

# Wisconsin Hemp Pilot Research Program



## Hemp-derived CBD

Wisconsin's hemp pilot research program is permitted under federal ([2014](#) and [2018 Farm Bills](#)) and state ([Wis. Stat. § 94.55](#)) law and will expire on October 31, 2020. Below are answers to frequently asked questions about the pilot program. This information is a guide. If you have questions, contact the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) by phone (844) 449-4367 (toll-free) or email [datcpindustrialhemp@wi.gov](mailto:datcpindustrialhemp@wi.gov). Information is also available at <https://hemp.wi.gov>.

### 1. What is hemp?

Under the [2018 Farm Bill](#), federal law defines hemp as, "the plant *cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis."

### 2. What is hemp-derived CBD?

CBD stands for cannabidiol. CBD is a cannabinoid and is one of many biologically active chemical compounds in the plant *Cannabis sativa*. CBD is legal if it is derived from hemp that has been lawfully produced.

### 3. What is lawfully produced hemp?

Hemp produced under a hemp research pilot program, a U.S. Department of Agriculture (USDA) hemp producer license, or a state or tribal plan approved by USDA and contains a total delta-9 THC content of 0.3% or below.

### 4. Can I sell hemp-derived CBD oil in Wisconsin?

Yes. You can sell CBD oil made from hemp that has been lawfully produced. Any product made from lawfully produced hemp must have a total delta-9 THC content of 0.3% or below before it can be transferred, transported, or sold.

If you are processing CBD oil, you must have a hemp processor license. Requirements for

obtaining a hemp processor license are available at [https://datcp.wi.gov/Pages/Programs\\_Services/IHLicRegFee.aspx](https://datcp.wi.gov/Pages/Programs_Services/IHLicRegFee.aspx).

Consult a legal professional for advice on complying with local, state, and federal laws.

### 5. Can I sell food products that contain hemp-derived CBD?

Information about this is available at <https://datcp.wi.gov/Documents/IndustrialHempProductsHumanFoodIngredients.pdf>.

### 6. Can I bottle water that contains hemp-derived CBD?

Information about laws for bottled water in Wisconsin is available at [https://datcp.wi.gov/Pages/Programs\\_Services/BottledWater.aspx](https://datcp.wi.gov/Pages/Programs_Services/BottledWater.aspx).

### 7. Can I purchase hemp-derived CBD from a wholesaler who is not in Wisconsin and then re-brand the CBD and sell it with my company's logo in Wisconsin?

Yes, but only if you have a State of Wisconsin hemp processor license, and current annual registration, and if the CBD was lawfully produced. See

[https://docs.legis.wisconsin.gov/code/register/2020/774B/register/emr/emr2016\\_rule\\_text/emr2016\\_rule\\_text](https://docs.legis.wisconsin.gov/code/register/2020/774B/register/emr/emr2016_rule_text/emr2016_rule_text) for additional transportation requirements. Lawfully produced hemp has a fit for commerce certificate (or equivalent). Any product made from

lawfully produced hemp must have a total delta-9 THC content of 0.3% or below before it can be transferred, transported, or sold.

### **8. Can I feed hemp to my livestock, make pet food with hemp, or sell pet treats that contain CBD?**

No. Animal feed (animal food) and animal feed ingredients, including pet food and pet treats, are regulated by the U.S. Food and Drug Administration (FDA) and each individual state. At this time, hemp, its byproducts and extracts (for example, CBD concentrates, or isolates) cannot be used in or on any animal feed product or animal feed ingredient. More information is available at <https://datcp.wi.gov/Documents/Feed-PetFoodInfoInclHemp.pdf>

### **9. Where can I learn more?**

You can learn more about hemp through these resources:

- DATCP Hemp Program: <https://hemp.wi.gov>
- University of Wisconsin-Madison, Division of Extension: <https://fyi.extension.wisc.edu/hemp/>
- USDA:
  - <https://www.usda.gov/topics/hemp>
  - <https://www.farmers.gov/manage/hemp>
  - Interim final rule: Establishment of a Domestic Hemp Production Program <https://www.federalregister.gov/documents/2019/10/31/2019-23749/establishment-of-a-domestic-hemp-production-program>
- U.S. Department of Justice Drug Enforcement Administration (DEA):
  - Interim final rule: Implementation of the Agriculture Improvement Act of 2018 <https://www.federalregister.gov/documents/2020/08/21/2020-17356/implementation-of-the-agriculture-improvement-act-of-2018>
- FDA:
  - <https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-including-cannabidiol-cbd>



**Wisconsin Department of Agriculture,  
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