



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0245/2
RCT:nwn:ph

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 206**

January 20, 2010 – Offered by Representatives MOLEPSKE JR., GARTHWAITE,
VRUWINK and DANOU.

1 **AN ACT** *to renumber and amend* 961.55 (8); and *to create* 20.115 (7) (gc), 94.55,
2 961.32 (3) and 961.55 (8) (b) of the statutes; **relating to:** growing and
3 processing industrial hemp, granting rule-making authority, and making an
4 appropriation.

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

5 **SECTION 1.** 20.115 (7) (gc) of the statutes is created to read:
6 20.115 (7) (gc) *Industrial hemp.* All moneys received under s. 94.55 for
7 regulation of growing and processing industrial hemp under s. 94.55.

8 **SECTION 2.** 94.55 of the statutes is created to read:

9 **94.55 Industrial hemp. (1) DEFINITION.** In this section, “industrial hemp”
10 means the plant *Cannabis sativa* having no more than 0.3 percent
11 tetrahydrocannabinol.

1 **(2) LICENSING.** (a) The department shall issue licenses that authorize growing,
2 processing, and, in conjunction with growing or processing, selling industrial hemp
3 for commercial purposes or research.

4 (b) A person applying for a license under this subsection shall provide the name
5 and address of the applicant and the legal description of the land on which industrial
6 hemp will be grown or processed and shall pay a fee equal to \$150 or, if the person
7 will grow industrial hemp, the greater of \$150 or \$5 times the number of acres on
8 which the person will grow industrial hemp.

9 (c) 1. The department shall obtain a criminal history search from the records
10 maintained by the department of justice for each person applying for initial licensure
11 under this subsection.

12 2. The department may not issue a license if the person has ever been convicted
13 of a violation of ch. 961 as indicated in the information obtained under subd. 1.

14 3. Information obtained by the department under subd. 1. is confidential and
15 may be used only to determine eligibility for licensure.

16 (d) A license issued under this subsection is valid for one year.

17 **(3) DOCUMENTATION AND REPORTING REQUIREMENTS.** (a) A licensee under sub. (2)
18 who grows industrial hemp shall provide all of the following to the department:

19 1. Documentation showing that the seeds planted were of a variety certified to
20 have no more than 0.3 percent tetrahydrocannabinol.

21 2. A copy of any contract under which the licensee grows industrial hemp.

22 (b) A licensee under sub. (2) shall report to the department the name and
23 address of each person to whom the licensee sells industrial hemp and the amount
24 of industrial hemp sold to each person.

1 **(4) AUTHORITY TO IMPORT AND SELL SEED.** A person licensed under sub. (2) may
2 bring into this state and resell industrial hemp seed that is certified to have no more
3 than 0.3 percent tetrahydrocannabinol.

4 **(5) RULES.** The department shall promulgate rules for the administration of
5 this section including rules concerning all of the following:

6 (a) Certifying industrial hemp seeds.

7 (b) Testing plants during growth for tetrahydrocannabinol levels.

8 (c) Supervising the growing, harvesting, and processing of industrial hemp.

9 **SECTION 3.** 961.32 (3) of the statutes is created to read:

10 **961.32 (3) (a)** In this subsection, “industrial hemp” has the meaning given in
11 s. 94.55 (1).

12 (b) A person licensed by the department of agriculture, trade and consumer
13 protection under s. 94.55 (2), and an agent or employee of the person acting in the
14 usual course of the agent’s or employee’s business or employment, may plant,
15 cultivate, grow, harvest, process, possess, and deliver industrial hemp in this state
16 to the extent authorized by the person’s license and in conformity with s. 94.55 and
17 the rules promulgated under that section.

18 **SECTION 4.** 961.55 (8) of the statutes is renumbered 961.55 (8) (intro.) and
19 amended to read:

20 **961.55 (8) (intro.)** The failure, upon demand by any officer or employee
21 designated in s. 961.51 (1) or (2), of the person in occupancy or in control of land or
22 premises upon which the species of plants are growing or being stored, to produce an
23 one of the following constitutes authority for the seizure and forfeiture of the plants
24 described in sub. (7):

