HOUSE BILL NO. HB0157

Marihuana possession of less than three ounces.

Sponsored by: Representative(s) Baker, Barlow, Byrd, Clem, Halverson, Lindholm, Loucks, Pelkey and Zwonitzer and Senator(s) Case and Rothfuss

A BILL

for

AN ACT relating to food and drugs; creating a civil penalty for specified amounts of marihuana and marihuana products; 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)(intro), (A), (B), by creating new subparagraphs (G) and (H) 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;

(B) Except as provided in subparagraph (H) of this paragraph, for a controlled substance in liquid form, no more than three-tenths (3/10) of a gram;

(G) For marihuana in plant form, more than three (3) ounces;

(H) For marihuana product, more than five hundred (500) milligrams combined of tetrahydrocannabinol and tetrahydrocannabinolic acid. As used in this subsection, "marihuana product" means a preparation, compound, mixture or substance not in plant form that contains marihuana or tetrahydrocannabinols intended for consumption or use without further preparation including, but not limited to, baked goods, candies, edibles,
ointments, potable liquids, tinctures or any other similar
form containing marihuana or tetrahydrocannabinols.

(vi) And has in his possession marihuana in an
amount of three (3) ounces or less, or marihuana product in
an amount of five hundred (500) milligrams combined, or
less, of tetrahydrocannabinol and tetrahydrocannabinolic
acid, shall be subject to a civil penalty of not more than
two hundred dollars ($200.00).

Section 2. This act is effective July 1, 2017.