

Amended AB606 / AB747, SB682

2025 - 2026 LEGISLATURE

LRB-[DRAFT]/3

[CONSOLIDATED DRAFT BILL TEXT v2.5]

(Convergence draft: SB 682 / AB 747 product-safety framework + farmer cultivator program + insurance/banking safe harbors + DATCP licensing/registry, without a mandatory 3-tier requirement; no DTC shipping; no tax provisions.)

AN ACT to amend 94.55 (1); to create 15.137 (7), 94.55 (1r), 94.55 (2c), 94.55 (2d), 94.55 (5), 94.55 (6), 94.56, and 630.20 of the statutes; and to amend 961.11 (5) of the statutes; relating to: regulating hemp-derived cannabinoid products, prohibiting direct-to-consumer shipment of hemp-derived cannabinoid products, creating a hemp cultivator permit program, creating manufacturer, distributor, and retailer licenses for hemp-derived cannabinoid products, and providing safe harbors for insurance and financial services.

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

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

94.55 (1) DEFINITION. In this section, “hemp” means the plant *Cannabis sativa L.* and any part of that plant,

including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,

whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry

weight basis or the maximum concentration allowed under federal law up to 1 percent, whichever is greater, as

tested using high-performance liquid chromatography, gas chromatography-mass

spectrometry, or other similarly reliable methods. “Hemp” includes a hemp-derived cannabinoid product, as defined

in sub. (5) (a) 4. “Hemp” does not include a prescription drug product that has been approved by the U.S. food and

drug administration.

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

94.55 (1r) PRODUCTION AND CULTIVATION OF HEMP. A hemp producer may produce hemp in this state if one of

the following applies:

(a) The hemp producer holds a license issued by the department pursuant to sub. (2) (am) or the U.S. department of agriculture.

(b) The hemp producer holds a hemp cultivator permit issued by the department under sub. (2c).

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

94.55 (2c) HEMP CULTIVATOR PERMIT PROGRAM.

(a) The department shall issue hemp cultivator permits and may deny, suspend, or revoke a hemp cultivator permit

consistent with this section.

(b) A hemp cultivator permit shall be issued for a term ending on December 31 and is nontransferable.

(c) Permit application and renewal requirements shall include information necessary for departmental oversight,

including responsible-party identification and hemp production location information, consistent with federal law.

(d) A hemp cultivator permit authorizes the permit holder to plant, grow, cultivate, harvest, store, and transport hemp

in this state to the greatest extent allowed under federal law, and to transfer hemp biomass or unprocessed hemp plant

material to a person authorized under this section to manufacture hemp-derived cannabinoid products.

(e) A hemp cultivator permit does not authorize retail sale of hemp-derived cannabinoid products to consumers.

(f) Confidentiality. The department shall keep confidential personally identifying information and security-sensitive

information submitted under this subsection, including detailed location information, except as necessary for

administration and enforcement consistent with law.

SECTION 4. 94.55 (2d) of the statutes is created to read:

94.55 (2d) LICENSES FOR HEMP-DERIVED CANNABINOID PRODUCT ACTIVITIES.

(a) LICENSE REQUIRED. No person may do any of the following unless the person holds a valid license issued by the

department under this subsection:

1. Manufacture hemp-derived cannabinoid products for sale in this state.
2. Distribute hemp-derived cannabinoid products in this state.
3. Sell hemp-derived cannabinoid products at retail in this state.

(b) LICENSE TYPES. The department shall issue all of the following licenses:

1. Hemp-derived cannabinoid manufacturer license.
2. Hemp-derived cannabinoid distributor license.
3. Hemp-derived cannabinoid retailer license.

(c) APPLICATION; ISSUANCE. The department shall issue a license under this subsection if the applicant submits an

application in the form prescribed by the department, pays the applicable fee under par. (h), and certifies compliance

with sub. (5). An application under this subsection shall include all of the following:

1. The applicant's legal name and any trade name.
2. The applicant's federal employer identification number or social security number.
3. The applicant's principal business address and each location at which the applicant will conduct the licensed activity.
4. The name, title, and contact information for an individual responsible for compliance with this section.
5. Any other information reasonably required by the department to administer and enforce this section.

(d) TERM; RENEWAL. A license issued under this subsection shall be issued for a term of one year and shall be renewed

annually.

(e) DISCIPLINE. The department may deny, suspend, or revoke a license issued under this subsection if the licensee

violates this section or rules promulgated under this section.

