

HOUSE BILL NO. HB0032

Hemp extract regulation.

Sponsored by: Representative(s) McKim, Barlow, Blake, Gay,  
Halverson, Kroeker, Miller, Paxton and  
Piiparinen and Senator(s) Burns,  
Christensen, Hastert and Von Flatern

A BILL

for

1 AN ACT relating to public health; allowing supervised  
2 medical use of hemp extract; providing an exemption from  
3 prosecution for possession or use of hemp extract;  
4 providing for doctor supervision; creating a registration  
5 program as specified; authorizing a fee for registration;  
6 providing definitions; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 35-7-1063 and 35-7-1801 through  
11 35-7-1803 are created to read:

12

13 **35-7-1063. Exception to provisions.**

14

1 The provisions and penalties of this chapter shall not  
2 apply to the medical use of hemp extract when used in  
3 accordance with the provisions of W.S. 35-7-1801 through  
4 35-7-1803.

5

6

## ARTICLE 18

7

## SUPERVISED MEDICAL USE OF HEMP EXTRACTS

8

9

**35-7-1801. Definitions.**

10

11 (a) As used in this article:

12

13 (i) "Department" means the state department of  
14 health;

15

16 (ii) "Hemp extract" means an extract from a  
17 cannabis plant or a mixture or preparation containing  
18 cannabis plant material that:

19

20 (A) Is composed of less than three-tenths  
21 of a percent (0.3%) tetrahydrocannabinol by weight;

22

1 (B) Is composed of at least fifteen percent  
2 (15%) cannabidiol by weight; and

3  
4 (C) Contains no other psychoactive  
5 substance.

6  
7 (iii) "Hemp extract registration card" means a  
8 card issued by the department under W.S. 35-7-1802;

9  
10 (iv) "Intractable epilepsy" means epilepsy that,  
11 as determined by a neurologist, does not respond to other  
12 treatment options overseen by the neurologist;

13  
14 (v) "Neurologist" means a person who is licensed  
15 to practice medicine pursuant to W.S. 33-26-301 et seq. and  
16 who is certified in neurology by a nationally recognized  
17 neurological physician organization designated by the  
18 Wyoming state board of medicine;

19  
20 (vi) "Parent" means a parent or legal guardian  
21 of a minor who is responsible for the minor's medical care;

22

1           (vii) "Registrant" means the person who holds a  
2 hemp extract registration card issued by the department  
3 pursuant to this article.

4  
5           **35-7-1802. Hemp extract registration cards.**

6  
7           (a) The department shall issue a hemp extract  
8 registration card to a person who:

9  
10           (i) Is at least eighteen (18) years of age;

11  
12           (ii) Is a resident of Wyoming;

13  
14           (iii) Provides a statement to the department  
15 which is signed by a neurologist and specifies that the  
16 person suffers from intractable epilepsy and may benefit  
17 from treatment with hemp extract;

18  
19           (iv) Pays a fee to the department as specified  
20 in subsection (e) of this section; and

21  
22           (v) Submits an application to the department on  
23 a form created by the department that contains:

1

2 (A) The individual's name and address;

3

4 (B) A copy of the individual's valid photo  
5 identification; and

6

7 (C) Any other information the department  
8 considers necessary to implement this article.

9

10 (b) The department shall issue a hemp extract  
11 registration card to a parent who:

12

13 (i) Is at least eighteen (18) years of age;

14

15 (ii) Is a Wyoming resident;

16

17 (iii) Provides the department with a statement  
18 signed by a neurologist that the minor in the parent's care  
19 may benefit from treatment with hemp extract;

20

21 (iv) Pays the department a fee as provided in  
22 subsection (e) of this section; and

23

1           (v) Submits an application to the department on  
2 a form created by the department, which contains:

3

4           (A) The parent's name and address;

5

6           (B) The minor's name;

7

8           (C) A copy of the parent's valid photo  
9 identification; and

10

11           (D) Any other information the department  
12 considers necessary to implement this article.

13

14           (c) The department shall maintain a registry of:

15

16           (i) The names of each applicant to whom the  
17 department issues a hemp extract registration card under  
18 subsection (a) of this section; and

19

20           (ii) The names of each minor receiving care from  
21 a parent who is issued a hemp registration card under  
22 subsection (b) of this section.

23

1           (d) The department shall promulgate rules and  
2 regulations to establish:

3

4           (i) The information an applicant is required to  
5 provide to the department under this article; and

6

7           (ii) The form of the hemp extract registration  
8 card issued under this article.

9

10          (e) The department shall establish a fee for  
11 maintaining the registry in an amount to ensure that, to  
12 the extent practicable, the total revenue generated from  
13 the fees collected approximates, but does not exceed, the  
14 direct and indirect costs of administering the registry.

15

16          (f) A registration card issued under subsection (a)  
17 or (b) of this section is valid for one (1) year and is  
18 renewable if, at the time of renewal, the registrant meets  
19 the requirements of subsection (a) or (b) of this section.

20

21          (g) The neurologist who signs a statement as provided  
22 in this section shall:

23

1           (i) Keep a record of the neurologist's  
2 evaluation and observation of a patient who is a registrant  
3 or a minor under a registrant's care including the  
4 patient's response to hemp extract; and

5

6           (ii) Transmit a copy of the records to the  
7 department.

8

9           (h) The department shall maintain a database of  
10 records received under subsection (g) of this section. The  
11 department shall treat the records as confidential,  
12 provided that the department, with the consent of the  
13 registrant or the registrant's parent, may share the  
14 records with a higher education institution for the purpose  
15 of studying hemp extract if the records are redacted so  
16 that the patient cannot be identified individually.

17

18           **35-7-1803. Exemption from criminal and civil**  
19 **penalties for the medical use of hemp extract.**

20

21           (a) Notwithstanding any other provision of this  
22 chapter, an individual who possesses or uses hemp extract  
23 is not subject to the penalties described in this chapter



1 for possession or use of the hemp extract if the  
2 individual:

3

4 (i) Possesses or uses the hemp extract only for  
5 the treatment of the individual's or the individual's minor  
6 child's intractable epilepsy;

7

8 (ii) Is a holder of a valid hemp extract  
9 registration card issued by the department under W.S.  
10 35-7-1802; and

11

12 (iii) Can provide, through a certificate of  
13 analysis or otherwise, evidence that the hemp extract meets  
14 the percentages for tetrahydrocannabinol and cannabidiol  
15 provided in W.S. 35-7-1801(a)(ii).

16

17 (b) Notwithstanding any other provision of this  
18 chapter, an individual who possesses hemp extract lawfully  
19 under subsection (a) of this section and administers the  
20 hemp extract to a minor is not subject to the penalties  
21 described in this chapter for administering the hemp  
22 extract to the minor if:

23

1           (i) The individual is the minor's parent or  
2 legal guardian;

3

4           (ii) The individual is a holder of a valid hemp  
5 extract registration card issued by the department under  
6 W.S. 35-7-1802(b); and

7

8           (iii) The individual administers the hemp  
9 extract only to the minor on whose behalf the hemp  
10 registration card was issued.

11

12           **Section 2.** W.S. 35-7-1002(a)(xxviii) is amended to  
13 read:

14

15           **35-7-1002. Definitions.**

16

17           (a) As used in this act:

18

19           (xxviii) "This act" means W.S. 35-7-1001 through  
20 ~~35-7-1060~~ 35-7-1063.

21

1       **Section 3.** This act is effective July 1, 2015.

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3

(END)