

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

Hemp Regulatory Resources Faqs

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

DEADLINE FOR SUBMISSION

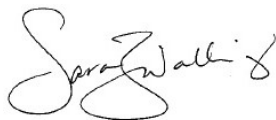
The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. ch.94.55, Wis. Admin. Code, ch. 22.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



Sara Z. Walling
Administrator
Division of Agricultural Resource Management



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Agricultural Resource Management

PO Box 8911, Madison, WI 53708-8911

Phone: 608-224-4501

Fax: 608-224-5775

GUIDANCE DOCUMENT

Hemp Regulatory Resources FAQs

This guidance document is based on Wis. Stat. ch. 94.55 and chapter(s) ATCP 22 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

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Printed document that is also available on the DATCP website that is a detailed frequently asked questions document. The document has information regarding hemp regulatory resources for hemp products.

Attached is the full document

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

Sara Walling - Administrator, Division of Agricultural Resource Management

May 13, 2020

DATE

Contributors:

Frances Hegarty, Leanne Duwe

Wisconsin Hemp Pilot Research Program



Regulatory Resources for Hemp Products

Depending on what you do with the hemp, you may need additional licenses and/or certificates, or have to meet other requirements. This document provides a list of resources of regulatory authorities who can provide more information about how they regulate hemp products. Programs are managed by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), other state agencies, or federal agencies. This list is not all-inclusive. Working with a legal professional can help ensure you are complying with local, state, and federal laws.

Food

Questions about adding CBD to food, or using hemp microgreens and leaf garnish:

DATCP Division of Food and Recreational Safety
(608) 224-4923
Email: datcpdfslicensing@wi.gov.

Weights and Measures

Information about weights and measures laws:

DATCP Bureau of Weights and Measures
(608) 224-4942
Email: datcpweightsandmeasures@wi.gov.

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>

Consumer Protection Concerns

DATCP's Bureau of Consumer Protection has authority to regulate unfair business practices. You can report unfair business practices to:

Wisconsin Consumer Protection Hotline
(800) 422-7128 (toll-free)

Email: datcph hotline@wi.gov

Online:

https://datcp.wi.gov/Pages/Programs_Services/ConsumerProtection.aspx

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

<https://datcp.wi.gov/Documents/MedicalQuackery204.pdf>. You can also refer to state law (Wis. Stat. § 100.182) for rules about fraudulent drug advertising.

Animal Feed

DATCP licenses commercial feed manufacturing and distribution in Wisconsin. Send animal feed questions to:

DATCP's Animal Feed Program
(608) 224-4539

Email: datcpfeed@wi.gov

Sales and Use Tax Permit

If you or your business needs a Wisconsin sales and use tax permit:

Wisconsin Department of Revenue (DOR)
Sales and Use Program

Website:

<https://www.revenue.wi.gov/Pages/FAQS/pcs-seller.aspx#s1a>

(608) 266-2776

Email: dorbusinessstax@wi.gov

Alcohol, Tobacco, or Vape-related Permit

If you or your business needs a Wisconsin alcohol, tobacco, or vape-related permit:

DOR Cigarette, Tobacco, and Vapor Products Program

Website:

<https://www.revenue.wi.gov/Pages/Businesses/Tobacco.aspx>,

Sub-site with additional contact information:

<https://www.revenue.wi.gov/Pages/FAQS/ise-permitpredeterm.aspx>

(608) 266-6701

Email:

doralcoholtobaccoenforcement@wi.gov

Alcohol Beverage Containing Hemp

For laws regulating alcohol production, importation, and wholesale businesses; tobacco manufacturing and importing businesses; and alcohol labeling and advertising.

U.S. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB)
(866) 927-2533

<https://www.ttb.gov/formulation/hemp-policy>

Pesticide Registration

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.

Pesticides for Use on Hemp

For a list of pesticide products you can use on hemp, visit

https://datcp.wi.gov/Pages/Programs_Services/Hemp.aspx. As with any pesticide product, you must follow directions for use on product labels closely

and thoroughly. Any violation of directions for use listed on product labels for pesticides registered by the EPA is a violation of law. Use of the listed pesticides in violation of their product labeling, or use of pesticides not included on the list for hemp may result in DATCP investigating for non-compliance with state laws. You can view current labels of registered pesticide products online by searching for the product in the online pesticide registration database at

<https://www.kellysolutions.com/wi/pesticideindex.aspx>.

Worker Protection Standard (Pesticides)

DATCP enforces the federal Worker Protection Standard (WPS) in Wisconsin. WPS is a regulation issued by EPA intended to use information, training, and practices to reduce the risk of pesticide exposure for pesticide handlers and other workers producing crops (including hemp) on farms, in forests, in nurseries, and greenhouses. Workers and handlers include employees, self-employed contractors and in some cases, owners. The WPS applies to you if you use a WPS-labeled pesticide product (that contains an “agricultural use requirements” box under “directions for use”) on an “agricultural establishment” directly related to the production of an “agricultural plant.” For more information about WPS and how to comply, visit https://datcp.wi.gov/Pages/Programs_Services/WorkerProtection.aspx.

Small Business Environmental Assistance Program

Provides tools that can help small businesses comply with environmental regulations.

Wisconsin Department of Natural Resources (DNR)

(855) 889-3021

Email: dnrsmallbusiness@wi.gov

<https://dnr.wi.gov/topic/smallbusiness/>

Seed Labelers License

DATCP 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, contact:

Wisconsin Seed Labeling Program
(608) 224-4596

https://datcp.wi.gov/Pages/Programs_Services/SeedLabel.aspx

Phytosanitary Certificate for Exporting Hemp

Export requirements vary by product and destination. If you plan on shipping hemp plant material to another U.S. state or to another country, contact

DATCP's Phytosanitary Certificate Program
(608) 224-4596

https://datcp.wi.gov/Pages/Programs_Services/ShippingPlantMaterial.aspx

Importing Hemp into the U.S.

The federal U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) regulates the importation of all plants and seeds for planting to ensure safe agricultural trade. For questions or requests for information regarding importing hemp plants or seeds into the U.S. contact:

USDA APHIS Plant Protection and
Quarantine's Permit Services
(877) 770-5990 (toll-tree)

Email: plantproducts.permits@usda.gov

Learn More

To learn more about Wisconsin's Hemp Pilot Research Program, visit <https://hemp.wi.gov>.



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Agricultural Resource
Management | Bureau of Plant Industry
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