(f) AUTHORIZATION. A license issued under this subsection authorizes the licensee to engage in the licensed activity

in this state, subject to compliance with this section.

(g) RECORDS. A licensee shall maintain records sufficient to demonstrate compliance with this section, including records

of purchases, sales, and transfers of hemp-derived cannabinoid products, in the form and manner prescribed by the

department. The department may inspect such records for purposes of administering and enforcing this section.

(h) FEES. The department shall establish by rule reasonable fees for licenses issued under this subsection.

(i) NO TIER REQUIREMENT. Nothing in this section requires a license holder to transact only through a distributor,

requires the use of a distributor, or prohibits a manufacturer from selling or transferring hemp-derived cannabinoid

products directly to a licensed retailer.

SECTION 5. 94.55 (5) of the statutes is created to read:

94.55 (5) HEMP-DERIVED CANNABINOID PRODUCTS.

(a) In this subsection:

1. “Batch” means a specific quantity of a hemp-derived cannabinoid product that is all of the following:

a. Manufactured at the same time and using the same methods, equipment, and ingredients.

b. Uniform and intended to meet specifications for identity, strength, purity, and composition.

c. Manufactured, packaged, and labeled according to a single batch production record.

2. “Hemp concentrate” means the extracts or resins of hemp, including extracts or resins that are refined to increase

the presence of targeted cannabinoids, but does not include synthetic cannabinoids.

3. “Hemp-derived cannabinoid” means any cannabinoid, except tetrahydrocannabinol acetate or any synthetic

cannabinoid, that is extracted from hemp, including a refined cannabinoid and including any of the following:

- a. Delta-6-tetrahydrocannabinol or delta-6-tetrahydrocannabinolic acid or delta-6-tetrahydrocannabivarin.
- b. Delta-8-tetrahydrocannabinol or delta-8-tetrahydrocannabinolic acid or delta-8-tetrahydrocannabivarin.
- c. Delta-9-tetrahydrocannabinol or delta-9-tetrahydrocannabinolic acid or delta-9-tetrahydrocannabivarin.
- d. Delta-10-tetrahydrocannabinol or delta-10-tetrahydrocannabinolic acid or delta-10-tetrahydrocannabivarin.

4. “Hemp-derived cannabinoid product” means a product that contains or 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, except that “hemp-derived cannabinoid product” does not include any of the following:

a. A product containing hemp concentrate intended for external application to a part of the body of a human or

animal and not intended to be absorbed through the skin and into the bloodstream.

b. A cannabidiol product, as defined in s. 961.01 (3r), that is governed by ss. 961.32 (2m) and 961.38 (1n) (b), and

any tetrahydrocannabinol contained in a cannabidiol product that is dispensed as provided in s. 961.38 (1n) (a) or

that is possessed as provided in s. 961.32 (2m) (b).

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

d. Hemp biomass that is not marketed or sold as a hemp-derived cannabinoid product.

5. “Label” means a display of written, printed, or graphic matter on the immediate container of a hemp-derived

cannabinoid product.

6. “Refined cannabinoid” means a hemp-derived cannabinoid that is concentrated and isolated to one or more cannabinoids.
7. “Synthetic cannabinoid” means a cannabinoid that is produced using a similar chemical structure and pharmacological activity to a cannabinoid but that is not extracted or derived from hemp and is instead created or produced by chemical or biochemical synthesis.
8. “Underage person” means a person who has not attained 21 years of age.
9. “Hemp biomass” means any of the following:
 - a. Hemp that is grown, processed, packaged, and sold for industrial applications.
 - b. Hemp plant parts that are the byproduct of the production of hemp concentrate or hemp-derived cannabinoid products.

(b) 1. No person may sell, offer to sell, or otherwise provide a hemp-derived cannabinoid product to an underage person.

2. An underage person may not purchase, attempt to purchase, possess, or consume a hemp-derived cannabinoid product.

3. An underage person may not falsely represent that he or she has attained 21 years of age for the purpose of obtaining a hemp-derived cannabinoid product.

4. It is a defense to a prosecution for a violation of subd. 1. if the defendant proves all of the following:

- a. That the purchaser falsely represented that he or she had attained 21 years of age.
- b. That the purchaser appeared to be of age and a reasonable and prudent person would believe that the purchaser had attained 21 years of age.

