

LRB-0154 FREQUENTLY ASKED QUESTIONS

General Questions:

What does LRB-0154 do? Does it include the legalization of both medicinal and recreational marijuana?

LRB-0154 fully legalizes marijuana in the state of Wisconsin. This includes the manufacturing, distribution, delivering, possession, and use of both recreational and medicinal marijuana.

Is LRB-0154 similar to bills to legalize marijuana in other states?

There are certainly portions of LRB-0154 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 marijuana legalization efforts have worked in other states, while also addressing where these legalization efforts have fallen short. LRB-0154 is the accumulation of years of legislative research, constituent outreach, and inter-state collaboration.

How, if at all, is LRB-0154 different than the bill Representative Sargent introduced last session (2017 Assembly Bill 482)?

LRB-0154 has some substantive changes from 2017 AB-482, including: a merit based system for obtaining a commercial permit; requiring permit applicants to enter into a labor peace agreement with a labor organization; amending the states restriction on operating a vehicle while intoxicated by adding tetrahydrocannabinols (THC); repealing or reducing the sentences for those convicted of marijuana related crimes; expunging the record of those who have completed sentences on non-violent and low level offenses; protecting the second amendment right for those expunged from marijuana related crimes; further promoting education involving marijuana and its usage in grades 5-12 in school health curriculums; among others.

How soon would LRB-0154 go into effect if passed and signed into law by Governor Evers?

Portions of LRB-0154 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.

How will LRB-0154 effect gun owner's rights in Wisconsinites?

LRB-0154 ensures that if someone is expunged from a low-level marijuana crimes, they cannot be restricted from purchasing a firearm within the State of Wisconsin. Furthermore, LRB-0154 protects gun owners who use medicinal marijuana by restricting the Department of Health Services from releasing the registry for any purposes.

Questions Concerning Usage:

How old would a person have to be to possess or use marijuana if LRB-0154 passed?

Persons over the age of 21 can possess and use *recreational* marijuana (p. 113). 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. 26-27).

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. 113). A person holding who has acquired a medicinal marijuana card can possess three ounces of usable marijuana (p. 26).

Would LRB-0154 have the similar penalties and protections to those for alcohol?

Yes. The penalties in LRB-0154 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. 70). Likewise, existing alcohol-related criminal penalties will also incorporate marijuana under LRB-0154 (p. 98).

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.

Questions Concerning Commercial Production:

If LRB-0154 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. 34-35). 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. 39). 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 (p. 30). 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.

How does a merit-based permitting system work?

Representative Sargent has always prioritized Wisconsin workers, while working with employers to maximize social utility. 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 (p 37). The purpose of this system is to ensure high quality jobs for Wisconsin workers, lift up marginalized communities who have 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 (p. 21) and then they 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. 6).

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

Debilitating medical conditions include cancer, glaucoma, HIV, inflammatory bowel disease including ulcerative colitis or Crohn’s disease, hepatitis C, Alzheimer’s disease, Ehlers-Danlos Syndrome, post-traumatic stress disorder, among others, as well as chronic or debilitating diseases or conditions causing severe pain, nausea, severe and persistent muscle spasms seizures, and a few other symptoms. (See the full list on p. 25)

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

There are a few important reasons why a registry is necessary for medicinal marijuana, but the foremost reason is because LRB-0154 allows 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. LRB-0154 ensures that this registry is private and not to be disclosed by DHS except for the purpose of verifying that a person possesses a valid registry identification card. (p. 65)

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

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, states with access to medicinal marijuana have a [25% lower overdose death rate](#) than states with no access medicinal marijuana, 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.

Questions Concerning Education, Employment, and Expungement:

Under LRB-0154, 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 nonviolent minor offenses. (p. 122-124)

If LRB-0154 passed could an employee be fired or lose unemployment benefits for using marijuana?

Under LRB-0154, 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-0154—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.

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-0154 includes provisions to not only integrate marijuana into alcohol and tobacco curricula in Wisconsin schools (p. 39-40), but requires the DATCP to develop and oversee best practices for packaging and labeling of marijuana products (p. 4).

How much money will LRB-0154 create for the state of Wisconsin?

It is estimated that full legalization of Marijuana within Wisconsin will create [\\$138 million dollars](#) in additional tax revenue, while creating upwards of [18,000 family supporting and sustainable jobs](#). The institution of this crucial legislation will increase state revenue without raising taxes. Furthermore, our current prohibition of cannabis costs Wisconsin taxpayers millions of dollars annually. Full legalization would save well over [\\$40 million dollars](#) in taxpayer money every year, since our criminal justice system would no longer have to expend resources on the enforcement of such outdated policies. The full legalization of marijuana within Wisconsin has the ability to create unprecedented economic stimulus that prioritizes Wisconsin families.