



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-4219/1
MW/MD/ME/JK/KS:klm

2025 SENATE BILL 1045

February 24, 2026 - Introduced by Senators L. JOHNSON, LARSON, CARPENTER, DASSLER-ALFHEIM, DRAKE, HABUSH SINYKIN, HESSELBEIN, KEYESKI, PFAFF, RATCLIFF, ROYS, SMITH, SPREITZER and WALL, cosponsored by Representatives MADISON, HYSELL, PHELPS, ANDERSON, ANDRACA, ARNEY, BARE, BROWN, CLANCY, CRUZ, DESANTO, HAYWOOD, HONG, JOERS, JOHNSON, KIRSCH, MAYADEV, MIRESE, MOORE OMOKUNDE, PALMERI, PRADO, RIVERA-WAGNER, ROE, SINICKI, SNODGRASS, SPAUDE, STROUD, STUBBS, TENORIO, UDELL, TAYLOR, MCCARVILLE and DESMIDT. Referred to Committee on Licensing, Regulatory Reform, State and Federal Affairs.

1 **AN ACT to repeal** 15.103 (7), 16.24, 20.505 (4) (fg), 20.505 (4) (fm), 94.55 (1m),
2 94.55 (2t), 94.56 (title), (1) (intro.), (a), (b) and (d), (2), (3), (4), (5) and (6),
3 961.11 (4g), 961.14 (4) (t), 961.32 (2m), 961.38 (1n), 961.41 (1) (h), 961.41 (1m)
4 (h), 961.41 (1q), 961.41 (3g) (e), 961.571 (1) (a) 7., 961.571 (1) (a) 11. e., 961.571
5 (1) (a) 11. k. and L. and 967.055 (1m) (b) 5.; **to renumber and amend** 94.56
6 (1) (c), 450.071 (1), 961.01 (14) and 961.34; **to amend** 59.54 (25) (title), 59.54
7 (25) (a) (intro.), 66.0107 (1) (bm), 66.1201 (2m), 66.1213 (3), 66.1301 (2m),
8 66.1331 (2m), 66.1333 (3) (e) 2., 77.52 (13), 77.53 (10), 94.55 (1), 94.80 (17),
9 94.81 (3) (a) 4., 101.123 (1) (h) (intro.), 102.43 (9) (e), 106.50 (1m) (h), 111.35 (2)
10 (c), 111.35 (2) (e), 139.971 (1) (b) and (c) and (3), 139.973 (3) (b) and (c) 1.
11 (intro.), (5), (7), (8), (9), (11) and (12) (b), 146.44 (1) (f), 175.35 (2g) (c) 4. a.,
12 450.07 (1), 961.41 (1r), 961.41 (1x), 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g)
13 (em), 961.47 (1), 961.48 (3), 961.48 (5), 961.49 (1m) (intro.), 961.571 (1) (a) 11.
14 (intro.), 971.365 (1) (a), 971.365 (1) (b), 971.365 (1) (c) and 971.365 (2); **to**

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1 **create** 15.103 (7), 15.133, 16.24, 20.115 (7) (f), 20.115 (7) (gg), 20.435 (1) (ec),
2 20.435 (1) (gq), 20.435 (1) (s), 20.505 (4) (fg), 20.505 (4) (fm), 20.566 (1) (bn),
3 20.566 (1) (gh), 20.835 (4) (gj), 25.86, 66.04185, 66.04186, 77.54 (76), 93.025,
4 subchapter I (title) of chapter 94 [precedes 94.01], 94.55 (1m), 94.56,
5 subchapter II of chapter 94 [precedes 94.80], 94.80, 94.81, 94.82, 94.83, 94.84,
6 94.85, 100.145, 101.123 (3) (p), 108.04 (5m), 111.32 (15), 111.34 (1) (c), 111.35
7 (2) (f), subchapter IV of chapter 139 [precedes 139.97], 139.97 (13m), 146.44,
8 146.45, 175.35 (2g) (b) 3., 450.03 (1) (em), 450.03 (1) (ep), 450.07 (1s), 450.071
9 (1) (b) 2. and 3., subchapter VIII of chapter 961 [precedes 961.70] and 973.016
10 of the statutes; **relating to:** legalizing the possession of cannabis; medical
11 cannabis; expunging or adjusting past convictions for marijuana-related
12 crimes; regulating the production, processing, transportation, testing, and
13 sale of cannabis; granting rule-making authority; providing an exemption
14 from emergency rule procedures; making an appropriation; and providing a
15 penalty.

Analysis by the Legislative Reference Bureau

CANNABIS LEGALIZATION AND REGULATION

Under this bill, a person who is at least 21 years old may legally possess cannabis for recreational purposes, and a person who is at least 21 years old may legally purchase intoxicating hemp products. A person who is at least 18 years old, or a person who is a minor if their parent, guardian, or legal custodian consents, may possess cannabis for medical purposes. Under the bill, a person may produce, process, or sell cannabis if the person has a license. The bill does not affect federal law, which generally prohibits persons from manufacturing, delivering, or possessing marijuana and applies to both intrastate and interstate violations.

Intoxicating hemp products

Under current law, there is no age restriction on activities related to hemp. The bill restricts access to intoxicating hemp products to individuals age 21 or older. Under the bill, an “intoxicating hemp product” is a hemp product, either in the form

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of an edible item or a beverage, that contains intoxicating cannabinoids at a concentration level of 1.0 to 10.0 milligrams (mg) per 12 fluid ounces of beverage or per serving or per package of edible. Any hemp product that has a higher concentration of cannabinoids or that is in any other format is regulated as cannabis. Under the bill, 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.

Under federal law, beginning on November 12, 2026, the federal definition of what constitutes “hemp” will change, and certain products that are considered legal hemp under current federal and state law will no longer be considered hemp. On the day that the federal provisions take effect, the hemp provisions in this bill are repealed and new provisions relating to low-dose cannabis-infused products take effect.

Legalizing the possession of cannabis

Current law prohibits a person from manufacturing, distributing, or delivering marijuana; possessing marijuana with the intent to manufacture, distribute, or deliver it; possessing or attempting to possess marijuana; using drug paraphernalia; or possessing drug paraphernalia with the intent to produce, distribute, or use a controlled substance.

The bill changes state law to allow a person who is at least 21 years old to possess usable cannabis in any of the following forms and quantities: 1) up to 2.5 ounces of cannabis flower in a public place; 2) up to five pounds of cannabis flower in their private residence; 3) up to one gram of tetrahydrocannabinol in a cannabis-infused product; and 4) up to 15 grams of cannabis concentrate. The bill also allows a qualifying patient to possess cannabis for medical purposes. Under the bill, a “qualifying patient” is an individual at least 18 years of age, with certain exceptions, who has been diagnosed with or is undergoing treatment for a debilitating disease or treatment.

The bill also eliminates the prohibition on possessing or using drug paraphernalia that relates to cannabis consumption.

Penalties for violating the laws relating to possession, distribution, and sale without a license vary widely depending on the severity of the violation, the age of the violator, and the quantity of cannabis involved in the violation. Generally, for

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low-level violations, the penalty is a forfeiture of up to \$250, and penalties increase in severity to a Class I felony.

Regulating the production, processing, transportation, and sale of cannabis

The bill creates the Division of Cannabis Regulation within the Department of Agriculture, Trade and Consumer Protection (“division”) to oversee the production, processing, transportation, and testing of cannabis.

The bill requires, with certain exceptions, a person to obtain a license from the division to produce, process, or possess with the intent to sell cannabis or to operate a cannabis microbusiness.

The bill also requires a person to obtain a license from the Department of Revenue to sell cannabis at a cannabis dispensary or to operate a cannabis lounge, and requires cannabis microbusinesses to complete a two-part application that begins with submitting an application for a conditional license to the division, which must then be approved by DOR.

The requirements for obtaining any license relating to cannabis are the same whether it is issued by the division or DOR. In general, an applicant for any cannabis license must be at least 10 years past the completion of any sentence for a violent crime; must be at least 21 years of age; must not have a financial interest in any other cannabis licensee or licensee applicant; must have been a resident of this state for at least the 90 continuous days before the application date; must submit to an inspection of their premises; must demonstrate sufficient security features in place at the premises; and must include with their application a detailed description of the premises to be licensed. A person who holds a cannabis license must also comply with certain operational requirements.

In general, licenses to produce and process cannabis are mutually exclusive with licenses to sell cannabis, except in the case of a cannabis microbusiness, and no person licensed to produce, process, or sell cannabis may be licensed if they have any financial interest in a cannabis testing laboratory.

To obtain any license relating to cannabis, either from the division or from DOR, an applicant must pay an application fee of \$250 plus the cost of any required background investigation, then an annual license fee of \$3,000.

The bill permits a city, village, town, or county to enact an ordinance prohibiting the operation of a licensed cannabis microbusiness, cannabis dispensary, or cannabis lounge within the city, village, town, or county.

Cannabis producer licenses

Under the bill, a licensed cannabis producer may plant, grow, cultivate, and harvest cannabis; transfer or sell cannabis to a licensed cannabis processor or a licensed cannabis testing laboratory; and engage in any related activities that are necessary for the operation, such as possessing and storing cannabis. Under the bill, a cannabis producer may operate a premises with a “canopy,” which is the space for producing mature cannabis plants (as opposed to the space for propagating plants or starting seedlings), of up to 50,000 square feet.

SENATE BILL 1045***Cannabis processor licenses***

Under the bill, a licensed cannabis processor may obtain cannabis from a licensed cannabis producer or cannabis microbusiness; process cannabis into usable cannabis; package and label usable cannabis products; sell usable cannabis to licensed cannabis retailers or cannabis microbusinesses; and engage in any related activities that are necessary for the operation, such as possessing and storing cannabis. In addition, the bill provides that a licensed cannabis processor must package the usable cannabis in child-resistant packaging and attach a label to the packaging that includes certain information. Furthermore, the bill provides that no cannabis processor or cannabis microbusiness may make usable cannabis from cannabis that was grown outside the state.

Cannabis retailer licenses

Under the bill, a licensed cannabis retailer may operate a cannabis dispensary and, if they apply for an additional license, a cannabis lounge. A cannabis retailer may obtain packaged and labeled usable cannabis from licensed cannabis processors. A cannabis retailer operating a cannabis dispensary may sell usable cannabis and paraphernalia intended for the storage or use of usable cannabis to consumers, as well as other items related to the cannabis business. A cannabis retailer operating a cannabis lounge may not sell usable cannabis or paraphernalia intended for the storage or use of usable cannabis, but may sell other items related to the cannabis business.

Cannabis microbusiness licenses

Under the bill, a licensed microbusiness is a cannabis producer that may also act as a cannabis processor, cannabis retailer, or both, all on a single premises, if the cannabis microbusiness operates within a single “canopy,” which is the space for producing mature cannabis plants (as opposed to the space for propagating plants or starting seedlings), of not more than 20,000 square feet. To be licensed as a cannabis microbusiness, an applicant must first apply to the division and indicate which regulated activities the applicant intends to engage in, and then the division must forward the application to DOR for final approval.

Regulating the transportation of cannabis

The bill requires the division to register cannabis transporters. To be registered as a cannabis transporter, an applicant must already be licensed as a cannabis producer, cannabis processor, cannabis microbusiness, or cannabis retailer; must complete a cannabis transportation course that has been approved by the division; and must pay a \$5 registration fee. A registered cannabis transporter may transport cannabis between the premises of any cannabis licensees or between a cannabis licensee and a cannabis testing laboratory.

Regulating the testing of cannabis

The bill requires the division to license entities as cannabis testing laboratories. To be licensed as a cannabis testing laboratory, an entity must meet

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the same criteria as any other cannabis licensee. Cannabis testing laboratories certify whether cannabis and usable cannabis comply with DATCP standards regarding potency and the presence and levels of mold, fungus, pesticides, and other contaminants. Cannabis testing laboratories must destroy any samples remaining after certification testing.

Regulating the packaging and labeling of cannabis

The bill requires that licensed cannabis processors and cannabis microbusinesses operating as cannabis processors must package usable cannabis in child-resistant packaging and attach a label to the packaging that includes all of the following information:

1. A complete list of the ingredients in the usable cannabis product.
2. The type and the amount of any cannabinoid contained in the usable cannabis or the THC concentration in the usable cannabis.
3. The cannabis producer's or cannabis microbusiness's business or trade name.
4. The cannabis producer's or cannabis microbusiness's license number.
5. The lot number of the cannabis.
6. The harvest date.
7. The manufacture date.
8. The strain name and product identity.
9. The net weight or volume.
10. The activation time.
11. The name of the cannabis testing laboratory that tested the cannabis, the test batch number, and the test analysis dates.
12. A logo for recreational cannabis that DATCP is required to develop.
13. A warning about the risks of cannabis use and pregnancy.
14. A warning about the risks of cannabis use by persons under the age of 18.

The bill requires both cannabis-infused beverages and cannabis-infused edible products to indicate on the label the portion that constitutes one serving of the beverage or edible product. Additionally, cannabis-infused beverages are prohibited from containing more than 20 mg of THC per serving or more than 200 mg of THC per package. Cannabis-infused edibles are prohibited from containing more than 20 mg of THC per serving and must be packaged as either single pieces or as clear and easily separable one-unit portions of a larger piece.

Medical cannabis registry program

The bill requires the Department of Health Services to establish a Medical Cannabis Registry Program, and a person or his or her caregiver may apply to DHS for a registry identification card. The bill specifies that the following medical conditions or treatments qualify a person for the registry: cancer, glaucoma, AIDS or HIV, Crohn's disease, a hepatitis C virus infection, Alzheimer's disease, amyotrophic lateral sclerosis, nail-patella syndrome, Ehlers-Danlos syndrome, post-traumatic stress disorder, or the treatment of any of these conditions; opioid abatement or reduction or treatment for opioid addiction; a chronic or debilitating disease or medical condition or the treatment of such a disease or condition that

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causes cachexia, severe pain, severe nausea, seizures, or severe and persistent muscle spasms; and any other medical condition or treatment DHS designates by rule as a debilitating medical condition or treatment. DHS must issue a qualified applicant a registry identification card. DHS must keep registry information and applications confidential except for verifying the status of a registrant for law enforcement purposes. Under the bill, a health care practitioner may not provide a written certification to obtain a registry identification card for himself or herself or any family member, and health care practitioners who provide written certifications for registry identification cards may not have any financial interest connected to a person or entity that produces, processes, transports, tests, or sells cannabis.

The bill imposes registration fees for individuals and caregivers who apply for a registry identification card, as well as an annual fee for caregivers in possession of a registry identification card. These fees are used to administer the medical cannabis registry program.

Cannabis taxation

The bill imposes the following taxes on the sale of cannabis in this state at various stages:

1. An excise tax at the rate of 10 percent of the sales price imposed on the cannabis producer for each wholesale sale of cannabis from a cannabis producer to a cannabis processor.

2. An excise tax at the rate of 10 percent of the sales price imposed on the cannabis processor on each wholesale sale or transfer of cannabis from a cannabis processor to a cannabis retailer or a cannabis microbusiness.

3. An excise tax at the rate of 5 percent of the sales price imposed on the cannabis retailer on each retail sale of usable cannabis by a cannabis retailer, except that the tax does not apply to sales of usable cannabis by a cannabis dispensary to an individual who holds a valid medical cannabis registry identification card.

4. An occupational tax that is imposed on a cannabis microbusiness at the rate of 10 percent of the gross receipts of the cannabis microbusiness.

5. An excise tax that a municipality may, by ordinance, impose at a rate not exceeding 5 percent of the sales price on each retail sale in the municipality of usable cannabis made by a cannabis retailer, except that the tax does not apply to sales of usable cannabis by a cannabis dispensary to an individual who holds a valid medical cannabis registry identification card.

6. In addition to the other taxes imposed on the retail sale of usable cannabis, an excise tax at the rate of 3 percent of the sales price on each retail sale of cannabis flower, except that the tax does not apply to sales of usable cannabis by a cannabis dispensary to an individual who holds a valid medical cannabis registry identification card. The revenue collected from the tax on cannabis flower is deposited into a segregated fund, designated the Cannabis Research Fund, to be used by the Department of Health Services to research the effect of cannabis consumption on public health.

SENATE BILL 1045***Low-dose cannabis-infused products***

The bill creates a special category of cannabis product called a “low-dose cannabis-infused product,” which is defined as a cannabis-infused product, either in the form of an edible item or a beverage, that contains a tetrahydrocannabinol concentration level of 1.0 to 10.0 mg per 12 fluid ounces of beverage or per serving or per package of edible. In the bill, low-dose cannabis-infused products replace intoxicating hemp products when provisions regulating intoxicating hemp products are repealed, in accordance with a change to federal law. Under the bill, when the provisions relating to low-dose cannabis-infused products take effect, the products are subject to the same production, processing, packaging, and testing requirements as other cannabis products, and are subject to the same age restrictions on sales. The key difference is that a low-dose cannabis-infused product may be sold at any retailer, not just at a dispensary.

An excise tax at the rate of 5 percent of the sales price is imposed on the retailer on each retail sale of low-dose cannabis-infused products, except that the tax does not apply to sales of the products by a cannabis dispensary to an individual who holds a valid medical cannabis registry identification card.

Previous convictions for cannabis-related or marijuana-related crimes

The bill creates a process to review convictions for acts that have been decriminalized under the bill. If the person is currently serving a sentence or on probation for such a conviction, the person may petition a court to vacate the conviction and expunge the record or, if applicable, adjust the conviction to a lower crime. If the person has completed a sentence or period of probation for such a conviction, the person may petition a court to vacate the conviction and expunge the record or, if applicable, adjust the record of conviction to a lower crime. Any conviction that is expunged under the bill is not considered a conviction for any purpose under state or federal law.

This bill also creates within the Department of Administration a Cannabis Conviction Review Unit that must, in consultation with the Department of Corrections and Department of Justice, seek to identify individuals with prior criminal convictions related to cannabis or marijuana that may be eligible for expungement or adjustment and notify those individuals of their eligibility, and to advise those individuals and the general public about eligibility and procedures for cannabis conviction review. The review unit is also required to award grants to organizations that provide related services. Under the bill, the cannabis conviction review unit sunsets 10 years after the bill takes effect.

Discrimination and employment

The bill prohibits discrimination in employment and licensing against individuals based on their use or possession of medical cannabis off the employer’s premises during nonworking hours, unless one of certain exceptions applies. The bill also prohibits discrimination in housing based upon an individual having a medical cannabis registry identification card or certification.

The bill provides that an employee who is terminated solely due to a positive

SENATE BILL 1045**SECTION 1**

drug test for cannabis components or metabolites or who violates the employer's policy concerning the use of cannabis is not disqualified from receiving unemployment insurance or worker's compensation benefits unless 1) the employee uses or possesses medical cannabis on the employer's premises or during working hours or 2) the use impairs the individual's ability to adequately undertake the job-related responsibilities of that individual's employment.

