



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 726

Assembly Amendment 1

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Assembly Bill 726 relates to providing that cannabidiol (CBD) is not a tetrahydrocannabinol (THC) and dispensing CBD as a treatment for a seizure disorder. CBD, along with THC, are the two major compounds in the plant marijuana.

Current Law

Section 961.14, Stats., lists Schedule I controlled substances. Schedule I substances have the highest potential for abuse and the least usage medically. Section 961.41 (4) (t), Stats., lists tetrahydrocannabinols, commonly known as “THC,” in any form including THCs contained in marijuana, obtained from marijuana, or chemically synthesized. Section 961.41 (tb) to (ty) lists various forms of synthetic cannabinoids that are also Schedule I controlled substances.

Under federal law, controlled substances are listed in the Code of Federal Regulations, 21 C.F.R. Part 1308. Schedule I, listed in 21 C.F.R. s. 1308.11, includes marijuana and THCs. It also includes “cannabimimetic agents,” which are synthetic cannabinoids that mimic the effects of marijuana. Because marijuana, in addition to THC, is listed as a federal Schedule I controlled substance, CBD, as a compound in marijuana, is included in the federal Schedule I.

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The bill specifies that the controlled substance THC does not include CBD in a form without psychoactive effect that is dispensed or documented as provided in the bill.

The bill permits a practitioner to: (a) dispense CBD in a form without psychoactive effect as a treatment for a seizure disorder; or (b) provide an individual with a hard copy of a letter or other official documentation stating that the individual possesses CBD to treat a seizure disorder if the CBD is in a form without a psychoactive effect.

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The amendment permits a physician or pharmacy, instead of a practitioner, to dispense CBD or provide documentation that an individual possesses CBD to treat a seizure disorder, as provided under the bill.

The amendment provides that, upon the request of any physician, the Controlled Substances Board (“the board”) must aid the physician in applying for and processing an investigational drug permit from the federal Food and Drug Administration (FDA) for CBD as treatment for a seizure disorder. If the FDA issues a permit, the board must approve which pharmacies and physicians may dispense CBD.

Finally, under the amendment, if CBD is removed from the list of controlled substances, or if CBD is determined not to be a Schedule I controlled substance under federal law, the board must approve which pharmacies and physicians may dispense CBD to patients as treatment for a seizure disorder.

Bill History

Representative Kahl offered Assembly Amendment 1. On February 26, 2014, the Assembly Committee on Children and Families adopted the amendment on a vote of Ayes, 6; Noes, 2; and recommended passage of the bill, as amended, on a vote of Ayes, 7; Noes, 1.

AS:ksm