

ORDINANCE V25-01

AN ORDINANCE CREATING CHAPTER 16, SECTION 16-7, HEMP-DERIVED or SYNTHETIC CANNABINOID REGULATIONS

WHEREAS, Regulation of products containing cannabis or cannabis-derived compounds also remained within the US Food and Drug Administration (FDA), under the Federal Food, Drug, and Cosmetic Act (FD&C Act) and section 351 of the Public Health Service Act (Gottlieb, 2018).

WHEREAS, To align with the new federal bill, the Wisconsin legislature adopted the 2019 Wisconsin Act 68 (effective date of November 28, 2019), which modified state law in accordance with the 2018 Farm Bill and made several other changes regarding hemp-related actions in Wisconsin. The 2019 Wisconsin Act 68 also clarified the relationship between hemp products and certain cannabidiol (CBD) products, expanded and repealed certain requirements of the state's Controlled Substances Board (CSB), and set a threshold level of delta-9 THC for purposes of certain offenses that would prohibit a restricted controlled substance in a person's blood (Otis & Queensland, 2020).

WHEREAS, Following the passage of 2019 Wisconsin Act 68, the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP), was assigned to license, inspect, and test hemp grown in the state. This was the case until January 1, 2022, when Wisconsin hemp growers were licensed by the US Department of Agriculture (DATCP, n.d.).

WHEREAS, The availability and accessibility of CBD and THC-containing products in retail establishments or via online vendors is widely unrestricted for sale or transport on a federal or state-level (USPS, 2019).

NOW, THEREFORE, BE IT ORDAINED, by the Village Board of the Village of Harrison, Calumet County, Wisconsin, that the Harrison Municipal Code of Ordinances, Chapter 16, Section 16-7 be created as follows:

Sec 16-7. HEMP-DERIVED OR SYNTHETIC CANNABINOID REGULATIONS

- (a) In this subsection, hemp-derived cannabinoid constitutes one of the many intoxicating cannabinoids found in the cannabis plant or a synthetic version thereof.
 - (1) A cannabinoid other than delta-9 tetrahydrocannabinol (THC), or an isomer derived from such cannabinoid (delta-8 THC, delta-10 THC, hexahydrocannabinol (HHC), HHC-O, THCA, THC-O, THCP, THCV); or
 - (2) A hemp-derived product containing delta-9 tetrahydrocannabinol in a concentration of 0.3 percent or less.
 - (3) Does not include non-intoxicating cannabinoids, including cannabidiol (CBD), which is an active ingredient in cannabis, but does not cause intoxication by itself, is not addictive, and does not contain other isomers as listed above.
- (b) It shall be illegal for a person under the age of twenty-one (21) to possess or use any amount of a hemp-derived cannabinoid including delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCV except as specifically allowed by Wisconsin law.

- (c) It shall be illegal to sell or deliver any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCv to a person under the age of twenty-one years, except as specifically allowed by Wisconsin law.
- (d) It shall be illegal to sell or deliver any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCv to a person without having first verified their age by having the purchaser present valid photo identification.
- (e) Hemp-derived cannabinoids shall not be sold within 750 feet of a hospital, church, or youth-serving organization such as, but not limited to: childcare centers, pre-schools, public or parochial schools, tribal schools, playgrounds, city or county parks, sporting arenas, or organizations with specific interest to serve children (Boys & Girls Club, YMCA, Head Start, etc.) The distance shall be measured by the shortest route along a designated roadway or walking path from the main entrance of the youth-serving business/organization to the premises selling hemp-derived cannabinoid products. The prohibition in this section does not apply to businesses selling hemp-derived cannabinoids from a location used for said sales on December 1, 2022.
- (f) Any person who violates any provision of this section, or who conducts any activity or makes any sale for which violates any provision of this section, shall upon conviction be subject to penalties and forfeitures as provided in sections 1-7, 1-10, and 28-178.

Adopted by the Village Board of the Village of Harrison this 28th day of January 2025.

Allison Blackmer, Village President

Attest: Vicki Tessen, Village Clerk

Recorded Vote: ____ Ayes ____ Nays