Funding and position authorizations

The bill also provides the following funding and position authorizations to administer cannabis regulations:

1. To DOA, \$5,000,000 in each year of the fiscal biennium for cannabis conviction conviction review, \$1,000,000 in each year of the fiscal biennium for cannabis conviction review grants, and nine full-time positions for the Cannabis Conviction Review Unit.

2. To DATCP, \$30,000,000 in each year of the fiscal biennium and 180 full-time positions for cannabis licensing and regulation administration.

3. To DHS, \$5,000,000 in the 2025-26 fiscal year, \$4,000,000 in the 2026-27 fiscal year, and 26 full-time positions for the Medical Cannabis Registry Program and the Cannabis Research Program.

4. To DOR, \$2,701,300 in the 2025-26 fiscal year, \$1,985,800 in the 2026-27 fiscal year, eight full-time project positions, which expire two years after the bill becomes law, and 18 full-time positions for cannabis licensing and taxation.

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.

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:

1 **SECTION 1.** 15.103 (7) of the statutes is created to read:

2 15.103 (7) CANNABIS CONVICTION REVIEW UNIT. There is created a cannabis
3 conviction review unit. The director of the unit shall be appointed by the secretary
4 of administration.

5 **SECTION 2.** 15.103 (7) of the statutes, as created by 2025 Wisconsin Act ...
6 (this act), is repealed.

7 **SECTION 3.** 15.133 of the statutes is created to read:

SENATE BILL 1045**SECTION 3**

1 **15.133 Same; specified divisions. (1) DIVISION OF CANNABIS REGULATION.**

2 There is created in the department of agriculture, trade and consumer protection a
3 division of cannabis regulation.

4 **SECTION 4.** 16.24 of the statutes is created to read:

5 **16.24 Cannabis or marijuana conviction review. (1) REVIEW OF**
6 **CRIMINAL CONVICTIONS.** The cannabis conviction review unit shall, in consultation
7 with the department of corrections and the department of justice, do all of the
8 following:

9 (a) Seek to identify individuals with prior criminal convictions related to
10 cannabis or marijuana who may be eligible for a special disposition under s. 973.016
11 and notify those individuals of their eligibility.

12 (b) Advise individuals identified under par. (a) and the general public about
13 eligibility and procedures for special disposition under s. 973.016.

14 **(2) GRANTS.** The cannabis conviction review unit shall, from the
15 appropriation under s. 20.505 (1) (fm), award grants to organizations that provide
16 any of the following services:

17 (a) Education to the general public about special dispositions for marijuana-
18 related crimes.

19 (b) Advice to individuals about eligibility and procedures for special
20 disposition under s. 973.016.

21 (c) Legal or other assistance to individuals seeking special disposition under s.
22 973.016.

23 **SECTION 5.** 16.24 of the statutes, as created by 2025 Wisconsin Act (this
24 act), is repealed.

SENATE BILL 1045**SECTION 6****2025-26 2026-27**

1 (gh) Administration of municipality

2 taxes; cannabis PR C -0- -0-

3 **20.835 Shared revenue and tax relief**

4 (4) COUNTY AND LOCAL TAXES

5 (gj) Municipality taxes; cannabis PR C -0- -0-

6 **SECTION 7.** 20.115 (7) (f) of the statutes is created to read:7 20.115 (7) (f) *Cannabis regulation.* The amounts in the schedule for the
8 operations of the division of cannabis regulation under s. 93.025.9 **SECTION 8.** 20.115 (7) (gg) of the statutes is created to read:10 20.115 (7) (gg) *Cannabis licensing fees.* All moneys received from fees
11 collected under s. 94.81 (6) and 94.84 (1) (c) for the operations of the division of
12 cannabis regulation under s. 93.025.13 **SECTION 9.** 20.435 (1) (ec) of the statutes is created to read:14 20.435 (1) (ec) *Medical cannabis registry program.* The amounts in the
15 schedule to administer the medical cannabis registry program under s. 146.44.16 **SECTION 10.** 20.435 (1) (gq) of the statutes is created to read:17 20.435 (1) (gq) *Medical cannabis registry program; fees.* All moneys received
18 as fees under s. 146.44 (2) (a) 4. and (ac) 3. and (4m) to administer the medical
19 cannabis registry program under s. 146.44.20 **SECTION 11.** 20.435 (1) (s) of the statutes is created to read:21 20.435 (1) (s) *Cannabis research program.* From the cannabis research fund,
22 all moneys received from the tax imposed under s. 139.971 (1) (f) to conduct
23 research on the effect of cannabis consumption on public health under s. 146.45.

SENATE BILL 1045**SECTION 12**

1 **SECTION 12.** 20.505 (4) (fg) of the statutes is created to read:

2 20.505 (4) (fg) *Cannabis conviction review unit.* The amounts in the schedule
3 for the operations of the cannabis conviction review unit under s. 16.24.

4 **SECTION 13.** 20.505 (4) (fg) of the statutes, as created by 2025 Wisconsin Act
5 (this act), is repealed.

6 **SECTION 14.** 20.505 (4) (fm) of the statutes is created to read:

7 20.505 (4) (fm) *Cannabis conviction review grants.* The amounts in the
8 schedule for cannabis conviction review grants under s. 16.24 (2).

9 **SECTION 15.** 20.505 (4) (fm) of the statutes, as created by 2025 Wisconsin Act
10 (this act), is repealed.

11 **SECTION 16.** 20.566 (1) (bn) of the statutes is created to read:

12 20.566 (1) (bn) *Administration and enforcement of cannabis tax and*
13 *regulation.* The amounts in the schedule for the purposes of administering the
14 cannabis tax imposed under subch. IV of ch. 139 and for the costs incurred in
15 enforcing the taxing and regulation of cannabis producers, cannabis processors,
16 cannabis microbusinesses, and cannabis retailers under subch. IV of ch. 139.

17 **SECTION 17.** 20.566 (1) (gh) of the statutes is created to read:

18 20.566 (1) (gh) *Administration of municipality taxes; cannabis.* From the
19 moneys transferred from the appropriation account under s. 20.835 (4) (gh), the
20 amounts in the schedule for administering the municipality taxes imposed under s.
21 139.971 (1) (e).

22 **SECTION 18.** 20.835 (4) (gj) of the statutes is created to read:

23 20.835 (4) (gj) *Municipality taxes; cannabis.* All moneys received from the
24 taxes imposed under s. 139.971 (1) (e) for distribution to the municipalities that

SENATE BILL 1045**SECTION 18**

1 enact an ordinance imposing taxes under that section and for interest payments on
2 refunds, except that 1.75 percent of those tax revenues collected under s. 139.971
3 (1) (e) shall be credited to the appropriation account under s. 20.566 (1) (gh).

4 **SECTION 19.** 25.86 of the statutes is created to read:

5 **25.86 Cannabis research fund.** There is established a separate
6 nonlapsible trust fund designated as the cannabis research fund, consisting of all
7 revenue from the tax imposed under s. 139.971 (1) (f). The fund shall be used by the
8 department of health services for conducting research on the effect of cannabis
9 consumption on public health.

10 **SECTION 20.** 59.54 (25) (title) of the statutes is amended to read:

11 59.54 (25) (title) ~~POSSESSION~~ REGULATION OF MARIJUANA CANNABIS.

12 **SECTION 21.** 59.54 (25) (a) (intro.) of the statutes is amended to read:

13 59.54 (25) (a) (intro.) The board may enact and enforce an ordinance to
14 ~~prohibit the possession of marijuana, as defined in s. 961.01 (14), subject to the~~
15 ~~exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the~~
16 ~~ordinance that is consistent with s. 961.71, 961.72, or 961.73; except that if a~~
17 ~~complaint is issued regarding an allegation of possession of more than 25 grams of~~
18 ~~marijuana, or possession of any amount of marijuana following a conviction in this~~
19 ~~state for possession of marijuana alleging a felony violation of s. 961.71, 961.72, or~~
20 ~~961.73, the subject of the complaint may not be prosecuted under this subsection for~~
21 ~~the same action that is the subject of the complaint unless all of the following occur:~~

22 **SECTION 22.** 66.0107 (1) (bm) of the statutes is amended to read:

23 66.0107 (1) (bm) Enact and enforce an ordinance to ~~prohibit the possession of~~
24 ~~marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g)~~

SENATE BILL 1045**SECTION 22**

1 ~~(intro.), and provide a forfeiture for a violation of the ordinance that is consistent~~
2 ~~with s. 961.71, 961.72, or 961.73; except that if a complaint is issued regarding an~~
3 ~~allegation of possession of more than 25 grams of marijuana, or possession of any~~
4 ~~amount of marijuana following a conviction in this state for possession of marijuana~~
5 ~~alleging a felony violation of s. 961.71, 961.72, or 961.73, the subject of the~~
6 complaint may not be prosecuted under this paragraph for the same action that is
7 the subject of the complaint unless the charges are dismissed or the district
8 attorney declines to prosecute the case.

9 **SECTION 23.** 66.04185 of the statutes is created to read:

10 **66.04185 Ordinances prohibiting cannabis microbusinesses,**
11 **cannabis dispensaries, or cannabis lounges.** A city, village, town, or county
12 may enact an ordinance prohibiting the operation of any type of business licensed
13 under s. 139.972 within the city, village, town, or county.

14 **SECTION 24.** 66.04186 of the statutes is created to read:

15 **66.04186 Cultivation of cannabis.** No city, village, town, or county may
16 prohibit an individual from cultivating the permissible number of plants under s.
17 961.70 (10) (d) outdoors at one time for personal use.

18 **SECTION 25.** 66.1201 (2m) of the statutes is amended to read:

19 66.1201 **(2m) DISCRIMINATION.** Persons otherwise entitled to any right,
20 benefit, facility, or privilege under ss. 66.1201 to 66.1211 may not be denied the
21 right, benefit, facility, or privilege in any manner for any purpose nor be
22 discriminated against because of sex, race, color, creed, or sexual orientation;,
23 status as a victim of domestic abuse, sexual assault, or stalking, as defined in s.
24 106.50 (1m) (u); whether the person holds or has applied for a registry

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1 identification card, as defined in s. 146.44 (1) (j), or has been the subject of a written
2 certification, as defined in s. 146.44 (1) (k); or national origin.

3 **SECTION 26.** 66.1213 (3) of the statutes is amended to read:

4 66.1213 (3) DISCRIMINATION. Persons otherwise entitled to any right, benefit,
5 facility, or privilege under this section may not be denied the right, benefit, facility,
6 or privilege in any manner for any purpose nor be discriminated against because of
7 sex, race, color, creed, or sexual orientation;; status as a victim of domestic abuse,
8 sexual assault, or stalking, as defined in s. 106.50 (1m) (u);; whether the person
9 holds or has applied for a registry identification card, as defined in s. 146.44 (1) (j),
10 or has been the subject of a written certification, as defined in s. 146.44 (1) (k); or
11 national origin.

12 **SECTION 27.** 66.1301 (2m) of the statutes is amended to read:

13 66.1301 (2m) DISCRIMINATION. Persons entitled to any right, benefit, facility,
14 or privilege under ss. 66.1301 to 66.1329 may not be denied the right, benefit,
15 facility, or privilege in any manner for any purpose nor be discriminated against
16 because of sex, race, color, creed, or sexual orientation;; status as a victim of
17 domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u);;
18 whether the person holds or has applied for a registry identification card, as defined
19 in s. 146.44 (1) (j), or has been the subject of a written certification, as defined in s.
20 146.44 (1) (k); or national origin.

21 **SECTION 28.** 66.1331 (2m) of the statutes is amended to read:

22 66.1331 (2m) DISCRIMINATION. Persons otherwise entitled to any right,
23 benefit, facility, or privilege under this section may not be denied the right, benefit,

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1 facility, or privilege in any manner for any purpose nor be discriminated against
2 because of sex, race, color, creed, or sexual orientation; status as a victim of
3 domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u);
4 whether the person holds or has applied for a registry identification card, as defined
5 in s. 146.44 (1) (j), or has been the subject of a written certification, as defined in s.
6 146.44 (1) (k); or national origin.

7 **SECTION 29.** 66.1333 (3) (e) 2. of the statutes is amended to read:

8 66.1333 (3) (e) 2. Persons otherwise entitled to any right, benefit, facility, or
9 privilege under this section may not be denied the right, benefit, facility, or
10 privilege in any manner for any purpose nor be discriminated against because of
11 sex, race, color, creed, or sexual orientation; status as a victim of domestic abuse,
12 sexual assault, or stalking, as defined in s. 106.50 (1m) (u); whether the person
13 holds or has applied for a registry identification card, as defined in s. 146.44 (1) (j),
14 or has been the subject of a written certification, as defined in s. 146.44 (1) (k); or
15 national origin.

16 **SECTION 30.** 77.52 (13) of the statutes is amended to read:

17 77.52 (13) For the purpose of the proper administration of this section and to
18 prevent evasion of the sales tax it shall be presumed that all receipts are subject to
19 the tax until the contrary is established. The burden of proving that a sale of
20 tangible personal property, or items, property, or goods under sub. (1) (b), (c), or (d),
21 or services is not a taxable sale at retail is upon the person who makes the sale
22 unless that person takes from the purchaser an electronic or a paper certificate, in
23 a manner prescribed by the department, to the effect that the property, item, good,
24 or service is purchased for resale or is otherwise exempt, except that no certificate is

SENATE BILL 1045**SECTION 30**

1 required for the sale of tangible personal property, or items, property, or goods
2 under sub. (1) (b), (c), or (d), or services that are exempt under s. 77.54 (5) (a) 3., (7),
3 (7m), (8), (10), (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36), (37), (42),
4 (44), (45), (46), (51), (52), (64), (66), (67), (71), ~~and (72), and (76).~~

5 **SECTION 31.** 77.53 (10) of the statutes is amended to read:

6 77.53 (10) For the purpose of the proper administration of this section and to
7 prevent evasion of the use tax and the duty to collect the use tax, it is presumed
8 that tangible personal property, or items, property, or goods under s. 77.52 (1) (b),
9 (c), or (d), or taxable services sold by any person for delivery in this state is sold for
10 storage, use, or other consumption in this state until the contrary is established.
11 The burden of proving the contrary is upon the person who makes the sale unless
12 that person takes from the purchaser an electronic or paper certificate, in a manner
13 prescribed by the department, to the effect that the property, or items, property, or
14 goods under s. 77.52 (1) (b), (c), or (d), or taxable service is purchased for resale, or
15 otherwise exempt from the tax, except that no certificate is required for the sale of
16 tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or
17 (d), or services that are exempt under s. 77.54 (7), (7m), (8), (10), (11), (14), (15), (17),
18 (20n), (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), (52), (64), (66),
19 (67), (71), ~~and (72), and (76).~~

20 **SECTION 32.** 77.54 (76) of the statutes is created to read:

21 77.54 (76) The sales price from the sale of and the storage, use, or other
22 consumption of usable cannabis, as defined in s. 94.80 (17), sold by a cannabis
23 dispensary, as defined in s. 139.97 (3), to a person who holds a valid medical
24 cannabis identification card issued under s. 146.44 (4).

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1 94.55 (1) DEFINITION. In this section, “hemp” means the plant Cannabis
2 sativa L. and any part of that plant, including the seeds thereof and all derivatives,
3 extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing
4 or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3
5 percent on a dry weight basis or the maximum concentration allowed under federal
6 law up to 1 percent, whichever is greater, as tested using post-decarboxylation or
7 other similarly reliable methods. ~~“Hemp” includes an intoxicating hemp product, as~~
8 ~~defined in s. 94.56 (1)(e).~~ “Hemp” does not include a prescription drug product that
9 has been approved by the U.S. food and drug administration.

10 **SECTION 37.** 94.55 (1m) of the statutes is created to read:

11 94.55 (1m) EXEMPTION. Subsections (2) to (4) do not apply to intoxicating
12 hemp products, as defined in s. 94.56 (1) (c).

13 **SECTION 38.** 94.55 (1m) of the statutes, as created by 2025 Wisconsin Act ...
14 (this act), is repealed.

15 **SECTION 39.** 94.55 (2t) of the statutes is repealed.

16 **SECTION 40.** 94.56 (title), (1) (intro.), (a), (b) and (d), (2), (3), (4), (5) and (6) of
17 the statutes, as created by 2025 Wisconsin Act ... (this act), are repealed.

18 **SECTION 41.** 94.56 of the statutes is created to read:

19 **94.56 Intoxicating hemp products. (1) DEFINITIONS.** In this section:

20 (a) “Hemp” has the meaning given in s. 94.55 (1).

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

22 1. Delta-8-tetrahydrocannabinol.

23 2. Delta-9-tetrahydrocannabinol.

24 3. Delta-10-tetrahydrocannabinol.

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1 4. Tetrahydrocannabinolic acid.

2 5. Hexahydrocannabinol.

3 6. Tetrahydrocannabiphorol.

4 7. Tetrahydrocannabinol-O-acetate.

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

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

9 1. A hemp product in the form of a beverage that contains intoxicating
10 cannabinoids at a concentration level of 1.0 milligram to 10.0 milligrams per 12
11 fluid ounces of beverage.

12 2. An edible hemp product that contains intoxicating cannabinoids at a
13 concentration level of 1.0 milligram to 10.0 milligrams per serving or per package.

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

15 1. Cannabidiol.

16 2. Cannabigerol.

17 3. Cannabichromene.

18 4. Cannabinol.

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

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

24 (a) The intoxicating hemp product manufacturer submitted a representative

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1 sample of each intoxicating hemp product to an independent, accredited laboratory
2 for testing in accordance with generally accepted industry standards.

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

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

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

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

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

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

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

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

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

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

6 5. A complete list of the ingredients of the packaged intoxicating hemp
7 product.

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

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

11 8. A symbol widely recognized as indicating that the intoxicating hemp
12 product contains cannabis.

13 9. A symbol that indicates the intoxicating hemp product is intended for
14 individuals that are 21 years of age or older.

15 10. A warning to keep the intoxicating hemp product out of the reach of
16 children.

17 11. A disclaimer that the intoxicating hemp product has not been analyzed or
18 approved by the federal food and drug administration.

19 12. The quick response code that links to the certificate of analysis for the
20 intoxicating hemp product that is required under sub. (2) (b).

21 **(4) SALE OF INTOXICATING HEMP PRODUCTS TO INDIVIDUALS UNDER 21.** (a) A
22 person that sells any intoxicating hemp product shall post a conspicuous sign in the
23 location within the person's sales premises where intoxicating hemp products are

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1 sold to consumers stating that the sale of any intoxicating hemp product to an
2 individual under age 21 is unlawful under par. (c).

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

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

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

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

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

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

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

22 b. If the person has committed a previous violation of subd. 1. within 30
23 months of the violation, a fine of not more than \$500 or imprisonment for not more
24 than 30 days, or both.

