

Ordinance 2023-07

An Ordinance to Amend the Code of the County of Price by Adding Chapter 403 Peace and Good Order Article XV Possession and Sale of Hemp-derived Cannabinoid Substances

Be it ordained (enacted) by the Price County Board of Supervisors as follows:

Section 1. The Code of the County of Price is hereby amended by adding Article XV

§ 403-64. Possession prohibited

Possession, use, and/or the sale of marijuana, hashish (any form thereof), and derivatives of tetrahydrocannabinol from the cannabis plant are prohibited as stated herein.

§ 403-65. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MARIJUANA

All parts of the Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced by the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalk (except the resin extracted therefrom), fiber, oil or cake or the sterilized seeds of the plant, which is incapable of germination. It also includes any hemp-derived cannabinoids including, but not limited to the following:

- A. A cannabinoid other than Delta-9 Tetrahydrocannabinol (THC), or an isomer derived from such cannabinoid (including but not limited to Delta-8 THC, Delta-10 THC, Hexahydrocannabinol (HHC), HHC-O, THCA, THC-O, THCP, THCV); or
- B. A hemp-derived product containing Delta-9 tetrahydrocannabinol in a concentration of 0.3% or less; but
 - 1) Does not include non-intoxicating cannabinoids, including cannabidiol (CBD), which is an active ingredient in cannabis, but does not cause intoxication by itself, is not addictive, and does not contain other isomers as set forth herein.

HASHISH

A purified resin prepared from the flowering clusters and top leaves of the female cannabis plant and intoxicant.

PRACTITIONER

A physician, dentist, veterinarian, podiatrist, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this County. Also, a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this County.

DRUG PARAPHERNALIA

All equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, texting, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, as defined in Wis. Stats. Ch. 961 in violation of this article. It includes, but is not limited to, hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.

§ 403-66. Unlawful acts.

- A. Possession. It is unlawful for any person to possess, use or sell marijuana and/or hashish (any form thereof), hemp-derived cannabinoids, and derivatives of tetrahydrocannabinol from the cannabis plant such as, but not limited to, Delta-8 and Delta-10 THC, unless obtained directly from, or pursuant to, a valid prescription or order of, a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Wis. Stats. Ch. 961.
- B. Sale. It is unlawful to sell or deliver marijuana and/or hashish (any form thereof), hemp-derived cannabinoids, and derivatives of tetrahydrocannabinol from the cannabis plant such as, but not limited to, Delta-8 and Delta-10 THC, except as specifically allowed by Wis. Stats. Ch. 961.

§ 403-67. Prohibited Activities.

- A. Possession of drug paraphernalia. No person may use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this article.
- B. Manufacture, sale, or delivery of drug paraphernalia. No person may sell, deliver, possess with intent to deliver, or manufacture with the intent to deliver drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this article.
- C. Advertisement of drug paraphernalia. No person may place in any newspaper, magazine, handbill, or other publication, or upon any outdoor billboard or sign, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
- D. Exemption. This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Wis. Stats. Ch. 961. This subsection does not prohibit the possession, manufacture, or use of hypodermics in accordance with Wis. Stats. Ch. 961.

§ 403-68. Enforcement; violations and penalties.

- A. Injunction. The provisions of this article may be enforced by injunction in any court of competent jurisdiction.
- B. Seizure. Any drug and/or paraphernalia used in violation of this article shall be seized and forfeited to the County.
- C. Penalty. Any person who violates this article or who violates any condition upon which he is granted a license may be subject to a forfeiture as provided in Chapter **290** of the County Code.

Section 2. **Effective date.**

This ordinance shall be effective as of date of publication.

Submitted by the Law Enforcement Committee:

Larry Palecek, Chair

Doug Erickson

Brian Ernst

Robert Kopisch

Ginny Strobl

Reviewed by County Administrator:

Nicholas Trimner

Adopted by the Price County Board of Supervisors this 14th day of November 2023.

Alan Barkstrom, County Board Chair

Jean Gottwald, County Clerk

For_____ Against_____