

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Hemp-limitations on psychoactive substances.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to hemp production; prohibiting the
2 addition of synthetic substances or other additives to
3 hemp; prohibiting the sale of hemp with THC or psychoactive
4 substances as specified; providing and amending
5 definitions; making conforming amendments; requiring
6 rulemaking; and providing for effective dates.

7

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

9

10 **Section 1.** W.S. 11-51-101(a)(iii), (vi), (vii) and by
11 creating a new paragraph (viii), 11-51-102(b), 11-51-103 by
12 creating a new subsection (f), 11-51-104(a)(intro) and

1 (iii), (b), (d) and by creating a new subsection (e) and
2 35-7-1063(b) are amended to read:

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5 *****

6 STAFF COMMENT

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8 For reference, certain provisions of the hemp-production
9 statutes and the Controlled Substances Act have been
10 included with this bill draft but are not amended.
11 Provisions that are not amended would not be included in
12 any finalized or formal bill draft.

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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,
24 cannabinoid, isomer, acid, salt or salt of isomer made from
25 that plant with no synthetic substance and with a THC
26 concentration of not more than three-tenths of one percent
27 (0.3%) on a dry weight basis when using post-
28 decarboxylation or another similarly reliable testing
29 method;

1

2 (iv) "Licensee" means a person licensed under
3 this chapter to produce, process or test hemp;

4

5 (v) "Produce" means all acts necessary to
6 produce and market hemp including, without limitation,
7 planting, cultivating, harvesting, cloning, producing
8 seeds, handling, transporting and selling;

9

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

16

17 (vii) "THC" means:

18

19 (A) Tetrahydrocannabinol, the psychoactive
20 component of the cannabis plant, with the scientific name
21 trans-delta 9-tetrahydrocannabinol;

22

1 (B) Psychoactive analogs of
2 tetrahydrocannabinol;

3
4 (C) Any psychoactive structural, optical or
5 geometric isomers of tetrahydrocannabinol.

6
7 (viii) "Synthetic substance" means any synthetic
8 THC, synthetic cannabinoid or any other drug or
9 psychoactive substance.

10
11 **11-51-102. Hemp as agricultural crop; use of hemp.**

12
13
14 (b) Notwithstanding the requirements of this chapter,
15 the possession, purchase, sale, transportation and use of
16 hemp and hemp products by any person is allowable except as
17 provided in W.S. 11-51-103(f) and 14-3-310.

18
19 **11-51-103. Licensing; prohibited activities.**

20
21 (f) No person or licensee shall:

22

1 (i) Produce, process or sell hemp or hemp
2 products containing more than three-tenths of one percent
3 (0.3%) THC on a dry weight basis when using post-
4 decarboxylation or another similarly reliable testing
5 method;

6
7 (ii) Add, alter, insert or otherwise include any
8 synthetic substance into hemp or hemp products produced,
9 processed or sold in accordance with this chapter.

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. The department may require verification
17 of effective disposal by licensees of hemp or hemp products
18 that contain synthetic substances or that contain in excess
19 of three-tenths of one percent (0.3%) THC on a dry weight
20 basis. For any sample, analysis or verification conducted
21 under this subsection, the department shall assess the
22 licensee fees as established by rule of the department, not
23 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 or any regulation promulgated pursuant to this
11 chapter shall be subject to a corrective action plan. The
12 corrective action plan may include reporting requirements,
13 additional inspections, suspension of a license, steps
14 necessary to restore a license, requirements related to
15 disposal of hemp or hemp products that contain in excess of
16 three-tenths of one percent (0.3%) THC on a dry weight
17 basis or providing notice of the violation to the
18 licensee's known creditors. The plan may require rendering
19 THC inaccessible by using hemp or hemp products as a soil
20 amendment material or by destruction of the hemp or hemp
21 product as authorized by rule of the department.

22

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

5

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

11

12 (e) Any person who violates this chapter by producing,
13 processing or selling hemp or hemp products containing any
14 synthetic substance shall be ineligible for licensure under
15 this chapter.

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19 STAFF COMMENT

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21 In light of the changes in this bill draft, the Committee
22 may wish to consider whether any change to W.S. 35-7-
23 1014(d)(xxi) (reproduced below) is necessary.

24

25 35-7-1014. Substances included in Schedule I.

26

27 (d) Hallucinogenic substances.-Unless specifically
28 excepted or unless listed in another schedule, any
29 material, compound, mixture or preparation which contains

1 any quantity of the following hallucinogenic substances,
2 their salts, isomers and salts of isomers whenever the
3 existence of these salts, isomers and salts of isomers is
4 possible within the specific chemical designation (for
5 purposes of this paragraph only, the term "isomer" includes
6 the optical, position and geometric isomers):
7

8 (xvi) Tetrahydrocannabinols; synthetic
9 equivalents of the substances contained in the plant or in
10 the resinous extractives of Cannabis, sp. and/or synthetic
11 substances, derivatives and their isomers with similar
12 chemical structure and pharmacological activity such as the
13 following: delta 1 cis or trans tetrahydrocannabinol and
14 their optical isomers; delta 6 cis or trans
15 tetrahydrocannabinol and their optical isomers; delta to
16 the 3, 4 cis or trans tetrahydrocannabinol and its optical
17 isomers. Since nomenclature of these substances is not
18 internationally standardized, compounds of these
19 structures, regardless of numerical designation of atomic
20 positions are covered;
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22 *****
23 *****
24

25 **35-7-1063. Exceptions to provisions.**

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27 (a) The provisions and penalties of this chapter
28 shall not apply to:

29

30 (iii) Hemp production, processing or testing in
31 accordance with the provisions of W.S. 11-51-101 through
32 11-51-107 and 14-3-310.

33

34 (b) As used in this section:

1

2 (i) "Hemp" or "hemp product" means all parts,
3 seeds and varieties of the plant *cannabis sativa* L. or a
4 product made from that plant with no synthetic substances
5 and with a ~~trans-delta-9-tetrahydrocannabinol (THC)~~ THC
6 concentration of not more than three-tenths of one percent
7 (0.3%) on a dry weight basis;

8

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

11

12 (iii) "THC" means as defined by W.S. 11-51-
13 101(a)(vii).

14

15 **Section 2.** The department of agriculture and the
16 commissioner of drugs and substances control shall
17 promulgate all rules necessary to implement this act.

18

19 **Section 3.**

20

21 (a) Except as provided in subsection (b) of this
22 section, this act is effective immediately upon completion

1 of all acts necessary for a bill to become law as provided
2 by Article 4, Section 8 of the Wyoming Constitution.

3

4 (b) Section 1 of this act is effective July 1, 2024.

5

6 (END)