



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-5278/1

MJW:skw

2025 SENATE BILL 644

November 14, 2025 - Introduced by Senators L. JOHNSON, LARSON, PFAFF, RATCLIFF, ROYS, SPREITZER and WALL, cosponsored by Representatives SINICKI, HYSELL, MADISON, ANDRACA, ARNEY, BARE, BROWN, CLANCY, DESMIDT, EMERSON, FITZGERALD, GOODWIN, JOHNSON, KIRSCH, MIRESE, MOORE OMOKUNDE, NEUBAUER, PALMERI, PRADO, ROE, SHEEHAN, SNODGRASS, STROUD, STUBBS and TAYLOR. Referred to Committee on Licensing, Regulatory Reform, State and Federal Affairs.

AN ACT *to amend* 94.55 (1); *to create* 94.55 (1m) and 94.56 of the statutes;

relating to: prohibiting individuals under age 21 from accessing intoxicating hemp products and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill adds three definitions to the provisions regarding hemp—"intoxicating cannabinoid," "intoxicating hemp product," and "nonintoxicating cannabinoid"—and restricts access to intoxicating hemp products for individuals under age 21.

Under current law, a person may plant, grow, cultivate, harvest, produce, sample, test, process, transport, transfer, take possession of, sell, import, and export hemp, subject to regulation by the Department of Agriculture, Trade and Consumer Protection. "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 that it does not include a prescription drug product that has been approved by the U.S. Food and Drug Administration.

This bill defines "intoxicating cannabinoid," "intoxicating hemp product," and

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“nonintoxicating cannabinoid” for the purposes of hemp regulation and clarifies that “hemp” includes an “intoxicating hemp product.” Under the bill, “intoxicating cannabinoid” means delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, delta-10-tetrahydrocannabinol, tetrahydrocannabinolic acid, hexahydrocannabinol, tetrahydrocannabiphorol, tetrahydrocannabinol-O-acetate, or any other cannabinoid or cannabinoid derivative that produces intoxication when consumed. “Intoxicating hemp product” means a hemp product that contains intoxicating cannabinoids at a concentration of more than 0.3 percent on a dry weight basis, a hemp product in the form of a beverage that contains intoxicating cannabinoids at a concentration of 1.0 milligram or more per 12 fluid ounces of beverage, or an edible hemp product that contains intoxicating cannabinoids at a concentration of 1.0 milligram or more per serving or per package, regardless of the intoxicating hemp product’s total concentration of nonintoxicating cannabinoids. “Nonintoxicating cannabinoid” means cannabidiol, cannabigerol, cannabichromene, cannabinol, or any other cannabinoid, other than tetrahydrocannabinol or its precursors, that does not produce intoxication at typical serving levels.

Under current law, there is no age restriction on activities related to hemp. This bill restricts access to intoxicating hemp products to individuals age 21 or older. Under the bill, DATCP or a law enforcement officer may seize hemp product that is sold to or in the possession of an individual under age 21.

Additionally, no person may sell any intoxicating hemp product to a person under age 21 or purchase such a product on behalf of a person who is under age 21. Under the bill, the penalties for such a violation vary depending on whether the person has committed a previous violation and range from a civil forfeiture of up to \$500, if the person has no previous violations, to a fine of up to \$10,000 and imprisonment for up to nine months or both, if the person has committed three or more violations in the preceding 30 months.

Under current law, the penalty for violating hemp producer regulations is a forfeiture of not less than \$200 nor more than \$5,000 or, for a subsequent offense committed within five years, a forfeiture of not less than \$400 nor more than \$10,000. Under the bill, that penalty applies to certain violations regarding the sale of intoxicating hemp products generally.

This bill makes no changes to the status of tetrahydrocannabinols generally under the state’s Uniform Controlled Substances Act.

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

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

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

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94.55 (1) DEFINITION. In this section, “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 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. “Hemp” includes an intoxicating hemp product, as defined in s. 94.56 (1) (c). “Hemp” does not include a prescription drug product that has been approved by the U.S. food and drug administration.