- c. That the sale was made in good faith and in reliance on the representation and appearance of the purchaser in the belief that the purchaser had attained 21 years of age.
- d. That the purchaser supported the representation under subd. 4. a. with documentation that he or she had attained 21 years of age.

(bm) DIRECT-TO-CONSUMER SHIPMENT PROHIBITED.

- 1. No person may sell, offer to sell, provide, or distribute a hemp-derived cannabinoid product to a consumer by shipment, including shipment by mail or common carrier.
- 2. This paragraph does not restrict transfers of hemp-derived cannabinoid products between persons authorized under this section to manufacture, distribute, or sell hemp-derived cannabinoid products.

- (c) 1. No person may sell, or offer to sell, to a consumer a hemp-derived cannabinoid product unless the product manufacturer satisfies the testing and certification requirements under subds. 2. and 3., and the testing is conducted by an independent, accredited laboratory in accordance with generally accepted industry standards and certification made in accordance with these standards.
- 2. To satisfy the requirement under subd. 1., a hemp-derived cannabinoid product manufacturer shall first submit a representative sample of each batch of the finished hemp-derived cannabinoid product for cannabinoid potency testing and laboratory certification that the product contains the amount of cannabinoids stated on the label of the product,

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.

3. To satisfy the requirement under subd. 1., a hemp-derived cannabinoid product manufacturer shall first submit a

representative sample of each batch of any hemp-derived cannabinoid ingredient or extract used to manufacture the

product for contaminant testing and laboratory certification that any hemp-derived cannabinoid 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.

4. A laboratory that certifies a hemp-derived cannabinoid product as provided in subds. 2. and 3. shall provide the

manufacturer with a certificate of analysis of testing results for the product.

5. No person may sell, or offer to sell, to a consumer a hemp-derived cannabinoid product unless the product is

accompanied by the certificate of analysis. A certificate of analysis may be provided by means of a quick response

code on the product's label.

(d) 1. No person may sell, or offer to sell, to a consumer a hemp-derived cannabinoid product unless the product is

labeled with all of the following information:

- a. The name and contact information for the product's manufacturer or brand owner.
- b. The product's serving size, servings per container, and cannabinoid profile per serving and in total for the container.

- c. The product's ingredients, including major food allergens.
- d. The product's potency, labeled as milligrams per serving, for total THC and for each hemp-derived cannabinoid

and the total amounts of THC and of each hemp-derived cannabinoid in the product's container.

- e. A warning statement that includes all of the following:
 - 1. That the product contains hemp-derived cannabinoids.
 - 2. That the product may cause impairment.
 - 3. That the product is not recommended for use by pregnant or breastfeeding women.
 - 4. That a person who consumes the product should not drive or operate heavy machinery.
 - 5. That the product must be kept out of reach of children.
- 2. If the immediate container of a hemp-derived cannabinoid product is too small to accommodate the information required under subd. 1., the required information may be displayed on the product's outer packaging. In addition, a quick response code on the product's label may be used to provide the required information.

(e) 1. No hemp-derived cannabinoid product may be sold or offered for sale to a consumer unless the product

packaging is child-resistant and does not contain any feature likely to be appealing to children.

2. A hemp-derived cannabinoid product must be in a tamper-evident container or packaging or have a tamper-evident seal.

(f) 1. A hemp-derived cannabinoid product that is produced, marketed, or otherwise intended to be consumed as a

beverage may not contain more than 12.5 milligrams of total tetrahydrocannabinols in a single serving.

2. A hemp-derived cannabinoid product that is produced, marketed, or otherwise intended to be consumed as a

beverage and is packaged in a nonresealable container may not be sold in a container having a capacity of more than

2 servings per container.

2g. A hemp-derived cannabinoid product that is produced, marketed, or otherwise intended to be consumed as an

edible product, other than a beverage or a tincture, may not contain more than 20 milligrams of total

tetrahydrocannabinols per serving.

2r. A hemp-derived cannabinoid product that is produced, marketed, or otherwise intended to be consumed as an

edible product, other than a beverage or a tincture, may not be sold in packaging or a container having more than 40

servings.

3. No person may sell in this state a hemp-derived cannabinoid product that violates this paragraph.

(g) Notwithstanding pars. (c) to (f), a person may manufacture and sell for export from this state a hemp-extract

product that is permitted to be manufactured, packaged, prepared for distribution, treated for distribution,

transported for distribution, or held for distribution in this state, even if it is not permitted to be sold to a consumer in

this state.

