HOUSE BILL NO. HB0265

Plant derived pain medication.

Sponsored by: Representative(s) Zwonitzer and Pelkey and Senator(s) Case

A BILL

for

1 AN ACT relating to public health; allowing supervised use
2 of plant derived pain medication as specified; providing an
3 exemption from prosecution for possession or use of plant
4 derived pain medication; authorizing a fee for
5 registration; and providing for an effective date.
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7 Be It Enacted by the Legislature of the State of Wyoming:
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9 Section 1. W.S. 35-7-2101 through 35-7-2103 are
10 created to read:

12 ARTICLE 21
13 SUPERVISED MEDICAL USE OF PLANT DERIVED PAIN MEDICATION
14
15 35-7-2101. Definitions.
(a) As used in this article:

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

(ii) "Parent" means a parent or legal guardian of a minor or adult dependent who is responsible for the person's medical care;

(iii) "Plant derived pain medication" means a preparation containing cannabis plant material that:

(A) Is composed of less than five percent (5%) tetrahydrocannabinol by weight;

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

(C) Contains no other psychoactive substance; and
(D) Does not consist only of cannabis plant material in its untreated form.

(iv) "Prescribing physician" means a person who is licensed under the laws of this state to practice medicine and who is certified by a nationally recognized professional organization as a neurosurgeon, neurologist, pain management specialist, psychiatrist, oncologist or ophthalmologist;

(v) "Registrant" means the person who holds a registration card issued by the department pursuant to this article.

35-7-2102. Plant derived pain medication registration cards.

(a) The department shall issue a plant derived pain medication registration card to a person who:

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

(ii) Is a resident of Wyoming;
(iii) Provides a statement to the department which is signed by a prescribing physician and specifies that the person suffers from long term pain, glaucoma, migraine or another disorder that the physician determines may benefit from treatment with plant derived pain medication;

(iv) Pays a fee to the department as authorized by subsection (e) of this section; and

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

(A) The individual's name and address;

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

(C) Any other information the department considers necessary to implement this article.
(b) The department shall issue a registration card to a parent who:

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

(ii) Is a Wyoming resident;

(iii) Provides the department with a statement signed by a prescribing physician that the minor or adult dependent in the parent's care suffers from long term pain, glaucoma, migraine or another disorder that the physician determines may benefit from treatment with plant derived pain medication;

(iv) Pays the department a fee as authorized by subsection (e) of this section; and

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

(A) The parent's name and address;
(B) The name of the minor or adult dependent;

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

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

(c) The department shall maintain a registry of:

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

(ii) The names of each minor or adult dependent receiving care from a parent who is issued a registration card under subsection (b) of this section.

(d) The department shall promulgate rules and regulations to establish:
(i) The information an applicant is required to provide to the department under this article; and

(ii) The form of the registration card issued under this article.

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

(f) A registration card issued under subsection (a) or (b) of this section is valid for one (1) year and is renewable if, at the time of renewal, the registrant meets the requirements of subsection (a) or (b) of this section. A card issued on behalf of a minor pursuant to subsection (b) of this section remains valid after the minor reaches the age of majority until the card expires or is replaced by a card issued pursuant to subsection (a) of this section.
(g) The prescribing physician who signs a statement as provided in this section shall:

(i) Keep a record of every evaluation and observation of a patient who is a registrant or a person under a registrant's care including the patient's response to plant derived pain medication; and

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

(h) The department shall maintain a database of records received under subsection (g) of this section. The department shall treat the records as confidential, provided that the department, with the consent of the registrant, may share the records with a higher education institution for the purpose of studying plant derived pain medication if the records are redacted so that the patient cannot be identified individually.

35-7-2103. Exemption from criminal and civil penalties for the medical use of plant derived pain medication.
(a) Notwithstanding any other provision of this chapter, an individual who possesses or uses plant derived pain medication is not subject to the penalties described in this chapter for possession or use of the medication if the individual:

(i) Possesses or uses the plant derived pain medication for the treatment of a registrant or a minor or adult dependent under a registrant's care as provided in this article;

(ii) Is a holder of a valid registration card issued by the department under W.S. 35-7-2102; and

(iii) Can provide, through a certificate of analysis or otherwise, evidence that the medication meets the percentages for tetrahydrocannabinol and cannabidiol provided in W.S. 35-7-2101(a)(iii).

Section 2. W.S. 35-7-1063(a) by creating a new paragraph (iii) is amended to read:
35-7-1063. Exceptions to provisions.

(a) The provisions and penalties of this chapter shall not apply to:

(iii) The medical use of plant derived pain medication when used in accordance with the provisions of W.S. 35-7-2101 through 35-7-2103.

Section 3. This act is effective July 1, 2017.