

SENATE FILE NO. SF0096

Marihuana edibles.

Sponsored by: Senator(s) Wasserburger and Representative(s)
Harshman and Piiparinen

A BILL

for

1 AN ACT relating to controlled substances; specifying
2 components of marihuana and tetrahydrocannabinols subject
3 to prosecution; specifying the weight for prosecution of
4 edibles and drinkables containing marihuana or
5 tetrahydrocannabinols; specifying the weight for
6 prosecution of controlled substances in other forms;
7 specifying penalties; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 35-7-1002(a)(xiv), 35-7-1014(d)(xxi)
12 and 35-7-1031(c)(i) by creating a new subparagraph (G),
13 (iii) and by creating a new paragraph (vi) are amended to
14 read:

15

1 **35-7-1002. Definitions.**

2

3 (a) As used in this act:

4

5 (xiv) "Marihuana" means all parts of the plant
6 of the genus Cannabis, whether growing or not; the seed
7 thereof; the resin extracted from any part of the plant;
8 and every compound, manufacture, salt, derivative, mixture
9 or preparation of the plant, its seeds or resin. It does
10 not include the mature stalks of the plant, fiber produced
11 from the stalks, oil or cake made from the seeds of the
12 plant, any other compound, manufacture, salt, derivative,
13 mixture or preparation of the mature stalks (except the
14 resin extracted therefrom), fiber, oil or cake, ~~or~~ the
15 sterilized seed of the plant which is incapable of
16 germination or any other nonpsychoactive derivative,
17 extractive, compound or other component of any part of the
18 plant;

19

20 **35-7-1014. Substances included in Schedule I.**

21

22 (d) Hallucinogenic substances. - Unless specifically
23 excepted or unless listed in another schedule, any

1 material, compound, mixture or preparation which contains
2 any quantity of the following hallucinogenic substances,
3 their salts, isomers and salts of isomers whenever the
4 existence of these salts, isomers and salts of isomers is
5 possible within the specific chemical designation (for
6 purposes of this paragraph only, the term "isomer" includes
7 the optical, position and geometric isomers):

8
9 (xxi) Tetrahydrocannabinols; synthetic
10 equivalents of the substances contained in the plant or in
11 the resinous extractives of Cannabis, sp. and/or synthetic
12 substances, derivatives and their isomers with similar
13 chemical structure and pharmacological activity such as the
14 following: delta 1 cis or trans tetrahydrocannabinol and
15 their optical isomers; delta 6 cis or trans
16 tetrahydrocannabinol and their optical isomers; delta to
17 the 3, 4 cis or trans tetrahydrocannabinol and its optical
18 isomers. Since nomenclature of these substances is not
19 internationally standardized, compounds of these
20 structures, regardless of numerical designation of atomic
21 positions are covered. This paragraph shall not include any
22 nonpsychoactive derivative, extractive, compound or other
23 component of any substance listed therein;

1

2 **35-7-1031. Unlawful manufacture or delivery;**
3 **counterfeit substance; unlawful possession.**

4

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

20

21 (i) And has in his possession a controlled
22 substance in the amount set forth in this paragraph is
23 guilty of a misdemeanor punishable by imprisonment for not

1 more than twelve (12) months, a fine of not more than one
2 thousand dollars (\$1,000.00), or both. Any person
3 convicted for a third or subsequent offense under this
4 paragraph, including convictions for violations of similar
5 laws in other jurisdictions, shall be imprisoned for a term
6 not more than five (5) years, fined not more than five
7 thousand dollars (\$5,000.00), or both. For purposes of
8 this paragraph, the amounts of a controlled substance are
9 as follows:

10

11 (G) Except as otherwise provided in this
12 paragraph, for a controlled substance in any other form, no
13 more than three (3) grams.

14

15 (iii) And has in his possession any other
16 controlled substance classified in Schedule I, II or III in
17 an amount greater than set forth in paragraph (c)(i) or
18 (vi) of this section, is guilty of a felony punishable by
19 imprisonment for not more than five (5) years, a fine of
20 not more than ten thousand dollars (\$10,000.00), or both;

21

22 (vi) And has in his possession the specified
23 controlled substance in the amount set forth in this

1 paragraph may be imprisoned for not more than eight (8)
2 days in the county jail, fined not more than three hundred
3 dollars (\$300.00), or both. A second conviction under this
4 paragraph within three (3) years from the date of the first
5 conviction is punishable by imprisonment of not more than
6 thirty (30) days in the county jail, a fine of not more
7 than one thousand dollars (\$1,000.00), or both. A third or
8 subsequent conviction under this paragraph within three (3)
9 years from the date of the first conviction is punishable
10 by imprisonment of not more than one hundred twenty (120)
11 days in the county jail, a fine of not more than three
12 thousand dollars (\$3,000.00), or both. In addition to or in
13 lieu of, as applicable, the punishment the court may impose
14 under this paragraph, the court may require substance abuse
15 treatment or probation not to exceed one (1) year. For
16 purposes of this paragraph, the amounts of a controlled
17 substance are for preparations, compounds, mixtures or
18 substances including but not limited to baked goods,
19 candies, drinks, edibles or any other similar form
20 containing marihuana or tetrahydrocannabinols excluding any
21 nonpsychoactive derivative, extractive, compound or other
22 component thereof, not more than three (3) ounces.

23

1 **Section 2.** This act is effective July 1, 2016.

2

3

(END)

4