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

4 d. If the person has committed 3 or more previous violations of subd. 1. within
5 30 months of the violation, a fine of not more than \$10,000 or imprisonment for not
6 more than 9 months, or both.

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

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

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

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

18 2. If the person has committed a previous violation of this paragraph within
19 30 months of the violation, a fine of not more than \$500 or imprisonment for not
20 more than 30 days, or both.

21 3. If the person has committed 2 previous violations of this paragraph within
22 30 months of the violation, a fine of not more than \$1,000 or imprisonment for not
23 more than 90 days, or both.

24 4. If the person has committed 3 or more previous violations of this paragraph

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1 within 30 months of the violation, a fine of not more than \$10,000 or imprisonment
2 for not more than 9 months, or both.

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

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

10 (c) A law enforcement officer may seize any intoxicating hemp product that
11 has been sold or provided to or that is in the possession of an individual under age
12 21.

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

18 **SECTION 42.** 94.56 (1) (c) of the statutes, as created by 2025 Wisconsin Act ...
19 (this act), is renumbered 94.80 (15m) and amended to read:

20 94.80 (15m) ~~“Intoxicating hemp~~ “Low-dose cannabis-infused product” means
21 any of the following, ~~regardless of the concentration of nonintoxicating~~
22 ~~cannabinoids:~~

23 1. A ~~hemp~~ cannabis-infused product in the form of a beverage that contains
24 ~~intoxicating cannabinoids~~ a tetrahydrocannabinol concentration, as defined in

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1 961.70 (12), at a ~~concentration~~ level of 1.0 milligram to 10.0 milligrams per 12 fluid
2 ounces of beverage.

3 2. An edible ~~hemp~~ cannabis-infused product that contains ~~intoxicating~~
4 ~~cannabinoids~~ a tetrahydrocannabinol concentration, as defined in 961.70 (12), at a
5 ~~concentration~~ level of 1.0 milligram to 10.0 milligrams per serving or per package.

6 **SECTION 43.** Subchapter II of chapter 94 [precedes 94.80] of the statutes is
7 created to read:

CHAPTER 94**SUBCHAPTER II****REGULATION OF CANNABIS**

11 **SECTION 44.** 94.80 of the statutes is created to read:

12 **94.80 Definitions.** In this subchapter:

13 (1) “Cannabis” has the meaning given in s. 961.70 (1).

14 (2) “Cannabis concentrate” means a product derived from cannabis that is
15 intended to be inhaled through smoking or vaping or used as an ingredient in a
16 cannabis-infused product and that is produced by extracting cannabinoids,
17 including tetrahydrocannabinol, from the plant through the use of any of the
18 following:

19 (a) Propylene glycol, glycerin, butter, olive oil, or any other typical cooking fat.

20 (b) Water, ice, or dry ice.

21 (c) Butane, propane, carbon dioxide, ethanol, or isopropanol.

22 (3) “Cannabis flower” means a substance consisting of dry cannabis,
23 including hashish and raw kief. “Cannabis flower” does not include cannabis
24 concentrate.

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1 (4) “Cannabis-infused product” means a beverage, food, oil, ointment,
2 tincture, topical formulation, or another product containing cannabis or cannabis
3 concentrate that is not intended to be inhaled through smoking or vaping.

4 (5) “Cannabis microbusiness” means a cannabis producer that plants, grows,
5 cultivates, or harvests cannabis within a single canopy of not more than 20,000
6 square feet on a single premises and that also operates as one or more of the
7 following:

8 (a) A cannabis processor.

9 (b) A cannabis retailer.

10 (6) “Cannabis processor” means a person that receives cannabis from a
11 cannabis producer, processes the cannabis into usable cannabis, and sells or
12 otherwise transfers that usable cannabis to a cannabis retailer.

13 (7) “Cannabis producer” means a person that plants, grows, cultivates, or
14 harvests cannabis and sells the cannabis at wholesale or otherwise transfers the
15 cannabis to a cannabis processor.

16 (8) “Cannabis retailer” has the meaning given in s. 139.97 (10).

17 (9) “Cannabis transporter” means a licensee that has been registered by the
18 division under s. 94.84 to transport cannabis.

19 (10) “Canopy” means the total square footage of space that is dedicated to the
20 production of mature cannabis plants within a cannabis producer or cannabis
21 microbusiness licensee’s premises, measured using the outside boundaries of each
22 production area and including all vertical tiers or shelving used for production of
23 mature cannabis plants.

24 (11) “Division” means the division of cannabis regulation under s. 93.025.

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1 **(12)** “Labor peace agreement” means an agreement between a person
2 applying for a license under s. 94.81 and a labor organization, as defined in s. 5.02
3 (8m), that does all of the following:

4 (a) Prohibits the labor organization and its members from engaging in
5 picketing, work stoppages, boycotts, and any other economic interference with
6 persons doing business in this state.

7 (b) Prohibits the applicant from disrupting the efforts of the labor
8 organization to communicate with and to organize and represent the applicant’s
9 employees.

10 (c) Provides the labor organization access at reasonable times to areas in
11 which the applicant’s employees work for the purpose of meeting with employees to
12 discuss their right to representation, employment rights under state law, and terms
13 and conditions of employment.

14 **(13)** “Licensee” means a cannabis producer or cannabis processor that is
15 issued a license under s. 94.81 or a cannabis microbusiness or cannabis retailer that
16 is issued a license under s. 139.972.

17 **(14)** “Lot” means a definite quantity of cannabis or usable cannabis identified
18 by a lot number, every portion or package of which is consistent with the
19 information that appears on the label.

20 **(15)** “Lot number” means a number that specifies the person that holds a
21 valid license under this subchapter and the harvesting or processing date for each
22 lot.

23 **(16)** “Mature cannabis plant” means any cannabis plant that is flowering or

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1 that has one or more visible flowers, buds, or preflowers showing pistillate or
2 staminate development typical of the flowering stage of the plant.

3 (17) “Usable cannabis” means cannabis flower, cannabis concentrate, or
4 cannabis-infused products that have been packaged and labeled for retail sale.

5 **SECTION 45.** 94.80 (17) of the statutes, as created by 2025 Wisconsin Act
6 (this act), is amended to read:

7 94.80 (17) “Usable cannabis” means cannabis flower, cannabis concentrate, ~~or~~
8 cannabis-infused products, or low-dose cannabis-infused products that have been
9 packaged and labeled for retail sale.

10 **SECTION 46.** 94.81 of the statutes is created to read:

11 **94.81 Cannabis licenses.**

12 (1) LICENSE REQUIRED. (a) No person may operate in this state as a cannabis
13 producer or a cannabis processor without a license from the division.

14 (b) A person that acts as a cannabis producer, cannabis processor, or cannabis
15 microbusiness shall obtain a separate license under this section for each activity.
16 For purposes of this paragraph, a person who possesses more than 12 mature
17 cannabis plants is considered to be acting as a cannabis producer.

18 (bm) A cannabis producer license under this section is required for any person
19 growing more than 12 mature cannabis plants.

20 (c) Except as provided for a cannabis microbusiness under sub. (4), an
21 applicant for a license under this section may not be licensed as a cannabis retailer
22 under s. 139.972.

23 (d) A license issued under this section is not transferable from one person to
24 another or from one premises to another. A separate license under this section is

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1 required for each premises in this state where the operations of a cannabis
2 producer, cannabis processor, or cannabis microbusiness occur.

3 (e) A person is not required to obtain a license under this section if the person
4 produces or processes only hemp, as defined in s. 94.55 (1), and holds a valid license
5 under s. 94.55.

6 (f) This section applies to all officers, directors, agents, and stockholders
7 holding 5 percent or more of the stock of any corporation applying for a license
8 under this section.

9 (g) Each person issued a license under this section shall post the license in a
10 conspicuous place on the premises to which the license relates.

11 (h) A license issued under this section is valid for one year and may be
12 renewed, except that the division may revoke or suspend a license prior to its
13 expiration.

14 **(2) CANNABIS PRODUCER LICENSE.** (a) *Authorized activities.* A cannabis
15 producer licensee may do any of the following:

16 1. Plant, grow, cultivate, and harvest mature cannabis plants within a canopy
17 of not more than 50,000 square feet.

18 2. Plant, grow, and cultivate cannabis for propagation purposes.

19 3. Transfer or sell cannabis to a cannabis processor licensee.

20 4. Engage in any related activities that are necessary for the operation, such
21 as possessing and storing cannabis.

22 (b) *License criteria.* The division may issue a license under this subsection if
23 all of the following apply:

24 1. The applicant meets the criteria under sub. (5).

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1 2. The applicant pays the fees under sub. (6).

2 **(3) CANNABIS PROCESSOR LICENSE.** (a) *Authorized activities.* A cannabis
3 processor licensee may do any of the following:

4 1. Obtain cannabis from a cannabis producer or a cannabis microbusiness
5 licensee.

6 2. Process cannabis into usable cannabis.

7 3. Package and label usable cannabis products.

8 4. Sell usable cannabis products to cannabis microbusinesses or cannabis
9 retailers licensed under s. 139.972.

10 5. Engage in any related activities that are necessary for the operation, such
11 as possessing and storing cannabis.

12 (b) *License criteria.* The division may issue a license under this subsection if
13 all of the following apply:

14 1. The applicant meets the criteria under sub. (5).

15 2. The applicant pays the fees under sub. (6).

16 **(4) CANNABIS MICROBUSINESS LICENSE.** (a) *Authorized activities.* A cannabis
17 microbusiness licensee may do any of the following:

18 1. Plant, grow, cultivate, and harvest mature cannabis plants within a single
19 canopy of not more than 20,000 square feet.

20 2. Plant, grow, and cultivate cannabis for propagation purposes.

21 3. Transfer or sell cannabis to a cannabis processor.

22 4. Process cannabis that the cannabis microbusiness produces into usable
23 cannabis products.

24 5. Package and label usable cannabis products.

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1 6. Offer for sale and consumption usable cannabis products to be consumed by
2 the consumer on or off site.

3 7. Engage in any related activities that are necessary for the operation, such
4 as possessing and storing cannabis.

5 (b) *License criteria.* The division may issue a conditional license under this
6 subsection, then forward the application to the department of revenue for final
7 review and licensure under s. 139.972, if all of the following apply:

8 1. The applicant has indicated which of the division's authorized activities the
9 cannabis microbusiness intends to engage in.

10 2. The applicant pays the fees under sub. (6).

11 3. The applicant holds no more than 2 other licenses under this subsection.

12 **(5) LICENSING CRITERIA.** The division may issue a license under this section
13 to any applicant that the division determines meets all of the following criteria:

14 (a) The applicant, or each principal officer or board member of the applicant,
15 has not been convicted of any violent crime, as defined in s. 165.84 (7) (ab), unless at
16 least 10 years have passed since the completion of any sentence imposed for the
17 crime, including any period of incarceration, parole, or extended supervision, and
18 any period of probation imposed for the crime. The division, with the assistance of
19 the department of justice, shall conduct a background investigation of each
20 applicant, or each principal officer or board member of each applicant, who applies
21 for a license under this section, which shall include requiring each such person to be
22 fingerprinted in duplicate in the manner used for obtaining fingerprints under s.
23 165.84 (1). The department of justice shall submit any such fingerprint cards to the
24 federal bureau of investigation for the purposes of verifying the identity of the

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1 person fingerprinted and obtaining records of his or her criminal arrests and
2 convictions.

3 (b) The applicant, or each principal officer or board member of the applicant,
4 is at least 21 years of age.

5 (c) The applicant, or each principal officer or board member of the applicant,
6 does not have a financial interest in a cannabis testing laboratory licensed under s.
7 94.83, an applicant for a cannabis testing laboratory license under s. 94.83, a
8 cannabis retailer licensed under s. 139.972, or an applicant for a cannabis retailer
9 license under s. 139.972.

10 (d) The applicant has been a resident of this state for at least the 90
11 continuous days prior to the application date, or at least 80 percent of the principal
12 officers or board members of the applicant have been residents of this state for at
13 least the 90 continuous days prior to the application date.

14 (e) The applicant submits to an inspection of the premises by the division.

15 (f) The applicant demonstrates, to the division's satisfaction, that there will
16 be sufficient security features in place at the applicant's premises.

17 (g) The applicant includes with their application a detailed description of the
18 premises to be licensed.

19 **(6) LICENSING FEES.** (a) Each person that applies for a license under this
20 section shall submit to the department with the application a \$250 fee. A person is
21 not entitled to a refund of any fee paid under this paragraph for any reason.

22 (b) A licensee shall annually pay to the department a fee for as long as the
23 person holds a valid license under this section. The annual fee shall be \$3,000,
24 unless the department establishes a higher amount by rule.

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1 (c) The department may charge to a person a fee that does not exceed the
2 department's cost for any background investigation required to determine the
3 person's eligibility for a license. A person is not entitled to a refund of any fee paid
4 under this paragraph for any reason.

5 (7) LICENSING PROCEDURE. (a) The division shall use a competitive scoring
6 system to determine which applicants are eligible to receive a license under this
7 section. The division may deny a license under this section to an applicant with a
8 low score as determined under this paragraph. The division may request that an
9 applicant provide any information or documentation that the division deems
10 necessary for purposes of making a determination under this paragraph. The
11 division shall issue licenses under this section to the highest-scoring applicants
12 that it determines will best do all of the following:

- 13 1. Protect the environment.
- 14 2. Provide stable, family-supporting jobs to local residents.
- 15 3. Ensure worker and consumer safety.
- 16 4. Operate secure facilities.
- 17 5. Uphold the laws of the jurisdictions in which they operate.

18 (b) 1. Before the division issues a new or renewed license under this section,
19 the division shall give notice of the license application to the governing body of the
20 municipality where the license applicant intends to operate the premises of a
21 cannabis producer or cannabis processor. No later than 30 days after the division
22 submits the notice, the governing body of the municipality may file with the

SENATE BILL 1045**SECTION 46**

1 division a written objection to granting or renewing the license. At the
2 municipality's request, the division may extend the period for filing objections.

3 2. A municipality filing a written objection under subd. 1. shall provide all the
4 facts on which the objection is based. In determining whether to grant or deny a
5 license for which an objection has been filed under this paragraph, the division
6 shall give substantial weight to objections from a municipality based on chronic
7 illegal activity associated with the premises for which the applicant seeks the
8 license or the premises of any other operation in this state for which the applicant
9 holds or has held a valid permit or license, the conduct of the applicant's patrons
10 inside or outside the premises of any other operation in this state for which the
11 applicant holds or has held a valid permit or license, and local zoning ordinances.
12 In this subdivision, "chronic illegal activity" means a pervasive pattern of activity
13 that threatens the public health, safety, and welfare of the municipality, including
14 any crime or ordinance violation, and that is documented in crime statistics, police
15 reports, emergency medical response data, calls for service, field data, or similar
16 law enforcement agency records.

17 (c) After denying a license under this subsection, the division shall
18 immediately notify the applicant in writing of the denial and the reasons for the
19 denial. After making a decision to grant or deny a license for which a municipality
20 has filed an objection under par. (b), the division shall immediately notify the
21 governing body of the municipality in writing of its decision and the reasons for the
22 decision.

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1 (d) 1. The division's denial of a license under this section is subject to judicial
2 review under ch. 227.

3 2. The division's decision to grant a license under this section regardless of an
4 objection filed under par. (b) is subject to judicial review under ch. 227.

5 (e) Notwithstanding ss. 66.0134 and 947.21, an applicant with 20 or more
6 employees may not receive a new or renewed license under this section until the
7 applicant certifies to the division that the applicant has entered into a labor peace
8 agreement and will abide by the terms of the agreement as a condition of
9 maintaining a valid license under this section. The applicant shall submit to the
10 division a copy of the page of the labor peace agreement that contains the
11 signatures of the labor organization representative and the applicant.

12 **SECTION 47.** 94.81 (3) (a) 4. of the statutes, as created by 2025 Wisconsin Act
13 (this act), is amended to read:

14 94.81 (3) (a) 4. Sell usable cannabis products to cannabis microbusinesses or
15 cannabis retailers licensed under s. 139.972 or, if the usable cannabis product is a
16 low-dose cannabis-infused product, to a retailer, as defined in s. 77.51 (13).

17 **SECTION 48.** 94.82 of the statutes is created to read:

18 **94.82 Cannabis regulation.**

19 (1) LICENSEE EMPLOYEES. (a) No licensee may employ an individual who is
20 under the age of 21 to work in the business to which the licensee's license relates.

21 (b) Subject to ss. 111.321, 111.322, and 111.335, no licensee may employ an
22 individual unless the individual meets the criteria under s. 94.81 (5) (a) to (d).

23 (c) Immediately after beginning employment with a licensee, every employee

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1 of a licensee shall receive training, approved by the division, on the safe handling of
2 cannabis and usable cannabis and on security and inventory accountability
3 procedures.

4 (2) CANNABIS TESTING. (a) On a schedule determined by the division, each
5 cannabis producer, cannabis processor, or cannabis microbusiness shall submit
6 representative samples of the cannabis and usable cannabis produced or processed
7 by the cannabis producer, cannabis processor, or cannabis microbusiness to a
8 cannabis testing laboratory licensed under s. 94.83 for testing cannabis and usable
9 cannabis in order to certify whether the cannabis or usable cannabis complies with
10 standards prescribed by the department by rule, including testing for potency and
11 for mold, fungus, pesticides, and other contaminants. The cannabis testing
12 laboratory that tests the sample shall destroy any part of the sample that remains
13 after the testing.

14 (b) Each cannabis producer, cannabis processor, and cannabis microbusiness
15 shall submit the results of the testing conducted under par. (a) to the division in the
16 manner prescribed by the department by rule.

17 (c) If a representative sample tested under par. (a) does not meet the
18 standards prescribed by the division, the division shall take the necessary action to
19 ensure that the entire lot from which the sample was taken is destroyed.

20 (3) CANNABIS PACKAGING AND LABELING. (a) A cannabis processor or a
21 cannabis microbusiness that operates as a cannabis processor shall package all
22 usable cannabis that the cannabis processor or cannabis microbusiness sells in
23 child-resistant, tamper-evident, opaque packaging in a manner that does not appeal

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1 to children in its resemblance to candy, snacks, or other products marketed to
2 appeal to children.

3 (b) A cannabis processor or a cannabis microbusiness that operates as a
4 cannabis processor shall affix a label to all usable cannabis that the cannabis
5 processor or cannabis microbusiness sells. The label may not be designed to appeal
6 to children in its resemblance to candy, snacks, or other products marketed to
7 appeal to children. The label shall include all of the following:

8 1. A complete list of the ingredients in the usable cannabis product.

9 2. Any of the following that apply:

10 a. The type and the amount of any cannabinoid contained in the usable
11 cannabis.

12 b. The tetrahydrocannabinol concentration, as defined in s. 961.70 (12), in the
13 usable cannabis.

14 3. The cannabis producer's or cannabis microbusiness's business or trade
15 name.

16 4. The cannabis producer's or cannabis microbusiness's license number.

17 5. The lot number of the cannabis.

18 6. The harvest date of the usable cannabis.

19 7. The manufacture date of the usable cannabis.

20 8. The strain name and product identity of the usable cannabis.

21 9. The net weight or volume of the usable cannabis.

22 10. The activation time of the usable cannabis.

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1 11. The name of the cannabis testing laboratory licensed under s. 94.83 that
2 tested the usable cannabis, the test batch number, and the test analysis dates.

3 12. The logotype for recreational cannabis developed by the department under
4 s. 100.145.

5 13. A warning about the risks of cannabis use and pregnancy.

6 14. A warning about the risks of cannabis use by persons under the age of 18.

7 (c) No cannabis processor or cannabis microbusiness that operates as a
8 cannabis processor may make usable cannabis using cannabis grown outside this
9 state. The label on each package of usable cannabis under par. (b) may indicate that
10 the usable cannabis is made in this state.

11 (d) A cannabis processor or cannabis microbusiness that operates as a
12 cannabis processor shall ensure that any cannabis-infused product it makes that is
13 a beverage meets all of the following criteria:

14 1. The cannabis-infused product's label indicates what volume constitutes one
15 serving of the product.

16 2. The cannabis-infused product contains not more than 20 milligrams of
17 tetrahydrocannabinol per serving of the product.

18 3. The cannabis-infused product contains not more than 200 milligrams of
19 tetrahydrocannabinol in one package of the product.

20 (e) A cannabis processor or cannabis microbusiness that operates as a
21 cannabis processor shall ensure that any cannabis-infused product it makes that is
22 edible meets all of the following criteria:

23 1. The cannabis-infused product's label indicates what portion size
24 constitutes one serving of the product.

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1 2. The cannabis-infused product contains not more than 20 milligrams of
2 tetrahydrocannabinol per serving of the product.

3 3. Each serving of the cannabis-infused product is one of the following:

4 a. A single piece of the cannabis-infused product.

5 b. A one-unit portion of a larger whole product that is clearly visually and
6 physically segmented on the whole product and that is easily separable from other
7 one-unit portions to which it is attached.

8 **SECTION 49.** 94.83 of the statutes is created to read:

9 **94.83 Cannabis testing laboratories.** (1) The division shall license
10 entities as cannabis testing laboratories under this section. The division may issue
11 a license to any applicant under this section that the division determines meets all
12 of the following criteria:

13 (a) The applicant, or each principal officer or board member of the applicant,
14 has not been convicted of any violent crime, as defined in s. 165.84 (7) (ab), unless at
15 least 10 years have passed since the completion of any sentence imposed for the
16 crime, including any period of incarceration, parole, or extended supervision, and
17 any period of probation imposed for the crime. The division, with the assistance of
18 the department of justice, shall conduct a background investigation of each
19 applicant, or each principal officer or board member of each applicant, who applies
20 for a license under this section, which shall include requiring each such person to be
21 fingerprinted in duplicate in the manner used for obtaining fingerprints under s.
22 165.84 (1). The department of justice shall submit any such fingerprint cards to the
23 federal bureau of investigation for the purposes of verifying the identity of the

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1 person fingerprinted and obtaining records of his or her criminal arrests and
2 convictions.

3 (b) The applicant, or each principal officer or board member of the applicant,
4 is at least 21 years of age.

5 (c) The applicant, or each principal officer or board member of the applicant,
6 does not have a financial interest in a licensee or in an applicant for a license under
7 s. 94.81 or 139.972.

8 (d) The applicant has been a resident of this state for at least the 90
9 continuous days prior to the application date, or at least 80 percent of the principal
10 officers or board members of the applicant have been residents of this state for at
11 least the 90 continuous days prior to the application date.

12 (e) The applicant submits to an inspection of the laboratory by the division.

13 (f) The applicant demonstrates, to the division's satisfaction, that there will
14 be sufficient security features in place at the applicant's laboratory.

15 (g) The applicant includes with their application a detailed description of the
16 premises to be licensed.

17 (2) A cannabis testing laboratory may possess or manufacture cannabis,
18 tetrahydrocannabinol, or drug paraphernalia, as defined in s. 961.571 (1) (a).

19 (3) A cannabis testing laboratory shall perform tests to certify whether a
20 sample of cannabis or usable cannabis complies with standards prescribed by the
21 department by rule, including tests for potency and for mold, fungus, pesticides,
22 and other contaminants.

23 (4) A cannabis testing laboratory shall destroy any part of a sample that
24 remains after certification testing.

SENATE BILL 1045**SECTION 50**

1 **SECTION 50.** 94.84 of the statutes is created to read:

2 **94.84 Cannabis transporters. (1)** The division shall register applicants as
3 cannabis transporters if all of the following apply:

4 (a) The applicant is a licensee, as defined in s. 94.80 (13).

5 (b) The applicant completes a cannabis transportation course that has been
6 approved by the division.

7 (c) The applicant pays a registration fee of \$5 to the department.

8 **(2)** A cannabis transporter may transport cannabis or usable cannabis to or
9 from the premises of any licensee.

10 **SECTION 51.** 94.85 of the statutes is created to read:

11 **94.85 Department and division powers and duties. (1)**
12 **ADMINISTRATION.** The division shall administer, investigate violations of, and
13 enforce this subchapter.

14 **(2) RULES.** The department shall promulgate rules necessary to administer,
15 investigate violations of, and enforce this subchapter.

16 **(3) RECORDS.** Every licensee shall keep accurate and complete records of its
17 production and sales of cannabis and usable cannabis in this state. The records
18 shall be kept on the premises for which the license was granted and in a manner
19 that ensures permanency and accessibility for inspection at reasonable hours by the
20 division's authorized personnel. The division shall prescribe reasonable and
21 uniform methods of keeping records and filing reports and shall provide any
22 necessary forms to licensees.

23 **(4) CIVIL ENFORCEMENT AND PENALTIES.** (a) The division, or the department
24 of justice in consultation with the division, may bring an action in the name of the

SENATE BILL 1045**SECTION 51**

1 state to seek injunctive relief or to recover a civil forfeiture of not more than \$5,000
2 per violation of this subchapter or rule promulgated under sub. (2), court costs, and,
3 notwithstanding s. 814.04 (1), reasonable attorney fees.

4 (b) The division may suspend or revoke the license of any licensee who violates
5 s. 100.30, any provision of this subchapter, or any rule promulgated under sub. (2).
6 The division shall revoke the license of any licensee who violates s. 100.30, any
7 provision of this subchapter, or any rule promulgated under sub. (2) 3 or more times
8 within a 5-year period and may not issue another license to that person for a period
9 of 2 years following the revocation.

10 (5) CRIMINAL PENALTY. In addition to the civil penalties described under sub.
11 (4), a person who violates this subchapter or a rule promulgated under sub. (2) may
12 be fined not less than \$100 nor more than \$500 or imprisoned not more than 6
13 months or both.

14 **SECTION 52.** 100.145 of the statutes is created to read:

15 **100.145 Recreational cannabis logotype.** The department shall design an
16 official logotype appropriate for including on a label affixed to recreational cannabis
17 under s. 94.82 (3) (b) 12.

18 **SECTION 53.** 101.123 (1) (h) (intro.) of the statutes is amended to read:

19 101.123 (1) (h) (intro.) “Smoking” means burning or holding, or inhaling or
20 exhaling smoke from, any of the following items containing tobacco or cannabis, as
21 defined in s. 961.70 (1):

22 **SECTION 54.** 101.123 (3) (p) of the statutes is created to read:

23 101.123 (3) (p) A cannabis lounge, as defined in s. 139.97 (6), operated by a

SENATE BILL 1045**SECTION 54**

1 cannabis retailer licensed under s. 139.972, in which only the smoking of cannabis
2 is allowed.

3 **SECTION 55.** 102.43 (9) (e) of the statutes is amended to read:

4 102.43 (9) (e) The employee's employment with the employer has been
5 suspended or terminated due to misconduct, as defined in s. 108.04 (5), or
6 substantial fault, as defined in s. 108.04 (5g) (a), by the employee connected with
7 the employee's work, subject to s. 108.04 (5m).

8 **SECTION 56.** 106.50 (1m) (h) of the statutes is amended to read:

9 106.50 (1m) (h) "Discriminate" means to segregate, separate, exclude, or treat
10 a person or class of persons unequally in a manner described in sub. (2), (2m), or
11 (2r) because of sex, race, color, sexual orientation, disability, religion, national
12 origin, marital status, or family status;; status as a victim of domestic abuse, sexual
13 assault, or stalking; whether the person holds or has applied for a registry
14 identification card, as defined in s. 146.44 (1) (j), or has been the subject of a written
15 certification, as defined in s. 146.44 (1) (k); lawful source of income;; age; or
16 ancestry.

17 **SECTION 57.** 108.04 (5m) of the statutes is created to read:

18 108.04 (5m) USE OF MEDICAL CANNABIS. (a) In this subsection, "cannabis"
19 has the meaning given in s. 961.70 (1).

20 (b) Notwithstanding sub. (5), "misconduct," for purposes of sub. (5), does not
21 include any of the following:

22 1. A positive test for cannabis components or metabolites, in the absence of
23 other actions or conduct that constitutes misconduct under sub. (5).

SENATE BILL 1045**SECTION 57**

1 2. A violation of the employer’s policy concerning the use of cannabis, if all of
2 the following apply:

3 a. The employee did not use or possess cannabis on the employer’s premises or
4 during working hours.

5 b. The use did not impair the employee’s ability to adequately perform the job-
6 related responsibilities of that employee’s employment.

7 (c) Notwithstanding sub. (5g), “substantial fault,” for purposes of sub. (5g),
8 does not include any of the following:

9 1. A positive test for cannabis components or metabolites, in the absence of
10 other acts or omissions that constitute substantial fault under sub. (5g).

11 2. A violation of the employer’s policy concerning the use of cannabis, if all of
12 the following apply:

13 a. The employee did not use or possess medical cannabis on the employer’s
14 premises or during working hours.

15 b. The use did not impair the employee’s ability to adequately perform the job-
16 related responsibilities of that employee’s employment.

17 **SECTION 58.** 111.32 (15) of the statutes is created to read:

18 111.32 (15) “Use of a lawful product off the employer’s premises during
19 nonworking hours” includes the use of cannabis, as defined in s. 961.70 (1), off the
20 employer’s premises during nonworking hours.

21 **SECTION 59.** 111.34 (1) (c) of the statutes is created to read:

22 111.34 (1) (c) 1. Except as provided in subd. 2., refusing to hire or employ an
23 individual, barring, suspending, or terminating an individual, or discriminating

SENATE BILL 1045**SECTION 59**

1 against an individual in promotion, in compensation, or in terms, conditions, or
2 privileges of employment, based on the individual's use of cannabis, as defined in s.
3 961.70 (1).

4 2. Subdivision 1. does not apply in any of the following circumstances:

5 a. The individual uses or possesses cannabis on the employer's premises or
6 during working hours.

7 b. The individual's use of cannabis impairs the individual's ability to
8 adequately undertake the job-related responsibilities of that individual's
9 employment.

10 c. The refusal, bar, suspension, termination, or discrimination is necessary for
11 the employer to avoid losing a monetary or licensing-related benefit under federal
12 law or regulations.

13 d. The individual's employment requires an occupational license, as defined in
14 s. 101.02 (1) (a) 2., or a federal security clearance.

15 **SECTION 60.** 111.35 (2) (c) of the statutes is amended to read:

16 111.35 (2) (c) Conflicts with a bona fide occupational qualification that is
17 reasonably related to the job-related responsibilities of that individual's
18 employment, membership or licensure. With respect to the use of cannabis, such a
19 bona fide occupational qualification includes that the individual's employment
20 requires an occupational license, as defined in s. 101.02 (1) (a) 2., or a federal
21 security clearance.

22 **SECTION 61.** 111.35 (2) (e) of the statutes is amended to read:

23 111.35 (2) (e) Conflicts with any federal or state statute, rule or regulation.
24 This paragraph does not apply with respect to any conflict between the use of

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1 marijuana and violations concerning cannabis or tetrahydrocannabinols under 21
2 USC 841 to 865.

3 **SECTION 62.** 111.35 (2) (f) of the statutes is created to read:

4 111.35 (2) (f) With respect to the use of cannabis, would result in the employer
5 losing a monetary or licensing-related benefit under federal law or regulations.

6 **SECTION 63.** Subchapter IV of chapter 139 [precedes 139.97] of the statutes is
7 created to read:

8 **CHAPTER 139**

9 **SUBCHAPTER IV**

10 **CANNABIS TAX AND REGULATION**

11 **139.97 Definitions.** In this subchapter:

12 (1) “Cannabis” has the meaning given in s. 961.70 (1).

13 (2) “Cannabis concentrate” has the meaning given in s. 94.80 (2).

14 (3) “Cannabis dispensary” means a location for the retail sale of usable
15 cannabis that is operated by a cannabis retailer.

16 (4) “Cannabis flower” has the meaning given in s. 94.80 (3).

17 (5) “Cannabis-infused product” has the meaning given in s. 94.80 (4).

18 (6) “Cannabis lounge” means a location for the on-site consumption of usable
19 cannabis that is on or adjacent to a dispensary premises and that is operated by the
20 cannabis retailer that operates the dispensary.

21 (7) “Cannabis microbusiness” has the meaning given in s. 94.80 (5).

22 (8) “Cannabis processor” has the meaning given in s. 94.80 (6).

23 (9) “Cannabis producer” has the meaning given in s. 94.80 (7).

SENATE BILL 1045**SECTION 63**

1 (10) “Cannabis retailer” means a person in this state that sells usable
2 cannabis at a cannabis dispensary.

3 (11) “Department” means the department of revenue.

4 (12) “Labor peace agreement” has the meaning given in s. 94.80 (12).

5 (13) “Licensee” means a cannabis producer or cannabis processor that is
6 issued a license under s. 94.81 or a cannabis microbusiness or cannabis retailer that
7 is issued a license under s. 139.972.

8 (14) “Sales price” has the meaning given in s. 77.51 (15b).

9 (15) “Usable cannabis” has the meaning given in s. 94.80 (17).

10 **139.971 Cannabis tax.** (1) (a) An excise tax is imposed on a cannabis
11 producer at the rate of 10 percent of the sales price on each wholesale sale or
12 transfer in this state of cannabis to a cannabis processor. This paragraph does not
13 apply to a cannabis microbusiness that transfers cannabis or usable cannabis to
14 another operation within the cannabis microbusiness.

15 (b) An excise tax is imposed on a cannabis processor at the rate of 10 percent
16 of the sales price on each wholesale sale or transfer in this state of usable cannabis
17 to a cannabis retailer or a cannabis microbusiness. This paragraph does not apply
18 to a cannabis microbusiness that transfers cannabis or usable cannabis to another
19 operation within the cannabis microbusiness.

20 (c) An excise tax is imposed on a cannabis retailer at the rate of 5 percent of
21 the sales price on each retail sale in this state of usable cannabis, except that the
22 tax does not apply to the sale of usable cannabis by a cannabis dispensary to an
23 individual who holds a valid medical cannabis registry identification card issued

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1 under s. 146.44 (4). This paragraph applies to a cannabis microbusiness that acts
2 as a cannabis retailer.

3 (d) An occupational tax is imposed on a cannabis microbusiness at the rate of
4 10 percent of the gross receipts of the cannabis microbusiness.

5 (e) A municipality may, by ordinance, impose an excise tax at a rate of 1
6 percent, 2 percent, 3 percent, 4 percent, or 5 percent of the sales price on each retail
7 sale in the municipality of usable cannabis, if only one rate applies to all such sales
8 and except that the tax does not apply to sales of usable cannabis by a cannabis
9 dispensary to an individual who holds a valid medical cannabis registry
10 identification card issued under s. 146.44 (4). An ordinance adopted under this
11 section shall be effective on January 1, April 1, July 1, or October 1, and the taxes
12 shall be imposed only in their entirety as provided in this subchapter. A certified
13 copy of the ordinance shall be delivered to the secretary of revenue at least 120 days
14 prior to its effective date. The repeal of any such ordinance shall be effective on
15 December 31. A certified copy of a repeal ordinance shall be delivered to the
16 secretary of revenue at least 120 days before the effective date of the repeal.

17 (f) In addition to the taxes imposed under pars. (c) and (e), an excise tax is
18 imposed on a cannabis retailer at the rate of 3 percent of the sales price on each
19 retail sale in this state of cannabis flower, except that the tax does not apply to sales
20 of usable cannabis by a cannabis dispensary to an individual who holds a valid
21 medical cannabis registry identification card issued under s. 146.44 (4). This
22 paragraph applies to a cannabis microbusiness that acts as a cannabis retailer. The
23 department shall deposit the amounts imposed and collected under this paragraph
24 into the cannabis research fund.

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1 (2) Each person liable for the taxes imposed under sub. (1) shall pay the taxes
2 to the department no later than the 15th day of the month following the month in
3 which the tax liability is incurred and shall include with the payment a tax return
4 on a form prescribed by the department.

5 (3) For purposes of this section, a cannabis producer may not sell cannabis
6 directly to a cannabis retailer, and a cannabis retailer may purchase usable
7 cannabis for resale only from a cannabis processor. This subsection does not apply
8 to a cannabis microbusiness that transfers cannabis or usable cannabis to another
9 operation within the cannabis microbusiness.

10 **139.972 Cannabis licenses.** (1) LICENSE REQUIRED. (a) No person may
11 operate in this state as a cannabis microbusiness or cannabis retailer without first
12 filing an application for and obtaining the proper license from the department to
13 perform such operations. The department may issue any of the following licenses
14 under this section:

- 15 1. A cannabis microbusiness license.
- 16 2. A cannabis retailer license to operate a cannabis dispensary.
- 17 3. A cannabis retailer license to operate a cannabis lounge.

18 (b) Except as provided for a cannabis microbusiness under s. 94.81 (4), an
19 applicant for a license under this section may not be licensed as a cannabis
20 producer or cannabis processor under s. 94.81.

21 (c) This section applies to all officers, directors, agents, and stockholders
22 holding 5 percent or more of the stock of any corporation applying for a license
23 under this section.

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1 (d) Under this section, a separate license is required for and issued to each
2 class of licensee, and the license holder may perform only the operations authorized
3 by the license. A license issued under this section is not transferable from one
4 person to another or from one premises to another. A separate license under this
5 section is required for each premises and each type of licensed business activity in
6 this state where the operations of a cannabis microbusiness or cannabis retailer
7 occur, including each cannabis dispensary and each cannabis lounge.

8 (e) A person may be issued a license to operate as a cannabis microbusiness if
9 they first apply for a cannabis microbusiness license under s. 94.81 (4) and specify
10 on the person's application the authorized activities under 94.81 (4) (a) that the
11 person will be engaged in as a cannabis microbusiness that are subject to regulation
12 by the division of cannabis regulation under s. 94.82.

