

# Dept. of Justice: AG Schimel and stakeholders resolve questions surrounding DATCP industrial hemp research pilot program

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MADISON, Wis. – On May 9, 2018, the Wisconsin Department of Justice (DOJ) hosted a meeting with Attorney General Brad Schimel and his staff, members of the Wisconsin State Legislature, the Wisconsin Farm Bureau Federation (WFBF), and the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) regarding Wisconsin's new industrial hemp research pilot program. Specifically, those in attendance discussed the effect of [2017 Wisconsin Act 100](#) on Wisconsin's existing law concerning CBD and THC.

“We all have always had full confidence in the successful implementation of the industrial hemp program in Wisconsin,” said Attorney General Schimel. “Industrial hemp has the promise of being an important part of our critical agricultural economy, and Wisconsin farmers who choose to participate in this pilot program deserve and need legislative and regulatory certainty from all parts of government.”

Wisconsin's industrial hemp program, which is administered by DATCP, allows Wisconsin farmers to grow and sell industrial hemp, as long as they obtain a permit and abide by certain DATCP requirements. Farmers who participate in this program and follow the rules are exempt from criminal prosecution, and products made from industrial hemp, including CBD, are lawful.

“I very much appreciate WFBF raising concerns to me about Wisconsin's current laws related to hemp,” said Attorney General Schimel. “DOJ remains committed to

ensuring that CBD oil for sale at retail outlets is safe for consumers. Senator Testin has been a leader on this issue, and I know he is committed to overcome any challenges that may arise legislatively. With the 2018 Farm Bill now working its way through Congress, it is likely that our current laws will be changed even further to make industrial hemp's legality clear. Therefore, I am advising law enforcement not to take enforcement action against products made from industrial hemp that is grown under a lawful hemp research pilot program, including CBD, until Congress considers changes to the law, enabling the Wisconsin State Legislature to further clarify the status of these products."

During yesterday's meeting, the Attorney General, DOJ senior staff, members of the Legislature, WFBF, and DATCP all agreed on several important points, including the following.

Farmers who follow DATCP's rules and regulations may do the following:

1. Grow industrial hemp without fear of criminal prosecution;
2. Sell the entire industrial hemp plant or parts of the plant to anyone;
3. Process the plant as permitted by DATCP's rules and regulations, which includes producing CBD.

It is important to note that the legal protections under DATCP's program discussed above apply only to farmers who are working in compliance with DATCP authorization and retailers who are selling CBD certified to be in compliance with the provisions of the Farm Bill. Rogue producers and retailers will still be subject to prosecution.

"Although our legislature has chosen to authorize industrial hemp pilot projects and products made from that hemp, it is still very important to remind Wisconsin consumers that certain products may threaten their health or could be mislabeled," said Attorney General Schimel. "Over the past few weeks, I have learned that there is great deal of confusion and uncertainty with products sold in grocery stores and health food stores labeled as 'CBD.'"

"Law enforcement has encountered products labeled as CBD oil throughout the state and, until the DOJ analytical note, had no guidance on what products are legally and properly manufactured and what products might be harmful to consumers," said Wausau Chief of Police Ben Bliven. "I appreciate the additional clarity Attorney General Schimel has provided to keep Wisconsinites safe from

potentially harmful substances.”

The federal Food and Drug Administration (FDA) has [issued several warning letters](#) to businesses that market and sell CBD. During these investigations, the FDA learned that some materials labeled as CBD do not contain the levels of CBD that they claim. DOJ’s Analytical Note explained other health concerns related to mislabeled CBD.

“CBD is helpful for certain Wisconsinites, and the legislature has made a policy decision to allow those individuals to have access to CBD,” said Attorney General Schimel. “But we should make sure that our consumers are getting what they expect.”

To view this news release online, please visit: <https://www.doj.state.wi.us/news-releases/ag-schimel-and-stakeholders-resolve-questions-surrounding-datcp-industrial-hemp>