



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1714/1
CMH&MED:amn

2017 ASSEMBLY BILL 49

February 2, 2017 - Introduced by Representatives KRUG, VOS, ANDERSON, BALLWEG, BERCEAU, BRANDTJEN, E. BROOKS, R. BROOKS, DOYLE, EDMING, GOYKE, KERKMAN, KITCHENS, KLEEFISCH, KOOYENGA, KREMER, LOUDENBECK, MASON, MURPHY, MURSAU, NOVAK, OHNSTAD, PETRYK, QUINN, RIEMER, SARGENT, SCHRAA, SHANKLAND, SPIROS, SPREITZER, STEFFEN, SUBECK, C. TAYLOR, THIESFELDT, TITTL, WACHS, ZAMARRIPA and ZEPNICK, cosponsored by Senators WANGGAARD, WIRCH, TESTIN, BEWLEY, CARPENTER, CRAIG, ERPENBACH, HANSEN, JOHNSON, C. LARSON, LASEE, MARKLEIN, RINGHAND, ROTH, SHILLING and L. TAYLOR. Referred to Committee on Children and Families.

1 **AN ACT** *to renumber* 961.32; *to renumber and amend* 961.38 (1n); *to amend*
2 961.14 (4) (t) and 961.52 (2) (a) 1. and 2.; and *to create* 961.11 (4g) and 961.32
3 (2m) of the statutes; **relating to:** definition of tetrahydrocannabinols and the
4 use of cannabidiol.

Analysis by the Legislative Reference Bureau

Current law designates tetrahydrocannabinols as a Schedule I controlled substance. Current law specifies that THC does not include cannabidiol (CBD oil) in a form without a psychoactive effect that is dispensed by a pharmacy or physician approved by the Controlled Substances Board or that is possessed by an individual who has documentation from a physician that the CBD oil is used to treat a seizure disorder. This bill specifies that the documentation must be a certification issued by a physician within the previous year stating why the individual possesses the CBD oil and that the individual may possess CBD oil to treat a medical condition, not just a seizure disorder.

Under current law, if a substance is designated, rescheduled, or deleted as a controlled substance under federal law, the controlled substances board must similarly treat the substance under state law within 30 days unless there is an objection, in which case the board must follow certain other procedures before the substance is designated, rescheduled, or deleted. This bill requires that, if CBD oil is rescheduled or deleted as a controlled substance under federal law, the board must

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similarly treat CBD oil under state law as soon as practically possible, but within 30 days, and does not allow for an objection.

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

1 **SECTION 1.** 961.11 (4g) of the statutes is created to read:

2 961.11 **(4g)** Notwithstanding sub. (4), if cannabidiol is rescheduled or deleted
3 as a controlled substance under federal law, the controlled substances board shall
4 similarly treat cannabidiol under this chapter as soon as practically possible but no
5 later than 30 days from the date of publication in the federal register of a final order
6 rescheduling or deleting cannabidiol or from the date of issuance of an order of
7 temporary scheduling under 21 USC 811 (h). The board shall promulgate, without
8 making the determinations or findings required by subs. (1), (1m), (1r), and (2) or s.
9 961.13, 961.15, 961.17, 961.19, or 961.21, a final rule, for which notice of proposed
10 rule making is omitted, rescheduling or deleting cannabidiol.

11 **SECTION 2.** 961.14 (4) (t) of the statutes is amended to read:

12 961.14 **(4)** (t) Tetrahydrocannabinols, commonly known as “THC”, in any form
13 including tetrahydrocannabinols contained in marijuana, obtained from marijuana,
14 or chemically synthesized, except that tetrahydrocannabinols do not include
15 cannabidiol in a form without a psychoactive effect that is dispensed ~~or documented~~
16 as provided in s. 961.38 (1n) (a) or that is possessed as provided in s. 961.32 (2m) (b);

17 **SECTION 3.** 961.32 of the statutes is renumbered 961.32 (1m).

18 **SECTION 4.** 961.32 (2m) of the statutes is created to read:

19 961.32 **(2m)** (a) In this subsection, “certification” means a letter or other official
20 document issued by a physician licensed under s. 448.04 (1) (a) that contains all of
21 the following:

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- 1 1. The name, address, and telephone number of the physician.
- 2 2. The name and address of the patient who is issued the letter or document.
- 3 3. The date on which the letter or document is issued.

4 (b) An individual may possess cannabidiol in a form without a psychoactive
5 effect if the individual has certification stating that the individual possesses
6 cannabidiol to treat a medical condition, if the certification has an issue date that is
7 no more than one year prior to the possession, and if any expiration date provided
8 by the physician in the certification has not passed.

9 **SECTION 5.** 961.38 (1n) of the statutes is renumbered 961.38 (1n) (a) and
10 amended to read:

11 961.38 **(1n)** (a) A pharmacy or physician approved under s. 961.34 (2) (a) or (b)
12 may dispense cannabidiol in a form without a psychoactive effect as a treatment for
13 a ~~seizure disorder or any~~ medical condition.

14 **(b)** ~~A physician licensed under s. 448.04 (1) (a) may provide issue~~ an individual
15 ~~with a hard copy of a letter or other official documentation~~ certification, as defined
16 in s. 961.32 (2m) (a), stating that the individual possesses cannabidiol to treat a
17 ~~seizure disorder~~ medical condition if the cannabidiol is in a form without a
18 psychoactive effect.

19 **SECTION 6.** 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

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SECTION 6

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)