

Assembly passes bill to regulate expanding hemp industry

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The Assembly today passed a measure that would bring Wisconsin's hemp regulations in line with federal guidelines, boosting the state's chances of gaining lead oversight of the nascent crop from federal regulators.

"I know everybody is gonna push the green button because this is a great bill," Rep. Tony Kurtz, R-Wonewoc, said on the floor.

The bill, which passed unanimously 95-0, is on the verge of becoming law after it passed in the Senate in October and marks hemp's renaissance in Wisconsin since it was reintroduced under a 2018 pilot program.

Prior to the 2018 program, the crop had not been planted in Wisconsin since 1957 and had been outlawed in the United States since 1970 when it was lumped in with its psychoactive cousin marijuana and classified as a Schedule I narcotic by the Drug Enforcement Agency. The DEA defines Schedule 1 substances as those "with no currently accepted medical use and a high potential for abuse."

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But the 2014 federal farm bill paved the way for the crop's comeback with a provision that drew distinctions between marijuana and hemp and allowed states to grow hemp "under an agricultural pilot program." State lawmakers took advantage of the opportunity in the waning days of 2017, passing legislation green-lighting a pilot program to reintroduce the crop in the state.

After two successful growing seasons, a boom in popularity of hemp-derived CBD and changes to the crop's legal status made by the 2018 federal farm bill, lawmakers said they had to act quickly to maximize the state's opportunity to grow as a hemp producer.

“For the average farmer you’re not gonna see much of anything,” Kurtz said when asked ahead of the floor session how the bill would affect farmers. “It’s pretty streamlined.”

Still, the bill would not give state regulators explicit authority over hemp. But Brian Kuhn, director of the state Department of Agriculture, Trade and Consumer Protection’s Bureau of Plant Industry, told WisPolitics.com in October the changes would “increase the chance to get state lead regulatory authority.”

“This bill is important to give our farmers a crop option in the face of very destructive tariffs by the Trump administration,” Rep. Chris Taylor, D-Madison, said on the floor.

Still, Dems raised criticism that DATCP lacks the staff and funding to inspect hemp crops. Strict federal regulations require hemp to be tested to ensure the amount of tetrahydrocannabinol — the psychoactive compound known as THC that is contained in marijuana — is minimal.

Changes made by the bill include:

- *Changing the name of the crop from “industrial hemp” to “hemp;”
- *Requiring hemp producers to acquire a DATCP license;
- *Establishing DATCP procedures for regulating the crop;
- *Creating a safe harbor for growers with crops that exceed the THC threshold;
- *Redefine marijuana to exclude hemp;
- *Changing the state’s pilot program to a permanent program, among other things.

See the bill:

<https://docs.legis.wisconsin.gov/2019/related/proposals/ab206>