

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING	:	AFFIRMATIVE ACTION
PROCEEDINGS BEFORE THE	:	ORDER OF THE
CONTROLLED SUBSTANCES BOARD	:	CONTROLLED SUBSTANCES BOARD

FINDINGS

1. On December 20, 2018, President Donald J. Trump signed the Agriculture Improvement Act of 2018. A provision of the Agriculture Improvement Act of 2018 exempts tetrahydrocannabinols in hemp as defined under section 297A of the Agricultural Marketing Act of 1946 (as amended by the Agriculture Improvement Act of 2018) from the Controlled Substances Act.
2. The Controlled Substances Board will promulgate a final rule, without making the determinations or findings required by ss. 961.11(1), (1m), (1r) and (2) and omitting the notice of proposed rule-making, excluding tetrahydrocannabinols in hemp (as defined under section 297A of the Agricultural Marketing Act of 1946) as controlled substances.

ORDER

Pursuant to s. 961.11(4g), Stats., the Controlled Substances Board by affirmative action similarly treats tetrahydrocannabinols in hemp (as defined under section 297A of the Agricultural Marketing Act of 1946) under chapter 961, Stats. by creating the following:

CSB 2.66 Exclusion of tetrahydrocannabinols in hemp. Section 961.14 (4) (t) 3., Stats., is created to read:

961.14 (4) (t) 3. Tetrahydrocannabinols in hemp as defined under section 297A of the federal Agricultural Marketing Act of 1946.

This order shall take effect on January 14, 2019 to allow for publication in the Administrative Register. The order expires upon promulgation of a final rule.

Dated _____

Doug Englebert, Chair
Controlled Substances Board

TEXT OF RULE

SECTION 1. CSB 5.01 and 5.02 are created to read:

CSB 5.01 If the federal food and drug administration issues an investigational drug permit for cannabidiol to a physician, the following pharmacies and physicians may dispense cannabidiol to patients:

- (1) A pharmacy licensed under ch. 450, Stats.
- (2) A physician licensed under ch. 448, Stats.

CSB 5.02 If cannabidiol is removed from the list of controlled substances, or if cannabidiol is determined not to be a controlled substance, under schedule I of 21 USC 812 (c), the following pharmacies and physicians may dispense cannabidiol to patients:

- (1) A pharmacy licensed under ch. 450, Stats.
- (2) A physician licensed under ch. 448, Stats.

SECTION ?. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
