

# State of Wisconsin



2017 Senate Bill 10

Date of enactment:  
Date of publication\*:

## 2017 WISCONSIN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

**SECTION 6.** 961.52 (2) (a) 1. and 2. of the statutes are amended to read:

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

2. Places including factories, warehouses, establishments and conveyances in which persons authorized under s. 961.32 (1m) to possess controlled substances in this state are permitted by federal law to hold, manufacture, compound, process, sell, deliver or otherwise dispose of any controlled substance.

---