13 (f) A person may be issued a license to operate as a cannabis retailer operating
14 a cannabis lounge only if the applicant first possesses a license to operate as a
15 cannabis retailer operating a cannabis dispensary on the premises where the
16 cannabis lounge will operate or on premises that are directly adjacent to the
17 premises where the cannabis lounge will operate.

18 (g) Each person issued a license under this section shall post the license in a
19 conspicuous place on the premises to which the license relates.

20 (h) A license issued under this section is valid for one year and may be
21 renewed, except that the department may revoke or suspend a license prior to its
22 expiration.

23 **(2) LICENSING CRITERIA.** The department may issue a license under this

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1 section to any applicant that the department determines meets all of the following
2 criteria:

3 (a) The applicant, or each principal officer or board member of the applicant,
4 has not been convicted of any violent crime, as defined in s. 165.84 (7) (ab), unless at
5 least 10 years have passed since the completion of any sentence imposed for the
6 crime, including any period of incarceration, parole, or extended supervision, and
7 any period of probation imposed for the crime. The department, with the assistance
8 of the department of justice, shall conduct a background investigation of each
9 applicant, or each principal officer or board member of each applicant, who applies
10 for a license under this section, which shall include requiring each such person to be
11 fingerprinted in duplicate in the manner used for obtaining fingerprints under s.
12 165.84 (1). The department of justice shall submit any such fingerprint cards to the
13 federal bureau of investigation for the purposes of verifying the identity of the
14 person fingerprinted and obtaining records of his or her criminal arrests and
15 convictions.

16 (b) The applicant, or each principal officer or board member of the applicant,
17 is at least 21 years of age.

18 (c) The applicant, or each principal officer or board member of the applicant,
19 does not have a financial interest in a cannabis testing laboratory licensed under s.
20 94.83, an applicant for a cannabis testing laboratory license under s. 94.83, a
21 cannabis producer or cannabis processor licensed under s. 94.81, or an applicant for
22 a cannabis producer or cannabis processor license under s. 94.81.

23 (d) The applicant has been a resident of this state for at least the 90
24 continuous days prior to the application date, or at least 80 percent of the principal

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1 officers or board members of the applicant have been residents of this state for at
2 least the 90 continuous days prior to the application date.

3 (e) The applicant submits to an inspection of the premises by the department.

4 (f) The applicant demonstrates, to the department's satisfaction, that there
5 will be sufficient security features in place at the applicant's premises.

6 (g) The applicant includes with their application a detailed description of the
7 premises to be licensed.

8 **(3) LICENSING PROCEDURE.** (a) The department shall use a competitive
9 scoring system to determine which applicants are eligible to receive a license under
10 this section. The department may deny a license under this section to an applicant
11 with a low score as determined under this paragraph. The department may request
12 that an applicant provide any information or documentation that the department
13 deems necessary for purposes of making a determination under this paragraph.
14 The department shall issue licenses under this section to the highest-scoring
15 applicants that it determines will best do all of the following:

- 16 1. Protect the environment.
- 17 2. Provide stable, family-supporting jobs to local residents.
- 18 3. Ensure worker and consumer safety.
- 19 4. Operate secure facilities.
- 20 5. Uphold the laws of the jurisdictions in which they operate.

21 (b) A license under this section for a cannabis retailer to operate a cannabis
22 lounge may authorize the cannabis lounge only in a municipality or county that has
23 enacted an ordinance authorizing the establishment of cannabis lounges in the
24 municipality or county.

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1 (c) 1. Before the department issues a new or renewed license under this
2 section, the department shall give notice of the license application to the governing
3 body of the municipality where the license applicant intends to operate the
4 premises of a cannabis microbusiness, cannabis dispensary, or cannabis lounge. No
5 later than 30 days after the department submits the notice, the governing body of
6 the municipality may file with the department a written objection to granting or
7 renewing the license. At the municipality's request, the department may extend
8 the period for filing objections.

9 2. A municipality filing a written objection under subd. 1. shall provide all the
10 facts on which the objection is based. In determining whether to grant or deny a
11 license for which an objection has been filed under this paragraph, the department
12 shall give substantial weight to objections from a municipality based on chronic
13 illegal activity associated with the premises for which the applicant seeks a license
14 or the premises of any other operation in this state for which the applicant holds or
15 has held a valid permit or license, the conduct of the applicant's patrons inside or
16 outside the premises of any other operation in this state for which the applicant
17 holds or has held a valid permit or license, and local zoning ordinances. In this
18 subdivision, "chronic illegal activity" means a pervasive pattern of activity that
19 threatens the public health, safety, and welfare of the municipality, including any
20 crime or ordinance violation, and that is documented in crime statistics, police
21 reports, emergency medical response data, calls for service, field data, or similar
22 law enforcement agency records.

23 (d) After denying a license under this subsection, the department shall

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1 immediately notify the applicant in writing of the denial and the reasons for the
2 denial. After making a decision to grant or deny a license for which a municipality
3 has filed an objection under par. (c), the department shall immediately notify the
4 governing body of the municipality in writing of its decision and the reasons for the
5 decision.

6 (e) 1. The department's denial of a license under this section is subject to
7 judicial review under ch. 227.

8 2. The department's decision to grant a license under this section regardless
9 of an objection filed under par. (c) is subject to judicial review under ch. 227.

10 (f) Notwithstanding ss. 66.0134 and 947.21, an applicant with 20 or more
11 employees may not receive a new or renewed license under this section until the
12 applicant certifies to the department that the applicant has entered into a labor
13 peace agreement and will abide by the terms of the agreement as a condition of
14 maintaining a valid license under this section. The applicant shall submit to the
15 department a copy of the page of the labor peace agreement that contains the
16 signatures of the labor organization representative and the applicant.

17 **(4) LICENSING FEES.** (a) Each person that applies for a license under this
18 section shall submit to the department with the application a \$250 fee. A person is
19 not entitled to a refund of any fee paid under this paragraph for any reason.

20 (b) A licensee shall annually pay to the department a fee for as long as the
21 person holds a valid license under this section. The annual fee shall be \$3,000,
22 unless the department establishes a higher amount by rule.

23 (c) The department may charge to a person a fee that does not exceed the

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1 department's cost for any background investigation required to determine the
2 person's eligibility for a license. A person is not entitled to a refund of any fee paid
3 under this paragraph for any reason.

4 **139.973 Cannabis regulation.** (1) (a) No licensee may employ an
5 individual who is under the age of 21 to work in the business to which the licensee's
6 license relates.

7 (b) Subject to ss. 111.321, 111.322, and 111.335, no licensee may employ an
8 individual unless the individual meets the criteria under s. 139.972 (2) (a) to (d).

9 (2) (a) A cannabis dispensary may sell usable cannabis, paraphernalia
10 intended for the storage or use of usable cannabis, and any other tangible personal
11 property or services related to the cannabis business.

12 (b) A cannabis lounge may not sell usable cannabis or paraphernalia intended
13 for the storage or use of usable cannabis, but may sell any other tangible personal
14 property or services related to the cannabis business.

15 (3) (a) No cannabis retailer may allow a person who is under the age of 21 to
16 enter or be on the premises of a cannabis dispensary or a cannabis lounge except for
17 an individual who holds a valid medical cannabis registry identification card issued
18 under s. 146.44 (4).

19 (b) A cannabis retailer shall post a sign in a conspicuous location within the
20 cannabis dispensary stating that the sale of any usable cannabis to an individual
21 under age 21 is unlawful under par. (c).

22 (c) 1. No cannabis retailer may sell or otherwise provide to an individual
23 under age 21 usable cannabis unless that person holds a valid medical cannabis
24 registry identification card issued under s. 146.44 (4). Proof of all of the following

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1 facts is a defense to any prosecution or complaint made for a violation of this
2 subdivision:

3 a. The individual who purchased the usable cannabis falsely represented that
4 he or she had attained the age of 21 and presented a government-issued
5 identification card to that effect.

6 b. The appearance of the individual who purchased the usable cannabis was
7 such that an ordinary and prudent person would believe that the individual had
8 attained the age of 21.

9 c. The sale of the usable cannabis was made in good faith, in reasonable
10 reliance on the government-issued identification card and appearance of the
11 purchaser, and in the belief that the purchaser had attained the age of 21.

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

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

15 b. If the person has committed a previous violation of subd. 1. within 30
16 months of the violation, a fine of not more than \$500 or imprisonment for not more
17 than 30 days, or both.

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

21 d. If the person has committed 3 or more previous violations of subd. 1. within
22 30 months of the violation, a fine of not more than \$10,000 or imprisonment for not
23 more than 9 months, or both.

24 (4) The maximum amount of usable cannabis that a cannabis retailer may

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1 sell to an individual consumer in a single transaction may not exceed any of the
2 following:

3 (a) Two ounces of usable cannabis in the form of cannabis flower.

4 (b) Eight hundred milligrams of tetrahydrocannabinol contained in usable
5 cannabis in the form of a cannabis-infused product.

6 (c) Twelve grams of usable cannabis in the form of cannabis concentrate.

7 (5) A cannabis retailer may not collect, retain, or distribute personal
8 information regarding the cannabis retailer's customers except personal
9 information that is necessary to complete a sale of usable cannabis.

10 (6) A cannabis retailer may display one sign that is no larger than 1,600
11 square inches in a window, on a door, or on the outside of the premises of each
12 cannabis dispensary and each cannabis lounge that identifies the cannabis
13 dispensary or cannabis lounge by its business or trade name. The cannabis retailer
14 may not display any other signage that is visible to the general public from a public
15 right-of-way.

16 (7) No cannabis retailer may display usable cannabis in a manner that is
17 visible to the general public from a public right-of-way.

18 (8) No cannabis retailer or employee of a cannabis retailer may consume any
19 usable cannabis on the premises of a cannabis dispensary or cannabis lounge.

20 (9) No cannabis retailer or employee of a cannabis retailer may allow any
21 usable cannabis to be consumed on the premises of a cannabis dispensary unless
22 there is a cannabis lounge on the premises and the usable cannabis is consumed in
23 the cannabis lounge.

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1 (10) A cannabis retailer may operate a cannabis dispensary or cannabis
2 lounge only between the hours of 8 a.m. and 8 p.m.

3 (11) Except as provided under sub. (6), no cannabis retailer may place or
4 maintain, or cause to be placed or maintained, an advertisement of usable cannabis
5 in any form or through any medium.

6 (12) (a) No cannabis retailer may sell cannabis or usable cannabis that
7 contains more than 3 parts tetrahydrocannabinols to one part cannabidiol.

8 (b) No cannabis retailer may sell cannabis or usable cannabis that tests
9 positive under s. 94.83 (3) for mold, fungus, pesticides, or other contaminants if the
10 contaminants, or level of contaminants, are identified by the cannabis testing
11 laboratory as failing to meet safety standards prescribed by the department of
12 agriculture, trade and consumer protection by rule.

13 (13) Immediately after beginning employment with a cannabis retailer, every
14 employee of the cannabis retailer shall receive training, approved by the division of
15 cannabis regulation under s. 93.025, on the safe handling of cannabis and usable
16 cannabis and on security and inventory accountability procedures.

17 **139.974 Records and reports.** (1) Every licensee shall keep accurate and
18 complete records of the production and sales of cannabis and usable cannabis in
19 this state. The records shall be kept on the premises for which the license was
20 granted and in a manner that ensures permanency and accessibility for inspection
21 at reasonable hours by the authorized personnel of the department or the division
22 of cannabis regulation under s. 93.025. The department shall prescribe reasonable

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1 and uniform methods of keeping records and filing reports and shall provide any
2 necessary forms to licensees.

3 (2) If the department determines that any licensee's records are not kept in
4 the prescribed form or are in such condition that the department requires an
5 unusual amount of time to determine from the records the amount of the tax due,
6 the department shall give notice to the licensee that the licensee is required to
7 revise the licensee's records and keep them in the prescribed form. If the licensee
8 fails to comply within 30 days, the licensee shall pay the expenses reasonably
9 attributable to a proper examination and tax determination at the rate of \$30 a day
10 for each auditor used to make the examination and determination. The department
11 shall send a bill for such expenses, and the licensee shall pay the amount of the bill
12 within 10 days.

13 (3) If any licensee fails to file a report when due, the licensee shall be required
14 to pay the department a late filing fee in an amount equal to 10 percent of the taxes
15 due for each month, or portion thereof, during the reporting period. A report that is
16 mailed is filed on time if it is mailed in a properly addressed envelope with postage
17 prepaid, the envelope is officially postmarked, or marked or recorded electronically
18 as provided under section 7502 (f) (2) (c) of the Internal Revenue Code, on the date
19 due, and the report is actually received by the department or at the destination that
20 the department prescribes within 5 days of the due date. A report that is not mailed
21 is timely if it is received on or before the due date by the department or at the
22 destination that the department prescribes. For purposes of this subsection,

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1 “mailed” includes delivery by a delivery service designated under section 7502 (f) of
2 the Internal Revenue Code.

3 (4) Sections 71.78 (1), (1m), and (4) to (9) and 71.83 (2) (a) 3. and 3m., relating
4 to confidentiality of income, franchise, and gift tax returns, apply to any
5 information obtained from any licensee under this subchapter on a tax return,
6 report, schedule, exhibit, or other document or from an audit report relating to any
7 of those documents, except that the department shall publish production and sales
8 statistics.

9 **139.975 Administration and enforcement.** (1) The department shall
10 administer and enforce this subchapter and promulgate rules necessary to
11 administer and enforce this subchapter.

12 (2) The duly authorized employees of the department have all necessary
13 police powers to prevent violations of this subchapter.

14 (3) Authorized personnel of the department of justice and the department of
15 revenue and any law enforcement officer, within their respective jurisdictions, may
16 at all reasonable hours enter the premises of any licensee and examine the books
17 and records to determine whether the tax imposed by this subchapter has been fully
18 paid and may enter and inspect any premises where cannabis or usable cannabis is
19 produced, processed, made, sold, consumed, or stored to determine whether the
20 licensee is complying with this subchapter.

21 (4) The department may suspend or revoke the license of any licensee who
22 violates s. 100.30, any provision of this subchapter, or any rules promulgated under
23 sub. (1). The department shall revoke the license of any licensee who violates s.

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1 100.30, any provision of this subchapter, or any rule promulgated under sub. (1) 3 or
2 more times within a 5-year period and may not issue another license to that person
3 for a period of 2 years following the revocation.

4 (5) No suit shall be maintained in any court to restrain or delay the collection
5 or payment of the tax levied in s. 139.971. The aggrieved taxpayer shall pay the tax
6 when due and, if paid under protest, may at any time within 90 days from the date
7 of payment sue the state to recover the tax paid. If it is finally determined that any
8 part of the tax was wrongfully collected, the secretary of administration shall pay
9 the amount wrongfully collected. A separate suit need not be filed for each separate
10 payment made by any taxpayer, but a recovery may be had in one suit for as many
11 payments as were made.

12 (6) (a) Any person may be compelled to testify in regard to any violation of this
13 subchapter of which the person may have knowledge, even though such testimony
14 may tend to incriminate the person, upon being granted immunity from
15 prosecution in connection with the testimony, and, upon the giving of such
16 testimony, the person shall not be prosecuted because of the violation relative to
17 which the person has testified.

18 (b) The immunity provided under par. (a) is subject to the restrictions under s.
19 972.085.

20 (7) The provisions on timely filing under s. 71.80 (18) apply to the tax imposed
21 under this subchapter.

22 (8) Sections 71.74 (1), (2), (3), (10), (11), and (14), 71.77, 71.91 (1) (a) and (c)
23 and (2) to (7), 71.92, and 73.0301 as they apply to the taxes under ch. 71 apply to the

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1 taxes under this subchapter. Section 71.74 (13) as it applies to the collection of the
2 taxes under ch. 71 applies to the collection of the taxes under this subchapter,
3 except that the period during which notice of an additional assessment shall be
4 given begins on the due date of the report under s. 139.974.

5 (9) Any building or place of any kind where cannabis or usable cannabis is
6 produced, processed, made, sold, consumed, or stored without a lawful license or in
7 violation of s. 139.972 or 139.973 is declared a public nuisance and may be closed
8 and abated as such.

9 (10) At the request of the secretary of revenue, the attorney general may
10 represent this state or assist a district attorney in prosecuting any case arising
11 under this subchapter.

12 **139.976 Theft of tax moneys.** All cannabis tax moneys received by a
13 licensee for the sale of cannabis or usable cannabis on which the tax under this
14 subchapter has become due and has not been paid are trust funds in the licensee's
15 possession and are the property of this state. Any licensee that fraudulently
16 withholds, appropriates, or otherwise uses cannabis tax moneys that are the
17 property of this state is guilty of theft under s. 943.20 (1), whether or not the
18 licensee has or claims to have an interest in those moneys.

19 **139.977 Seizure and confiscation.** (1) All cannabis and usable cannabis
20 produced, processed, made, kept, stored, sold, or distributed in violation of this
21 subchapter, and all tangible personal property used in connection with the
22 cannabis or usable cannabis, is unlawful property and subject to seizure by the

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1 department or a law enforcement officer. Except as provided in sub. (2), all
2 cannabis and usable cannabis seized under this subsection shall be destroyed.

3 (2) If cannabis or usable cannabis on which the tax has not been paid is seized
4 as provided under sub. (1), it may be given to law enforcement officers to use in
5 criminal investigations or sold to qualified buyers by the department, without
6 notice. If the department finds that the cannabis or usable cannabis may
7 deteriorate or become unfit for use in criminal investigations or for sale, or that
8 those uses would otherwise be impractical, the department may order it destroyed.

9 (3) If cannabis or usable cannabis on which the tax has been paid is seized as
10 provided under sub. (1), it shall be returned to the true owner if ownership can be
11 ascertained and if the owner or the owner's agent is not involved in the violation
12 resulting in the seizure. If the ownership cannot be ascertained or if the owner or
13 the owner's agent was guilty of the violation that resulted in the seizure of the
14 cannabis or usable cannabis, it may be sold or otherwise disposed of as provided in
15 sub. (2).

16 (4) If tangible personal property other than cannabis or usable cannabis is
17 seized as provided under sub. (1), the department shall advertise the tangible
18 personal property for sale by publication of a class 2 notice under ch. 985. If no
19 person claiming a lien on, or ownership of, the property has notified the department
20 of the person's claim within 10 days after the last insertion of the notice, the
21 department may sell the property. If a sale is not practical, the department may
22 destroy the property. If a person claiming a lien on, or ownership of, the property
23 notifies the department within the time prescribed in this subsection, the

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1 department may apply to the circuit court in the county where the property was
2 seized for an order directing disposition of the property or the proceeds from the
3 sale of the property. If the court orders the property to be sold, all liens, if any, may
4 be transferred from the property to the sale proceeds. Neither the property seized
5 nor the proceeds from the sale shall be turned over to any claimant of lien or
6 ownership unless the claimant first establishes that the property was not used in
7 connection with any violation under this subchapter or that, if so used, it was done
8 without the claimant's knowledge or consent and without the claimant's knowledge
9 of facts that should have given the claimant reason to believe it would be put to such
10 use. If no claim of lien or ownership is established as provided under this
11 subsection, the property may be ordered destroyed.

