

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

SENATE FILE NO.

Hemp and cannabidiol production and use-prohibitions.

Sponsored by: Joint Agriculture, State and Public Lands &  
Water Resources Interim Committee

A BILL

for

1 AN ACT relating to hemp production; amending allowable uses  
2 and possessions of hemp and cannabidiol; prohibiting the  
3 use of hemp and cannabidiol in certain forms and the  
4 addition of hemp and cannabidiol to certain substances;  
5 providing penalties; making conforming amendments; and  
6 providing for an effective date.

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

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10 **Section 1.** W.S. 11-51-108 is created to read:

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12 **11-51-108. Prohibited uses of hemp; penalties.**

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(a) No person shall process, possess or sell:

(i) Hemp or any part of hemp for the purpose of smoking;

(ii) Any alcoholic beverage containing cannabidiol;

(iii) Any food product or beverage containing cannabidiol unless the United States food and drug administration has approved the use of cannabidiol as a food additive in the food product or beverage.

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STAFF COMMENT

The Committee may wish to consider the definition of "food product" and dietary supplement and whether "beverage" may need further definition and clarification (or a way for that to be further defined-by the Department of Agriculture or another state agency). For example, it is unclear whether CBD oil would be considered a food product or beverage, or if CBD capsules would be considered a food product.

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1           (b) A person who knowingly or intentionally violates  
2 subsection (a) of this section shall be guilty of a  
3 misdemeanor punishable as follows:

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5           (i) For a first offense, by a fine of not more  
6 than three hundred dollars (\$300.00);

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8           (ii) For a second offense, by a fine of not more  
9 than one thousand dollars (\$1,000.00);

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11           (iii) For a third or subsequent offense, by a  
12 fine of not more than five thousand dollars (\$5,000.00).

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14           **Section 2.** W.S. 11-51-101(a) by creating new  
15 paragraphs (viii) and (ix), 11-51-102(b) and by creating a  
16 new subsection (c) and 35-7-1063(a)(i) and (iii) are  
17 amended to read:

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19           **11-51-101. Definitions.**

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21           (a) As used in this chapter:

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23           (viii) "Dietary supplement" means:

1                   (A) A product intended to supplement the  
2 diet that bears or contains one (1) or more of the  
3 following dietary ingredients:

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5                   (I) A vitamin;

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7                   (II) A mineral;

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9                   (III) An herb or other botanical;

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11                   (IV) An amino acid;

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13                   (V) A dietary substance for use by man  
14 to supplement the diet by increasing the total dietary  
15 intake;

16                   (VI) A concentrate, metabolite,  
17 constituent, extract or combination of any ingredient  
18 described in subdivision (I) through (V) of this  
19 subparagraph.

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21                   (B) A product that is intended for  
22 ingestion in a tablet, capsule, powder, softgel, gelcap or  
23 liquid form, or if not intended for ingestion in such a

1 form, is not represented as conventional food and is not  
2 represented for use as a sole item of a meal or of the  
3 diet.

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5 **STAFF COMMENT**

6 **The definition of "dietary supplement" is modeled after**  
7 **21USC §321(ff), which is reproduced here for reference:**

8 (ff) The term "dietary supplement"—

9 (1) means a product (other than tobacco) intended to supplement the diet that  
10 bears or contains one or more of the following dietary ingredients:

- 11 (A) a vitamin;
- 12 (B) a mineral;
- 13 (C) an herb or other botanical;
- 14 (D) an amino acid;
- 15 (E) a dietary substance for use by man to supplement the diet by  
16 increasing the total dietary intake; or
- 17 (F) a concentrate, metabolite, constituent, extract, or combination of any  
18 ingredient described in clause (A), (B), (C), (D), or (E);

19 (2) means a product that—

- 20 (A)
- 21 (i) is intended for ingestion in a form described in section  
22 411(c)(1)(B)(i) [\[21 USCS § 350\(c\)\(1\)\(B\)\(i\)\]](#); or

- 23 (ii) complies with section 411(c)(1)(B)(ii) [\[21 USCS §](#)  
24 [350\(c\)\(1\)\(B\)\(ii\)\]](#);

25 (B) is not represented for use as a conventional food or as a sole item of a  
26 meal or the diet; and

27 (C) is labeled as a dietary supplement; and

28 (3) does—

29 (A) include an article that is approved as a new drug under section 505 [\[21](#)  
30 [USCS § 355\]](#) or licensed as a biologic under section 351 of the Public Health Service Act  
31 [\(42 U.S.C. 262\)](#) and was, prior to such approval, certification, or license, marketed as a  
32 dietary supplement or as a food unless the Secretary has issued a regulation, after notice  
33 and comment, finding that the article, when used as or in a dietary supplement under the  
34 conditions of use and dosages set forth in the labeling for such dietary supplement, is  
35 unlawful under section 402(f) [\[21 USCS § 342\(f\)\]](#); and

36 (B) not include—

37 (i) an article that is approved as a new drug under section 505 [\[21](#)  
38 [USCS § 355\]](#), certified as an antibiotic under section 507 [\[21 USCS § 357\]](#), or licensed as  
39 a biologic under section 351 of the Public Health Service Act [\(42 U.S.C. 262\)](#), or

1 (ii) an article authorized for investigation as a new drug, antibiotic,  
2 or biological for which substantial clinical investigations have been instituted and for  
3 which the existence of such investigations has been made public,  
4 which was not before such approval, certification, licensing, or authorization marketed as  
5 a dietary supplement or as a food unless the Secretary, in the Secretary's discretion, has  
6 issued a regulation, after notice and comment, finding that the article would be lawful  
7 under this Act [[21 USCS §§ 301](#) et seq.].

8  
9 Except for purposes of sections 201(g) and 417 [[21 USCS §§ 321\(g\)](#) and [350f](#)], a dietary  
10 supplement shall be deemed to be a food within the meaning of this Act [[21 USCS §§](#)  
11 [301](#) et seq.].

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13 (ix) "Food product" means:

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15 (A) Articles or components used for food or  
16 drink for a person or animal;

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18 (B) Chewing gum;

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20 (C) Dietary supplements.

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22 **11-51-102. Hemp as agricultural crop; use of hemp;**  
23 **limitations; disclosures.**

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25 (b) Notwithstanding the requirements of this chapter,  
26 the possession, purchase, sale, transportation and use of  
27 hemp and hemp products by any person is allowable ~~without~~  
28 ~~restriction~~except as provided in W.S. 11-51-108.

1           (c) Any hemp product containing cannabidiol that is  
2 manufactured, produced, distributed, imported or sold for  
3 use in Wyoming shall:

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5           (i) Not be marketed as a dietary supplement;

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7           (ii) Include a label that has the following words  
8 printed clearly on the label: "This product has not been  
9 evaluated by the Food and Drug Administration and is not  
10 intended to diagnose, treat, cure or prevent any disease.";

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12           (iii) Contain no medical claims on the product's  
13 label.

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

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

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20           (i) The possession or use of hemp or hemp  
21 products for any purpose or application except as  
22 prohibited by W.S. 11-51-108. The provisions and penalties

1 of this chapter shall not apply to violations of W.S. 11-  
2 51-108;

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4 (iii) Hemp production, processing or testing in  
5 accordance with the provisions of W.S. 11-51-101 through  
6 ~~11-51-107~~ 11-51-108.

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8 **Section 3.** This act is effective July 1, 2021.

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10 (END)