

## HOUSE BILL NO. HB0267

Regulation of hemp.

Sponsored by: Representative(s) Singh, Andrew, Provenza and  
Yin and Senator(s) Rothfuss

A BILL

for

1 AN ACT relating to hemp products; providing for regulation  
2 of the manufacture, distribution and sale of consumable  
3 hemp products as specified; requiring licensure of  
4 consumable hemp product manufacturers, distributors and  
5 retailers by the Wyoming liquor division; imposing an  
6 excise tax on the retail sale of consumable hemp products;  
7 providing definitions; providing penalties; requiring  
8 reports; requiring rulemaking; making conforming  
9 amendments; repealing conflicting provisions; and providing  
10 for effective dates.

11

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

13

14 **Section 1.** W.S. 11-51-201 through 11-51-213 are  
15 created to read:

1

2

## ARTICLE 2

3

## CONSUMABLE HEMP PRODUCTS

4

5

**11-51-201. Purpose; limitations.**

6

7

The purpose of this article is to regulate the manufacture,  
distribution and sale of consumable hemp products.

9

10

**11-51-202. Definitions.**

11

12

13

(a) As used in this article, unless the context  
otherwise requires:

14

15

16

(i) "Batch" means any one (1) or more of the  
following:

17

18

19

20

21

22

(A) A specific quantity of hemp plants that  
are cultivated from the same seed or plant stock, are  
cultivated together, are intended to be harvested together  
and that receive an identical propagation and cultivation  
treatment;

23

1                   (B) A specific quantity of hemp flower that  
2 is harvested together, is uniform and is intended to meet  
3 specifications for identity, strength, purity and  
4 composition and that receives identical sorting, drying,  
5 curing and storage treatment;

6

7                   (C) A specific quantity of hemp-derived  
8 consumable product that is:

9

10                   (I) Manufactured at the same time and  
11 using the same methods, equipment and ingredients;

12

13                   (II) Uniform and intended to meet  
14 specifications for identity, strength, purity and  
15 composition;

16

17                   (III) Manufactured, packaged and  
18 labeled according to a single batch production record that  
19 is executed and documented.

20

21                   (ii) "Batch number" means a unique numeric or  
22 alphanumeric identifier assigned to a batch of hemp plants  
23 or hemp-derived consumable products;

1

2 (iii) "Business" means any of the following  
3 licensed under this article a consumable hemp product:

4

5 (A) Distributor;

6

7 (B) Retailer;

8

9 (C) Manufacturer.

10

11 (iv) "Counter" means the point of purchase in a  
12 retail establishment that provides separation designed to  
13 make an area of the retail establishment inaccessible to  
14 the customer;

15

16 (v) "Distributor" means a person that purchases  
17 consumable hemp products from manufacturers and sells them  
18 to retailers;

19

20 (vi) "Division" means the Wyoming liquor  
21 division within the department of revenue created under  
22 W.S. 12-2-106;

23

1           (vii) "Franchise" means a written or oral  
2 arrangement for a definite or indefinite period, in which a  
3 person grants to another person a license to use a trade  
4 name, trademark, service mark or related characteristic and  
5 in which there is a commonality of interest in the  
6 marketing of goods or services at wholesale, retail, by  
7 lease, agreement or otherwise, including but not limited to  
8 a commercial relationship of definite or indefinite  
9 duration between a manufacturer and distributor where the  
10 distributor is granted the right to offer, sell and  
11 distribute within this state or any designated area of the  
12 state some or all of the manufacturer's consumable hemp  
13 products to retailers;

14

15           (viii) "Independent testing laboratory" means a  
16 laboratory that meets all of the following conditions:

17

18           (A) The laboratory holds an ISO 17025  
19 accreditation, is registered with the United States drug  
20 enforcement administration in accordance with 21 C.F.R. §  
21 1301.13 or holds an equivalent accreditation;

22

1                   (B) The laboratory does not have a direct  
2 or indirect interest in the person or entity whose product  
3 is being tested or in a facility that cultivates,  
4 processes, distributes, dispenses or sells consumable hemp  
5 products in this state or any other jurisdiction;

6

7                   (C) The                   laboratory                   performs  
8 tetrahydrocannabinol concentration sampling and testing  
9 using the high-performance chromatography method or another  
10 method of testing authorized by the division.

11

12                   (ix) "License" means a license issued in  
13 accordance with this article;

14

15                   (x) "Manufacture" means to compound, blend,  
16 extract, infuse, cook or otherwise make or prepare  
17 consumable hemp products, including the processes of  
18 extraction, infusion, packaging, repackaging, labeling and  
19 relabeling of consumable hemp products;

20

21                   (xi) "Manufacturer" means any person who  
22 manufactures consumable hemp products;

23

1           (xii) "Producer" means any person who engages in  
2 the process of farming and harvesting hemp that is intended  
3 to be used in the manufacture of a hemp-derived consumable  
4 product;

5

6           (xiii) "Proof of age" means a valid driver's  
7 license or other government-issued identification card that  
8 contains a photograph of the person and confirms the  
9 person's age as twenty-one (21) years of age or older;

10

11           (xiv) "Retail establishment" means a place of  
12 business open to the general public for the sale of goods  
13 or services and includes a food service establishment;

14

15           (xv) "Retailer" means any person who sells  
16 consumable hemp products for consumption and not for  
17 resale;

18

19           (xvi) "Serving" means a quantity of a consumable  
20 hemp product indicated on the packaging of the consumable  
21 hemp product;

22

1           (xvii) "Tincture" means hemp-infused liquid or  
2 oils administered orally in small amounts using a dropper  
3 that indicates the serving size.

