

CO-SPONSORSHIP MEMORANDUM

TO: All Legislators

DATE: Friday, September 22th, 2023

RE: Co-Sponsorship of LRB-4468/1 and LRB-4470/1 legalizing the possession of marijuana; medical marijuana; regulating the production, processing, and sale of marijuana; expunging or redesignating past convictions for marijuana-related crimes; equity grants; making an appropriation; and providing a penalty.

DEADLINE: Friday, September 29th, 2023 by 5:00 p.m.

Marijuana is being legalized for medicinal and recreational purposes across the country. Thirty-eight states and the District of Columbia have passed laws broadly legalizing marijuana in some form. Here in the Midwest, Michigan, Illinois, and Minnesota have fully legalized marijuana. This is a positive trend for the country, but Wisconsin is in danger of being left behind as an island of prohibition.

In light of this, today we are introducing a bill to fully legalize marijuana for adult, responsible use in Wisconsin.

Under the bill, marijuana would be taxed and regulated much like alcohol, and would be regulated by both the Department of Revenue (DOR) and the Department of Agriculture, Trade, and Consumer Protection (DATCP). The proposal would require the sale of marijuana for recreational use to be sold by a marijuana retailer holding a permit issued by the DOR. Individuals would need to be 21 years of age to purchase marijuana for recreational use. All sales of recreational marijuana to minors would be prohibited. The plan also provides a path for medical marijuana users to access the product without paying retail taxes.

Under the bill, both Wisconsin residents and non-residents can possess no more than five ounces of marijuana and six plants for personal use. The possession amount more closely aligns with neighboring states that have fully legalized marijuana. No marijuana processor or microbusiness that operates as a marijuana processor may make usable marijuana using marijuana grown outside of Wisconsin.

The expungement process is modeled after Minnesota; the state will review records and initiate the expungement process, removing the responsibility from the individual with the record to petition for expungement.

This bill also allows for the licensing and establishment of “marijuana lounges” or businesses that allow for purchase and on-premises consumption. They would be required to get permits

from the state, and we ensure local control by requiring local governments to enact ordinances to authorize the establishment of these businesses.

Here are just a few of the reasons we must legalize marijuana in Wisconsin:

Ø **Economic Benefits:** The math is clear— legalizing marijuana for recreational and medical use would provide extensive economic benefits to our state. Wisconsin has the opportunity to take in tens of millions per year in additional state revenue. Under the bill, over half of these dollars would be reinvested across the state toward underserved communities, equity grants, and sparsity aid. In addition to state revenue, legalization would bring an already thriving industry out of the shadows and provide economic stimulus for our state. Under the current system, we are seeing our hard earned money go across the border to [Illinois](#), [Michigan](#), and soon Minnesota.

Ø **Criminal Justice Reform and Addressing Racial Disparities:** [In 2018, four-in-ten drug arrests](#) nationally were for marijuana, but these arrests are not evenly distributed across the various demographics. Although African-Americans use marijuana at the same rates as white individuals, historically, they have been significantly more likely to be arrested for marijuana possession – [over four times more likely in Wisconsin in 2018](#). Too many lives and communities have been damaged by out of date and backwards marijuana policies. We can take important steps to right these historical wrongs by passing this bill.

Ø **Supporting Agriculture and Rural Communities:** Our farmers have been hit hard by the pandemic. Marijuana legalization would help create a 21st century agricultural economy that would support one of Wisconsin's most important industries.

In addition, legalizing marijuana has been shown to make our communities safer by allowing law enforcement to focus on serious and violent crimes. From a public health standpoint, legalization also makes us safer by allowing for testing and regulating of the product.

Wisconsin is ready. This is what the people of our state want. In 2022, a [Marquette University Law Poll](#) found that 69% percent of Wisconsinites support the legalization of marijuana.

If you are interested in co-sponsoring this legislation, please reply to this e-mail or contact Senator Agard's office at (608) 266-9170 by Friday, September 29th, 2023 at 5:00 p.m. Co-sponsors will be added to both the Assembly and Senate versions of the proposal unless specified otherwise.

Analysis by the Legislative Reference Bureau

(See attached Bill for full analysis)

MARIJUANA LEGALIZATION AND REGULATION

Under this bill, a person who is at least 21 years old may legally possess marijuana for recreational purposes. A person of any age may possess marijuana for medical purposes. Under the bill, a person may produce, process, or sell marijuana if the person has a permit. This bill creates an excise tax for the privilege of producing, processing, distributing, or selling marijuana in this state, and 60 percent of the revenue collected from the tax is deposited into a segregated fund called the “community reinvestment fund.” Under the bill, a person who may possess medical marijuana is not subject to sales or excise taxes on the purchase or use of the marijuana. The bill does not affect federal law, which generally prohibits persons from manufacturing, delivering, or possessing marijuana and applies to both intrastate and interstate violations.