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

94.55 (1m) EXEMPTION. Subsections (2) to (4) do not apply to intoxicating hemp products, as defined in s. 94.56 (1) (c).

SECTION 3. 94.56 of the statutes is created to read:

94.56 Intoxicating hemp products. (1) DEFINITIONS. (a) “Hemp” has the meaning given in s. 94.55 (1).

(b) “Intoxicating cannabinoid” means any of the following:

1. Delta-8-tetrahydrocannabinol.
2. Delta-9-tetrahydrocannabinol.
3. Delta-10-tetrahydrocannabinol.
4. Tetrahydrocannabinolic acid.
5. Hexahydrocannabinol.
6. Tetrahydrocannabiphorol.
7. Tetrahydrocannabinol-O-acetate.

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8. Any other cannabinoid or cannabinoid derivative that produces intoxication when consumed.

(c) “Intoxicating hemp product” means any of the following, regardless of the concentration of nonintoxicating cannabinoids:

1. A hemp product that contains intoxicating cannabinoids at a concentration of more than 0.3 percent on a dry weight basis.

2. A hemp product in the form of a beverage that contains intoxicating cannabinoids at a concentration level of 1.0 milligram or more per 12 fluid ounces of beverage.

3. An edible hemp product that contains intoxicating cannabinoids at a concentration level of 1.0 milligram or more per serving or per package.

(d) “Nonintoxicating cannabinoid” means any of the following:

1. Cannabidiol.

2. Cannabigerol.

3. Cannabichromene.

4. Cannabinol.

5. Any other cannabinoid, other than tetrahydrocannabinol or its precursors, that does not produce intoxication at typical serving levels.

(2) SAMPLING, TESTING, AND CERTIFICATES OF ANALYSIS FOR INTOXICATING HEMP PRODUCTS. No person may sell an intoxicating hemp product unless all of the following apply:

(a) The intoxicating hemp product manufacturer has submitted a representative sample of each intoxicating hemp product to an independent,

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accredited laboratory for testing in accordance with generally accepted industry standards.

(b) The intoxicating hemp product is accompanied by a certificate of analysis from the laboratory that tested it under par. (a) indicating what, if any, contaminants are in the intoxicating hemp product, the kinds of cannabinoids in the intoxicating hemp product, and the level of cannabinoid potency in the intoxicating hemp product, and verifying that the intoxicating hemp product meets the definition of an intoxicating hemp product under sub. (1) (c). The certificate of analysis shall accompany an intoxicating hemp product by means of a quick response code on the intoxicating hemp product's package label as it appears to a consumer at the time of sale.

(3) PACKAGING AND LABELING REQUIREMENTS. In addition to any packaging and labeling requirements established under federal law, no person may sell an intoxicating hemp product in this state unless all of the following apply:

(a) The intoxicating hemp product is packaged for retail sale in child-resistant, tamper-evident, and opaque packaging.

(b) If the intoxicating hemp product's package contains multiple servings, the intoxicating hemp product's package is resealable.

(c) The intoxicating hemp product's appearance or packaging does not appeal to children in its resemblance to candy, snacks, or other products marketed to appeal to children.

(d) The intoxicating hemp product is packaged and the package's label as it appears to a consumer at the time of sale includes all of the following information:

1. The name and type of the packaged intoxicating hemp product.

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2. The net weight or volume of the packaged intoxicating hemp product.

3. The recommended serving size of the packaged intoxicating hemp product and the number of serving sizes that are included in the package.

4. The type and amount, or potency, of any cannabinoid contained in each recommended serving size of the packaged intoxicating hemp product.

5. A complete list of ingredients contained in the packaged intoxicating hemp product.

6. The name of the producer of the packaged intoxicating hemp product.

7. The batch number, manufacture date, and expiration date of the packaged intoxicating hemp product.

(e) The label on the intoxicating hemp product's package as it appears to a consumer at the time of sale displays all of the following:

1. A symbol widely recognized as indicating that the product contains cannabis.

2. A symbol that indicates the product is intended for individuals that are 21 years of age or older.

3. A warning that directs that the product shall be kept out of the reach of children.

4. A disclaimer that the product has not been analyzed or approved by the federal food and drug administration.

5. A quick response code that links to the certificate of analysis for the intoxicating hemp product that is required under sub. (2) (b).

