



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-3832/1
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2025 BILL

1 **AN ACT** *to renumber and amend* 94.55 (1); *to amend* 94.55 (2) (b) 2m. b.,
2 94.55 (2) (b) 4s., 94.55 (3m) (a) 2., 94.67 (15c), 446.01 (2) (a), 450.03 (1) (k),
3 450.07 (1m), 961.01 (14), 961.14 (4) (t) 3., 961.32 (2m) (b), 961.32 (3) (a) 2.,
4 961.32 (3) (b) 1. to 4r. and 961.55 (9); ***to create*** 94.55 (1) (a) 1., 94.55 (1) (a) 2.,
5 94.55 (1) (b) and 94.55 (1) (c) of the statutes; **relating to:** the definition of
6 hemp.

Analysis by the Legislative Reference Bureau

Under current law, tetrahydrocannabinol (THC) is a controlled substance, the possession, manufacture, delivery, and distribution of which are criminal offenses under the state's Controlled Substances Act. Current law exempts hemp from the definition of THC. "Hemp" is defined under current law as "the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis or the maximum concentration allowed under federal law up to 1 percent, whichever is greater, as tested using post-decarboxylation or other similarly reliable methods." The current law definition of "hemp" clarifies

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that it does not include a prescription drug product that has been approved by the U.S. food and drug administration.

This bill changes the definition of hemp and, as a result, what is exempted from the definition of THC under the state's Controlled Substances Act. The bill defines "hemp" as "the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total tetrahydrocannabinol concentration, including tetrahydrocannabinolic acid, of not more than 0.3 percent in the plant on a dry weight basis." The bill, like current law, also clarifies that "hemp" does not include a prescription drug product that has been approved by the U.S. food and drug administration.

The bill also provides that the definition of "hemp" includes industrial hemp and defines "industrial hemp" as hemp grown for the use of the stalk; hemp grown for the use of the whole grain, oil, cake, nut, hull, or any other product from the seeds of the plant; hemp grown for purposes of producing microgreens or other edible hemp leaf products derived from an immature, low-THC plant; hemp plants that do not enter the stream of commerce and that are intended to support hemp research at an institution of higher education or independent research institute; and hemp that is grown for the use of a viable seed that is produced solely to produce any of the previously mentioned products or uses.

The bill provides that the definition of "hemp" does not include a viable cannabis seed that has a total THC concentration, including tetrahydrocannabinolic acid, of more than 0.3 percent in the plant on a dry weight basis. In addition, under the bill, the definition of "hemp" does not include a hemp-derived cannabinoid product that contains a cannabinoid that is not capable of being naturally produced by a cannabis plant; a cannabinoid that is capable of being naturally produced by a cannabis plant but that is synthesized or manufactured outside of the plant; or a quantifiable amount of THC or other cannabinoid that has similar effects or is marketed to have similar effects on humans or animals as THC.

The bill defines "hemp-derived cannabinoid product" as "an intermediate or final product that is derived from hemp other than industrial hemp, that contains cannabinoids in any form, and that is intended for human or animal use through any means of application or administration, including inhalation, ingestion, or topical application." The bill clarifies that "hemp-derived cannabinoid product" does not include a prescription drug product that has been approved by the U.S. food and drug administration.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

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SECTION 1. 94.55 (1) of the statutes is renumbered 94.55 (1) (intro.) and amended to read:

94.55 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, ~~“hemp”~~:

(a) “Hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a ~~delta-9-tetrahydrocannabinol~~ total tetrahydrocannabinol concentration, including tetrahydrocannabinolic acid, of not more than 0.3 percent in the plant on a dry weight basis ~~or the maximum concentration allowed under federal law up to 1 percent, whichever is greater, as tested using post-decarboxylation or other similarly reliable methods.~~ “Hemp” includes industrial hemp. “Hemp” does not include ~~a~~ any of the following:

3. A prescription drug product that has been approved by the U.S. food and drug administration.

SECTION 2. 94.55 (1) (a) 1. of the statutes is created to read:

94.55 (1) (a) 1. A viable seed from a *Cannabis sativa* L. plant that exceeds a total tetrahydrocannabinol concentration, including tetrahydrocannabinolic acid, of 0.3 percent in the plant on a dry weight basis.

SECTION 3. 94.55 (1) (a) 2. of the statutes is created to read:

94.55 (1) (a) 2. A hemp-derived cannabinoid product that contains any of the following:

a. A cannabinoid that is not capable of being naturally produced by a *Cannabis sativa* L. plant.

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1 b. A cannabinoid that is capable of being naturally produced by a Cannabis
2 sativa L. plant but that was synthesized or manufactured outside of the plant.

3 c. A quantifiable amount, based on substance, form, manufacture, or article,
4 of a tetrahydrocannabinol, including tetrahydrocannabinolic acid, or another
5 cannabinoid that has similar effects or is marketed to have similar effects on
6 humans or animals as tetrahydrocannabinol.

7 **SECTION 4.** 94.55 (1) (b) of the statutes is created to read:

8 94.55 (1) (b) “Hemp-derived cannabinoid product” means an intermediate or
9 final product that is derived from hemp other than industrial hemp, that contains
10 cannabinoids in any form, and that is intended for human or animal use through
11 any means of application or administration, including inhalation, ingestion, or
12 topical application. “Hemp-derived cannabinoid product” does not include a
13 prescription drug product that has been approved by the U.S. food and drug
14 administration.

15 **SECTION 5.** 94.55 (1) (c) of the statutes is created to read:

16 94.55 (1) (c) “Industrial hemp” means any of the following:

17 1. Hemp grown for the use of the stalk of the plant, fiber produced from such
18 a stalk, or any other noncannabinoid derivative, mixture, preparation, or
19 manufacture of such a stalk.

20 2. Hemp grown for the use of the whole grain, oil, cake, nut, hull, or any other
21 noncannabinoid compound, derivative, mixture, preparation, or manufacture of the
22 seeds of such a plant.

23 3. Hemp grown for purposes of producing microgreens or other edible hemp
24 leaf products intended for human consumption that are derived from an immature

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1 hemp plant that is grown from seeds that do not exceed the threshold for total
2 tetrahydrocannabinol concentration in par. (a).

3 4. A hemp plant that does not enter the stream of commerce and that is
4 intended to support hemp research at an institution of higher education or at an
5 independent research institute.

6 5. Hemp that is grown for the use of a viable seed of the plant produced solely
7 for the production or manufacture of any material described in subds. 1. to 4.

8 **SECTION 6.** 94.55 (2) (b) 2m. b. of the statutes is amended to read:

9 94.55 (2) (b) 2m. b. A procedure for testing, using post-decarboxylation or
10 other similarly reliable methods, ~~delta-9-tetrahydrocannabinol~~
11 tetrahydrocannabinol concentration levels of hemp.

12 **SECTION 7.** 94.55 (2) (b) 4s. of the statutes is amended to read:

13 94.55 (2) (b) 4s. Following any required sampling and testing, or if the
14 department determines that sampling and testing are not required, the department
15 shall issue a certificate that states that the hemp has been tested or is not required
16 to be tested for ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinol concentration
17 and is in compliance with this section and rules promulgated under this section.

18 **SECTION 8.** 94.55 (3m) (a) 2. of the statutes is amended to read:

19 94.55 (3m) (a) 2. Knowingly make an inaccurate claim about the content,
20 ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinol concentration, quality, or
21 origin of hemp or a hemp product in the course of transferring or selling the hemp or
22 hemp product.

23 **SECTION 9.** 94.67 (15c) of the statutes is amended to read:

24 94.67 (15c) "Hemp" has the meaning given in s. 94.55 (1) (a).

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SECTION 10. 446.01 (2) (a) of the statutes is amended to read:

446.01 (2) (a) To examine into the fact, condition, or cause of departure from complete health and proper condition of the human; to treat without the use of drugs as defined in s. 450.01 (10), other than hemp, as defined under s. 94.55 (1) (a), or surgery; to counsel; to advise for the same for the restoration and preservation of health or to undertake, offer, advertise, announce or hold out in any manner to do any of the aforementioned acts, for compensation, direct or indirect or in expectation thereof; and

SECTION 11. 450.03 (1) (k) of the statutes is amended to read:

450.03 (1) (k) A person who sells, gives away, or barter hemp, as defined in s. 94.55 (1) (a), or takes any of the actions described in s. 450.01 (16) (a) to (k) in relation to hemp.

