



## Regulatory Oversight of Hemp Products by DATCP

This document is a resource to aid hemp growers and processors in understanding the variety of ways hemp and hemp products are regulated in Wisconsin. This resource does not cover every way in which hemp and hemp products are regulated, and obtaining legal counsel may be warranted in this rapidly evolving regulatory environment. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) will transfer regulatory authority for hemp production in Wisconsin to the U.S. Department of Agriculture (USDA) on January 1, 2022.

Depending on what you produce with the hemp, specific licenses, certificates, or other requirements may be necessary. This document provides an overview of regulatory authorities for hemp product quality and safety. This list is not all-inclusive and working with a legal professional can help ensure you are complying with necessary local, state, and federal laws.

### Hemp Must Be Lawfully Produced

Hemp produced lawfully in Wisconsin must contain a total delta-9 THC content of 0.3% or below and is produced under:

- a hemp research pilot program, including but not limited to the Wisconsin DATCP [Hemp Research Program](#) (hemp program)
- a [USDA hemp producer license](#), or
- a [state or tribal plan approved by USDA](#).

DATCP licensed Wisconsin hemp produced from 2018 - December 31, 2021. More information is available at <https://hemp.wi.gov>.

For information about USDA licensed Wisconsin hemp produced on or after January 1, 2022: The USDA will be the primary regulatory authority for hemp production in Wisconsin. You may contact the USDA Hemp Program at:

- Phone: (202) 720-2491
- Email: [farmbill.hemp@usda.gov](mailto:farmbill.hemp@usda.gov)
- Website: <https://www.ams.usda.gov/rules-regulations/hemp>

### Hemp Labeling

DATCP has the authority to enforce Wisconsin hemp-specific labeling laws. Under the labeling laws ([Wis. Stat. § 94.55\(3m\)](#)), a person may not:

- Knowingly make an inaccurate claim about the content, delta-9-tetrahydrocannabinol (delta-9 THC) concentration, quality, or origin of hemp or a hemp product in the course of transferring or selling the hemp or hemp product
- Knowingly sell at retail mislabeled hemp or hemp products.

### Food

DATCP has the authority to enforce Wisconsin's food safety and labeling laws to protect public health and safety, to prevent fraud and unfair competition, and to maintain a secure and abundant food supply.

Questions about lawfully produced hemp or hemp-derived products in food for intrastate (within Wisconsin) commerce:

DATCP Division of Food and Recreational Safety  
(608) 224-4923

Email: [datcpdfslicensing@wi.gov](mailto:datcpdfslicensing@wi.gov)

Website:

[https://datcp.wi.gov/Pages/Programs\\_Services/FoodAndRecSafety.aspx](https://datcp.wi.gov/Pages/Programs_Services/FoodAndRecSafety.aspx)

Information about the use of hemp-derived products in food is available at <https://datcp.wi.gov/Documents/IndustrialHempProductsHumanFoodIngredients.pdf>.

DATCP may not consider a food to be adulterated solely because it contains hemp, as defined in Wis. Stat. § [94.67\(15c\)](#), or a hemp product. See Wis. Stat. § [97.02](#).

Fraud, advertising foods. See Wis. Stat. § [100.183](#)

Advertising foods for sale. See Wis. Stat. § [100.184](#)

## Weights and Measures

Information about weights and measures laws:

DATCP Bureau of Weights and Measures  
(608) 224-4942

Email: [datcpweightsandmeasures@wi.gov](mailto:datcpweightsandmeasures@wi.gov)

Website:

[https://datcp.wi.gov/Pages/Programs\\_Services/WeightsAndMeasures.aspx](https://datcp.wi.gov/Pages/Programs_Services/WeightsAndMeasures.aspx)

Weights and measures information specific to hemp is available in the following fact sheets:

- Product labeling requirements  
<https://datcp.wi.gov/Documents/ProductLabelingRequirementsFactSheet.pdf>
- Hemp flower and CBD products method of sale and labeling  
<https://datcp.wi.gov/Documents/HempFlowerCBDProductsMethodSaleLabeling.pdf>
- Hemp flower retail bulk sales  
<https://datcp.wi.gov/Documents/HempFlowerRetailBulkSales.pdf>
- Hemp flower scales for packagers  
<https://datcp.wi.gov/Documents/HempFlowerScalesPackagers.pdf>
- Hemp flower scales for retailers  
<https://datcp.wi.gov/Documents/HempFlowerScalesRetailers.pdf>

Fair Packaging and Labeling: See Wis. Admin. Code ch. [ATCP 90](#)

- Declaration of product identity: See Wis. Admin. Code § [ATCP 90.02](#)
- Declaration of responsibility: See Wis. Admin. Code § [ATCP 90.03](#)

- Declaration of net quantity: Wis. Admin. Code § [ATCP 90.04](#)
- Variations from declared net quantity: Wis. Admin. Code § [ATCP 90.09](#)

Selling Commodities by Weight, Measure, or Count: See Wis. Admin. Code ch. [ATCP 91](#)

- Methods of sale; general: Wis. Admin. Code § [ATCP 91.015](#).