(4) SALE OF INTOXICATING HEMP PRODUCTS TO INDIVIDUALS UNDER 21. (a) A person that sells any intoxicating hemp product shall post a sign in a conspicuous

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location within the person's sales premises where hemp products are sold to consumers stating that the sale of any intoxicating hemp product to an individual under age 21 is unlawful under this subsection.

(b) No person may sell an intoxicating hemp product in a vending machine or other device unless the person places the vending machine or other device in an area within the person's sales premises where the person is able to ensure that no individual under age 21 may be present or permitted to enter.

(c) 1. No person may sell or otherwise provide to an individual under age 21 an intoxicating hemp product. Proof of all of the following facts is a defense to any prosecution or complaint made for a violation of this subdivision:

a. The individual who purchased the intoxicating hemp product falsely represented that he or she had attained the age of 21 and presented a government-issued identification card to that effect.

b. The appearance of the individual who purchased the intoxicating hemp product was such that an ordinary and prudent person would believe that the individual had attained the age of 21.

c. The sale of the intoxicating hemp product was made in good faith, in reasonable reliance on the government-issued identification card and appearance of the purchaser, and in the belief that the purchaser had attained the age of 21.

2. A person who violates subd. 1. may be subject to any of the following:

a. If the person has not committed a previous violation of subd. 1. within 30 months of the violation, a civil forfeiture not to exceed \$500.

b. If the person has committed a previous violation of subd. 1. within 30

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months of the violation, a fine of not more than \$500 or imprisonment for not more than 30 days, or both.

c. If the person has committed 2 previous violations of subd. 1. within 30 months of the violation, a fine of not more than \$1,000 or imprisonment for not more than 90 days, or both.

d. If the person has committed 3 or more previous violations of subd. 1. within 30 months of the violation, a fine of not more than \$10,000 or imprisonment for not more than 9 months, or both.

(5) PURCHASE AND POSSESSION OF INTOXICATING HEMP PRODUCTS BY INDIVIDUALS UNDER AGE 21. (a) No individual under age 21 may falsely represent his or her age for the purpose of receiving any intoxicating hemp product.

(b) No individual under age 21 may purchase, attempt to purchase, or possess any intoxicating hemp product unless the individual does so for the sole purpose of sale or resale during working hours in the course of his or her employment.

(c) No person may purchase any intoxicating hemp product on behalf of, or to provide any intoxicating hemp product to, an individual under age 21. A person who violates this paragraph may be subject to any of the following:

1. If the person has not committed a previous violation of this paragraph within 30 months of the violation, a civil forfeiture not to exceed \$500.

2. If the person has committed a previous violation of this paragraph within 30 months of the violation, a fine of not more than \$500 or imprisonment for not more than 30 days, or both.

3. If the person has committed 2 previous violations of this paragraph within

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30 months of the violation, a fine of not more than \$1,000 or imprisonment for not more than 90 days, or both.

4. If the person has committed 3 or more previous violations of this paragraph within 30 months of the violation, a fine of not more than \$10,000 or imprisonment for not more than 9 months, or both.

(6) COMPLIANCE, ENFORCEMENT, AND PENALTIES. (a) If a person hires or contracts with a person to sell any intoxicating hemp product, the person shall provide training on the requirements of and penalties associated with this section.

(b) The department may conduct unannounced inspections of places where a person sells any intoxicating hemp product in order to enforce compliance with this section.

(c) The department or a law enforcement officer may seize any intoxicating hemp product that has been sold to or that is in the possession of an individual under age 21.

(d) In addition to the penalties under sub. (4) (c) 2. and (5) (c), a person who violates any provision of this section may be required to forfeit not less than \$200 nor more than \$5,000 or, for an offense committed within 5 years of an offense for which a penalty has been assessed under this section, may be required to forfeit not less than \$400 nor more than \$10,000.

(END)