12 **139.978 Interest and penalties.** (1) Any person who files or signs any false
13 or fraudulent report under s. 139.974 or who attempts to evade the tax imposed by
14 s. 139.971, or who aids in or abets the evasion or attempted evasion of that tax, may
15 be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

16 (2) Any licensee who fails to keep the records required by s. 139.974 (1) and (2)
17 shall be fined not less than \$100 nor more than \$500 or imprisoned not more than 6
18 months or both.

19 (3) Any person who refuses to permit the examination or inspection
20 authorized under s. 139.975 (3) may be fined not more than \$500 or imprisoned not
21 more than 6 months or both. The department shall immediately suspend or revoke
22 the license of any person who refuses to permit the examination or inspection
23 authorized under s. 139.975 (3).

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1 (4) Any person who violates any of the provisions of this subchapter for which
2 no other penalty is prescribed shall be fined not less than \$100 nor more than
3 \$1,000, imprisoned not less than 10 days nor more than 90 days, or both.

4 (5) Any person who violates any of the rules promulgated in accordance with
5 this subchapter shall be fined not less than \$100 nor more than \$500 or imprisoned
6 not more than 6 months or both.

7 (6) In addition to the penalties imposed for violating the provisions of this
8 subchapter or any of the department's rules, the department shall revoke the
9 license of any person convicted of such a violation and may not issue another license
10 to that person for a period of 2 years following the revocation.

11 (7) Unpaid taxes under this subchapter bear interest at the rate of 12 percent
12 per year from the due date of the return until paid or deposited with the
13 department, and all refunded taxes bear interest at the rate of 3 percent per year
14 from the due date of the return to the date on which the refund is certified on the
15 refund rolls.

16 (8) All nondelinquent payments of additional amounts owed under this
17 subchapter shall be applied in the following order: penalties, interest, tax principal.

18 (9) Delinquent cannabis taxes bear interest at the rate of 1.5 percent per
19 month until paid. The taxes imposed by this subchapter shall become delinquent if
20 not paid as follows:

21 (a) In the case of a timely filed return, no return filed, or a late return, on or
22 before the due date of the return.

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1 (b) In the case of a deficiency determination of taxes, within 2 months after
2 the date of demand.

3 (10) If due to neglect an incorrect return is filed, the entire tax finally
4 determined under this subchapter is subject to a penalty of 25 percent of the tax
5 exclusive of interest or other penalty. A person filing an incorrect return has the
6 burden of proving that any error was due to good cause and not due to neglect.

7 **139.979 Personal use.** An individual who possesses no more than the
8 permissible number of plants under s. 961.70 (10) (d) at any one time is not subject
9 to the tax imposed under s. 139.971. An individual who possesses more than the
10 permissible number of plants under s. 961.70 (10) (d) shall apply for the appropriate
11 license under s. 94.81 and pay the appropriate tax imposed under s. 139.971.

12 **139.980 Agreement with tribes.** The department may enter into an
13 agreement with a federally recognized American Indian tribe in this state for the
14 administration and enforcement of this subchapter and to provide refunds of the
15 tax imposed under s. 139.971 on cannabis sold on tribal land by or to enrolled
16 members of the tribe residing on the tribal land.

17 **SECTION 64.** 139.97 (13m) of the statutes is created to read:

18 139.97 (13m) “Low-dose cannabis-infused product” has the meaning given in
19 s. 94.80 (15m).

20 **SECTION 65.** 139.971 (1) (b) and (c) and (3) of the statutes, as created by 2025
21 Wisconsin Act (this act), are amended to read:

22 **139.971 (1) (b)** An excise tax is imposed on a cannabis processor at the rate of
23 10 percent of the sales price on each wholesale sale or transfer in this state of usable
24 cannabis to a cannabis retailer to a cannabis retailer or a cannabis microbusiness

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1 or, if the usable cannabis product is a low-dose cannabis-infused product, to a
2 retailer, as defined in s. 77.51 (13). This paragraph does not apply to a cannabis
3 microbusiness that transfers cannabis or usable cannabis to another operation
4 within the cannabis microbusiness.

5 (c) An excise tax is imposed on a cannabis retailer or a retailer, as defined in s.
6 77.51 (13), selling a low-dose cannabis-infused product at the rate of 5 percent of the
7 sales price on each retail sale in this state of usable cannabis, except that the tax
8 does not apply to the sale of usable cannabis by a cannabis dispensary to an
9 individual who holds a valid medical cannabis registry identification card issued
10 under s. 146.44 (4). This paragraph applies to a cannabis microbusiness that acts
11 as a cannabis retailer.

12 (3) For purposes of this section, a cannabis producer may not sell cannabis
13 directly to a cannabis retailer, and a cannabis retailer or a retailer, as defined in s.
14 77.51 (13), selling a low-dose cannabis-infused product may purchase usable
15 cannabis for resale only from a cannabis processor. This subsection does not apply
16 to a cannabis microbusiness that transfers cannabis or usable cannabis to another
17 operation within the cannabis microbusiness.

18 **SECTION 66.** 139.973 (3) (b) and (c) 1. (intro.), (5), (7), (8), (9), (11) and (12) (b)
19 of the statutes, as created by 2025 Wisconsin Act (this act), are amended to read:

20 **139.973 (3) (b)** A cannabis retailer or a retailer, as defined in s. 77.51 (13),
21 that sells a low-dose cannabis-infused product shall post a sign in a conspicuous
22 location within the cannabis dispensary or retail location stating that the sale of
23 any usable cannabis to an individual under age 21 is unlawful under par. (c).

24 (c) 1. (intro.) No cannabis retailer or retailer, as defined in s. 77.51 (13), that

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1 sells a low-dose cannabis-infused product may sell or otherwise provide to an
2 individual under age 21 usable cannabis unless that person holds a valid medical
3 cannabis registry identification card issued under s. 146.44 (4). Proof of all of the
4 following facts is a defense to any prosecution or complaint made for a violation of
5 this subdivision:

6 (5) A cannabis retailer or a retailer, as defined in s. 77.51 (13), that sells a low-
7 dose cannabis-infused product may not collect, retain, or distribute personal
8 information regarding ~~the cannabis retailer's~~ its customers except personal
9 information that is necessary to complete a sale of usable cannabis.

10 (7) No cannabis retailer or retailer, as defined in s. 77.51 (13), that sells a low-
11 dose cannabis-infused product may display usable cannabis in a manner that is
12 visible to the general public from a public right-of-way.

13 (8) No cannabis retailer ~~or~~, employee of a cannabis retailer, retailer, as defined
14 in s. 77.51 (13), or employee of a retailer that sells a low-dose cannabis-infused
15 product may consume any usable cannabis on the premises of a cannabis
16 dispensary ~~or~~, cannabis lounge, or retail location.

17 (9) No cannabis retailer ~~or~~, employee of a cannabis retailer, retailer, as defined
18 in s. 77.51 (13), or employee of a retailer that sells a low-dose cannabis-infused
19 product may allow any usable cannabis to be consumed on the premises of a retail
20 location or cannabis dispensary unless there is a cannabis lounge on the premises
21 and the usable cannabis is consumed in the cannabis lounge.

22 (11) Except as provided under sub. (6), no retailer, as defined in s. 77.51 (13),
23 that sells a low-dose cannabis-infused product or cannabis retailer may place or

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1 maintain, or cause to be placed or maintained, an advertisement of usable cannabis
2 in any form or through any medium.

3 (12) (b) No cannabis retailer or retailer, as defined in s. 77.51 (13), that sells a
4 low-dose cannabis-infused product may sell cannabis or usable cannabis that tests
5 positive under s. 94.83 (3) for mold, fungus, pesticides, or other contaminants if the
6 contaminants, or level of contaminants, are identified by the cannabis testing
7 laboratory as failing to meet safety standards prescribed by the department of
8 agriculture, trade and consumer protection by rule.

9 **SECTION 67.** 146.44 of the statutes is created to read:

10 **146.44 Medical cannabis registry program. (1) DEFINITIONS.** In this
11 section:

12 (a) “Applicant” means an individual who is applying for a registry
13 identification card under sub. (2) (a) or (ac).

14 (b) “Bona fide practitioner-patient relationship” means a relationship between
15 a practitioner and a patient that includes all of the following:

16 1. An assessment of the patient’s medical history and current medical
17 condition by the practitioner, including an in-person physical examination if
18 appropriate.

19 2. A consultation between the practitioner and the patient with respect to the
20 patient’s debilitating medical condition or treatment.

21 3. Availability by the practitioner to provide follow-up care and treatment to
22 the patient, including patient examinations.

23 (c) “Debilitating medical condition or treatment” means any of the following:

24 1. a. Cancer.

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- 1 b. Glaucoma.
- 2 c. Acquired immunodeficiency syndrome.
- 3 d. A positive test for the presence of human immunodeficiency virus, antigen
- 4 or nonantigenic products of human immunodeficiency virus, or an antibody to
- 5 human immunodeficiency virus.
- 6 e. Crohn's disease.
- 7 f. A hepatitis C virus infection.
- 8 g. Alzheimer's disease.
- 9 h. Amyotrophic lateral sclerosis.
- 10 i. Nail-patella syndrome.
- 11 j. Ehlers-Danlos syndrome.
- 12 k. Posttraumatic stress disorder
- 13 L. The treatment of any condition in subd. 1. a. to k.
- 14 2. Opioid abatement or reduction or treatment for opioid addiction.
- 15 3. A chronic or debilitating disease or medical condition or the treatment of
- 16 such a disease or condition that causes any of the following:
- 17 a. Cachexia.
- 18 b. Severe pain.
- 19 c. Severe nausea.
- 20 d. Seizures, including those characteristic of epilepsy.
- 21 e. Severe and persistent muscle spasms, including those characteristic of
- 22 multiple sclerosis.
- 23 4. Any other medical condition or any other treatment for a medical condition

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1 designated as a debilitating medical condition or treatment in rules promulgated by
2 the department under sub. (8).

3 (d) “Medical cannabis” means cannabis, as defined in s. 94.80 (1), or usable
4 cannabis, as defined in s. 94.80 (17), that is intended to be used by a qualifying
5 patient registered under this section to alleviate the symptoms or effects of the
6 patient’s debilitating medical condition or treatment.

7 (e) “Out-of-state registry identification card” means a document that is valid
8 as provided under sub. (7) (f).

9 (f) “Practitioner” means a physician, as defined in s. 448.01 (5), or a physician
10 assistant, as defined in s. 448.971 (2).

11 (g) “Primary caregiver” means an individual who has agreed to help a
12 qualifying patient use or acquire medical cannabis and who has a registry
13 identification card.

14 (h) “Qualifying patient” means an individual who has been diagnosed in the
15 course of a bona fide practitioner-patient relationship as having or undergoing a
16 debilitating medical condition or treatment but does not include an individual
17 under the age of 18 years unless all of the following apply:

18 1. The patient’s practitioner has explained the potential risks and benefits of
19 using medical cannabis to the patient and to a parent, guardian, or legal custodian.

20 2. The parent, guardian, or legal custodian provides to the practitioner a
21 written statement consenting to do all of the following:

22 a. Allow the patient to use medical cannabis.

23 b. Serve as a primary caregiver for the patient.

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1 c. Manage the patient's use of medical cannabis.

2 (i) "Registrant" means an individual to whom a registry identification card is
3 issued.

4 (j) "Registry identification card" means a document issued by the department
5 under sub. (4) that identifies an individual as a qualifying patient or primary
6 caregiver.

7 (k) "Written certification" means a statement written by an individual's
8 practitioner that includes all of the following elements:

9 1. The statement indicates that, in the practitioner's professional opinion, the
10 individual has or is undergoing a debilitating medical condition or treatment, and
11 the potential benefits of using medical cannabis would likely outweigh the health
12 risks for the individual.

13 2. The statement indicates that the opinion described in subd. 1. was formed
14 in the course of a bona fide practitioner-patient relationship.

15 3. The statement is signed by the practitioner or is contained in the
16 individual's medical records.

17 **(1m) PRACTITIONER RESTRICTIONS.** (a) No practitioner may provide himself
18 or herself or any member of his or her family with a written certification for
19 submission with an application under sub. (2).

20 (b) No practitioner who provides a written certification under this section
21 may have a financial interest in any way connected to an individual or entity that
22 produces, processes, transports, tests, or sells cannabis, as defined in s. 94.80 (1).

23 **(2) APPLICATION.** (a) An individual who is at least 18 years of age and who is

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1 claiming to be a qualifying patient may apply for a registry identification card by
2 submitting to the department all of the following:

3 1. A signed application form that contains the applicant's name, address, and
4 date of birth.

5 2. A written certification.

6 3. The name, address, and telephone number of the applicant's current
7 practitioner, as listed in the written certification.

8 4. A registration fee in an amount determined by the department but not to
9 exceed \$150, except that for an applicant who is a recipient of medical assistance
10 under subch. IV of ch. 49, is receiving benefits under the federal social security
11 disability insurance program under 42 USC 423 or the federal supplemental
12 security income program under 42 USC 1381, or is a veteran, the fee shall be \$50.

13 (ac) An individual who is at least 21 years of age may apply for a registry
14 identification card as a primary caregiver by submitting to the department all of
15 the following:

16 1. A signed application form that contains the applicant's name, address, and
17 date of birth.

18 2. A copy of a written certification or copy of a registry identification card for
19 each qualifying patient for whom the applicant will be the primary caregiver.

20 3. A registration fee of \$250.

21 (b) The department shall promulgate rules specifying how a parent, guardian,
22 or legal custodian of a minor child may apply for a registry identification card for

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1 the minor child and the circumstances under which the department may approve or
2 deny the application.

3 (3) PROCESSING THE APPLICATION. The department shall verify the
4 information in an application submitted under sub. (2) and shall approve or deny
5 the application within 30 days after receiving it. The department may deny an
6 application submitted under sub. (2) only if any of the following applies:

7 (a) The applicant did not provide the required information or provided false
8 information.

9 (b) The department is required to deny the application under the rules
10 promulgated under sub. (2) (b).

11 (4) ISSUING A REGISTRY IDENTIFICATION CARD. The department shall issue to
12 an applicant a registry identification card within 5 days after approving an
13 application submitted by the applicant under sub. (3). Unless voided under sub. (5)
14 (b) or (c) or revoked under rules promulgated under sub. (7) (d), a registry
15 identification card expires 2 years from the date of issuance. A registry
16 identification card shall contain all of the following:

17 (a) The name, address, and date of birth of all of the following:

18 1. The registrant.

19 2. Each primary caregiver, if the registrant is a qualifying patient. For
20 purposes of this subdivision, a qualifying patient may have up to 5 primary
21 caregivers.

22 3. Each qualifying patient, if the registrant is a primary caregiver.

23 (b) The date of issuance and expiration date of the registry identification card.

SENATE BILL 1045**SECTION 67**

1 (c) A photograph of the registrant.

2 (d) Other information the department may require by rule.

3 **(4m)** ANNUAL FEE. Primary caregivers shall pay an annual fee of \$250 to the
4 department.

5 **(5)** ADDITIONAL INFORMATION TO BE PROVIDED BY REGISTRANT. (a) 1. An adult
6 registrant shall notify the department of any change in the registrant's name or
7 address. A registrant who is at least 18 years of age and who is a qualifying patient
8 shall notify the department of any change in his or her practitioner, of any
9 significant improvement in his or her health as it relates to his or her debilitating
10 medical condition or treatment, and if a primary caregiver stops helping the
11 registrant use or acquire medical cannabis. A registrant who is a primary caregiver
12 shall notify the department if the registrant becomes a primary caregiver for an
13 additional qualifying patient and shall include with the notice a copy of a written
14 certification or copy of a registry identification card for each additional qualifying
15 patient.

16 2. If a registrant who is a qualifying patient is a minor child, a primary
17 caregiver for the child shall provide the department with any information that the
18 child, if he or she were an adult qualifying patient, would have to provide under
19 subd. 1. within 10 days after the date of the change to which the information
20 relates.

21 (b) If a registrant fails to notify the department within 10 days after any
22 change for which notification is required under par. (a) 1., his or her registry
23 identification card is void. If a primary caregiver fails to comply with par. (a) 2., the

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1 registry identification card for the qualifying patient to whom the information
2 under par. (a) 2. relates is void.

3 (c) If a qualifying patient's registry identification card becomes void under
4 par. (b), the registry identification card for each of the qualifying patient's primary
5 caregivers with regard to that qualifying patient is void. The department shall
6 send written notice of this fact to each such primary caregiver.

7 **(6) RECORDS.** (a) The department shall maintain a list of all registrants.

8 (b) Notwithstanding s. 19.35 and except as provided in par. (c), the
9 department may not disclose information from an application submitted to the
10 department for a registry identification card issued by the department under this
11 section.

12 (c) The department may disclose to a law enforcement agency, upon the
13 request of the law enforcement agency, only information necessary to verify that an
14 individual possesses a valid registry identification card.

15 **(7) RULES.** The department shall promulgate rules that do all of the
16 following:

17 (a) Create a form for an application under sub. (2).

18 (b) Specify how the department will verify under sub. (3) the information
19 submitted under sub. (2).

20 (bm) Specify how photographs under sub. (4) (c) must be taken and the
21 requirements for such photographs.

22 (c) Specify how and under what circumstances registry identification cards
23 may be renewed.

SENATE BILL 1045**SECTION 67**

1 (d) Specify how and under what circumstances a registry identification card
2 may be revoked.

3 (e) Specify under what circumstances an applicant whose application is
4 denied may reapply.

5 (f) Ensure that out-of-state registry identification cards are valid in this state
6 only if all of the following apply:

7 1. The individual holding the out-of-state registry identification card has been
8 diagnosed with or is undergoing a debilitating medical condition or treatment that
9 has been approved by the jurisdiction that issued the card.

10 2. The out-of-state registry identification card allows for the use of medical
11 cannabis by the individual who holds the card, the card is valid in the jurisdiction in
12 which it was provided, and the individual who holds the card is a resident of that
13 jurisdiction.

14 3. The individual who holds the out-of-state registry identification card has
15 not been a resident of Wisconsin for a period longer than a period the department
16 determines would allow the individual to apply for a registry identification card in
17 Wisconsin.

18 (g) Create guidelines for issuing registry identification cards, and for
19 obtaining and distributing medical cannabis, to an individual under the care of the
20 department who is diagnosed with or undergoing a debilitating medical condition
21 or treatment.

22 (h) Designate additional debilitating medical conditions and treatments as
23 provided in sub. (8).

