

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Possession of non-plant form marihuana.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to controlled substances; providing
2 penalties for possession of marihuana and
3 tetrahydrocannabinols in non-plant form; and providing for
4 an effective date.

5

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

7

8 **Section 1.** W.S. 35-7-1031(c)(i) by creating
9 subparagraph (G) is amended to read:

10

11 **35-7-1031. Unlawful manufacture or delivery;**
12 **counterfeit substance; unlawful possession.**

13

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

16

17 (i) And has in his possession a controlled
18 substance in the amount set forth in this paragraph is
19 guilty of a misdemeanor punishable by imprisonment for not
20 more than twelve (12) months, a fine of not more than one
21 thousand dollars (\$1,000.00), or both. Any person
22 convicted for a third or subsequent offense under this
23 paragraph, including convictions for violations of similar

1 laws in other jurisdictions, shall be imprisoned for a term
2 not more than five (5) years, fined not more than five
3 thousand dollars (\$5,000.00), or both. For purposes of
4 this paragraph, the amounts of a controlled substance are
5 as follows:

6

7 (G) For a controlled substance listed under
8 W.S. 35-7-1014(d)(xiii) or (xxi) in a form other than plant
9 form, no more than three (3) ounces.

10

11 **Section 2.** This act is effective July 1, 2018.

12

13 (END)

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16 *****

17 **STAFF COMMENT**

18

19 An alternative scheme is below. In place of Subparagraph
20 (G) above, the alternative would amend the existing (B),
21 and create new (G) through (J).

22 The alternative scheme intends to capture small amounts of
23 concentrated THC in liquid form under (B), but creates an
24 exception for marihuana drinks in (G), creates a resin form
25 to account for hashish in (H), then provides for the all
26 other forms in (J):

27

28

29 *****

30 *****

31

1 (B) For a controlled substance in liquid
2 form, except as provided in subparagraph (G) of this
3 paragraph, no more than three-tenths (3/10) of a gram;

4
5 (G) For a controlled substance listed under
6 W.S. 35-7-1014(d)(xiii) or (xxi) that is commercially
7 packaged as a drinkable liquid in a jurisdiction where such
8 commerce is legal, no more than thirty-six (36) fluid
9 ounces;

10
11 (H) For a controlled substance in the
12 form of a resin, whether crude or purified, obtained from a
13 plant of the genus Cannabis that contains
14 tetrahydrocannabinol, no more than three (3) grams;

15
16 (J) For a controlled substance listed under
17 W.S. 35-7-1014(d)(xiii) or (xxi) in a form not described in
18 subparagraphs (A) through (H) of this paragraph, no more
19 than three (3) ounces.

20