(h) Subsections (2) to (2r), (3r), and (3w) do not apply to hemp-derived cannabinoid products.

(i) Section 961.32 (3) (c) does not apply to enforcement of a violation of this subsection.

(j) 1. In this paragraph, “provider” means a person who procures hemp-derived cannabinoid products for or sells,

dispenses, or gives away hemp-derived cannabinoid products to an underage person in violation of par. (b).

2. A person is immune from civil liability arising out of the act of procuring hemp-derived cannabinoid products for or

selling, dispensing, or giving away hemp-derived cannabinoid products to another person.

3. Subdivision 2. does not apply if the person procuring, selling, dispensing, or giving away hemp-derived cannabinoid

products causes their consumption by force or by representing that the products do not contain any cannabinoid.

4. Subdivision 2. does not apply if the provider knew or should have known that the underage person was under the

legal drinking age and if the hemp-derived cannabinoid products provided to the underage person were a substantial

factor in causing injury to a 3rd party. In determining whether a provider knew or should have known that the

underage person was under the legal drinking age, all relevant circumstances surrounding the procuring, selling,

dispensing, or giving away of the hemp-derived cannabinoid products may be considered, including any circumstance

under subd. 4. a. to d. In addition, subd. 2. applies if all of the following occur:

a. The underage person falsely represents that he or she has attained 21 years of age.

b. The underage person supports the representation with documentation that he or she has attained 21 years of age.

c. The hemp-derived cannabinoid products are provided in good faith reliance on the underage person’s representation

that he or she has attained 21 years of age.

d. The appearance of the underage person is such that an ordinary and prudent person would believe that he or she

had attained 21 years of age.

5. Subdivision 2. does not apply to an action to impose a penalty under sub. (4) for a violation of par. (b).

SECTION 6. 15.137 (7) of the statutes is created to read:

15.137 (7) HEMP PRODUCER ADVISORY COUNCIL. There is created in the department of agriculture, trade and

consumer protection a hemp producer advisory council consisting of the following members:

(a) The secretary of agriculture, trade and consumer protection.

(b) To be appointed by the governor for 3-year terms:

1. Four members, each representing a hemp cultivator that holds a permit under s. 94.55 (2c).

(c) One member appointed by the attorney general, who represents law enforcement and has expertise in controlled

substances enforcement and regulatory compliance, to serve a 3-year term.

SECTION 7. 94.56 of the statutes is created to read:

94.56 HEMP PRODUCER ADVISORY COUNCIL.

(1) The hemp producer advisory council shall meet at least twice per year.

(2) The council shall advise the secretary of agriculture, trade and consumer protection on matters relating to hemp,

including market trends, cultivation methods, and issues presented by the secretary.

(3) The council may review aggregated, anonymized data relating to permits and licenses, complaints, and enforcement

trends, and may advise on any rules proposed pursuant to s. 94.55.

(4) The council shall monitor the status of hemp regulation under federal law.

SECTION 8. 94.55 (6) of the statutes is created to read:

94.55 (6) FINANCIAL SERVICES PROVIDER.

(a) In this subsection, “financial services provider” means any of the following:

1. A financial institution, as defined in s. 214.01 (1) (jn).
2. Any person that receives deposits, extends credit, conducts funds transfers, transports cash or financial instruments,

or provides financial services or related services on behalf of a financial institution, as defined in s. 214.01 (1) (jn).

(b) A financial services provider is not subject to any civil liability or penalty, or to criminal prosecution, solely because

it provides or has provided services to a person engaged in activity involving hemp-derived cannabinoid products for

which the person is authorized under this section.

SECTION 9. 630.20 of the statutes is created to read:

630.20 Insurance services provided to customers engaged in hemp-derived cannabinoid product activities.

An insurer who engages in the business of insurance, or an intermediary who engages in the activities described in

s. 628.02 (1) (a), in this state does not violate any law of this state by engaging in such business or activities with

respect to a customer engaged in any legal activity involving hemp-derived cannabinoid products, as defined in

s. 94.55 (5) (a) 4.

SECTION 10. 961.11 (5) of the statutes is amended to read:

961.11 (5) The authority of the controlled substances board to control under this section does not extend to

intoxicating liquors, as defined in s. 139.01 (3), to fermented malt beverages as defined in s. 125.02, to hemp-derived

cannabinoid products, as defined in s. 94.55 (5) (a) 4., or to tobacco.

(END)