

LRB-4361 FREQUENTLY ASKED QUESTIONS

General Questions

What does LRB-4361 do? Does it include the legalization of both medicinal and recreational marijuana?

LRB-4361 fully legalizes marijuana in the state of Wisconsin. This includes manufacturing, distribution, delivering, possession, and use of both recreational and medicinal marijuana.

Is LRB-4361 similar to bills to legalize marijuana in other states?

There are certainly portions of LRB-4361 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. Without question, we have seen what aspects of cannabis legalization efforts have worked in other states, while also addressing where these legalization efforts have fallen short. LRB-4361 is the accumulation of years of legislative research, constituent outreach, and inter-state collaboration. This is a Wisconsin-focused approach to cannabis legalization.

Questions Concerning Usage:

How old would a person have to be to possess or use marijuana if LRB-4361 passed?

Persons over the age of 21 can possess and use *recreational* marijuana (p. 2). Persons over the age of 18 diagnosed with or undergoing treatment for debilitating medical conditions can qualify to possess and use *medicinal* marijuana (p. 11-13).

How much marijuana can a person possess?

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. 2).

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

A person over 21 can cultivate no more than six plants for personal use.



Questions Concerning Commercial Production:

If LRB-4361 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-0154 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. 15-16). 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?

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. 19-21). In addition to these 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. 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 (p. 20).

How does a merit-based permitting system work?

Senator Agard has always prioritized Wisconsin workers. This merit-based system will develop a competitive scoring system to assign permits, and those applicants who receive the highest scores will obtain a permit. The scoring system is based on which applicants will protect the environment, provide family-supporting jobs to local residents, and ensure worker and consumer safety. The purpose of this system is to ensure high quality jobs for Wisconsin workers, lift up marginalized communities who have been harmed by the prohibition of cannabis, and keep profits within our state.



Questions Concerning Medicinal Marijuana:

How would a person acquire medicinal marijuana?

A person interested in acquiring medicinal marijuana would have to obtain a prescription from their physician and apply to be placed on the medicinal marijuana registry. Within 30 days of applying, a person will then be approved or denied by the Department of Revenue. The department may only deny an application if the required information has not been provided or if false information has been provided (p. 13-14).

The department then issues a registry identification card and tax exemption certificate within 5 days of approval of the application. This identification card and tax exemption certificate is valid for four years and can be renewed thereafter (p. 13-14).

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

Debilitating medical conditions include: Cancer; glaucoma; acquired immunodeficiency syndrome; a positive test for the presence of HIV, antigen, or nonantigenic products of HIV, or any antibody to HIV; inflammatory bowel disease (IBS), including ulcerative colitis or Crohn’s disease; a hepatitis C virus infection; Alzheimer’s disease; amyotrophic lateral sclerosis; nail patella syndrome; Ehlers-Danlos Syndrome; post-traumatic stress disorder; or the treatment of these conditions.

A chronic or debilitating disease or medical condition or the treatment of such a disease or condition that causes cachexia, severe pain, severe nausea, seizures, including those characteristic of epilepsy, or severe and persistent muscle spasms, including those characteristic of multiple sclerosis. (See full list of medical conditions on p. 12.)



Questions Concerning Employment, Expungement, and Equity:

Under LRB-4361, how will expungement provisions work?

With the passing of this bill and the legalization of marijuana in Wisconsin, individuals who were previously convicted of marijuana-related crimes and those currently serving sentences will have an opportunity to repeal or reduce their sentences for non-violent minor offenses (p. 2).

If LRB-4361 passed, could an employee be fired or lose unemployment benefits for using marijuana?

Under LRB-4361, marijuana would be included under Wisconsin's fair employment law, which provides that a person could not be discriminated against for use or nonuse of a lawful product-- which would include marijuana, if used off of the employer's premises during non-working hours (p. 4-5). There are some exceptions, however, if use of the lawful product interferes with the person's ability to perform their employment duties.

How much money will LRB-4361 create for the state of Wisconsin? What will legal marijuana do for creating jobs?

It is estimated that legalizing marijuana and taxing and regulating it like alcohol will generate [more than \\$165 million in state tax revenue each year](#). As of 2021, the legal marijuana industry has employed [more than 321,000 full-time American jobs](#)-- or, 77,000 more jobs in the industry than in 2020. As other states, including our midwest neighbors continue to legalize, states like Illinois are [estimated to grow to 63,000 jobs by 2025](#). It's clear that legalization will bring an incredible positive economic impact to Wisconsin and reinvigorate our workforce.

What does LRB-4361 do to address equity in the marijuana industry for Wisconsin?

Under LRB-4361, 60 percent of all state generated tax revenue from legalization will be deposited into a fund called the "Community Reinvestment Fund." Additionally, LRB-4361 provides a number of grants to be paid from the Community Reinvestment Fund that will work to promote diversity and advance equity inclusion in the production and sale of marijuana (p. 3, 5).