4

5           **11-51-203. Prohibited activities; penalties.**

6

7           (a) No person shall act as a distributor,  
8 manufacturer or retailer of consumable hemp products unless  
9 the person has a license as a business issued under this  
10 article and the consumable hemp product manufactured,  
11 distributed or sold at retail by the person is registered  
12 with the division as provided in this article.

13

14           (b) No person shall do any of the following:

15

16           (i) Knowingly sell or distribute a consumable  
17 hemp product to a person who is under twenty-one (21) years  
18 of age;

19

20           (ii) Except as provided in subsection (g) of  
21 this section, knowingly purchase a consumable hemp product  
22 on behalf of a person who is under twenty-one (21) years of  
23 age;

1

2           (iii) Except as provided in subsection (h) of  
3 this section, knowingly persuade, entice, send or assist a  
4 person who is under twenty-one (21) years of age to  
5 purchase, acquire, receive or attempt to purchase a  
6 consumable hemp product;

7

8           (iv) Knowingly distribute samples of consumable  
9 hemp products outside of a retail establishment unless  
10 specifically authorized under this article;

11

12           (v) Knowingly sell or distribute a consumable  
13 hemp product without having first obtained proof of age  
14 from the purchaser or recipient, unless an ordinary person  
15 would conclude on the basis of appearance that the  
16 purchaser or recipient is not under the age of twenty-one  
17 (21) years.

18

19           (c) Except as provided in subsection (g) of this  
20 section, no person who is under twenty-one (21) years of  
21 age shall knowingly purchase, possess or accept receipt of  
22 a consumable hemp product or knowingly present purported  
23 proof of age that is false, fraudulent or not actually that

1 person for the purpose of purchasing or receiving a  
2 consumable hemp product.

3

4 (d) All consumable hemp products, except beverage  
5 products that do not exceed a total of ten (10) milligrams  
6 per serving of delta-8 THC, delta-9 THC, delta-10 THC or  
7 any combination of those, shall be maintained behind the  
8 counter of a retail establishment or in another area that  
9 is inaccessible to a customer. Any consumable hemp product  
10 beverage, including those in cases or boxes, offered for  
11 retail sale shall be merchandised in a manner to clearly  
12 indicate to consumers that the product contains  
13 hemp-derived cannabinoids. Failure to maintain consumable  
14 hemp products in accordance with this subsection is a  
15 violation of this section.

16

17 (e) No person shall deliver, ship or cause to be  
18 delivered or shipped any consumable hemp product beverage  
19 directly to any person who is not licensed under this  
20 article. It shall not be a violation of this subsection for  
21 any delivery of a consumable hemp product beverage to a  
22 customer at a retail establishment or at a location  
23 otherwise authorized under this article.

1

2 (f) A first violation of any provision of this  
3 section shall result in a fine of not more than two hundred  
4 fifty dollars (\$250.00). A second or subsequent violation  
5 of any provision of this section shall be a misdemeanor  
6 punishable by a fine of not more than seven hundred fifty  
7 dollars (\$750.00), imprisonment for not more than six (6)  
8 months, or both.

9

10 (g) It shall not be a violation of this section for a  
11 person under the age of twenty-one (21) years to possess or  
12 consume consumable hemp products under the supervision of  
13 the person's parent or guardian if the parent or guardian  
14 has a written document from a physician recommending the  
15 use of consumable hemp products for the person under the  
16 age of twenty-one (21) years.

17

18 (h) This section does not preclude law enforcement  
19 efforts to purchase consumable hemp products from retail  
20 establishments involving:

21

1           (i) The use of a minor seventeen (17) years of  
2 age or younger if the minor's parent or legal guardian has  
3 provided consent; or

4

5           (ii) The use of a person aged eighteen (18),  
6 nineteen (19) or twenty (20) years if the individual  
7 provides consent.

8

9           (j) Any consumable hemp product sold or offered for  
10 sale or consumption in violation of this section is subject  
11 to seizure and forfeiture.

12

13           (k) Nothing in this article shall:

14

15           (i) Permit any person to undertake any task  
16 under the influence of a consumable hemp product when doing  
17 so would constitute negligence or professional malpractice  
18 or would otherwise create a danger to the person or others;

19

20           (ii) Operate, navigate or be in actual physical  
21 control of a motor vehicle, aircraft, motorized watercraft,  
22 or any other vehicle while under the influence of a  
23 hemp-derived cannabinoid;

1

2 (iii) Require an employer to allow the use of a  
3 consumable hemp products in a workplace or allow an  
4 employee to work while under the influence of a consumable  
5 hemp product;

6

7 (iv) Exempt a person from prosecution for a  
8 criminal offense related to impairment or intoxication  
9 resulting from use of a consumable hemp product or relieve  
10 a person from any requirement under law to submit to a  
11 breath, blood, urine or other test to detect the presence  
12 of a controlled substance.

13

14 **11-51-204. Administration.**

15

16 (a) The division shall enforce this article in a  
17 manner that may reasonably be expected to reduce the extent  
18 to which consumable hemp products are sold or distributed  
19 to persons under twenty-one (21) years of age. The  
20 department of revenue shall adopt rules necessary to  
21 implement this article.

22

1           (b) The division shall conduct random inspections of  
2 consumable hemp products distributed or available for  
3 distribution in the state for compliance with this article.  
4 Inspections under this subsection shall include the  
5 periodic sampling, analyzing and testing of consumable hemp  
6 products distributed within the state for compliance with  
7 the registration, labeling and testing requirements of this  
8 article. The division may conduct an inspection under this  
9 subsection for any reason the division determines is  
10 necessary.

11

12           (c) Not later than November 1 of each year the  
13 division shall submit a report to the joint judiciary  
14 interim committee describing in detail the division's  
15 enforcement efforts under this article. The report shall  
16 also be made available to the public on the department of  
17 revenue's website.

18

19           **11-51-205. Licensing.**

20

21           (a) Each business shall obtain a license from the  
22 division prior to any manufacturing, distribution or retail  
23 sale of any consumable hemp product.

1

2 (b) The application for a license under this section  
3 shall include at minimum:

4

5 (i) The name and address of the applicant;

6

7 (ii) The physical address and legal description  
8 of all property where the business will operate as a  
9 distributor, manufacturer or retailer;

10

11 (iii) A statement that the applicant has not  
12 been convicted of or pled no contest to a controlled  
13 substance felony within the past ten (10) years, or in the  
14 event the applicant is not an individual person, a  
15 statement that no member, principal, officer or director of  
16 the applicant has been convicted of or pled no contest to a  
17 controlled substance felony;

18

19 (iv) Authorization for reasonable access by the  
20 department for inspections and verifications related to  
21 this article;

22

1           (v) Verification that the applicant is a  
2 business entity organized under the laws of Wyoming or is a  
3 Wyoming resident, as defined by rule of the department of  
4 revenue;

5

6           (vi) Any other information required by rule of  
7 the department of revenue.

8

9           (c) Subject to the limitations of subsection (e) of  
10 this section, the division shall issue a license, or  
11 renewal thereof, which is valid for one (1) year if:

12

13           (i) The requirements of subsection (b) of this  
14 section are met, including that the applicant has not been  
15 convicted of or pled no contest to a controlled substance  
16 felony within the past ten (10) years; and

17

18           (ii) A fee of two hundred fifty dollars  
19 (\$250.00) for distributors or manufacturers and a fee of  
20 one hundred dollars (\$100.00) for retailers per location is  
21 paid for each annual license or renewal application. If a  
22 retailer has multiple locations, the fee under this

1 paragraph shall not exceed two thousand five hundred  
2 dollars (\$2,500.00).

3

4 (d) All fees collected under this section shall be  
5 deposited with the state treasurer in a separate account,  
6 which is hereby created and is continuously appropriated to  
7 the department of revenue for the administration of this  
8 article by the division.

9

10 (e) Except in the case of a manufacturer who sells  
11 less than one thousand (1,000) gallons of consumable hemp  
12 product beverages per year:

13

14 (i) No person who is engaged in the production,  
15 manufacturing, distribution or sale of consumable hemp  
16 product beverages shall hold more than one (1) type of  
17 license under this section or have any financial interest,  
18 either direct or indirect, in a person holding any of the  
19 other types of licenses under this section;

20

21 (ii) No consumable hemp product beverage  
22 manufacturer shall directly solicit, sell or otherwise  
23 convey consumable hemp product beverages to retailers.

1 Manufacturers of consumable hemp product beverages are  
2 authorized to solicit and sell consumable hemp product  
3 beverages to distributors. Distributors are authorized to  
4 solicit and sell consumable hemp product beverages to  
5 retailers.

6

7 (f) The division may suspend, revoke or not renew any  
8 license issued under this article if, after notice and  
9 opportunity for a hearing, the division finds the provider  
10 has violated this article or any rule promulgated under  
11 this article.

12

13 **11-51-206. Testing requirements.**

14

15 (a) Each manufacturer shall have all consumable hemp  
16 products or each batch of consumable hemp products tested  
17 prior to distribution to a distributor for distribution in  
18 Wyoming or before distributing the product to a retailer.  
19 If a consumable hemp product is packaged in a manner that  
20 may be sold to the ultimate consumer after being delivered  
21 to the distributor and the distributor does not open the  
22 package, the distributor is not required to further test  
23 the consumable hemp product under this section. If the

1 consumable hemp product or batch of consumable hemp  
2 products is not packaged in a manner that may be sold to  
3 the ultimate consumer after being delivered to the  
4 distributor or if the distributor opens the package, the  
5 distributor shall have the consumable hemp product tested  
6 prior to distribution as provided in this section. The  
7 testing under this section shall determine the presence and  
8 amounts of any of the substances listed in subsection (b)  
9 of this section. No product that contains more than the  
10 maximum amount indicated for any substance in subsection  
11 (b) of this section shall be distributed or sold in this  
12 state.

