

Hemp-Derived Products & Protecting the Health of Wisconsinites

Background

Due to a loophole in the 2018 Farm Bill, Wisconsin has experienced an influx of high potency hemp-derived THC (tetrahydrocannabinol) products for sale. THC is the psychoactive, or intoxicating, compound found in marijuana and can be chemically derived from hemp. These products are sometimes referred to as intoxicating hemp-derived products or derived psychoactive cannabis products (DPCP), but are more commonly known by their strain names: Delta-8 THC, Delta-10 THC, THC-A, THC-O, HHC, etc.

Hemp-derived intoxicating products are sold in a variety of forms: edibles, flower, beverages, vapes, concentrates, and even ice creams. Many Wisconsin retailers sell these products to the community at gas stations, vape shops, bars, and convenience stores.

Hemp-derived products are currently legal across most Wisconsin, and widespread and unchecked access to these intoxicating substances poses a significant threat to the well-being of Wisconsinites.

While Congress has passed legislation closing the loophole in the Farm Bill and effectively outlawing these products, the ban is not scheduled to take effect until November 12, 2026. Efforts are already underway to overturn the prohibition and allow states to regulate hemp similar to how the federal government authorizes states to regulate legal cannabis programs. While the future is uncertain, states will need to take the lead on regulation.

Public Health Concerns

THC use has been associated with many negative health effects including problems with memory, pulmonary function, cardiovascular health, mental health, and addiction. **Using THC at a young age (before 21) can lead to setbacks in brain development, while accidental pediatric poisonings tend to increase when THC infused edibles are more readily available.** Other public health concerns include:

- Intoxicated driving and operation of heavy machinery which has led to fatal crashes;
- Deriving THC from hemp requires the use of toxic solvents and acids that can remain in the products that reach consumers;
- Currently in Wisconsin there is no statewide age restriction on the sale of THC products and no licensure or education requirements for retailers;
- Products are often packaged in such a way as to appeal to children while also mimicking commercially available food products;
- There is little to no consistent regulatory oversight of the products themselves including whether or not they are actually safe, contain <0.3% total THC, are accurately labeled, and exclude any traces of the harmful chemicals employed in the extraction process;
- Many of the products are marketed to tout their intoxicating qualities.



Comprehensive Legislation for the Regulation of Hemp-derived Products should...

- Define the scope of legislation to include all intoxicating hemp-derived compounds and any newly discovered intoxicating compounds;
- Prohibit the sale of intoxicating hemp-derived products to persons under the age of 21 and require retailers and their employees to verify the age of the purchaser before completing the sale;
- Designate an enforcement agency, create a licensing and retailer education program, and fully fund enforcement activities (via licensing fees or other funds) including regular compliance checks for intoxicating hemp-derived products;
- Provide penalties that focus on the retailer or licensee rather than youth or non-management employees, and avoid criminal penalty structures which disproportionately impact marginalized communities;
- Ensure that local jurisdictions have the authority to enact more stringent regulations for products than state or federal law around intoxicating hemp-derived product;
- Prohibit packaging of intoxicating hemp-derived products that mimics non-intoxicating products, ensure child-resistant packaging is used, and regulate advertising to prevent appeals to children.

Local governments that have enacted ordinances to address hemp-derived-product retail sales include

*Wood County
Marshfield
Pittsville*

*Nekoosa
Kaukauna
Milwaukee
Grand Rapids*

*Madison
Clark County
La Crosse County*

Most limit sales to adults 21+ and many also restrict how close retailers can be to schools, childcare centers, hospitals, churches, and similar locations. Last updated 2/25/2026

Information for Parents/Guardians:

- Pay attention to what your kids have. Packaging for gummies and other hemp-derived products may be designed to look like popular candy brands.
- Talk to your kids. Ask "What have you heard about weed or edibles?" Keep the lines of communication open by providing information without using scare tactics. If your child uses THC products, have a conversation to understand why. Offer your child support for quitting and encourage them to use alternate coping mechanisms.
- Kids may also refer to products as pot, marijuana, Delta-8, or the brand name of specific products.
- If you have hemp-derived products in your house, lock them up. Store them in a secure, child-proof location, away from regular food.
- Share information with others: talk to other parents/guardians, educators, and decision/lawmakers to share what you know about these products, your concerns, and advocate for Wisconsin to take action on things like making a minimum age of sale, banning child-friendly packaging, and the need for regulation of these products.

Strategies for Coalitions:

- Learn about what hemp-derived products are in your community. Conduct environmental scans at places like gas stations, grocery stores, and bars to see what products are sold. Pay attention to things like distance to schools, advertisements, and packaging design.
- Invite speakers (law enforcement, health department, health care professionals, etc.) to share what they know. Share education about hemp-derived products among your connections.
- Advocate for local and state-wide change. Hemp-derived products are unregulated with no minimum age of sale in WI. Partner with your local law-makers to make positive changes for youth:
 - set a minimum age of sale to be at least 21
 - ban packaging that appeals to youth
 - set a minimum distance for retailers to be X feet from schools and other youth-serving organizations
 - demand that products be regulated

Other communities in Wisconsin have successfully worked in partnership across sectors to make these changes! You can too!