

## Background

### **Medical Marijuana:**

- The departments of Health Services (DHS) and Agriculture, Trade and Consumer Protection (DATCP) will regulate a medical marijuana program.
  - A physician or a practitioner under the direction of a physician can recommend an individual with a debilitating medical condition use medical marijuana.
  - Debilitating medical conditions include cancer, glaucoma, acquired immunodeficiency syndrome, HIV, Crohn's disease, hepatitis C, Alzheimer's disease, amyotrophic lateral sclerosis, nail-patella syndrome, ehlers-danlos syndrome, post-traumatic stress disorder, chronic pain, severe nausea, seizures and other conditions as determined by DHS.
  - Individuals must apply with DHS and pay a fee for a license to use medical marijuana and approved individuals will receive an identification card.
  - Individuals that committed various violent felonies in the last ten years will be ineligible to use medical marijuana.
- Dispensaries will apply for a license and a fee to DATCP, who will regulate the growing, selling, processing, and testing of medical marijuana. No dispensary can be within 500 feet of a school.
- Dispensaries will be required to have all of their products tested for mold, fungus, pesticides and other contaminants by testing laboratories that are registered with DATCP.
- Any medical marijuana sold in Wisconsin must be grown in Wisconsin.
- Individuals licensed by DHS to consume medical marijuana will be allowed to cultivate their own marijuana, up to 12 plants.
- Growers will be licensed with a dispensary license.
- The proposal would spend \$1,577,600 in the biennium for 5.5 FTE positions related to implementation. We are also very conservatively projecting \$2,268,700 in sales tax revenue.
- The maximum authorized amount of medical marijuana an individual may possess is 3 ounces or 12 live plants.
- The medical use defense for cases involving marijuana does not apply to individuals who:
  - Operate a motor vehicle while under the influence of marijuana,
  - Operate heavy machinery while under the influence of marijuana, or
  - Smoke marijuana in the following places: on a bus, at a place of employment, a school, a correctional facility, a public park or beach, or youth center.

### **Access to Cannabidiol:**

- Individuals can possess and use cannabidiol, also known as CBD oil, without a physician's certification.
- CBD oil is made from marijuana and can be used to treat seizures in children.
- Currently, Wisconsin law requires families to possess CBD oil only with yearly certification by a physician.

- The governor's plan would allow families and individuals to obtain this treatment without additional barriers.

**Decriminalization:**

- Decriminalize possession, manufacturing or distribution of marijuana for amounts of 25 grams or less.
- Decriminalization is aimed at small amounts of marijuana intended for personal consumption.
- 25 grams is the current amount where counties and municipalities can set their own ordinances regarding possession. This language would prevent municipalities from creating ordinances/penalties for possession of less than 25 grams of marijuana.
- Neither marijuana odor nor the possession of less than 25 grams of marijuana may be used to establish probable cause that a person possesses more than 25 grams of marijuana.
- Establish an expungement procedure for individuals convicted of possessing, manufacturing or distributing less than 25 grams of marijuana who have completed his or her sentence or probation.