

ENROLLED ACT NO. 63, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to controlled substances; providing immunity from prosecution of specified offenses under the Wyoming Controlled Substances Act of 1971 to persons who report or experience an emergency drug overdose event as specified; providing applicability; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 35-7-1064 is created to read:

35-7-1064. Drug overdose; limited immunity from prosecution.

(a) A person who, in good faith, seeks medical assistance for himself or another person is immune from criminal prosecution for an offense listed in subsection (c) of this section if:

(i) The person reasonably believes he or another person is experiencing a drug overdose event;

(ii) The person provides a description of the actual location of the drug overdose event;

(iii) The person remains at the scene of the drug overdose event until a responding law enforcement officer or emergency medical service provider arrives or the person remains at the medical care facility where the person experiencing the drug overdose event is located until a responding law enforcement officer arrives;

(iv) The person cooperates with a responding law enforcement officer, emergency medical service provider or medical care provider, including by providing information

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about the person experiencing the drug overdose event and the type of substance that may have caused the drug overdose event; and

(v) The offense listed in subsection (c) of this section arises from the same course of events as the drug overdose event.

(b) The immunity from prosecution under subsection (a) of this section shall extend to the person experiencing the drug overdose event if all the conditions specified in subsection (a) of this section are satisfied.

(c) The immunity from prosecution under subsection (a) of this section shall apply to the following offenses:

(i) Possession of a controlled substance under W.S. 35-7-1031(c);

(ii) Use of a controlled substance under W.S. 35-7-1039.

(d) A person experiencing a drug overdose event shall only be eligible to receive immunity from prosecution under this section not more than two (2) times in a twelve (12) month period. The limitations under this subsection shall not apply to the person who seeks medical assistance for himself or another person in accordance with subsection (a) of this section. A person experiencing a drug overdose event shall be eligible to receive immunity for a second time in a twelve (12) month period under this subsection only upon the person completing, after the second qualifying drug overdose event, a drug treatment program approved by the applicable district attorney. The district attorney shall approve a drug treatment program consistent

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with the results of a substance abuse assessment administered at the expense of the person who experienced the drug overdose event.

(e) As used in this section:

(i) "Drug overdose event" means a condition, including extreme physical illness, a decreased level of consciousness or respiratory depression that a reasonable person would believe requires medical assistance to address and correct resulting from the consumption or use of a controlled substance or another substance combined with a controlled substance;

(ii) "Good faith" does not include seeking medical assistance or immunity under this section as a result of using a controlled substance during the course of a law enforcement agency's execution of a search warrant, arrest warrant or other lawful search or arrest.

(f) Nothing in this section shall be interpreted to:

(i) Prohibit the criminal prosecution of a person for an offense other than the offenses specified in subsection (c) of this section;

(ii) Limit the authority of a law enforcement officer to obtain or use evidence obtained from a report, recording or other statement provided by a person seeking medical assistance for himself or another person under this section to investigate and prosecute an offense other than the offenses listed in subsection (c) of this section.

Section **2.** W.S. 35-7-1002(a)(xxviii),
35-7-1031(c)(intro) and 35-7-1039 are amended to read:

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35-7-1002. Definitions.

(a) As used in this act:

(xxviii) "This act" means W.S. 35-7-1001 through ~~35-7-1063~~ 35-7-1064.

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

(c) Except as provided in W.S. 35-7-1064, 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 any drug that has received final approval from the United States food and drug administration, including 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. No prescription or practitioner's order for marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol shall be valid, unless the prescription is for a drug that has received final approval from the United States food and drug administration, including dronabinol. Any person who violates this subsection:

35-7-1039. Person using or under influence of controlled substance.

ORIGINAL SENATE
FILE NO. SF0074

ENGROSSED

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Except as provided in W.S. 35-7-1064, any person who knowingly or intentionally uses or is under the influence of a controlled substance listed in Schedules I, II or III except when administered or prescribed by or under the direction of a licensed practitioner, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not to exceed six (6) months or a fine not to exceed seven hundred fifty dollars (\$750.00), or by both.

Section 3. This act is effective July 1, 2025.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk