

ORDINANCE NO.:

AN Amended ORDINANCE to create Sec. 32-165 of the Code of Ordinances of the City of La Crosse regarding hemp-derived cannabinoids.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 32-165 is hereby created to read as follows:

Sec. 32-165. Hemp-derived Cannabinoids.

(a) *Definitions.* In this section:

Hemp-derived cannabinoid means one of the many intoxicating compounds found in the Cannabis sativa L. plant, or any current or future synthetic version thereof. Hemp derived cannabinoids include, but are not limited to:

- (1) 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
- (2) A hemp-derived product containing delta-9 tetrahydrocannabinol (THC) in a concentration of 0.3 percent or less; but
- (3) Does not include non-intoxicating cannabinoids, including cannabidiol (CBD), which is an active ingredient in cannabis, but does not possess psychoactive properties that produce an intoxicating effect as defined in Wis. Stat. § 961.01(3r), is not addictive, and does not contain other isomers as listed above.

(b) *Restrictions.*

- (1) *Use and Possession Prohibited.* It shall be illegal for any person under the age of twenty-one (21) to possess or use any amount of any hemp-derived cannabinoid including delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCV, except as specifically allowed by Wisconsin law.
- (2) *Sales to Persons Under 21 Prohibited.* It shall be illegal to sell, distribute, deliver, or provide any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCV to a person under the age of twenty-one (21), except as specifically allowed by Wisconsin law.
- (3) *Sales to Require Age Verification.* It shall be illegal to sell, distribute, deliver, or provide any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCV to a person without having first verified their age by having the purchaser present a valid photo identification.
- (4) *Restriction on Location of Sales.* Hemp-derived cannabinoids shall not be sold within ~~4000~~ 500 feet of a hospital, church, or youth-serving organization such as, but not limited to: childcare centers, pre-schools, public or parochial schools, tribal schools, playgrounds, city or county parks, sporting facilities, dance studios, or any organization primarily intended to serve children. The distance shall be measured by the shortest route along a designated roadway or walking path from the main entrance of the youth-serving organization to the premises selling hemp-derived cannabinoid products. The prohibition in this

section does not apply to businesses selling hemp-derived cannabinoids from a physical storefront location used for said sales on or before August 14, 2025.

(5) *Signs and Notices.*

- (1) A retailer must post a sign in areas within their premises where any hemp-derived cannabinoid is sold to consumers stating that the sale of any such cannabinoid to any person under the age of twenty-one (21) is unlawful under this section.
- (2) A vending machine operator must attach a notice in a conspicuous place on the front of their vending machines stating that the purchase of any hemp-derived cannabinoid by any person under the age of twenty-one (21) is prohibited.

(6) *Vending Machines.*

- (1) A retailer or vending machine operator may not sell hemp-derived cannabinoid products in a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than twenty-one (21) years of age is present or permitted to enter unless accompanied by their parent or guardian.
- (2) A retailer or vending machine operator may not sell hemp-derived cannabinoid products from a vending machine unless the vending machine is able to first identify that the purchaser is twenty-one (21) years of age or older.

(c) *Labeling and Packaging.* A retailer or vending machine operator shall comply with state law labeling and packaging requirements including, but not limited to, Wis. Stat. § 94.55(3m) and Wis. Admin. Code. chs. ATPCP 90 and 91. It shall be illegal to sell, distribute, deliver, or transfer any hemp-derived cannabinoid product in a manner contrary to state law labeling and packaging requirements.

(d) *Exceptions.* Acts otherwise prohibited under this section shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

SECTION II: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION III: This ordinance shall take effect and be in force from and after its passage and publication.

Shaundel Spivey-Washington, Mayor

Nikki M. Elsen, City Clerk

Passed:
Approved:
Published: