee determines are relevant to the use of industrial hemp.
- Develop findings and recommendations related to industrial hemp, including any legislative proposals that the committee determines to be appropriate.

The committee would be required to report its findings and recommendations to the Legislature no later than the first day of the 12th month beginning after the effective date of the bill, upon which time the committee would terminate.

The Legislative Council Staff would be required to provide staff to assist the committee in the performance of its functions.

Assembly Substitute Amendment 1 to Assembly Bill 206 would require the Department of Agriculture, Trade, and Consumer Protection (DATCP) to issue licenses that authorize growing, processing, and, in conjunction with growing or processing, selling industrial hemp for commercial purposes or research. “Industrial hemp” is defined to mean “the plant *Cannabis sativa* having no more than 0.3% Tetrahydrocannabinol” (THC). A prospective licensee would be required to provide specified information including the legal description of the land on which the industrial hemp would be grown or processed.

DATCP would be prohibited from issuing a license to a person who has violated the controlled substances law, based on a criminal background report obtained from the Department of Justice.

Under the substitute amendment, a licensee would be required do all of the following:

- Provide documentation to DATCP showing that the seeds planted were of a variety certified to have no more than 0.3% THC.
- Provide DATCP a copy of any contract under which the licensee grows industrial hemp.
- Report to DATCP the name and address of each person to whom the licensee sells industrial hemp and the amount of industrial hemp sold to each person.

The substitute amendment would allow a licensee to bring into this state and resell industrial hemp seed that is certified to have no more than 0.3% THC.

DATCP would be required to promulgate rules for the administration of this program including rules concerning all of the following:

- Certifying industrial hemp seeds.
- Testing plants during growth for THC levels.
- Supervising the growing, harvesting, and processing of industrial hemp.

The substitute amendment would allow a licensee or agent or employee of a licensee to plant, cultivate, grow, harvest, process, possess, and deliver industrial hemp in this state notwithstanding the Controlled Substances Act.

Legislative History

Assembly Substitute Amendment 1 was offered on January 20, 2010, by Representatives Molepske Jr., Garthwaite, Vruwink, and Danou. On January 21, 2010, the Assembly Committee on Agriculture recommended adoption of the substitute amendment and passage of Assembly Bill 206, as amended, by a vote of Ayes, 6; Noes, 5.

LAK:ksm