

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Hemp production-psychoactive and edible hemp prohibited.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to hemp production; prohibiting hemp with
2 any detectable amount of natural or synthetic
3 tetrahydrocannabinol; prohibiting the production of hemp
4 intended for human consumption; providing definitions;
5 making conforming amendments; requiring rulemaking;
6 specifying applicability; and providing for effective
7 dates.

8

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

10

11 **Section 1.** W.S. 11-51-101(a)(iii), (vi), (vii) and by
12 creating a new paragraph (viii), 11-51-102(b) and by

1 creating a new subsection (c), 11-51-104(a)(intro) and (b)
2 and 35-7-1063(b) are amended to read:

3

4 **11-51-101. Definitions.**

5

6 (a) As used in this chapter:

7

8 (iii) "Hemp" or "hemp product" means all parts,
9 seeds and varieties of the plant cannabis sativa L.,
10 whether growing or not, or a product, derivative, extract,
11 cannabinoid, isomer, acid, salt or salt of isomer made from
12 that plant with a no detectable THC concentration ~~of not~~
13 ~~more than three tenths of one percent (0.3%) on a dry~~
14 ~~weight basis~~ when using post-decarboxylation or another
15 similarly reliable testing method;

16

17 (vi) "Process" means converting hemp into
18 another product that contains no ~~more than three tenths of~~
19 ~~one percent (0.3%)~~ detectable THC ~~on a dry weight basis~~
20 concentration when using post-decarboxylation or another
21 similarly reliable testing method;

22

1 (vii) "THC" means tetrahydrocannabinol,
2 including but not limited to the following substances:

3
4 (A) The psychoactive component of the
5 cannabis plant, with the scientific name trans-delta 9-
6 tetrahydrocannabinol;

7
8 (B) Any synthetic tetrahydrocannabinol,
9 including any synthetic substance listed in W.S. 35-7-
10 1014(d)(xxi) and delta 8 cis or trans tetrahydrocannabinol
11 and their optical isomers;

12
13 (C) Any other cis or trans
14 tetrahydrocannabinol and their optical isomers that mimic
15 the intoxicating effects of a substance specified in
16 subparagraphs (A) and (B) of this paragraph.

17
18 (viii) "Edible" means any product primarily
19 intended for human consumption.

20
21 **11-51-102. Hemp as agricultural crop; use of hemp.**

22

1 (b) Notwithstanding the requirements of this chapter,
2 the possession, purchase, sale, transportation and use of
3 hemp and hemp products by any person is allowable except as
4 provided in subsection (c) of this section and W.S. 14-3-
5 310.

6
7 (c) No person shall produce, process, possess,
8 purchase, sell, transport or use edible hemp or any edible
9 hemp product.

10

11 *****
12 *****
13 STAFF COMMENT

14
15 As discussed in a subsequent staff comment, the Committee
16 may wish to consider what penalty should be available for
17 violations of the subsection above.

18
19 *****
20 *****

21

22 11-51-104. Enforcement; fees; penalties.

23

24 (a) The department shall perform inspections and
25 provide chemical sampling and analysis of production or
26 processing activities by licensees to determine compliance
27 with this chapter. The department may require verification
28 of effective disposal by licensees of hemp or hemp products

1 that contain ~~in excess of three tenths of one percent~~
2 ~~(0.3%)~~ any detectable amount of THC. ~~on a dry weight basis.~~

3 For any sample, analysis or verification conducted under
4 this subsection, the department shall assess the licensee
5 fees as established by rule of the department, not to
6 exceed the following:

7

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

22

1 *****
2 *****

3 STAFF COMMENT

4
5 W.S. 11-51-104(c) and (d) provide civil and criminal
6 penalties associated with violations of the hemp-production
7 statutes; these penalties would also apply to the
8 prohibition against producing, possessing, or using edible
9 hemp products (as provided for in this bill draft).

10
11 The Committee may wish to consider whether the penalty
12 (particularly in W.S. 11-51-104(c) below) is appropriate
13 for the edible-hemp prohibition.

14
15 11-51-104. Enforcement; fees; penalties.

16
17 (c) Any person who intentionally violates this
18 chapter is guilty of a misdemeanor punishable by a fine of
19 not more than seven hundred fifty dollars (\$750.00),
20 imprisonment for not more than six (6) months, or both.

21
22 (d) If any person has three (3) or more violations of
23 this chapter or any regulation promulgated pursuant to this
24 chapter within five (5) years, the department shall revoke
25 the license and the person shall be ineligible for
26 licensure under this article for five (5) years.

27
28 *****
29 *****
30

31 35-7-1063. Exceptions to provisions.

32
33 (b) As used in this section:

34
35 (i) "Hemp" or "hemp product" means all parts,
36 seeds and varieties of the plant cannabis sativa L. or a
37 product made from that plant with ~~a trans-delta-9-~~

1 ~~tetrahydrocannabinol (THC) no detectable THC concentration;~~
2 ~~of not more than three tenths of one percent (0.3%) on a~~
3 ~~dry weight basis~~

4

5 (ii) "THC" means as defined by W.S. 11-51-
6 101(a)(vii).

7

8 **Section 2.** Nothing in this act shall be construed to
9 prohibit or limit the production, possession, processing,
10 purchase, sale, transportation or use of edible hemp
11 products or hemp or hemp products with a THC concentration
12 of not more than three-tenths of one percent (0.3%) on a
13 dry weight basis before the effective date of this section.

14

15 **Section 3.** The department of agriculture shall
16 promulgate all rules necessary to implement this act.

17

18 **Section 4.**

19

20 (a) Except as provided in subsection (b) of this
21 section, this act is effective July 1, 2024.

22

1 (b) Sections 3 and 4 of this act are effective
2 immediately upon completion of all acts necessary for a
3 bill to become law as provided by Article 4, Section 8 of
4 the Wyoming Constitution.

5

6

(END)