13

14 (b) The division, through the department of revenue,  
15 shall promulgate rules specifying the pass and fail levels  
16 for safety and toxicity with respect to the testing  
17 required by this subsection. All consumable hemp products  
18 offered for sale or distribution in this state shall be  
19 tested for the presence of and amount of the following  
20 substances:

21

22 (i) Heavy metals;

23

1           (ii) Pesticides;

2

3           (iii) Mycotoxins;

4

5           (iv) Solvents;

6

7           (v) Microbials;

8

9           (vi) THC.

10

11           (c) The manufacturer and distributor shall contract  
12 with an independent testing laboratory to provide any  
13 testing required under this section.

14

15           (d) An independent testing laboratory providing  
16 testing required under this section shall use high  
17 performance liquid chromatography or a comparable and  
18 validated testing method for any separation and measurement  
19 required in the testing.

20

21           (e) Each consumable hemp product or batch of  
22 consumable hemp products tested in accordance with this  
23 section shall be accompanied by a validly issued

1 certificate of analysis from an independent testing  
2 laboratory. The certificate of analysis shall include all  
3 of the following:

4

5 (i) The batch identification number;

6

7 (ii) The date the consumable hemp product or  
8 batch was received for testing;

9

10 (iii) The date testing was completed;

11

12 (iv) The method of analysis for each test  
13 conducted;

14

15 (v) Proof that the certificate of analysis is  
16 issued for the product specified on the certificate.

17

18 (f) Each consumable hemp product or batch shall have  
19 an expiration date on the label that conforms with  
20 applicable federal law and shall be not more than two (2)  
21 years from the date of publication of the product's  
22 certificate of analysis required by this section.

23

1 (g) The division shall:

2

3 (i) Maintain and post on its website or the  
4 website of the department of revenue a registry of testing  
5 laboratories that are qualified to test consumable hemp  
6 products;

7

8 (ii) Develop an application and process by which  
9 qualifying laboratories are listed on the website as  
10 provided in paragraph (i) of this subsection. The  
11 application submitted by a potentially qualifying  
12 laboratory shall include a sample certificate of analysis  
13 issued by the applying laboratory.

14

15 **11-51-207. Label requirements.**

16

17 (a) The label of each consumable hemp product offered  
18 for distribution or sale in this state shall contain the  
19 following information, legibly displayed:

20

21 (i) The product name or common name for the  
22 product, on the front of the label;

23

1           (ii) The brand name of the product, on the front  
2 of the label;

3

4           (iii) The net count of individual items in the  
5 container, if applicable, on the front of the label;

6

7           (iv) The net weight or volume of the product;

8

9           (v) Suggested product use, including serving  
10 sizes if the product is intended for ingestion or  
11 inhalation;

12

13           (vi) A list of ingredients in the product,  
14 including:

15

16           (A) The amount of any cannabinoid or  
17 combination of cannabinoids, in milligrams;

18

19           (B) A list of allergens;

20

21           (C) The manufacturer or distributor name  
22 and address;

23

1 (D) Batch number;

2

3 (E) A statement that use while pregnant or  
4 breastfeeding may be harmful;

5

6 (F) A statement that the product contains  
7 hemp-derived cannabinoids and that consumption of certain  
8 cannabinoids may impair your ability to drive or operate  
9 heavy machinery or motor vehicles;

10

11 (G) A statement to keep out of the reach of  
12 children;

13

14 (H) A statement that it is unlawful for a  
15 person less than twenty-one (21) years of age to use or  
16 consume the product;

17

18 (J) A statement to consult your physician  
19 before use;

20

21 (K) A statement that consuming consumable  
22 hemp products may result in a failed drug test;

23

1                   (M) The following text: "This product has  
2 not been evaluated by the Food and Drug Administration.  
3 This product is not intended to diagnose, treat, cure,  
4 mitigate or prevent any disease.";

5

6                   (N) The following text: "Warning - The  
7 safety of this product has not been determined."; and

8

9                   (O) An expiration date in accordance with  
10 W.S. 11-51-206(f).

11

12                   (b) No consumable hemp product labels shall:

13

14                   (i) Have any likeness or bear any reasonable  
15 resemblance to a human, animal, cartoon character or  
16 fictional character known to appeal primarily to persons  
17 under twenty-one (21) years of age;

18

19                   (ii) Appear to imitate a food, candy or other  
20 commonly available snack product that is typically marketed  
21 toward or appealing to children.

22

1           (c) The limitations of subsection (b) of this section  
2 shall not prevent the use of drawings, illustrations or  
3 artwork depicting nonmythical creatures, inanimate objects,  
4 scenery, humanoid characters, fruit or flavor focused  
5 images or any other items not known to appeal primarily to  
6 persons under twenty-one (21) years of age.

7

8           **11-51-208. Product requirements and restrictions.**

9

10           (a) Each consumable hemp product that is sold in this  
11 state shall meet the following requirements:

12

13                   (i) Be labeled in accordance with W.S. 11-51-207  
14 and include a quick response code that directs consumers to  
15 all testing requirements specified by W.S. 11-51-206;

16

17                   (ii) Satisfy the child resistant effectiveness  
18 standards under 16 C.F.R. § 1700.15(b)(1) when tested in  
19 accordance with the requirements set forth in 16 C.F.R. §  
20 1700.20. This paragraph shall not apply to consumable hemp  
21 product beverages;

22

1           (iii) Be manufactured in the United States under  
2 the applicable law governing the manufacture of consumable  
3 hemp products in the jurisdiction where the product was  
4 manufactured.

5

6           (b) No consumable hemp product intended for  
7 ingestion, including beverage products, shall:

8

9           (i) Be sold in a serving that contains more than  
10 one hundred (100) milligrams, in the aggregate, of any  
11 combination of delta-8 THC, delta-9 THC and delta-10 THC;

12

13           (ii) Be formed in the shape of an animal or  
14 cartoon character.

15

16           (c) No consumable hemp product intended for  
17 inhalation shall:

18

19           (i) Be sold in a container that contains more  
20 than six (6) milliliters or six (6) milligrams of  
21 hemp-derived cannabinoids, in the aggregate, of any  
22 combination of delta-8 THC, delta-9 THC and delta-10 THC;

23

1           (ii) Have a certificate of analysis issued by an  
2 independent testing laboratory that was issued more than  
3 twelve (12) months before the date of the sale.

4

5           **11-51-209. Product registration.**

6

7           (a) Each consumable hemp product distributed or  
8 available for sale in Wyoming shall be officially  
9 registered annually with the division and shall comply with  
10 the following requirements:

11

12           (i) Application for registration shall be made  
13 to the division on a form required by the division and  
14 shall include the following information:

15

16           (A) The name and address of the applicant  
17 and the name and address of the person whose name will  
18 appear on the label, if different than the applicant;

19

20           (B) The name of the product;

21

22           (C) The type and use of the product;

23

1                   (D) A complete copy of the label as it will  
2 appear on the product in a legible format;

3

4                   (E) If the product has been assigned a  
5 national drug code in accordance with 21 C.F.R. § 207.33,  
6 the applicant shall provide the national drug code number;  
7 and

8

9                   (F) A certificate of analysis from an  
10 independent testing laboratory for the consumable hemp  
11 product in compliance with W.S. 11-51-206.

12

13           (b) The division may deny registration of a  
14 consumable hemp product for an incomplete application.

15

16           (c) A new registration shall be required under this  
17 section for any of the following:

18

19                   (i) Any change in the ingredients of the  
20 consumable hemp product, including any change in the amount  
21 or ratio of the ingredients;

22

23                   (ii) A change to the directions for use;

1

2 (iii) A change of name for the product.

3

4 (d) If there are any changes to a consumable hemp  
5 product that do not require a new registration under  
6 subsection (c) of this section, the registrant shall submit  
7 copies of each label change to the division as soon as the  
8 changes are effective.

9

10 (e) A hemp-derived consumable product that has been  
11 discontinued shall continue to be registered in the state  
12 until the product is no longer available for distribution  
13 or sale.

14

15 (f) The registrant is responsible for the accuracy  
16 and completeness of all information submitted under this  
17 section.

18

19 **11-51-210. Retail establishments.**

20

21 (a) Each retail establishment that offers consumable  
22 hemp products shall be licensed as a retailer by the  
23 division in accordance with this article.

1

2 (b) No retailer shall sell or offer for sale any  
3 consumable hemp product unless the product is registered  
4 with the division as provided in W.S. 11-51-209.

5

6 (c) A retailer may offer consumable hemp products at  
7 a temporary event or festival after registering the event  
8 with the division and paying an event registration fee of  
9 one hundred dollars (\$100.00).

10

11 (d) No retailer shall be located within one hundred  
12 (100) feet of a school if children under the age of  
13 eighteen (18) years attend the school.

14

15 (e) No business that distributes, sells or serves  
16 consumable hemp products shall employ any person who is  
17 under twenty-one (21) years of age, unless the person  
18 employed is at least eighteen (18) years of age and is  
19 under the direct supervision of a person twenty-one (21)  
20 years of age or older.

21

22 (f) Except as otherwise provided in this subsection,  
23 only pre-packaged registered consumable hemp products shall

1 be offered as ready-to-consume or for direct consumption at  
2 a retailer. Consumable hemp products shall not be added to  
3 an ingestible food product by a retailer, provided that  
4 consumable hemp product beverages may be added to a  
5 nonalcoholic ingestible beverage product at a retailer that  
6 is a food service establishment. A retailer that is a food  
7 service establishment shall, upon request, provide the  
8 consumer with copy of the consumable hemp product's  
9 registration with the division in conjunction with  
10 incorporating a consumable hemp product beverage with a  
11 nonalcoholic beverage under this subsection.

