

HB0171

Hemp, cannabidiol and other controlled substance regulation.

Sponsored By: Representative(s) Loucks, Barlow, Blackburn, Blake, Burkhart, Clem, Eklund, Eyre, Flitner, Freeman, Greear, Hunt, Laursen, Lindholm, Miller, Northrup and Pelkey and Senator(s) Anderson, Case, Coe, Driskill, Kost, Rothfuss and Von Flatern

AN ACT relating to food and drugs; amending substances regulated by the controlled substances act; requiring the commissioner of drugs and substances control to conform controlled substances regulation to federal law within a specified period; providing for hemp production and hemp processing; providing rulemaking authority; providing a penalty; authorizing the use and possession of hemp and hemp products; repealing conflicting provisions; requiring the department to submit a state plan for the regulation of hemp; providing appropriations; requiring a report; and providing for an effective date.

1/15/2019 Bill Number Assigned
1/16/2019 H Received for Introduction
1/17/2019 H Introduced and Referred to H05 - Agriculture
1/24/2019 H05 - Agriculture:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Blake, Clausen, Haley, Henderson, Hunt, Laursen, Simpson, Tass, Winter

Ayes 9 Nays 0 Excused 0 Absent 0 Conflicts 0

1/24/2019 Rerefer to H02 - Appropriations
1/30/2019 H02 - Appropriations:Recommend Do Pass 6-1-0-0-0

ROLL CALL

Ayes: Representative(s) Kinner, Larsen, Olsen, Schwartz, Sommers, Walters

Nays: Representative Nicholas

Ayes 6 Nays 1 Excused 0 Absent 0 Conflicts 0

1/30/2019 H Placed on General File

HB0171HS001/ADOPTED

Page 1-above line 1 In the catch title delete "and cannabidiol regulation" and insert "opportunity act".
Page 5-line 9 After "felony" insert "within the past ten (10) years".
Page 6-line 2 After "felony" insert "within the past ten (10) years".
Page 6-line 17 After "inspections" insert "and provide chemical analysis".
Page 10-line 21 After "agriculture" insert ", after consulting with the governor and the attorney general,".
Page 11-line 15 After "purpose of" delete balance of line.
Page 11-line 16 Delete entirely.
Page 11-line 17 Delete "administration of" and insert "administering".
Page 11-line 21 Delete "The additional".
Page 11-line 22 Delete entirely.
Page 12-lines 1 and 2 Delete entirely. HUNT, CHAIRMAN

2/1/2019 H COW:Passed
2/4/2019 H 2nd Reading:Passed

HB0171H3001/ADOPTED

Page 4-line 12 After "purchase," insert "sale,".
Page 5-line 12 Delete "and".
Page 5-line 16 Delete "." and insert "; and".
Page 5-after line 16 Insert:
"(v) Verification that the applicant is a business entity organized under the laws of Wyoming or a Wyoming resident, as defined by rule of the department."
Page 6-line 4 Delete "Five hundred dollars (\$500.00)" and insert "Seven hundred fifty dollars (\$750.00)".
Page 6-line 5 After "application." insert "This fee shall be reduced to five hundred dollars (\$500.00) for a nonprofit or educational organization."
Page 7-line 10 Delete "as a livestock feedstuff,".
Page 7-line 11 After "product" insert "as authorized by rule of the department". LOUCKS, BARLOW

HB0171H3002/ADOPTED

Page 1-line 8 Delete "an appropriations" and insert "appropriations".
Page 12-after line 2 Insert:
"(d) There is appropriated three hundred fifteen thousand dollars (\$315,000.00) from the general fund to the department of agriculture. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2020. This appropriation shall only be expended for building maintenance, employee training, laboratory supplies and equipment and maintenance agreements necessary to implement this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020. This appropriation shall not be included in the department of agriculture's 2021-2022 standard biennial budget request."
Page 12-line 4 Delete "(d)" and insert "(e)". LOUCKS, BARLOW

HB0171H3003/ADOPTED

Page 1-above line 1 In the catch title, delete the House standing committee amendment (HB0171HS001/A) to this line; delete "and cannabidiol" and insert ", cannabidiol and other controlled substance".
Page 1-line 2 After "act;" insert "requiring the commissioner of drugs and substances control to conform controlled substances regulation to federal law within a specified period;".
Page 9-line 4 After "W.S." insert "35-7-1011(d) and".
Page 9-line 5 Before "amended" delete "is" and insert "are".
Page 9-after line 5 Insert:

