

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Possession of marihuana products.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to controlled substances; providing
2 penalties for possession of marihuana and marihuana
3 products in specified amounts; creating offenses for
4 possession of marihuana products as specified; amending a
5 provision related to the determination of weight of
6 controlled substances; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 35-7-1031(c)(i)(B) through (D), by
11 creating a new subparagraph (G), (iii), by creating new
12 paragraphs (vi) and (vii) and (d) is amended to read:

13

1 **35-7-1031. Unlawful manufacture or delivery;**
2 **counterfeit substance; unlawful possession.**

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

19

20 (i) And has in his possession a controlled
21 substance in the amount set forth in this paragraph is
22 guilty of a misdemeanor punishable by imprisonment for not

1 more than twelve (12) months, a fine of not more than one
2 thousand dollars (\$1,000.00), or both. Any person
3 convicted for a third or subsequent offense under this
4 paragraph, including convictions for violations of similar
5 laws in other jurisdictions, shall be imprisoned for a term
6 not more than five (5) years, fined not more than five
7 thousand dollars (\$5,000.00), or both. For purposes of
8 this paragraph, the amounts of a controlled substance are
9 as follows:

10

11 (B) For a controlled substance in liquid
12 form other than a marihuana product as defined in paragraph
13 (vii) of this subsection, no more than three-tenths (3/10)
14 of a gram;

15

16 (C) For a controlled substance in powder or
17 crystalline form other than a marihuana product as defined
18 in paragraph (vii) of this subsection, no more than three
19 (3) grams;

20

21 (D) For a controlled substance in pill or
22 capsule form other than a marihuana product as defined in

1 paragraph (vii) of this subsection, no more than three (3)
2 grams;

3
4 (G) Except as otherwise provided in this
5 subsection, for a controlled substance containing marihuana
6 or tetrahydrocannabinols that is not a marihuana product as
7 defined in paragraph (vii) of this subsection and that is
8 in a form other than a form specified in this paragraph, no
9 more than three (3) grams.

10

11 (iii) And has in his possession any other
12 controlled substance classified in Schedule I, II or III in
13 an amount greater than set forth in paragraph (c)(i) or
14 (vi) of this section, is guilty of a felony punishable by
15 imprisonment for not more than five (5) years, a fine of
16 not more than ten thousand dollars (\$10,000.00), or both;

17

18 (vi) And has in his possession marihuana product
19 in an amount no more than three (3) ounces, is guilty as
20 follows:

21

1 (A) Of a misdemeanor punishable by
2 imprisonment for not more than twenty (20) days, a fine of
3 not more than two hundred dollars (\$200.00), or both;

4
5 (B) Upon violation of this paragraph within
6 ten (10) years after any previous conviction under this
7 section or under any substantially similar law of another
8 jurisdiction, of a misdemeanor punishable by imprisonment
9 for not more than six (6) months, a fine of not more than
10 seven hundred fifty dollars (\$750.00), or both;

11
12 (C) Upon violation of this paragraph within
13 ten (10) years after two (2) previous convictions under
14 this section or under any substantially similar law of
15 another jurisdiction, of a misdemeanor punishable by
16 imprisonment for not more than one (1) year, a fine of not
17 more than five thousand dollars (\$5,000.00), or both;

18
19 (D) Upon violation of this paragraph within
20 ten (10) years after three (3) or more previous convictions
21 under this section or under any substantially similar law
22 of another jurisdiction, of a felony punishable by

1 imprisonment for not more than five (5) years, a fine of
2 not more than ten thousand dollars (\$10,000.00), or both.

3
4 (vii) As used in this subsection, "marihuana
5 product" means a preparation, compound, mixture or
6 substance not in plant form which contains marihuana or
7 tetrahydrocannabinol intended for consumption, other than
8 by smoking, including baked goods, candies, edibles,
9 ointments, potable liquids, tinctures or any other similar
10 form containing marihuana or tetrahydrocannabinol.
11 "Marihuana product" does not include a substance obtained
12 by separating cannabinoids from marihuana that has not been
13 prepared into baked goods, candies, edibles, ointments,
14 potable liquids, tinctures or any other similar form.

15
16 (d) For purposes of determining the weights to be
17 given the controlled substances under this section, the
18 weights designated in this section shall include the weight
19 of the controlled substance and the weight of any carrier
20 element, cutting agent, diluting agent or any other
21 substance excluding packaging material or container.

22

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

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(END)