12

13 (g) Any retailer offering on-site consumption of  
14 consumable hemp products shall provide to consumers upon  
15 request:

16

17 (i) The common name of the product;

18

19 (ii) The distributor or manufacturer of the  
20 product;

21

22 (iii) A copy of the division's registration of  
23 the consumable hemp product.

1

2 (h) A retailer offering on-site consumption of  
3 consumable hemp products shall notify the division not  
4 later than twenty-four (24) hours after the establishment  
5 knows of any serious adverse event related to a consumable  
6 hemp product sold by the establishment.

7

8 (j) No manufacturer or distributor shall pay a  
9 retailer, nor shall any retailer accept, any payment,  
10 credit or any other consideration to induce the retailer to  
11 advertise or display a consumable hemp product in a certain  
12 manner or to offer the consumable hemp product on the  
13 retailer's licensed premises.

14

15 **11-51-211. Excise tax.**

16

17 (a) An excise tax at the rate of two percent (2%) is  
18 imposed on the retail sale of a consumable hemp product.  
19 The tax under this subsection is in addition to any tax  
20 imposed under any other provision of federal, state or  
21 local law. Except as provided in subsection (b) of this  
22 section, the tax under this subsection shall be collected  
23 and paid to the department of revenue in the same manner as

1 the sales tax on the consumable hemp product in accordance  
2 with W.S. 39-15-101 through 39-15-111.

3

4 (b) All taxes collected under subsection (a) of this  
5 section shall be reported, paid and accounted for  
6 separately. All taxes collected under subsection (a) of  
7 this section shall be deposited in the general fund.

8

9 **11-51-212. Franchises for distributors of consumable**  
10 **hemp product beverages.**

11

12 (a) If more than one (1) franchise for the same brand  
13 or brands of consumable hemp product beverages is granted  
14 to different distributors in Wyoming, it is a violation of  
15 this section for any manufacturer to discriminate between  
16 the distributors with respect to any of the terms,  
17 provisions or conditions of the franchises.

18

19 (b) Notwithstanding the terms, provisions and  
20 conditions of any franchise, no manufacturer shall  
21 unilaterally terminate, refuse to continue or substantially  
22 change the condition of any franchise with a distributor  
23 unless the manufacturer has first established good cause

1 for the termination, failure to continue or substantial  
2 change.

3

4 (c) Any distributor may bring an action in a court of  
5 competent jurisdiction against a manufacturer for violation  
6 of any of the provisions of this section and may recover  
7 damages sustained by the distributor together with the  
8 costs of the action and reasonable attorney fees.

9

10 (d) In any action brought under subsection (c) of  
11 this section for a termination, failure to continue or  
12 change in violation of this section, it is a complete  
13 defense for the manufacturer to prove that the termination,  
14 failure to continue or change was done in good faith and  
15 for good cause.

16

17 (e) As used in this section:

18

19 (i) "Good cause" means any of the following:

20

21 (A) Failure by the distributor to comply  
22 substantially with the provisions of an agreement or

1 understanding with the manufacturer, if the provisions are  
2 both essential and reasonable;

3

4 (B) Bad faith by the distributor or failure  
5 of the distributor to observe reasonable commercial  
6 standards of fair dealing in the trade;

7

8 (C) Revocation, or suspension for more than  
9 thirty (30) days, of the distributor's license.

10

11 (ii) "Good faith" is the duty of each party to  
12 any franchise and all officers, employees or agents thereof  
13 to act in a fair manner towards each other.

14

15 **11-51-213. Safe harbor.**

16

17 (a) The testing requirements under W.S. 11-51-206,  
18 the label requirements under W.S. 11-51-207 and the product  
19 registration requirements under W.S. 11-15-208 shall not  
20 apply to any consumable hemp product manufactured or held  
21 in Wyoming if the product will not be sold by a retailer in  
22 Wyoming or will not be sold to a consumer in Wyoming.

23

1 (b) Nothing in this section shall be deemed to  
 2 prevent the division from conducting inspections as  
 3 provided in W.S. 11-51-204(b) to ensure compliance with  
 4 this article.

