HOUSE BILL NO. HB0049

Marihuana possession.

Sponsored by: Representative(s) Byrd

A BILL

for

AN ACT relating to marihuana possession; amending penalties for marihuana possession as specified; and providing for an effective date.

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

Section 1. W.S. 35-7-1031(c)(i)(A), by creating a new subparagraph (G) and by creating a new paragraph (vi) is amended to read:

35-7-1031. Unlawful manufacture or delivery; counterfeit substance; unlawful possession.

(c) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting
in the course of his professional practice, or except as otherwise authorized by this act. With the exception of dronabinol as listed in W.S. 35-7-1018(h), and notwithstanding any other provision of this act, no practitioner shall dispense or prescribe marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol and no prescription or practitioner's order for marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol shall be valid. Any person who violates this subsection:

(i) And has in his possession a controlled substance in the amount set forth in this paragraph is guilty of a misdemeanor punishable by imprisonment for not more than twelve (12) months, a fine of not more than one thousand dollars ($1,000.00), or both. Any person convicted for a third or subsequent offense under this paragraph, including convictions for violations of similar laws in other jurisdictions, shall be imprisoned for a term not more than five (5) years, fined not more than five thousand dollars ($5,000.00), or both. For purposes of this paragraph, the amounts of a controlled substance are as follows:
(A) Except as provided in subparagraph (G) of this paragraph, for a controlled substance in plant form, no more than three (3) ounces;

(G) For marihuana, no more than three (3) ounces but greater than one (1) ounce.

(vi) And has in his possession marihuana:

(A) In an amount no more than one (1) ounce but greater than one-half (1/2) ounce shall be subject to a civil penalty of one hundred dollars ($100.00); or

(B) In an amount no more than one-half (1/2) ounce shall be subject to a civil penalty of fifty dollars ($50.00).

Section 2. This act is effective July 1, 2014.