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1 **(8) DEBILITATING MEDICAL CONDITION OR TREATMENT.** Notwithstanding s.
2 227.12 (1), any individual may petition the department to promulgate a rule to
3 designate a medical condition or treatment as a debilitating medical condition or
4 treatment. The department shall promulgate rules providing for public notice of
5 and a public hearing regarding a petition, with the public hearing providing
6 members of the public an opportunity to comment on the petition. After the
7 hearing, but no later than 180 days after the submission of the petition, the
8 department shall approve or deny the petition. If the department approves a
9 petition under this subsection, the department shall promulgate rules to include
10 that medical condition or treatment as a debilitating condition or treatment under
11 this section.

12 **SECTION 68.** 146.44 (1) (f) of the statutes, as created by 2025 Wisconsin Act
13 (this act), is amended to read:

14 146.44 (1) (f) “Practitioner” means a physician, as defined in s. 448.01 (5), or
15 a physician assistant, as defined in s. 448.971 (2), or an advanced practice nurse
16 who may issue prescription orders under s. 441.16 (2).

17 **SECTION 69.** 146.45 of the statutes is created to read:

18 **146.45 Cannabis research program.** (1) In this section, “cannabis” has
19 the meaning given in s. 961.70 (1).

20 (2) From the appropriation under 20.435 (1) (s), the department shall conduct
21 research on the effect of cannabis consumption on public health.

22 **SECTION 70.** 175.35 (2g) (b) 3. of the statutes is created to read:

23 175.35 (2g) (b) 3. Any form under subd. 1. that inquires about the transferee’s
24 use of controlled substances shall specifically authorize a qualifying patient, as

SENATE BILL 1045**SECTION 70**

1 defined in s. in s. 146.44 (1) (h), to refrain from reporting the use of medical
2 cannabis, as defined in s. 146.41 (1) (d), under s. 146.44 and shall specifically
3 authorize a person 21 years of age or older to refrain from reporting the use of
4 cannabis, as defined in s. 961.70 (1).

5 **SECTION 71.** 175.35 (2g) (c) 4. a. of the statutes is amended to read:

6 175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited
7 from possessing a firearm under s. 941.29, the department shall provide the
8 firearms dealer with a unique nonapproval number. The department may not
9 disclose to the firearms dealer the reason the transferee is prohibited from
10 possessing a firearm under s. 941.29. No person may be denied the right to be
11 transferred a firearm under this section solely on the basis that the person is a
12 qualifying patient, as defined in s. 146.44 (1) (h), or, if the person is at least 21 years
13 of age, solely on the basis that the person uses cannabis, as defined in s. 961.70 (1).

14 **SECTION 72.** 450.03 (1) (em) of the statutes is created to read:

15 450.03 (1) (em) Any person acting within the scope of a valid cannabis
16 producer or cannabis processor license under s. 94.81 or a cannabis microbusiness
17 or cannabis retailer license under s. 139.972.

18 **SECTION 73.** 450.03 (1) (ep) of the statutes is created to read:

19 450.03 (1) (ep) An individual, including a qualifying patient, as defined in s.
20 146.44 (1) (h), who possesses his or her own medical cannabis, as defined in s.
21 146.44 (1) (d), for his or her own personal use or for a primary caregiver, as defined
22 in s. 146.44 (1) (g), who possesses medical cannabis, as defined in s. 146.44 (1) (d), in
23 the course of his or her duties as a primary caregiver.

SENATE BILL 1045**SECTION 74**

1 **SECTION 74.** 450.07 (1) of the statutes is amended to read:

2 450.07 (1) Except as provided under ~~sub.~~ subs. (1m) and (1s), no person may
3 engage in manufacturing in this state unless the person obtains a manufacturer's
4 license from the board. For the issuance of a license under this subsection, the
5 applicant shall pay the initial credential fee determined by the department under s.
6 440.03 (9) (a).

7 **SECTION 75.** 450.07 (1s) of the statutes is created to read:

8 450.07 (1s) (a) No license under this section is required for a person acting
9 within the scope of a valid cannabis producer or cannabis processor license under s.
10 94.81 or a cannabis microbusiness or cannabis retailer license under s. 139.972.

11 (b) No license under this section is required for an individual, including a
12 qualifying patient, as defined in s. 146.44 (1) (h), who possesses his or her own
13 cannabis, as defined in s. 961.70 (1), for his or her own personal use or for a primary
14 caregiver, as defined in s. 146.44 (1) (g), who possesses cannabis, as defined in s.
15 961.70 (1), in the course of his or her duties as a primary caregiver.

16 **SECTION 76.** 450.071 (1) of the statutes is renumbered 450.071 (1) (a) and
17 amended to read:

18 450.071 (1) (a) ~~No~~ Except as provided in par. (b), no person may engage in the
19 wholesale distribution of a prescription drug in this state without obtaining a
20 license from the board for each facility from which the person distributes
21 prescription drugs.

22 **(b) 1.** The board shall exempt from the licensure requirement under this
23 section a manufacturer that distributes prescription drugs or devices manufactured

SENATE BILL 1045**SECTION 76**

1 by the manufacturer from licensing and other requirements under this section to
2 the extent the license or requirement is not required under federal law or
3 regulation, unless the board determines that it is necessary to apply a requirement
4 to a manufacturer.

5 **SECTION 77.** 450.071 (1) (b) 2. and 3. of the statutes are created to read:

6 450.071 (1) (b) 2. No license under this section is required for a person acting
7 within the scope of a valid cannabis producer or cannabis processor license under s.
8 94.81 or a cannabis microbusiness or cannabis retailer license under s. 139.972.

9 3. No license under this section is required for an individual, including a
10 qualifying patient, as defined in s. 146.44 (1) (h), who possesses his or her own
11 medical cannabis, as defined in s. 146.44 (1) (d), for his or her own personal use or
12 for a primary caregiver, as defined in s. 146.44 (1) (g), who possesses medical
13 cannabis, as defined in s. 146.44 (1) (d), in the course of his or her duties as a
14 primary caregiver.

15 **SECTION 78.** 961.01 (14) of the statutes is renumbered 961.70 (1) and
16 amended to read:

17 961.70 (1) ~~“Marijuana”~~ “Cannabis” means all parts of the plants of the genus
18 Cannabis, whether growing or not; the seeds thereof; the resin extracted from any
19 part of the plant; and every compound, manufacture, salt, derivative, mixture or
20 preparation of the plant, its seeds, or its resin, including tetrahydrocannabinols if
21 the tetrahydrocannabinol concentration of the plant part, seeds, resin, compound,
22 manufacture, salt, derivative, mixture, or preparation is greater than 0.3 percent on
23 a dry weight basis. ~~“Marijuana”~~ “Cannabis” does include the mature stalks if mixed
24 with other parts of the plant, but does not include fiber produced from the stalks, oil

SENATE BILL 1045**SECTION 78**

1 or cake made from the seeds of the plant, any other compound, manufacture, salt,
2 derivative, mixture or preparation of the mature stalks (except the resin extracted
3 therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of
4 germination. ~~“Marijuana”~~ “Cannabis” does not include hemp, as defined in s. 94.55
5 (1).

6 **SECTION 79.** 961.11 (4g) of the statutes is repealed.

7 **SECTION 80.** 961.14 (4) (t) of the statutes is repealed.

8 **SECTION 81.** 961.32 (2m) of the statutes is repealed.

9 **SECTION 82.** 961.34 of the statutes is renumbered 961.75, and 961.75 (title),
10 as renumbered, is amended to read:

11 **961.75 (title)** ~~Controlled substances~~ Cannabis **therapeutic research.**

12 **SECTION 83.** 961.38 (1n) of the statutes is repealed.

13 **SECTION 84.** 961.41 (1) (h) of the statutes is repealed.

14 **SECTION 85.** 961.41 (1m) (h) of the statutes is repealed.

15 **SECTION 86.** 961.41 (1q) of the statutes is repealed.

16 **SECTION 87.** 961.41 (1r) of the statutes is amended to read:

17 **961.41 (1r)** DETERMINING WEIGHT OF SUBSTANCE. In determining amounts
18 under s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m), an amount includes the
19 weight of cocaine, cocaine base, fentanyl, a fentanyl analog, heroin, phencyclidine,
20 lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,
21 ~~tetrahydrocannabinols~~, synthetic cannabinoids, or substituted cathinones, or any
22 controlled substance analog of any of these substances together with any compound,
23 mixture, diluent, plant material or other substance mixed or combined with the
24 controlled substance or controlled substance analog. ~~In addition, in determining~~

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1 ~~amounts under subs. (1) (h) and (1m) (h), the amount of tetrahydrocannabinols~~
2 ~~means anything included under s. 961.14 (4) (t) and includes the weight of any~~
3 ~~marijuana.~~

4 **SECTION 88.** 961.41 (1x) of the statutes is amended to read:

5 961.41 **(1x)** CONSPIRACY. Any person who conspires, as specified in s. 939.31,
6 to commit a crime under sub. (1) (cm) to ~~(h)~~ (g) or (1m) (cm) to ~~(h)~~ (g) is subject to the
7 applicable penalties under sub. (1) (cm) to ~~(h)~~ (g) or (1m) (cm) to ~~(h)~~ (g).

8 **SECTION 89.** 961.41 (3g) (c) of the statutes is amended to read:

9 961.41 **(3g)** (c) *Cocaine and cocaine base.* If a person possesses or attempts to
10 possess cocaine or cocaine base, or a controlled substance analog of cocaine or
11 cocaine base, the person shall be fined not more than \$5,000 and may be imprisoned
12 for not more than one year in the county jail upon a first conviction and is guilty of
13 a Class I felony for a 2nd or subsequent offense. For purposes of this paragraph, an
14 offense is considered a 2nd or subsequent offense if, prior to the offender's
15 conviction of the offense, the offender has at any time been convicted of any felony or
16 misdemeanor under this chapter or under any statute of the United States or of any
17 state relating to controlled substances, controlled substance analogs, narcotic
18 drugs, ~~marijuana~~, or depressant, stimulant, or hallucinogenic drugs.

19 **SECTION 90.** 961.41 (3g) (d) of the statutes is amended to read:

20 961.41 **(3g)** (d) *Certain hallucinogenic and stimulant drugs.* If a person
21 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,
22 amphetamine, 3,4-methylenedioxymethamphetamine, methcathinone, cathinone,
23 N-benzylpiperazine, a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm),
24 (u) to (xb), or (7) (L), psilocin, or psilocybin, or a controlled substance analog of

SENATE BILL 1045**SECTION 90**

1 lysergic acid diethylamide, phencyclidine, amphetamine, 3,4-
2 methylenedioxyamphetamine, methcathinone, cathinone, N-benzylpiperazine,
3 a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm), (u) to (xb), or (7) (L),
4 psilocin, or psilocybin, the person may be fined not more than \$5,000 or imprisoned
5 for not more than one year in the county jail or both upon a first conviction and is
6 guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this
7 paragraph, an offense is considered a 2nd or subsequent offense if, prior to the
8 offender's conviction of the offense, the offender has at any time been convicted of
9 any felony or misdemeanor under this chapter or under any statute of the United
10 States or of any state relating to controlled substances, controlled substance
11 analogs, narcotic drugs, ~~marijuana~~, or depressant, stimulant, or hallucinogenic
12 drugs.

13 **SECTION 91.** 961.41 (3g) (e) of the statutes is repealed.

14 **SECTION 92.** 961.41 (3g) (em) of the statutes is amended to read:

15 961.41 (3g) (em) *Synthetic cannabinoids.* If a person possesses or attempts to
16 possess a controlled substance specified in s. 961.14 (4) (tb), or a controlled
17 substance analog of a controlled substance specified in s. 961.14 (4) (tb), the person
18 may be fined not more than \$1,000 or imprisoned for not more than 6 months or
19 both upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent
20 offense. For purposes of this paragraph, an offense is considered a 2nd or
21 subsequent offense if, prior to the offender's conviction of the offense, the offender
22 has at any time been convicted of any felony or misdemeanor under this chapter or
23 under any statute of the United States or of any state relating to controlled

SENATE BILL 1045**SECTION 92**

1 substances, controlled substance analogs, narcotic drugs, ~~marijuana~~, or depressant,
2 stimulant, or hallucinogenic drugs.

3 **SECTION 93.** 961.47 (1) of the statutes is amended to read:

4 961.47 (1) Whenever any person who has not previously been convicted of any
5 offense under this chapter, or of any offense under any statute of the United States
6 or of any state or of any county ordinance relating to controlled substances or
7 controlled substance analogs, narcotic drugs, ~~marijuana~~ or stimulant, depressant,
8 or hallucinogenic drugs, pleads guilty to or is found guilty of possession or
9 attempted possession of a controlled substance or controlled substance analog
10 under s. 961.41 (3g) (b), the court, without entering a judgment of guilt and with
11 the consent of the accused, may defer further proceedings and place him or her on
12 probation upon terms and conditions. Upon violation of a term or condition, the
13 court may enter an adjudication of guilt and proceed as otherwise provided. Upon
14 fulfillment of the terms and conditions, the court shall discharge the person and
15 dismiss the proceedings against him or her. Discharge and dismissal under this
16 section shall be without adjudication of guilt and is not a conviction for purposes of
17 disqualifications or disabilities imposed by law upon conviction of a crime, including
18 the additional penalties imposed for 2nd or subsequent convictions under s. 961.48.
19 There may be only one discharge and dismissal under this section with respect to
20 any person.

21 **SECTION 94.** 961.48 (3) of the statutes is amended to read:

22 961.48 (3) For purposes of this section, a felony offense under this chapter is
23 considered a 2nd or subsequent offense if, prior to the offender's conviction of the

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1 offense, the offender has at any time been convicted of any felony or misdemeanor
2 offense under this chapter or under any statute of the United States or of any state
3 relating to controlled substances or controlled substance analogs, narcotic drugs,
4 ~~marijuana~~ or depressant, stimulant, or hallucinogenic drugs.

5 **SECTION 95.** 961.48 (5) of the statutes is amended to read:

6 961.48 (5) This section does not apply if the person is presently charged with
7 a felony under s. 961.41 (3g) (c), (d), ~~(e)~~, or (g).

8 **SECTION 96.** 961.49 (1m) (intro.) of the statutes is amended to read:

9 961.49 (1m) (intro.) If any person violates s. 961.41 (1) (cm), (d), (dm), (e), (f),
10 or (g) ~~or (h)~~ by delivering or distributing, or violates s. 961.41 (1m) (cm), (d), (dm),
11 (e), (f), or (g) ~~or (h)~~ by possessing with intent to deliver or distribute, cocaine,
12 cocaine base, fentanyl, a fentanyl analog, heroin, phencyclidine, lysergic acid
13 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine, or
14 methcathinone ~~or any form of tetrahydrocannabinols~~ or a controlled substance
15 analog of any of these substances and the delivery, distribution or possession takes
16 place under any of the following circumstances, the maximum term of
17 imprisonment prescribed by law for that crime may be increased by 5 years:

18 **SECTION 97.** 961.571 (1) (a) 7. of the statutes is repealed.

19 **SECTION 98.** 961.571 (1) (a) 11. (intro.) of the statutes is amended to read:

20 961.571 (1) (a) 11. (intro.) Objects used, designed for use or primarily
21 intended for use in ingesting, inhaling, or otherwise introducing ~~marijuana~~,
22 cocaine, hashish, or hashish oil into the human body, such as:

23 **SECTION 99.** 961.571 (1) (a) 11. e. of the statutes is repealed.

SENATE BILL 1045**SECTION 101**

1 (11) “Qualifying patient” has the meaning given in s. 146.44 (1) (h).

2 (12) “Tetrahydrocannabinol concentration” means the percentage of
3 tetrahydrocannabinol content per dry weight of any part of the plants of the genus
4 cannabis, or per volume or weight of cannabis product, or the combined percentage
5 of tetrahydrocannabinols and tetrahydrocannabinolic acid in any part of the plants
6 of the genus cannabis regardless of moisture content.

7 (13) “Underage person” means a person who has not attained the legal age.

8 (14) “Usable cannabis” has the meaning given in s. 94.80 (17).

9 **961.71 Prohibitions involving possession; penalties.** (1) A person who
10 has attained the legal age who is not a licensee may not possess more than the
11 permissible amount of cannabis or usable cannabis. A person who violates this
12 subsection is one of the following:

13 (a) Subject to seizure and forfeiture of the cannabis or usable cannabis, if the
14 violation involves one of the following:

15 1. More than 20 grams but not more than one ounce of cannabis concentrate.

16 2. More than 3 pounds of cannabis flower but not more than 4 pounds of
17 cannabis flower, if a person possesses the cannabis flower in his or her private
18 residence, or more than 5 ounces of cannabis flower but not more than one pound of
19 cannabis flower, if a person possesses the cannabis flower in a public place.

20 3. More than 1.5 grams of tetrahydrocannabinols contained in cannabis-
21 infused products, but not more than 3 grams of tetrahydrocannabinols contained in
22 cannabis-infused products.

23 4. More than 12 but not more than 18 mature cannabis plants.

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1 (b) Subject to seizure and forfeiture of the cannabis or usable cannabis and a
2 forfeiture of not more than \$250, if the violation involves one of the following:

3 1. More than one ounce of cannabis concentrate but not more than 2 ounces of
4 cannabis concentrate.

5 2. More than 4 pounds of cannabis flower but not more than 5 pounds of
6 cannabis flower, if a person possesses the cannabis flower in his or her private
7 residence, or more than one pound of cannabis flower but not more than 2 pounds of
8 cannabis flower, if a person possesses the cannabis flower in a public place.

9 3. More than 3 grams of tetrahydrocannabinols contained in cannabis-infused
10 products, but not more than 5 grams of tetrahydrocannabinols contained in
11 cannabis-infused products.

12 4. More than 18 but not more than 24 mature cannabis plants.

13 (c) Guilty of a Class B misdemeanor, except that, notwithstanding s. 939.51
14 (3) (b), the court may not impose a term of imprisonment, if the violation involves
15 one of the following:

16 1. More than 2 ounces of cannabis concentrate but not more than 5 ounces of
17 cannabis concentrate.

18 2. More than 5 pounds of cannabis flower but not more than 10 pounds of
19 cannabis flower, if a person possesses the cannabis flower in his or her private
20 residence, or more than 2 pounds of cannabis flower but not more than 5 pounds of
21 cannabis flower, if a person possesses the cannabis flower in a public place.

22 3. More than 5 grams of tetrahydrocannabinols contained in cannabis-infused
23 products, but not more than 10 grams of tetrahydrocannabinols contained in
24 cannabis-infused products.

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1 (d) Guilty of a Class I felony, except that, notwithstanding s. 939.50 (3) (i), the
2 court may not impose a term of imprisonment, if the violation involves one of the
3 following:

4 1. More than 5 ounces of cannabis concentrate.

5 2. More than 10 pounds of cannabis flower, if a person possesses the cannabis
6 flower in his or her private residence, or more than 5 pounds of cannabis flower, if a
7 person possesses the cannabis flower in a public place.