5  
 6 **Section 2.** W.S. 11-51-101(a)(iii), (iv), (vi) and by  
 7 creating new paragraphs (ix) through (xiii), 11-51-102(b),  
 8 11-51-103(a), 11-51-104(a)(intro), (iii) and (b) through  
 9 (d), 11-51-505(a), 11-51-106, 11-51-107, 14-3-310(a), (e)  
 10 and (f) and 35-7-1063(a) by creating a new paragraph (iv),  
 11 (b)(i), (ii), by creating a new paragraph (iii) and by  
 12 renumbering (iii) as (iv) are amended to read:

13

14 ARTICLE 1

15 HEMP PRODUCTION

16

17 **11-51-101. Definitions.**

18

19 (a) As used in this chapter:

20

21 (iii) "Hemp" ~~or "hemp product"~~ means all parts,  
 22 seeds and varieties of the plant cannabis sativa L.,  
 23 whether growing or not, ~~or a product, derivative, extract,~~

1 ~~cannabinoid, isomer, acid, salt or salt of isomer made from~~  
2 ~~that plant with no synthetic substance and~~ with a delta-9  
3 THC concentration of not more than three-tenths of one  
4 percent (0.3%) on a dry weight basis; ~~when using~~  
5 ~~post-decarboxylation or another similarly reliable testing~~  
6 ~~method;~~

7

8 (iv) "Licensee" means a person licensed under  
9 this ~~chapter~~ article to produce, process or test hemp;

10

11 (vi) "Process" means converting hemp into  
12 ~~another~~ a hemp product, excluding a consumable hemp  
13 product, that contains no synthetic substance and that  
14 contains no more than three-tenths of one percent (0.3%)  
15 THC on a dry weight basis when using post-decarboxylation  
16 or another similarly reliable testing method;

17

18 (ix) "Consumable hemp product" means a product  
19 produced from hemp or containing a hemp-derived cannabinoid  
20 that is a finished good intended for human ingestion or  
21 inhalation and that contains not more than three-tenths of  
22 one percent (0.3%) concentration of delta-9 THC on a dry  
23 weight basis but that may contain concentrations of other

1 hemp-derived cannabinoids in excess of that amount.  
2 "Consumable hemp product" does not include products  
3 intended for topical application, hemp seeds or products  
4 derived from hemp seeds including hemp seed oil that are  
5 generally recognized as safe by the United States food and  
6 drug administration;

7  
8 (x) "Hemp-derived cannabinoid" means any  
9 cannabinoid derived from a compound found in hemp,  
10 including, but not limited to, delta-9 tetrahydrocannabinol  
11 (delta-9 THC), tetrahydrocannabinolic acid (THCA),  
12 cannabidiol (CBD), cannabidiolic acid (CBDA), cannabinol  
13 (CBN), cannabigerol (CBG), cannabichromene (CBC)  
14 cannabicycol (CBL), cannabivarin (CBV),  
15 tetrahydrocannabivarin (THCV), cannabidivarin (CBDV),  
16 cannabicitran (CBT), delta-7 tetrahydrocannabinol (delta-7  
17 THC), delta-8 tetrahydrocannabinol (delta-8 THC), delta-10  
18 tetrahydrocannabinol (delta-10 THC) or hexahydrocannabinol  
19 (HHC). This term also includes any synthetic cannabinoid  
20 derived from hemp and contained in a consumable hemp  
21 product;

22

1           (xi) "Hemp product" includes animal feed  
2 products derived from hemp, fiber products, grain, products  
3 intended for topical application and hemp seeds or products  
4 derived from hemp seeds that are generally recognized as  
5 safe by the United States food and drug administration.

6 "Hemp product" shall not include a consumable hemp product;  
7

8           (xii) "Ingestion" means the process of consuming  
9 hemp through the mouth by swallowing into the  
10 gastrointestinal system;  
11

12           (xiii) "Inhalation" means the process of  
13 consuming hemp through the respiratory system through the  
14 mouth or nasal passageway.  
15

16           **11-51-102. Hemp as agricultural crop; use of hemp.**  
17

18           (b) Notwithstanding the requirements of this chapter,  
19 the possession, purchase, sale, transportation and use of  
20 hemp and hemp products by any person is allowable. ~~except~~  
21 The manufacture, distribution and sale of consumable hemp  
22 products is allowed and regulated as provided in W.S.  
23 ~~11-51-103(f) and 14-3-310~~ 11-51-201 through 11-51-213.

1

2           **11-51-103. Licensing; prohibited activities.**

3

4           (a) No person shall produce hemp or process hemp or  
5 hemp products unless the person has obtained a license from  
6 the department on a form provided by the department. No  
7 person shall manufacture, distribute or sell consumable  
8 hemp products except as provided in W.S. 11-51-201 through  
9 11-51-213.

10

11           **11-51-104. Enforcement; fees; penalties.**

12

13           (a) The department shall perform inspections and  
14 provide chemical sampling and analysis of production or  
15 processing activities by licensees to determine compliance  
16 with this ~~chapter~~article. The department may require  
17 verification of effective disposal by licensees of hemp or  
18 hemp products ~~that contain synthetic substances or~~ that  
19 contain in excess of three-tenths of one percent (0.3%) THC  
20 on a dry weight basis. For any sample, analysis or  
21 verification conducted under this subsection, the  
22 department shall assess the licensee fees as established by  
23 rule of the department, not to exceed the following:

1

2 (iii) Two hundred fifty dollars (\$250.00) for  
3 verification of effective disposal of hemp or hemp products  
4 ~~that contain synthetic substances or~~ that contain in excess  
5 of three-tenths of one percent (0.3%) THC on a dry weight  
6 basis.