"35-7-1011. Control of substances.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law ~~and notice thereof is given to the commissioner,~~ the commissioner shall ~~similarly~~ control the substance under this act ~~after the expiration of in the same manner as federal law within~~ thirty (30) days ~~from after receiving notice of the change but not later than thirty (30) days after the first~~ publication ~~of the change~~ in the Federal Register. ~~of a final order designating a substance as a controlled substance, or rescheduling, or deleting a substance unless within that thirty (30) day period,~~ Under this subsection, the commissioner shall control the substance in the same manner as federal law through the promulgation of an emergency rule, followed

by promulgation of a permanent rule under the Wyoming Administrative Procedure Act. If the commissioner objects to ~~inclusion-the designation~~, rescheduling or deletion. ~~In that case of a substance~~, the commissioner shall within the same period required to control the substance publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the commissioner shall publish his decision which shall be final unless altered by statute. Upon publication of an objection to ~~inclusion designation~~, rescheduling or deletion under this act by the commissioner, control under this act is stayed until the commissioner publishes his final decision. Any final decision that ultimately controls the substance under this act in the same manner as federal law shall be finalized through the promulgation of an emergency rule, followed by promulgation of a permanent rule under the Wyoming Administrative Procedure Act.". BARLOW

2/5/2019 H 3rd Reading:Passed 60-0-0-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Miller, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Styvar, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Yin, Zwonitzer

Ayes 60 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/6/2019 S Received for Introduction

2/7/2019 S Introduced and Referred to S05 - Agriculture

2/15/2019 S05 - Agriculture:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Boner, Bouchard, Kost, Moniz, Steinmetz

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/15/2019 S Placed on General File

2/19/2019 S COW:Rerefer to S02 - Appropriations

2/20/2019 S02 - Appropriations:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Bebout, Gierau, Hicks, Kinskey

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/20/2019 S Placed on General File

HB0171SS001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 8 Delete "providing an affirmative defense;".

Page 7-line 1 Delete "annual".

Page 8-line 8 Delete "and" and insert ";"; after "agreements" insert "; research activities".

Page 8-after line 15 Insert:

"(c) The department, the University of Wyoming and Wyoming community colleges may produce or process hemp for research purposes.".

Page 11-lines 17 through 23 Delete entirely.

Page 12-line 2 Delete "(c)" and insert "(b)". BONER, CHAIRMAN

HB0171SS002/FAILED

(TO ENGROSSED COPY)

Page 1-line 11 Delete "appropriations" and insert "an appropriation"; delete "a report" and insert "reports".

Page 13-lines 4 through 13 Delete entirely and renumber as necessary.

Page 13-line 15 Delete "(d)" and insert "(c)".

Page 14-line 5 After "request." insert":

"Funds from this appropriation shall not be expended until the department of agriculture reports to the joint appropriations committee regarding whether:

(i) Any other state agency, the University of Wyoming or any community college can provide building maintenance, employee training, laboratory supplies and equipment and maintenance necessary to implement the provisions of this act at lower cost;

(ii) Any other private or public entity can provide the services and testing necessary to implement the provisions of this act at lower cost.".

Page 14-line 7 Delete "(e)" and insert "(d)". BEBOUT, CHAIRMAN

2/21/2019 S COW:Passed

HB0171S2001/ADOPTED (TO ENGROSSED COPY)

Page 7-line 3 Delete "Except as provided in".

Page 7-lines 4 and 5 Delete entirely. AGAR

2/22/2019 S 2nd Reading:Passed

2/25/2019 S 3rd Reading:Passed 26-3-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Ellis, Gierau, Hicks, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

Nays: Senator(s) Bebout, Driskill, Hutchings

Excused: Senator Agar

Ayes 26 Nays 3 Excused 1 Absent 0 Conflicts 0

2/26/2019 H Received for Concurrence

2/26/2019 H Concur:Passed 56-3-1-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Miller, Newsome, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Styvar, Sweeney, Tass, Walters, Western, Wilson, Winter, Yin, Zwonitzer

Nays: Representative(s) Harshman, Nicholas, Washut

Excused: Representative Northrup

Ayes 56 Nays 3 Excused 1 Absent 0 Conflicts 0

2/26/2019 Assigned Number HEA No. 0110

2/26/2019 H Speaker Signed HEA No. 0110

2/27/2019 S President Signed HEA No. 0110

3/6/2019 Governor Signed HEA No. 0110

3/6/2019 Assigned Chapter Number 173

Chapter No. 173 Session Laws of Wyoming 2019