

## LRB-2457 FREQUENTLY ASKED QUESTIONS

### **So, what does LRB-2457 do? Does it include medicinal and recreational marijuana?**

LRB-2457 fully legalizes marijuana in the state of Wisconsin, including the manufacturing, distribution, delivering, possession, and use of both recreational and medicinal marijuana.

### **Is LRB-2457 similar to bills to legalize marijuana in other states?**

Sort of. There are certainly portions of LRB-2457 that are similar to other states' legalization efforts such as Colorado's permitting process, but other portions of the bill such as oversight by an agency charged with agriculture and consumer protection is a unique feature.

### **How, if at all, is LRB-2457 different than the bill Representative Sargent introduced last session (2015 AB 224)?**

LRB-2457 has some substantive changes from 2015 AB 224, including: an excise tax on marijuana producers in addition to a sales tax; reduces the number of plants a person can cultivate for personal use without a permit or paying taxes from 12 to 6; integrates marijuana into school curricula; providing employment protections for marijuana users; using pharmacies exclusively as medicinal marijuana providers; requiring insurance coverage for medicinal marijuana; delineating a new permit process for producers, processors, distributors, and retailers; using DATCP as an oversight body, among others.

### **How old would a person have to be to possess or use marijuana if LRB-2457 passed?**

Persons over the age of 21 can possess and use *recreational* marijuana (LRB-2457, p. 92). Persons over the age of 18 diagnosed with or undergoing treatment for a debilitating medical condition can qualify to possess and use *medicinal* marijuana, while persons under the age of 18 diagnosed with or undergoing treatment for a debilitating medical condition can qualify to use *medicinal* marijuana only with their legal guardian's consent (pp. 20-21).

### **What constitutes a “debilitating medical condition” to qualify for medicinal marijuana?**

Debilitating medical conditions include cancer, glaucoma, HIV, Crohn's disease, hepatitis C, Alzheimer's disease, post-traumatic stress disorder, among others, as well as chronic or debilitating diseases or conditions causing severe pain, nausea, seizures, and a few other symptoms. (See the full list on p. 19.)

### **How would a person acquire medicinal marijuana?**

A person interested in acquiring medicinal marijuana would have to obtain a prescription from their physician (p. 21) and then could apply to be placed on the medicinal marijuana registry and pay a fee for a medicinal marijuana card through the Department of Health Services (DHS). A person could then take their medicinal marijuana card to a pharmacy to receive their prescription. The medicinal marijuana card would be valid for four years and could be renewed thereafter (p. 52).

### **Why does there need to be a registry for medicinal marijuana cards?**

Good question! There are a few important reasons why a registry is necessary for medicinal marijuana, but the foremost reason is because LRB-2457 requires insurance companies to cover the cost of medicinal marijuana and related treatment. Given this, a registry ensures an additional level of security to prevent prescription or insurance fraud or abuse.



**What if a person is concerned about their privacy and does not want to be on a registry list?**

Representative Sargent is very passionate about protecting privacy, too. That’s why LRB-2457 also prohibits the DHS from disclosing any registry or applicant identifying information except to law enforcement for the purpose of verifying the person has a medicinal marijuana card (p. 53).

**How much marijuana can a person possess?**

It depends. A Wisconsin resident over the age of 21 can possess no more than two ounces of usable recreational marijuana while a nonresident of Wisconsin can possess no more than one-quarter ounce of usable recreational marijuana (p. 92). A person holding who has acquired a medicinal marijuana card can possess three ounces of usable marijuana (p. 20).

**What about cultivating marijuana? How much can an individual person cultivate?**

A person over 21 can cultivate six plants for personal use, either for recreational purposes or medicinal purposes.

**What if a person wanted to cultivate more than the allowed six plants for personal use?**

If a person over 21 wanted to cultivate more than six plants, they would be required to pay taxes on the marijuana cultivated, and would also have to apply and receive permits to be a marijuana producer in Wisconsin.

**What if LRB-2457 passed and a person wanted to get into the marijuana business? How would that work?**

First, a person would have to decide which part of the marijuana process they wanted to be involved in. LRB-2457 classifies four different permittee types for the marijuana industry: producers, farmers who cultivate marijuana plants to sell wholesale to processors; processors, who process cultivated plants into usable marijuana to sell to distributors; distributors, who purchase marijuana products from processors and sell to retailers; retailers, who sell marijuana products to consumers (p. 34). Once the person has determined which part of the industry they wanted to be involved in, they would then need to apply for the respective permit(s) through the respective state department(s).