7

8 (b) Except as provided in subsection (e) of this  
9 section, any licensee who violates any provision of this  
10 ~~chapter~~ article or any regulation promulgated pursuant to  
11 this ~~chapter~~ article shall be subject to a corrective  
12 action plan. The corrective action plan may include  
13 reporting requirements, additional inspections, suspension  
14 of a license, steps necessary to restore a license,  
15 requirements related to disposal of hemp or hemp products  
16 that contain in excess of three-tenths of one percent  
17 (0.3%) THC on a dry weight basis or providing notice of the  
18 violation to the licensee's known creditors. The plan may  
19 require rendering THC inaccessible by using hemp or hemp  
20 products as a soil amendment material or by destruction of  
21 the hemp or hemp product as authorized by rule of the  
22 department.

23

1           (c) Any person who intentionally violates this  
2 ~~chapter~~article is guilty of a misdemeanor punishable by a  
3 fine of not more than seven hundred fifty dollars  
4 (\$750.00), imprisonment for not more than six (6) months,  
5 or both.

6  
7           (d) If any person has three (3) or more violations of  
8 this ~~chapter~~article or any regulation promulgated pursuant  
9 to this ~~chapter~~article within five (5) years, the  
10 department shall revoke the license and the person shall be  
11 ineligible for licensure under this ~~chapter~~article for  
12 five (5) years.

13

14           **11-51-105. Rules; agreements; research activities.**

15

16           (a) The department shall adopt rules necessary to  
17 implement the provisions of this ~~chapter~~article.

18

19           **11-51-106. Disposition of fees.**

20

21 All fees collected under this ~~chapter~~article shall be  
22 deposited with the state treasurer in a separate account

1 which is continuously appropriated to the department for  
2 the administration of this ~~chapter~~article.

3

4 **11-51-107. Exception if this article is not**  
5 **implemented.**

6

7 Nothing in this ~~chapter~~article shall preclude any person  
8 from applying for and receiving authorization to produce  
9 and process hemp from another authorized entity if the  
10 department does not receive authority to do so or is  
11 otherwise not implementing this ~~chapter~~article.

12

13 **14-3-310. Prohibited sales or delivery of edible**  
14 **products and vaping products.**

15

16 (a) No person or retailer shall sell, permit the  
17 sale, offer for sale, give away or deliver consumable hemp  
18 products as defined by W.S. 11-51-101(a)(ix), edible  
19 products or vaping products to any person under the age of  
20 ~~eighteen (18)~~twenty-one (21) years.

21

22 (e) It is an affirmative defense to a prosecution  
23 under subsection (a) this section that, in the case of a

1 sale, the person who sold the consumable hemp products as  
2 defined by W.S. 11-51-101(a)(ix), edible product or vaping  
3 product was presented with, and reasonably relied upon, an  
4 identification card which identified the person buying or  
5 receiving the edible product or vaping product as being  
6 over ~~eighteen (18)~~ twenty-one (21) years of age.

7  
8 (f) The prohibitions in this section shall not be  
9 construed to apply to the sale or dispensing of cannabidiol  
10 oil that has not more than three-tenths percent (0.3%) of  
11 tetrahydrocannabinol to a parent or guardian for use by the  
12 parent's or guardian's child who is less than ~~eighteen (18)~~  
13 twenty-one (21) years of age.

14

15 **35-7-1063. Exceptions to provisions.**

16

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

19

20 (iv) The manufacture, distribution, sale,  
21 possession or use of consumable hemp products in accordance  
22 with the provisions of W.S. 11-51-201 through 11-51-213.

23

1 (b) As used in this section:

2

3 (i) ~~"Hemp" or~~ "Consumable hemp product" means  
 4 ~~all parts, seeds and varieties of the plant cannabis sativa~~  
 5 ~~1. or a product made from that plant with no synthetic~~  
 6 ~~substances and with a THC concentration of not more than~~  
 7 ~~three tenths of one percent (0.3%) on a dry weight basis~~ as  
 8 defined by W.S. 11-51-101(a)(ix);

9

10 (ii) ~~"Synthetic substance"~~ "Hemp" means as  
 11 defined by W.S. ~~11-51-101(a)(viii)~~ 11-51-101(a)(iii);

12

13 (iii) "Hemp product" means as defined by W.S.  
 14 11-51-101(a)(xi);

15

16 ~~(iii)(iv)~~ "THC" means as defined by W.S.  
 17 11-51-101(a)(vii).

18

19 **Section 3.** W.S. 11-51-103(f)(ii) and 11-51-104(e) are  
 20 repealed.

21

22 **Section 4.** The department of revenue and the  
 23 department of agriculture shall adopt rules necessary to

1 implement the regulation of consumable hemp products, as  
2 provided in sections 1 and 2 of this act, not later than  
3 January 1, 2026.

4

5 **Section 5.**

6

7 (a) Except as provided in subsection (b) of this  
8 section, this act is effective immediately upon completion  
9 of all acts necessary for a bill to become law as provided  
10 by Article 4, Section 8 of the Wyoming Constitution.

11

12 (b) Sections 1 through 3 of this act are effective  
13 January 1, 2026.

14

15 (END)