



Medical Cannabis Bill Summary

Senate President Mary Felzkowski (R), Sen. Patrick Testin (R), and Rep. Patrick Snyder's (R) [SB 534](#), would create a restrictive medical cannabis program in Wisconsin. It would allow individuals with a qualifying medical condition and a prescriber's written confirmation to register to use and safely access medical cannabis preparations. Registered patients could obtain medical cannabis products from a licensed dispensary after consulting with a pharmacist. The bill does not allow smoking or home cultivation. If it is enacted, Wisconsin would become the 41st state with a medical cannabis law.

Qualifying for the Program

- To register as a medical cannabis patient, an individual must be a Wisconsin resident and have a prescriber-issued written confirmation that they have a qualifying condition.
 - The qualifying conditions are cancer, HIV or AIDS, seizures and epilepsy, PTSD, severe chronic pain, severe muscle spasms, severe chronic nausea, Parkinson's disease, ALS, multiple sclerosis, Alzheimer's disease, glaucoma, Tourette syndrome, a chronic motor or vocal tic disorder, inflammatory bowel disease, and a terminal illness with a probable life expectancy of less than one year.
 - To qualify under "severe chronic pain," one's pain must dominate the senses, interfere with the essential activities for daily living, have persisted for at least three months, and not be "responsive to or appropriate for other therapies."
 - Minor patients only qualify with parental consent.
- A physician, advanced practice nurse prescriber, or physician assistant may issue a written confirmation in the course of a bona fide relationship. They must meet with the patient in person, review the patient's medical records, and perform any needed tests to identify the qualifying condition "to a reasonable degree of medical certainty."
- Registration costs \$20 per year.
- Patients cannot not be on parole, probation, or extended supervision.
- Patients may have up to three caregivers who may pick up their cannabis for them. Caregivers must be at least 21 years old and undergo a background check. They can only assist up to five patients unless they are residential care facility employees.

Legal Protections and Limitations

- Patients could only possess products obtained from a licensed dispensary.
- Only products made from extracted cannabinoids are allowed. Smokeable cannabis is not permitted. Concentrates, oils, tinctures, edibles, pills, topicals, gels, creams, vapors, liquids, patches, and nebulized forms are allowed.
- Patients could only possess medical cannabis preparations at their residence or their caregivers' residences, between the dispensary and those residences, between the patient's residence and the caregiver's residence, and between the patient's residences if the patient has more than one residence. The bill considers temporary overnight lodging a "residence." The penalty would be a \$25 fine.
 - A patient couldn't use or possess cannabis products at or outside of their school, at day

care, friends' houses, medical facilities, or anywhere else.

- Provides protections for medical cannabis patients related to discrimination in child custody, housing, and the issuance of conceal carry permits.
- Excludes medical cannabis from Wisconsin's fair employment law. Does not protect patients from being fired, not hired, or disciplined for testing positive for cannabis.

Cannabis Licensing

- An Office of Medical Cannabis Regulation would be created and charged with registering patients and regulating dispensaries. It would be attached to the Department of Health Services. The Department of Agriculture, Trade and Consumer (DATCP) would regulate cultivation, processing, and independent testing labs.
 - The director of the Office of Medical Cannabis Regulation would be appointed by the governor and confirmed by the Senate.
- The bill does not specify the number of licenses allowed or how they will be selected.
- The office will prioritize dispensaries that provide geographic diversity.
- At least 80% of medical cannabis businesses' principal officers and board members must be Wisconsin residents.

Cannabis Business Regulation

- Dispensaries must be adequately staffed. At all times, they must have a pharmacist on staff who is qualified to advise on uses, dosage, and potential interactions.
- Before a patient is first dispensed cannabis, a pharmacist must consult with the patient and check their records in the prescription drug monitoring program (PDMP). Pharmacists will recommend a daily dose.
- Patients may initially not purchase more than 30 daily doses. After that, a patient may not receive more than a 90-day supply at a time. Patients can get a refill once they would have seven days or less in dosages left.
- Licensees cannot advertise to the general public. They may have a website and a sign with their name and hours of operation.
- Packaging must be child-resistant and minimize its appeal to minors.
- Requires a seed-to-sale third-party inventory control and tracking system.
- Cultivation and processing must occur in an enclosed, locked facility. Cannabis cannot be visible to the public.
- Regulators may take disciplinary action for violations, including levying fines and revoking or suspending licenses. Fine schedules increase if the licensees had prior violations within five years.
- Regulators are required to issue an annual report, including the number of patients, their qualifying conditions, the number of doses dispensed, expenses, and revenues.

Fees

- Applicants will pay an annual fee of \$10,000 for cultivation and product manufacturing. For dispensaries and laboratories, the annual fee is \$5,000.
- Medical cannabis would be exempt from sales tax and is not subject to excise taxes.