

HOUSE BILL NO. HB0187

Controlled substance schedules-federal uniformity.

Sponsored by: Representative(s) Barlow and Senator(s) Baldwin

A BILL

for

1 AN ACT relating to controlled substances; requiring the
2 commissioner of drugs and substances control to conform
3 controlled substances regulation to federal law within a
4 specified period; requiring rulemaking as specified; and
5 providing for an effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 35-7-1011(d) is amended to read:

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11 **35-7-1011. Control of substances.**

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13 (d) If any substance is designated, rescheduled, or
14 deleted as a controlled substance under federal law ~~and notice~~
15 ~~thereof is given to the commissioner,~~ the commissioner shall
16 ~~similarly~~ control the substance under this act ~~after the~~

1 ~~expiration of~~ in the same manner as federal law within thirty
2 (30) days ~~from~~ after receiving notice of the change but not
3 later than thirty (30) days after publication of the change
4 in the Federal Register. ~~of a final order designating a~~
5 ~~substance as a controlled substance, or rescheduling, or~~
6 ~~deleting a substance unless within that thirty (30) day~~
7 ~~period,~~ Under this subsection, the commissioner shall control
8 the substance in the same manner as federal law through the
9 promulgation of an emergency rule, followed by promulgation
10 of a permanent rule under the Wyoming Administrative
11 Procedure Act. If the commissioner objects to ~~inclusion the~~
12 designation, rescheduling or deletion. ~~In that case of a~~
13 substance, the commissioner shall within the same period
14 required to control the substance publish the reasons for
15 objection and afford all interested parties an opportunity to
16 be heard. At the conclusion of the hearing, the commissioner
17 shall publish his decision which shall be final unless altered
18 by statute. Upon publication of an objection to ~~inclusion~~
19 designation, rescheduling or deletion under this act by the
20 commissioner, control under this act is stayed until the
21 commissioner publishes his final decision. Any final decision
22 that controls the substance under this act in the same manner
23 as federal law shall be finalized through the promulgation of

1 an emergency rule, followed by promulgation of a permanent
2 rule under the Wyoming Administrative Procedure Act.

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4 **Section 2.** This act is effective July 1, 2019.

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(END)