
Wisconsin Legislative Council

AMENDMENT MEMO



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2025 Senate Bill 682

Senate Amendment 1

BACKGROUND

State law exempts “hemp” from controlled substances laws that otherwise prohibit the manufacture, distribution, and possession of marijuana and tetrahydrocannabinol (THC).¹ State law defines “hemp” as “the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-[THC] concentration of not more than 0.3 percent on a dry-weight basis or the maximum concentration allowed under federal law up to 1 percent, whichever is greater, as tested using post-decarboxylation or other similarly reliable methods.”² Current state law does not provide a regulatory framework specific to products derived from hemp, other than certain prohibitions relating to mislabeling hemp or a hemp product.

2025 SENATE BILL 682

Very generally, Senate Bill 682 regulates hemp-derived cannabinoid (HDC) products. The bill modifies the state law definition of “hemp”³ to specify that “hemp” includes a HDC product, defined as “a product that contains or that is labeled to contain a hemp-derived cannabinoid and that is produced, marketed, or otherwise intended to be ingested orally, inhaled, or absorbed through the skin.”⁴

Senate Bill 682 further creates various regulations applicable to HDC products, including prohibiting sales to persons under 21 years of age, imposing certain testing and labeling requirements, and creating limits on potency and servings per container for HDC products in the form of a beverage. The bill also addresses exports and subjects violations of the bill’s provisions to certain forfeiture penalties, without first requiring a referral to the prosecuting authority from the Department of Agriculture, Trade and Consumer Protection.

¹ 2019 Wisconsin Act 68 made this and other changes to state law in response to the federal Agriculture Improvement Act of 2018, known as the 2018 Farm Bill. For more information, see Legislative Council, [2018 Farm Bill Provisions Related to Hemp](#), Issue Brief (Oct. 2019); and Legislative Council, [2019 Wisconsin Act 68](#), Act Memo.

² Effective November 2026, the definition of “hemp” under federal law is more restrictive, in that it requires a total THC concentration of not more than 0.3 percent on a dry-weight basis, rather than only delta-9-THC, and excludes from the definition various forms of hemp-derived products. [See [P.L. 119-37](#), SEC. 781.]

³ Under current law, the definition of “hemp” requires a certain delta-9-THC concentration, as tested using post-decarboxylation or other similarly reliable methods. Instead of post-decarboxylation, the bill modifies the definition of hemp to require using high-performance liquid chromatography, gas chromatography-mass spectrometry, or other similarly reliable methods.

⁴ The bill defines “hemp-derived cannabinoid” to include certain specific types of THC’s and “refined cannabinoids,” as defined under the bill, but excludes “synthetic cannabinoids,” a term also defined in the bill.

Underage Persons

The bill prohibits any person from selling, offering to sell, or otherwise providing a HDC product to an underage person, defined as a person who has not attained 21 years of age. The bill also prohibits an underage person from purchasing, attempting to purchase, or possessing a HDC product or falsely representing his or her age for the purpose of obtaining a HDC product. The bill provides a defense to prosecution for a seller of HDC products to an underage person if certain circumstances involving false age representations apply.

Testing Requirements

Under the bill, no person may sell, or offer to sell, to a consumer a HDC product unless the product manufacturer has first submitted a representative sample of each batch of the product to an independent, accredited laboratory for testing in accordance with generally accepted industry standards, and the laboratory certifies that the product does all of the following:

- Contains the amount of cannabinoids stated on the product's label, disclosed as a percentage, as milligrams per serving, and, if there is more than one serving of the product in a package or container, as total milligrams for the package or container, within a tolerance of one milligram or 10 percent, whichever is greater.
- Contains no more than trace amounts of any mold, residual solvents, or other catalysts, pesticides, fertilizers, mycotoxins, or heavy metals.
- Contains a delta-9-THC concentration of no more than 0.3 percent on a dry-weight basis or the maximum concentration allowed under federal law up to one percent, whichever is greater.

The certifying laboratory must provide a product's manufacturer with a certificate of analysis (COA) of testing results of the product. To be lawfully sold, a HDC product must be accompanied by the COA of testing results, which may be provided by means of a quick response (QR) code on the product's label.

Labeling and Packaging Requirements

Under the bill, a HDC product may not be sold or offered for sale to a consumer unless the product bears one or more labels containing various information specified in the bill, such as information about the manufacturer, the batch, and the product's serving size, cannabinoid profile, and potency.

The bill prohibits a HDC product from being sold or offered for sale to a consumer unless the product's packaging: (1) is child-resistant according to certain federal packaging standards, unless the product is a beverage; and (2) does not contain any feature likely to be appealing to children, including certain types of images and characters specified in the bill. The bill also requires a HDC product be placed in tamper-evident packaging or a tamper-evident container or contain a tamper-evident seal. The bill specifies that these requirements apply in addition to certain truth-in-labeling provisions under current law, as do the enforcement provisions that apply with respect to violations of such requirements.

Potency and Serving Limitations for Beverages

The bill specifies that, to be lawfully sold in this state, a HDC product that is produced, marketed, or otherwise intended to be consumed as a beverage must meet the following requirements:

- May not contain more than 10 milligrams of total THC in a single serving.
- May not be sold in a container having a capacity of more than two servings per container, if packaged in a nonresealable container.

SENATE AMENDMENT 1

Senate Amendment 1 makes the following changes to the bill:

- Modifies the bill's testing requirements in a manner that distinguishes between required testing of finished HDC products versus the HDC ingredients or extracts used to manufacture the product. Specifically, under the amendment, a HDC product manufacturer must submit for testing and certification a representative sample of the following: (1) each batch of the finished HDC product, for cannabinoid potency testing and laboratory certification that the product contains the amount of cannabinoids stated on the product's label; and (2) each batch of any HDC ingredient or extract used to manufacture the product, for contaminant testing and laboratory certification that any HDC ingredient or extract used in the manufacture of the product does not contain more than trace amounts of any mold, residual solvents, or other catalysts, pesticides, fertilizers, mycotoxins, or heavy metals.
- For HDC products in the form of a beverage, increases the potency limit from 10 mg to 12.5 mg of total THC in a single serving.
- For HDC products in the form of an edible product, creates a potency limit of 20 mg total THC per serving and a limit of 40 servings per package or container.
- Specifies that a person is immune from civil liability arising out of the act of procuring HDC products for, or selling, dispensing, or giving away HDC products to, another person, unless: (1) a person causes consumption by force or by representing that the products do not contain any cannabinoid; or (2) a provider of a HDC product to an underage person knew or should have known that the person was under age 21 and the HDC products provided to the underage person were a substantial factor in causing injury to a third party.
- Specifies that an insurer who engages in the business of insurance, or an intermediary who engages in certain insurance activities, does not violate any state law by engaging in such business or activities with respect to a customer engaged in any legal activity involving HDC products.
- Exempts HDC products from the Controlled Substances Board's authority to control substances under the state Controlled Substances Act.

BILL HISTORY

Senator Testin offered Senate Amendment 1 on February 2, 2026. On February 3, 2026, the Senate Committee on Agriculture and Revenue recommended adoption of the amendment on votes of Ayes, 8; Noes, 0; and reported the bill, as amended, without recommendation on votes of Ayes, 4; Noes, 4.

For a full history of the bill, visit the Legislature's [bill history page](#).

AO:jal