



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 00XX-25 – Age Restriction on Sale of
Intoxicating Hemp-derived Products

AGENDA DATE:

Intro to Council Date:

Standing Committee Date:

Final Action Council Date:

PREPARED BY: Robin K. Zbikowski, Senior Assistant City Attorney

REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Alder Kelly requesting an ordinance that prohibits a person from selling and/or providing intoxicating hemp-derived cannabinoids to any person under the age of 21.

BACKGROUND & ANALYSIS:

Cannabinoids are chemical compounds of the Cannabis plant. Cannabinoids can be intoxicating or non-intoxicating, which means that some cannabinoids (but not all) produce psychoactive effects (the feeling of being “high”).

Delta-9 tetrahydrocannabinol (THC), for example, is an intoxicating cannabinoid, and it is the most abundant of cannabinoids contained in the Cannabis plant. Where delta-9 THC is found in greater concentrations (more than 0.3%), it is called marijuana. Marijuana is illegal in Wisconsin. Where delta-9 THC is found in lesser concentrations (not more than 0.3%), it is called hemp. The Federal Agriculture Improvement Act of 2018 (2018 Farm Bill) removed hemp from the Controlled Substances Act, which means that hemp may no longer be regulated as a controlled substance. So long as hemp contains delta-9 THC in a concentration of not more than 0.3%, it may be cultivated, processed, and sold in accordance with federal and state law.

The issue is that while hemp-derived products cannot contain more than 0.3% delta-9 THC, such products may contain other intoxicating cannabinoids (or molecular alterations thereof, called isomers, such as delta-8 THC, delta-10 THC, etc.). But, some hemp-derived products may contain only non-intoxicating cannabinoids, such as cannabidiol (CBD). As a result, a person may purchase a hemp-derived product that may (or may not) contain intoxicating cannabinoids.

This proposed legislation places hemp-derived products into two categories: Those that contain intoxicating cannabinoids and those that do not. Further, this proposed legislation prohibits the sale (or providing) of only *intoxicating* hemp-derived cannabinoids, as well as products that are packaged, advertised, or otherwise held out as such, to any person who is under the age of 21 at the time of the transaction. It also prescribes the penalties for doing so.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: N/A