8 3. More than 10 grams of tetrahydrocannabinols contained in cannabis-
9 infused products.

10 (e) If the violation involves more than 24 mature cannabis plants, guilty of a
11 class B misdemeanor and subject to the licensing violation provisions under s.
12 94.85.

13 (2) Except if the underage person is a qualifying patient, an underage person
14 who possesses cannabis or usable cannabis is subject to seizure and forfeiture of the
15 cannabis or usable cannabis.

16 **961.72 Prohibitions for sale or distribution to an adult without a**
17 **license; penalties. (1) PROHIBITION ON SALES. (a) General prohibition.** No
18 person may sell, or possess with the intent to sell, cannabis or usable cannabis
19 unless the person is a licensee.

20 (b) *Penalty for sale by an adult to an adult.* Except as provided in s. 961.73 (1),
21 an individual who has attained the legal age who violates par. (a) is one of the
22 following:

23 1. Subject to seizure and forfeiture of the cannabis or usable cannabis and a
24 forfeiture of not more than \$500, if the violation involves one of the following:

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- 1 a. Not more than 8 grams of cannabis concentrate.
- 2 b. Not more than one ounce of cannabis flower.
- 3 c. Not more than 500 milligrams of tetrahydrocannabinols contained in
4 cannabis-infused products.
- 5 d. Not more than 6 mature cannabis plants.
- 6 2. Guilty of a class B misdemeanor, if the violation involves one of the
7 following:
 - 8 a. More than 8 grams of cannabis concentrate but not more than 15 grams of
9 cannabis concentrate.
 - 10 b. More than one ounce of cannabis flower but not more than 20 ounces of
11 cannabis flower.
 - 12 c. More than 500 milligrams of tetrahydrocannabinols contained in cannabis-
13 infused products but not more than 3 grams of tetrahydrocannabinols contained in
14 cannabis-infused products.
 - 15 d. More than 6 mature cannabis plants but not more than 12 mature cannabis
16 plants.
- 17 3. Guilty of a Class I felony, if the violation involved one of the following:
 - 18 a. More than 15 grams of cannabis concentrate.
 - 19 b. More than 20 ounces of cannabis flower.
 - 20 c. More than 3 grams of tetrahydrocannabinols contained in cannabis-infused
21 products.
 - 22 d. More than 12 mature cannabis plants.
- 23 **(2) PROHIBITION ON DISTRIBUTION.** (a) *General prohibition.* No person may

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1 distribute or deliver, or possess with the intent to distribute or deliver, cannabis or
2 usable cannabis unless the person is a licensee.

3 (b) *Penalty for distribution by an adult to an adult.* Except as provided in s.
4 961.73 (2), an individual who has attained the legal age who violates par. (a) is one
5 of the following:

6 1. Subject to seizure and forfeiture of the cannabis or usable cannabis and a
7 forfeiture of not more than \$250, if the violation involves one of the following:

8 a. More than 2 grams of cannabis concentrate but not more than 15 grams of
9 cannabis concentrate.

10 b. More than 0.25 ounce of cannabis flower but not more than 2 pounds of
11 cannabis flower.

12 c. More than 125 milligrams of tetrahydrocannabinols contained in cannabis-
13 infused products but not more than one gram of tetrahydrocannabinols contained
14 in cannabis-infused products.

15 d. More than 6 mature cannabis plants but not more than 12 mature cannabis
16 plants.

17 2. Subject to seizure and forfeiture of the cannabis or usable cannabis and a
18 forfeiture of not more than \$500, if the violation involves one of the following:

19 a. More than 15 grams of cannabis concentrate but not more than 300 grams
20 of cannabis concentrate..

21 b. More than 2 pounds of cannabis flower but not more than 40 pounds of
22 cannabis flower.

23 c. More than one gram of tetrahydrocannabinols contained in cannabis-

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1 infused products but not more than 20 grams of tetrahydrocannabinols contained in
2 cannabis-infused products.

3 d. More than 12 mature cannabis plants but not more than 240 mature
4 cannabis plants.

5 3. Guilty of a Class I felony if the violation involves one of the following:

6 a. More than 300 grams of cannabis concentrate.

7 b. More than 40 pounds of cannabis flower.

8 c. More than 20 grams of tetrahydrocannabinols contained in cannabis-
9 infused products.

10 d. More than 240 mature cannabis plants.

11 **961.73 Prohibitions for sale or distribution involving underage**
12 **persons; penalties. (1) SALE OR DISTRIBUTION TO AN UNDERAGE PERSON. (a) No**
13 **person may sell, possess with the intent to sell, distribute or deliver, or possess with**
14 **the intent to distribute or deliver, cannabis or usable cannabis to an underage**
15 **person.**

16 (b) A person, other than a licensee, who has attained the legal age who
17 violates par. (a) is guilty of the following:

18 1. A Class B misdemeanor, if the violation involves one of the following:

19 a. Not more than 10 grams of cannabis concentrate.

20 b. Not more than 2 ounces of cannabis flower.

21 c. Not more than one gram of tetrahydrocannabinols contained in cannabis-
22 infused products.

23 d. Not more than 6 mature cannabis plants.

24 2. A Class I felony, if the violation involves one of the following:

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- 1 a. More than 10 grams of cannabis concentrate.
 - 2 b. More than 2 ounces of cannabis flower.
 - 3 c. More than one gram of tetrahydrocannabinols contained in cannabis-
 - 4 infused products.
 - 5 d. More than 6 mature cannabis plants.
- 6 **(2) SALE OR DISTRIBUTION BY AN UNDERAGE PERSON.** An underage person who
- 7 violates sub. (1) (a) or s. 961.72 (1) (a) or (2) (a) is one of the following:
- 8 (a) Subject to seizure and forfeiture of the cannabis or usable cannabis and a
 - 9 forfeiture of not more than \$100, if the violation involves one of the following:
- 10 1. Not more than 10 grams of cannabis concentrate.
 - 11 2. Not more than 2 ounces of cannabis flower.
 - 12 3. Not more than one gram of tetrahydrocannabinols contained in cannabis-
 - 13 infused products.
 - 14 4. Not more than 3 mature cannabis plants.
- 15 (b) Subject to seizure and forfeiture of the cannabis or usable cannabis and a
 - 16 forfeiture of not more than \$500, if the violation involves one of the following:
- 17 1. More than 10 grams of cannabis concentrate but not more than 30 grams of
 - 18 cannabis concentrate.
 - 19 2. More than 2 ounces of cannabis flower but not more than 20 ounces of
 - 20 cannabis flower.
 - 21 3. More than one gram of tetrahydrocannabinols contained in cannabis-
 - 22 infused products but not more than 3 grams of tetrahydrocannabinols contained in
 - 23 cannabis-infused products.

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1 4. More than 3 mature cannabis plants but not more than 12 mature cannabis
2 plants.

3 (c) If the violation involves more than 30 grams of cannabis concentrate, more
4 than 20 ounces of cannabis flower, more than 3 grams of tetrahydrocannabinols
5 contained in cannabis-infused products, or more than 12 mature cannabis plants,
6 one of the following:

7 1. For the first violation, subject to seizure and forfeiture of the cannabis or
8 usable cannabis and a forfeiture of not more than \$750.

9 2. For the 2nd violation, subject to seizure and forfeiture of the cannabis or
10 usable cannabis and a forfeiture of not more than \$1,000.

11 3. For the 3rd or subsequent violation, guilty of a Class B misdemeanor.

12 **(3) EXPLOITATION OF A CHILD.** Any person who has attained the legal age who
13 employs, uses, persuades, induces, entices, or coerces any underage person to
14 violate sub. (1) (a) or s. 961.72 (1) (a) or (2) (a) is guilty of a class H felony if the
15 violation involves one of the following:

16 (a) More than 10 grams of cannabis concentrate.

17 (b) More than 2 ounces of cannabis flower.

18 (c) More than one gram of tetrahydrocannabinols contained in cannabis-
19 infused products.

20 (d) More than 3 mature cannabis plants.

21 **SECTION 102.** 967.055 (1m) (b) 5. of the statutes is repealed.

22 **SECTION 103.** 971.365 (1) (a) of the statutes is amended to read:

23 971.365 (1) (a) In any case under s. 961.41 (1) (em), 1999 stats., or s. 961.41 (1)
24 (cm), (d), (dm), (e), (f), or (g) ~~or (h)~~ involving more than one violation, all violations

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1 may be prosecuted as a single crime if the violations were pursuant to a single
2 intent and design.

3 **SECTION 104.** 971.365 (1) (b) of the statutes is amended to read:

4 971.365 (1) (b) In any case under s. 961.41 (1m) (em), 1999 stats., or s. 961.41
5 (1m) (cm), (d), (dm), (e), (f), or (g) ~~or (h)~~ involving more than one violation, all
6 violations may be prosecuted as a single crime if the violations were pursuant to a
7 single intent and design.

8 **SECTION 105.** 971.365 (1) (c) of the statutes is amended to read:

9 971.365 (1) (c) In any case under s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41
10 (3g) (dm), 1999 stats., or s. 961.41 (3g) (am), (c), (d), ~~(e)~~, or (g) involving more than
11 one violation, all violations may be prosecuted as a single crime if the violations
12 were pursuant to a single intent and design.

13 **SECTION 106.** 971.365 (2) of the statutes is amended to read:

14 971.365 (2) An acquittal or conviction under sub. (1) does not bar a
15 subsequent prosecution for any acts in violation of s. 961.41 (1) (em), 1999 stats., s.
16 961.41 (1m) (em), 1999 stats., s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 (3g) (dm),
17 1999 stats., or s. 961.41 (1) (cm), (d), (dm), (e), (f), or (g), ~~or (h)~~, (1m) (cm), (d), (dm),
18 (e), (f), or (g), ~~or (h)~~ or (3g) (am), (c), (d), ~~(e)~~, or (g) on which no evidence was received
19 at the trial on the original charge.

20 **SECTION 107.** 973.016 of the statutes is created to read:

21 **973.016 Special disposition for cannabis-related or marijuana-related**
22 **crimes.** (1) SENTENCE ADJUSTMENT FOR PERSONS SERVING A SENTENCE OR
23 PROBATION. (a) A person serving a sentence or on probation may petition the

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1 sentencing court to adjust the sentence or probation or vacate the conviction as
2 provided under par. (b) if all of the following apply:

3 1. The sentence or probation period was imposed for a violation of s. 961.41 (1)
4 (h), 2023 stats., s. 961.41 (1m) (h), 2023 stats., or s. 961.41 (3g) (e), 2023 stats.

5 2. One of the following applies:

6 a. The person would not have been guilty of a crime had the violation occurred
7 on or after the effective date of this subd. 2. a. [LRB inserts date].

8 b. The person would have been guilty of a crime with a lesser penalty had the
9 violation occurred on or after the effective date of this subd. 2. b. [LRB inserts
10 date].

11 (b) 1. A person to whom par. (a) applies may file a petition with the sentencing
12 court to adjust the sentence or probation or vacate the conviction.

13 2. If the court receiving a petition under subd. 1. determines that par. (a)
14 applies, the court shall schedule a hearing to consider the petition. At the hearing,
15 if the court determines that par. (a) 2. b. applies, the court shall adjust the sentence
16 or probation and change the record to reflect the crime with a lesser penalty, and, if
17 the court determines that par. (a) 2. a. applies, the court shall vacate the conviction
18 and expunge the record. Before adjusting the sentence or probation or vacating a
19 conviction under this subdivision, the court shall determine that the action does not
20 present an unreasonable risk of danger to public safety.

21 3. If the court adjusts the sentence or probation, the person shall receive
22 credit for time or probation served for the relevant offense.

23 **(2) VACATION OR ADJUSTMENT OF CONVICTION FOR PERSONS WHO COMPLETED A**

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1 SENTENCE OR PROBATION. (a) A person who has completed their sentence or period
2 of probation may request under par. (b) that the conviction be vacated and the
3 record be expunged because the conviction is legally invalid or that the record of
4 conviction be adjusted to a crime with a lesser penalty if all of the following apply:

5 1. The sentence or probation period was imposed for a violation of s. 961.41 (1)
6 (h), 2023 stats., s. 961.41 (1m) (h), 2023 stats., or s. 961.41 (3g) (e), 2023 stats.

7 2. One of the following applies:

8 a. The person would not have been guilty of a crime had the violation occurred
9 on or after the effective date of this subd. 2. a. [LRB inserts date].

10 b. The person would have been guilty of a crime with a lesser penalty had the
11 violation occurred on or after the effective date of this subd. 2. b. [LRB inserts
12 date].

13 (b) 1. A person to whom par. (a) applies may file a petition with the sentencing
14 court to request that the conviction be vacated and the record be expunged or that
15 the record of conviction be adjusted to a crime with a lesser penalty.

16 2. If the court receiving a petition under subd. 1. determines that par. (a)
17 applies, the court shall schedule a hearing to consider the petition. At the hearing,
18 if the court determines that par. (a) 2. b. applies, the court shall adjust the
19 conviction to a crime with a lesser penalty and change the record to reflect the
20 crime with a lesser penalty, and, if the court determines that par. (a) 2. a. applies,
21 the court shall vacate the conviction and expunge the record. Before adjusting or
22 vacating a record of conviction under this subdivision, the court shall determine
23 that the action does not present an unreasonable risk of danger to public safety.

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1 **(3) EFFECT OF EXPUNGEMENT OF CONVICTION.** If the court expunges a record
2 of conviction under this section, a conviction that is expunged is not considered a
3 conviction for any purpose under state or federal law, including for purposes of s.
4 941.29 or 18 USC 921.

5 **SECTION 108. Nonstatutory provisions.**

6 **(1) LOW-DOSE CANNABIS PRODUCTS; RECONCILIATION.** If the amendment of
7 Section 297A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o) by H.R.
8 5731 - 119th Congress (2025-2026): Continuing Appropriations, Agriculture,
9 Legislative Branch, Military Construction and Veterans Affairs, and Extensions
10 Act, 2026 does not take effect on November 12, 2026, the treatment of ss. 94.55 (1)
11 (by SECTION 36) and 139.97 (13m), the repeal of ss. 94.55 (1m) and 94.56 (title), (1)
12 (intro.), (a), (b), and (d) and (2) to (6), the renumbering and amendment of s. 94.56
13 (1) (c), and the amendment of ss. 94.80 (17), 94.81 (3) (a) 4., 139.971 (1) (b) and (c)
14 and (3), and 139.973 (3) (b) and (c) 1. (intro.), (5), (7), (8), (9), (11), and (12) (b) are
15 void.

16 **(2) CANNABIS POSITION AUTHORIZATIONS.**

17 **(a) *Department of administration.*** The authorized FTE positions for the
18 department of administration are increased by 9.0 GPR positions, to be funded from
19 the appropriation under s. 20.505 (4) (fg), for the purpose of administering the
20 cannabis conviction review unit.

21 **(b) *Department of agriculture, trade and consumer protection.*** The authorized
22 FTE positions for the department of agriculture, trade and consumer protection are
23 increased by 180.0 GPR positions, to be funded from the appropriation under s.
24 20.115 (7) (f), for the purpose of cannabis regulation administration.

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1 (c) *Department of health services.* The authorized FTE positions for the
2 department of health services are increased by 26.0 FTE, to be funded from the
3 appropriation under s. 20.435 (1) (ec), for the purpose of administering the medical
4 cannabis registry program under s. 146.44 and the cannabis research program
5 under 146.45..

6 (d) *Department of revenue; ongoing positions.* The authorized FTE positions
7 for the department of revenue are increased by 18.0 GPR positions, to be funded
8 from the appropriation under s. 20.566 (1) (bn), for the purpose of administering
9 and enforcing the cannabis tax and regulation.

10 (e) *Department of revenue; project positions.* The authorized FTE positions for
11 the department of revenue are increased by 8.0 GPR project positions, to be funded
12 from the appropriation under s. 20.566 (1) (bn), for the purpose of administering
13 and enforcing the cannabis tax and regulation for the period beginning on the
14 effective date of this paragraph and ending on the last day of the 24th month after
15 publication.

16 (3) EMERGENCY RULE MAKING.

17 (a) *Department of agriculture, trade and consumer protection.* The
18 department of agriculture, trade and consumer protection may promulgate the
19 rules necessary to implement Subchapter II of Chapter 94 as emergency rules.
20 Notwithstanding s. 227.24 (1) (a) and (3), the department of agriculture, trade and
21 consumer protection is not required to provide evidence that promulgating a rule
22 under this paragraph as an emergency rule is necessary for the preservation of the
23 public peace, health, safety, or welfare and is not required to provide a finding of
24 emergency for a rule promulgated under this paragraph.

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1 (b) *Department of health services.* The department of health services may
2 promulgate the rules necessary to implement s. 146.44 as emergency rules.
3 Notwithstanding s. 227.24 (1) (a) and (3), the department of health services is not
4 required to provide evidence that promulgating a rule under this paragraph as an
5 emergency rule is necessary for the preservation of the public peace, health, safety,
6 or welfare and is not required to provide a finding of emergency for a rule
7 promulgated under this paragraph.

8 (c) *Department of revenue.* The department of revenue may promulgate the
9 rules necessary to implement Subchapter IV of Chapter 139 as emergency rules.
10 Notwithstanding s. 227.24 (1) (a) and (3), the department of revenue is not required
11 to provide evidence that promulgating a rule under this paragraph as an emergency
12 rule is necessary for the preservation of the public peace, health, safety, or welfare
13 and is not required to provide a finding of emergency for a rule promulgated under
14 this paragraph.

15 **SECTION 109. Effective dates.** This act takes effect on the first day of the
16 7th month after publication, except as follows:

17 (1) **INTOXICATING HEMP PRODUCTS.** The treatment of ss. 94.55 (2t) and 94.55
18 (1) (by SECTION 35) and the creation of ss. 94.55 (1m) and 94.56 take effect on the
19 first day of the 2nd month after publication.

20 (2) **ADVANCED PRACTICE NURSES.** The amendment of s. 146.44 (1) (f) takes
21 effect on September 1, 2026.

22 (3) **LOW-DOSE CANNABIS PRODUCTS.** Except as provided in SECTION 108 (1),
23 the treatment of ss. 94.55 (1) (by SECTION 36) and 139.97 (13m), the repeal of ss.
24 94.55 (1m) and 94.56 (title), (1) (intro.), (a), (b), and (d) and (2) to (6), the

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1 renumbering and amendment of s. 94.56 (1) (c), and the amendment of ss. 94.80
2 (17), 94.81 (3) (a) 4., 139.971 (1) (b) and (c) and (3), and 139.973 (3) (b) and (c) 1.
3 (intro.), (5), (7), (8), (9), (11), and (12) (b) take effect on November 13, 2026.

4 (4) CANNABIS CONVICTION REVIEW UNIT. The repeal of ss. 15.103 (7), 16.24,
5 and 20.505 (4) (fg) and (fm) takes effect on the first day of the 121st month after
6 publication.

7 (END)