Authority on inspection of commercial scales used to weigh hemp seed and hemp products. DATCP adopts [National Institute of Standards and Technology \(NIST\) Handbook 44](#). Commercial scales must meet NIST requirements. See Wis. Admin. Code § [ATCP 92.02](#).

## Consumer Protection

DATCP's Bureau of Consumer Protection has authority to regulate deceptive and unfair business practices. You can report unfair business practices, including fraudulent advertising to:

Wisconsin Consumer Protection Hotline

(800) 422-7128 (toll-free)

Email: [datcphotline@wi.gov](mailto:datcphotline@wi.gov)

Report Online:

[https://datcp.wi.gov/Pages/Programs\\_Services/ConsumerProtection.aspx](https://datcp.wi.gov/Pages/Programs_Services/ConsumerProtection.aspx)

Specific consumer protection regulations and explanatory information:

Regulation of fraudulent drug advertising: See Wis. Stat. § [100.182](#).

Information about false health claims can be found in this fact sheet at

<https://datcp.wi.gov/Documents/MedicalQuackery204.pdf>.

Regulation of fraudulent representations and investigation of untrue, deceptive, or misleading solicitations related to hemp products or claims about product performance or content. See Wis. Stat. § [100.18](#).

Regulation of unfair, deceptive, or misleading solicitations to consumers. See Wis. Admin. Code ch. [ATCP 127](#), Direct Marketing.

## Livestock Feed and Pet Food

DATCP licenses commercial feed manufacturing and distribution in Wisconsin.

DATCP's Livestock Feed and Pet Food Program  
Email: [datcpfeed@wi.gov](mailto:datcpfeed@wi.gov)  
Website:  
[https://datcp.wi.gov/Pages/Programs\\_Services/LivestockFeedPetFood.aspx](https://datcp.wi.gov/Pages/Programs_Services/LivestockFeedPetFood.aspx)

Information about the use of hemp-derived products in animal feed and treats is available at <https://datcp.wi.gov/Documents/Feed-PetFoodInfoInclHemp.pdf>.

DATCP has the authority to enforce against companies manufacturing or selling adulterated or misbranded feed products.

Currently hemp is not an approved feed ingredient. Available: [https://www.aafco.org/Portals/0/SiteContent/Announcements/Guidelines\\_on\\_Hemp\\_in\\_Animal\\_Food\\_July\\_2020.pdf](https://www.aafco.org/Portals/0/SiteContent/Announcements/Guidelines_on_Hemp_in_Animal_Food_July_2020.pdf)

See Wis. Stat. § [94.72](#) and Wis. Admin. Code ch. [ATCP 42](#).

### **Pesticide Manufacturing, Sale, and Use**

DATCP regulates manufacturing, sale, and use of pesticides in Wisconsin.

Pesticide products distributed in Wisconsin must:

- Register with the U.S. Environmental Protection Agency (EPA) or have a Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) 25(b) minimum risk exemption
- Have a Wisconsin pesticide manufacturer and labeler license (this registers the product for distribution in the state)

To register a product for use in Wisconsin, visit [https://datcp.wi.gov/Pages/Licenses\\_Permits/PesticideManufacturingLabeling.aspx](https://datcp.wi.gov/Pages/Licenses_Permits/PesticideManufacturingLabeling.aspx).

DATCP has the authority to enforce against pesticide product violations.

Pesticide Use and Control. See Wis. Stat. §§ [94.67](#) to [94.71](#) and Wis. Admin. Code ch. [ATCP 29](#).

### **Pesticides for Use on Hemp**

For a list of pesticide products approved for use on hemp, please refer to the EPA's [Pesticide Products Registered for Use on Hemp](#) webpage.

To ensure the product you are interested in using is registered in Wisconsin, search by product EPA ID (EPA Reg. No.) with dashes included at <http://kellysolutions.com/wi/pesticideindex.asp>.

### **Seed Labelers License**

DATCP regulates and licenses seed labelers. The labeling requirement helps assure that consumers receive good quality seed that germinates and does not contain weed seeds.

A seed labeler is any business or person whose name appears on a seed label, or who opens containers of agricultural, lawn, or vegetable seed to sell all or part of it. Complete labeling requirements are listed in state law (Wis. Admin. Code § [ATCP 20](#)).

You do not need a seed label license if you sell:

- Seed grown and sold on your own farm
- Seed in unopened bags or containers labeled by a licensed seed labeler
- Clones

For more information, see the Wisconsin Seed Labeling Program website [https://datcp.wi.gov/Pages/Programs\\_Services/SeedLabel.aspx](https://datcp.wi.gov/Pages/Programs_Services/SeedLabel.aspx)

### **Phytosanitary Certificate for Exporting Hemp**

Export requirements vary by product and destination. For more information about shipping hemp plant material from Wisconsin to another U.S. state or to another country, see DATCP's Phytosanitary Certificate Program website [https://datcp.wi.gov/Pages/Programs\\_Services/ShippingPlantMaterial.aspx](https://datcp.wi.gov/Pages/Programs_Services/ShippingPlantMaterial.aspx)



**Wisconsin Department of Agriculture,  
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