

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

1 AN ACT relating to controlled substances; providing
 2 penalties for possession of marihuana in plant form and
 3 tetrahydrocannabinol products in specified amounts;
 4 creating an elevated misdemeanor offense for possession of
 5 such products as specified; making a conforming amendment;
 6 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. 6-10-101 and 35-7-1031(c)(i)(A),
 11 (iii) and by creating a new paragraph (vi) are amended to
 12 read:

13

14 **6-10-101. "Felony" and "misdemeanor" defined.**

1

2 Unless otherwise specified by law, crimes which may be
3 punished by death or by imprisonment for more than one (1)
4 year are felonies- and all other crimes are misdemeanors.

5

6 **35-7-1031. Unlawful manufacture or delivery;**
7 **counterfeit substance; unlawful possession.**

8

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

1

2 (i) And has in his possession a controlled
3 substance in the amount set forth in this paragraph is
4 guilty of a misdemeanor punishable by imprisonment for not
5 more than twelve (12) months, a fine of not more than one
6 thousand dollars (\$1,000.00), or both. Any person
7 convicted for a third or subsequent offense under this
8 paragraph, including convictions for violations of similar
9 laws in other jurisdictions, shall be imprisoned for a term
10 not more than five (5) years, fined not more than five
11 thousand dollars (\$5,000.00), or both. For purposes of
12 this paragraph, the amounts of a controlled substance are
13 as follows:

14

15 (A) Except as provided in paragraph (c)(vi)
16 of this section, for a controlled substance in plant form,
17 no more than three (3) ounces;

18

19 (iii) And has in his possession any other
20 controlled substance classified in Schedule I, II or III in
21 an amount greater than set forth in paragraph (c)(i) or
22 (vi) of this section, is guilty of a felony punishable by

1 imprisonment for not more than five (5) years, a fine of
2 not more than ten thousand dollars (\$10,000.00), or both;

3

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

8

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

12

13 (B) On a second conviction within ten (10)
14 years, excluding periods of incarceration, after a
15 conviction for a violation of this paragraph or violation
16 of similar laws in other jurisdictions, of a misdemeanor
17 punishable by imprisonment for not more than six (6)
18 months, a fine of not more than seven hundred fifty dollars
19 (\$750.00), or both;

20

21 (C) On a third conviction within ten (10)
22 years, excluding periods of incarceration, after a
23 conviction for a violation of this paragraph or violation

1 of similar laws in other jurisdictions, of an elevated
2 misdemeanor punishable by imprisonment in county jail for
3 not more than two (2) years, a fine of not more than five
4 thousand dollars (\$5,000.00), or both;

5
6 (D) On a fourth or subsequent conviction
7 within ten (10) years, excluding periods of incarceration,
8 after a conviction for a violation of this paragraph or
9 violation of similar laws in other jurisdictions, of a
10 felony punishable by imprisonment for not more than five
11 (5) years, a fine of not more than ten thousand dollars
12 (\$10,000.00), or both;

13
14 (E) As used in this paragraph, "THC
15 product" means a preparation, compound, mixture or
16 substance not in plant form which contains marihuana or
17 tetrahydrocannabinols intended for consumption or use
18 without further preparation including, but not limited to,
19 baked goods, candies, edibles, ointments, potable liquids,
20 tinctures or any other similar form containing marihuana or
21 tetrahydrocannabinols.

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