**How much would it cost to acquire the necessary permits?**

It depends. Annual permit application fees for producers, processors, distributors, and retailers are \$250, and annual permit fees are an additional \$2,000 through the Department of Revenue (p. 39).

In addition to the above required permits, Producers and Processors are also required to receive permits from the Department of Agriculture, Trade, and Consumer Protection (DATCP) because they deal directly with cultivating, farming, and harvesting marijuana. The annual permit application fee is also \$250, and for processors the annual permit fee is an additional \$2,000 (p. 27). Producers’ annual permit fee is prorated based on the number of marijuana plants the producer plants, cultivates, and harvests, ranging from \$1,800 to more than \$7,100.

**Are there any eligibility limitations for permit recipients or marijuana industry employees?**

Yes. To be eligible for any of the above-mentioned permits or to be an employee of a permittee, a person must be over the age of 21 and cannot have been convicted of three violent misdemeanors, cannot have been convicted of a violent felony, cannot have been committed involuntarily for substance or alcohol abuse, must have lived in Wisconsin for more than 90 days, among a few other criteria (see pp. 28-29).



**How much will LRB-2457 cost?**

We don't have a definitive answer at this point. There is not yet an updated fiscal estimate for LRB-2457. Unfortunately, because LRB-2457 differs significantly from 2015 AB 224, last session's bill to legalize marijuana, estimates from last year will likely not reflect the cost of this year's proposal.

**Is there any concern about the possibility of exposing children to marijuana?**

Absolutely. As a mother of four boys, Representative Sargent takes very seriously parental concerns about children having access to marijuana or being exposed to marijuana use. That's why LRB-2457 includes provisions to not only integrate marijuana into alcohol and tobacco curricula in Wisconsin schools (p. 33-34), but requires the DATCP to develop and oversee best practices for packaging and labeling of marijuana products (p. 30).

**Would LRB-2457 have the similar penalties and protections to those for alcohol?**

Yes. The penalties in LRB-2457 for operating while under the influence of marijuana are identical to those already provided for under state statutes for operating while under the influence of alcohol (see e.g. p. 72). Likewise, existing alcohol-related criminal penalties will also incorporate marijuana under LRB-2457 (p. 98).

**Are edible marijuana products included in LRB-2457?**

LRB-2457 does not prohibit edible marijuana products; however, there are requirements for labeling specifying the ingredients and tetrahydrocannabinols concentration (pp. 41-42), which will assist in standardizing edible products.

**Wisconsin is facing a severe opioid epidemic, couldn't this be exacerbated by legalizing marijuana?**

Great question. Addressing Wisconsin's opioid epidemic has been something Representative Sargent is passionate about. To this end, data in states that have legalized medicinal marijuana, for example, show that hospital rates for opioid overdoses decreased by 13%, while hospitalization rates for opioid dependence and abuse decreased 23%. Addressing our opioid epidemic will require a holistic, comprehensive approach, and we are hopeful that allowing medicinal marijuana can be part of a larger effort to tackle it in Wisconsin

**Didn't Wisconsin just change the laws about drug testing for benefits? How will this work if LRB-2457 is passed?**

Current law requires the DHS to administer drug testing for determining eligibility for programs such as Medical Assistance, FoodShare, and Wisconsin Works. LRB-2457 would exempt marijuana and THC from being included in drug screening for those respective programs so a person would not be denied benefits for the lawful use of a marijuana product (pp. 17-18).

**If LRB-2457 passed could an employee be fired or lose unemployment benefits for using marijuana?**

Under LRB-2457, marijuana use would be included under Wisconsin's fair employment law, which provides a person could not be discriminated against for use or nonuse of a lawful product—which would include marijuana under LRB-2457—if used off of the employer's premises during nonworking hours (p.31). There are some exceptions, however, if use of the lawful product interferes with the person's ability to perform their employment duties.

**How soon would LRB-2457 go into effect if passed and signed into law by Governor Walker?**

It depends. Portions of LRB-2457 would go into effect the day after publication. This includes provisions primarily revolving around the legality of marijuana possession and use to ensure we do not continue criminalizing marijuana while agencies prepare to implement and enforce the remaining provisions of the bill. Other provisions such as tax and permitting requirements and processes go into effect six months after publication (p. 101).

