HOUSE BILL NO. HB0197

Marihuana and THC products policy reform act.

Sponsored by: Representative(s) Olsen, Blackburn, Brown, Clem, Eyre, Furphy, Henderson, Jennings, Lone, Pownall, Salazar and Winters and Senator(s) Christensen, Driskill and Hicks

A BILL

for

AN ACT relating to controlled substances; providing penalties for possession of marihuana in plant form and tetrahydrocannabinol products in specified amounts; creating an elevated misdemeanor offense for possession of such products as specified; making a conforming amendment; and providing for an effective date.

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

Section 1. W.S. 6-10-101 and 35-7-1031(c)(i)(A), (iii) and by creating a new paragraph (vi) are amended to read:

6-10-101. "Felony" and "misdemeanor" defined.
Unless otherwise specified by law, crimes which may be punished by death or by imprisonment for more than one (1) year are felonies and all other crimes are misdemeanors.

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 paragraph (c)(vi) of this section, for a controlled substance in plant form, no more than three (3) ounces;

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

(vi) And has in his possession marihuana in
plant form in an amount not to exceed three (3) ounces or
THC product in an amount not to exceed eight (8) ounces, is
guilty in accordance with the following:

(A) Of a misdemeanor punishable by
imprisonment for not more than twenty (20) days, a fine of
not more than two hundred dollars ($200.00), or both;

(B) On a second conviction within ten (10)
years, excluding periods of incarceration, after a
conviction for a violation of this paragraph or violation
of similar laws in other jurisdictions, of a misdemeanor
punishable by imprisonment for not more than six (6)
months, a fine of not more than seven hundred fifty dollars
($750.00), or both;

(C) On a third conviction within ten (10)
years, excluding periods of incarceration, after a
conviction for a violation of this paragraph or violation
of similar laws in other jurisdictions, of an elevated misdemeanor punishable by imprisonment in county jail for not more than two (2) years, a fine of not more than five thousand dollars ($5,000.00), or both;

(D) On a fourth or subsequent conviction within ten (10) years, excluding periods of incarceration, after a conviction for a violation of this paragraph or violation of similar laws in other jurisdictions, of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than ten thousand dollars ($10,000.00), or both;

(E) As used in this paragraph, "THC product" means a preparation, compound, mixture or substance not in plant form which 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.
1 Section 2. This act is effective July 1, 2017.

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3 (END)