SECTION 12. 450.07 (1m) of the statutes is amended to read:

450.07 (1m) A license is not required under this section for a person to engage in the manufacturing of hemp, as defined in s. 94.55 (1) (a).

SECTION 13. 961.01 (14) of the statutes is amended to read:

961.01 (14) “Marijuana” means all parts of the plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. “Marijuana” does include the mature stalks if mixed with other parts of the plant, but does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the

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sterilized seed of the plant which is incapable of germination. “Marijuana” does not include hemp, as defined in s. 94.55 (1) (a).

SECTION 14. 961.14 (4) (t) 3. of the statutes is amended to read:

961.14 (4) (t) 3. Tetrahydrocannabinols contained in hemp, as defined in s. 94.55 (1) (a).

SECTION 15. 961.32 (2m) (b) of the statutes is amended to read:

961.32 **(2m)** (b) An individual may possess a cannabidiol product if the individual has certification stating that the individual possesses a cannabidiol product 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. A certification is not required to possess hemp, as defined in s. 94.55 (1) (a), or a prescription drug product that has been approved by the U.S. food and drug administration.

SECTION 16. 961.32 (3) (a) 2. of the statutes is amended to read:

961.32 **(3)** (a) 2. “Hemp” has the meaning given in s. 94.55 (1) (a).

SECTION 17. 961.32 (3) (b) 1. to 4r. of the statutes are amended to read:

961.32 **(3)** (b) 1. Planting, growing, cultivating, harvesting, producing, processing, or transporting cannabis that contains a ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinol concentration of the crop of not more than 0.7 percent above the permissible limit for hemp on a dry weight basis or that is grown from hemp seed certified under s. 94.55 (2) (c) or approved for growing by the department of agriculture, trade and consumer protection under s. 94.55 (2) (f).

3. Selling, transferring, importing, exporting, processing, transporting, harvesting, or taking possession of cannabis that has been tested and certified, by

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1 the department of agriculture, trade and consumer protection or a person approved
2 by the department of agriculture, trade and consumer protection under s. 94.55 (2)
3 (b) 4g., as meeting the permissible ~~delta-9-tetrahydrocannabinol~~
4 tetrahydrocannabinol concentration limit for hemp if the person has no reason to
5 believe that the test certification is incorrect.

6 4. Possessing cannabis that contains a ~~delta-9-tetrahydrocannabinol~~
7 tetrahydrocannabinol concentration of not more than 0.7 percent above the
8 permissible limit for hemp on a dry weight basis if the possessor reconditions or
9 processes the cannabis to a ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinol
10 concentration at or below the permissible limit for hemp with the approval of the
11 department of agriculture, trade and consumer protection of those actions.

12 4m. Temporarily possessing cannabis during the normal course of processing
13 hemp if the possessor reconditions or processes the cannabis to a ~~delta-9-~~
14 ~~tetrahydrocannabinol~~ tetrahydrocannabinol concentration at or below the
15 permissible limit for hemp within a reasonable amount of time.

16 4r. Possessing cannabis purchased or obtained at retail that contains a ~~delta-~~
17 ~~9-tetrahydrocannabinol~~ tetrahydrocannabinol concentration of not more than 0.7
18 percent above the permissible limit for hemp if the possessor has no reason to
19 believe that the cannabis contains a ~~delta-9-tetrahydrocannabinol~~
20 tetrahydrocannabinol concentration above the permissible limit for hemp.

21 **SECTION 18.** 961.55 (9) of the statutes is amended to read:

22 961.55 (9) If a crop intended to be hemp, as defined in s. 94.55 (1) (a), is tested
23 for ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinol levels and the average
24 concentration of ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinol is found to

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1 exceed 0.7 percent above the permissible limit for hemp on a dry weight basis, as
2 tested using post-decarboxylation or other similarly reliable methods, the entire
3 crop at the growing location where the plant was found shall be seized and
4 destroyed. Before a crop is seized and destroyed under this subsection, the agency
5 whose officers or employees intend to seize and destroy the crop shall provide, to the
6 person licensed under s. 94.55 to grow the crop or to the person's agent or employee,
7 written documentation verifying the test results for the crop that is subject to
8 seizure and destruction.

9 (END)