

**Chapter 9.44  
Controlled Substances**

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**9.44.010 Definitions.**

In this ordinance the following definitions are included and incorporated by reference as follows:

“Marijuana” has the same meaning as the definition in Wisconsin Statute 961.01(14).

“Drug Paraphernalia” has the same meaning as the definition found in section 961.571 of the Wisconsin Statutes.

“Possess” means the actual or constructive possession of marijuana.

“Practitioner” is defined in Wisconsin Statute 961.01(19).

“Synthetic Cannabinoid” includes all controlled substances defined under section 961.14(4)(tb) of the Wisconsin Statutes, or an analog of those controlled substances.

**9.44.020 Determination**

A. In determining whether an object is drug paraphernalia, a court or other authority shall consider the factors stated in section 961.572, Wisconsin Statutes.

B. The weight of the substance includes the tetrahydrocannabinols and the weight of any marijuana that contained the tetrahydrocannabinols.

**9.44.030 Use or Possession**

A. No person may possess or attempt to possess tetrahydrocannabinols included under section 961.41(4)(t) of the Wisconsin Statutes, or synthetic cannabinoids included under section 961.14(4)(tb) of the Wisconsin Statutes, except as provided in section 961.41(3g)(intro.)

B. No person may possess drug paraphernalia.

1. Those definitions set forth in Wisconsin Statute 961, specifically 961.01 and 961.571, are hereby adopted and by reference made a part of this section as if fully set forth in this section.

2. This section is adopted under the authority granted by Wisconsin Statutes 59.54(6) and 961. Wisconsin Statute 961.573, to the extent such statutory section requires any act to be performed or prohibits any act, is hereby adopted and by reference made a part of this section as if fully set forth in this section. Any act required to be performed or prohibited by Wisconsin Statute 961.573 is required to be performed or prohibited by this section.

C. This ordinance shall not apply to any person who:

1. Is charged with possession of more than 5 grams of marijuana.

2. Is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in this state.

3. Is charged with possession of any amount of synthetic cannabinoid following a conviction for possession of synthetic cannabinoid, in this state.

D. Hemp-derived cannabinoid regulations.

1. In this subsection, hemp-derived cannabinoid constitutes one of the many intoxicating cannabinoids found in the cannabis plant or a synthetic version thereof.

a. A cannabinoid other than delta-9 tetrahydrocannabinol (THC), or an isomer derived from such cannabinoid (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 percent or less

- c. 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 listed above
2. It shall be illegal for a person under the age of twenty-one (21) to possess or use any amount of a 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.
3. It shall be illegal to sell or deliver 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 years, except as specifically allowed by Wisconsin law.
4. It shall be illegal to sell or deliver 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.
5. Hemp-derived cannabinoids shall not be sold within 750 feet of a hospital, church, or youth-serving organization such as, but not limited to: childcare centers, pre-schools, public or parochial schools, playgrounds, village and county parks, sporting arenas, or

organizations with specific interest 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 business/organization to the premises selling hemp-derived cannabinoid products. The prohibition in this section does not apply to businesses selling hemp-derived cannabinoids prior to July 31, 2022.

E. This section shall not apply to the possession of marijuana obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his/her professional practice, or as authorized by law.

**9.44.040 Penalty.**

The penalty for violation of this chapter is found in Chapter 1.20 and Wisconsin Statutes. (Ord. dated 11/13/24)