

ENROLLED ACT NO. 66, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to children; prohibiting the sale of edible products and vaping products containing tetrahydrocannabinol to persons under eighteen (18) years of age; providing definitions; specifying penalties, exceptions and affirmative defenses; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 14-3-310 is created to read:

14-3-310. Prohibited sales or delivery of edible products and vaping products.

(a) No person or retailer shall sell, permit the sale, offer for sale, give away or deliver edible products or vaping products to any person under the age of eighteen (18) years.

(b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than:

(i) Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period;

(ii) Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period;

(iii) Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period.

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(c) In lieu of a fine under subsection (b) of this section, the court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed.

(d) In addition to the penalties under this section, any person violating subsection (a) of this section for a third or subsequent time within a two (2) year period may be subject to an injunction. The department of revenue or the district attorney of the county in which the offense occurred, may petition the district court for an injunction to prohibit the sale of edible products or vaping products in the establishment where the violation occurred. If the court finds that the respondent in the action has violated the provisions of subsection (a) of this section for a third or subsequent time within a two (2) year period and may continue to violate such provisions, it may grant an injunction prohibiting the respondent from selling edible products or vaping products in the establishment where the violation occurred for a period of not more than one hundred eighty (180) days. For the purposes of this subsection, multiple violations occurring before the petition for the injunction is filed shall be deemed part of the violation for which the injunction is sought. If the person against whom the injunction is sought operates multiple, geographically separate establishments, the injunction shall apply only to the establishment where the violation occurred. The injunction shall prohibit all sales of edible products or vaping products in the establishment where the violation occurred, regardless of any change in ownership or management of the establishment that is not a bona fide, arms-length transaction while the injunction is in effect.

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(e) It is an affirmative defense to a prosecution under subsection (a) this section that, in the case of a sale, the person who sold the edible product or vaping product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the edible product or vaping product as being over eighteen (18) years of age.

(f) The prohibitions in this section shall not be construed to apply to the sale or dispensing of cannabidiol oil that has not more than three-tenths percent (0.3%) of tetrahydrocannabinol to a parent or guardian for use by the parent's or guardian's child who is less than eighteen (18) years of age.

Section 2. W.S. 11-51-102(b), 14-3-301(a) by creating new paragraphs (viii) through (xi) and 35-7-1063(a)(iii) are amended to read:

11-51-102. Hemp as agricultural crop; use of hemp.

(b) Notwithstanding the requirements of this chapter, the possession, purchase, sale, transportation and use of hemp and hemp products by any person is allowable ~~without restriction~~ except as provided in W.S. 14-3-310.

ARTICLE 3

SALE OF NICOTINE AND THC PRODUCTS

14-3-301. Definitions.

(a) As used in this article:

(viii) "Edible products" means any product intended for consumption, including but not limited to

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baked goods, candies, gummies and liquids, that contains tetrahydrocannabinol, a controlled substance listed under W.S. 35-7-1014(d)(xiii) or (xxi) or their analogs;

(ix) "Tetrahydrocannabinol" means:

(A) The psychoactive component of the cannabis plant, with the scientific name trans-delta 9-tetrahydrocannabinol;

(B) Psychoactive synthetic analogs of tetrahydrocannabinol; or

(C) Any psychoactive structural, optical or geometric isomers of tetrahydrocannabinol.

(x) "Vaping products" mean any device containing tetrahydrocannabinol that is being or has been used to deliver aerosolized or vaporized tetrahydrocannabinol to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. "Vaping products" include, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device that uses or contains tetrahydrocannabinol. "Vaping products" do not include a battery or battery charger if sold separately from the vaping product and do not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act.

(xi) "Analog" means a substance:

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(A) Whose chemical structure is substantially similar to the chemical structure of a controlled substance listed under W.S. 35-7-1014(d)(xiii) or (xxi); or

(B) That has a stimulant, depressant or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance listed under W.S. 35-7-1014(d)(xiii) or (xxi).

35-7-1063. Exceptions to provisions.

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

(iii) Hemp production, processing or testing in accordance with the provisions of W.S. 11-51-101 through 11-51-107 and 14-3-310.

ORIGINAL HOUSE
BILL NO. HB0108

ENGROSSED

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Section 3. This act is effective July 1, 2023.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk