

ENROLLED ACT NO. 64, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

AN ACT relating to public health; allowing supervised medical use of hemp extract; providing an exemption from prosecution for possession or use of hemp extract; providing for doctor supervision; creating a registration program as specified; authorizing a fee for registration; providing definitions; and providing for an effective date.

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

Section 1. W.S. 35-7-1063 and 35-7-1801 through 35-7-1803 are created to read:

35-7-1063. Exception to provisions.

The provisions and penalties of this chapter shall not apply to the medical use of hemp extract when used in accordance with the provisions of W.S. 35-7-1801 through 35-7-1803.

ARTICLE 18
SUPERVISED MEDICAL USE OF HEMP EXTRACTS

35-7-1801. Definitions.

(a) As used in this article:

(i) "Department" means the state department of health;

(ii) "Hemp extract" means an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that:

(A) Is composed of less than three-tenths of a percent (0.3%) tetrahydrocannabinol by weight;

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(B) Is composed of at least five percent (5%) cannabidiol by weight;

(C) Contains no other psychoactive substance; and

(D) Complies with federal definitions of industrial hemp, including the definition under section 7606 of the federal Agricultural Act of 2014, which shall apply to all samples, products, derivatives and oils.

(iii) "Hemp extract registration card" means a card issued by the department under W.S. 35-7-1802;

(iv) "Intractable epilepsy" means epilepsy or seizure disorders that, as determined by a neurologist, does not respond to other treatment options overseen by the neurologist;

(v) "Neurologist" means a person who is licensed to practice medicine pursuant to W.S. 33-26-301 et seq. and who is certified in neurology by a nationally recognized neurological physician organization designated by the Wyoming state board of medicine;

(vi) "Parent" means a parent or legal guardian of a minor who is responsible for the minor's medical care;

(vii) "Registrant" means the person who holds a hemp extract registration card issued by the department pursuant to this article.

35-7-1802. Hemp extract registration cards.

(a) The department shall issue a hemp extract registration card to a person who:

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- (i) Is at least eighteen (18) years of age;
 - (ii) Is a resident of Wyoming;
 - (iii) Provides a statement to the department which is signed by a neurologist and specifies that the person suffers from intractable epilepsy or seizure disorders and may benefit from treatment with hemp extract;
 - (iv) Pays a fee to the department as specified in subsection (e) of this section; and
 - (v) Submits an application to the department on a form created by the department that contains:
 - (A) The individual's name and address;
 - (B) A copy of the individual's valid photo identification; and
 - (C) Any other information the department considers necessary to implement this article.
- (b) The department shall issue a hemp extract registration card to a parent who:
- (i) Is at least eighteen (18) years of age;
 - (ii) Is a Wyoming resident;
 - (iii) Provides the department with a statement signed by a neurologist that the minor in the parent's care suffers from intractable epilepsy or seizure disorders and may benefit from treatment with hemp extract;
 - (iv) Pays the department a fee as provided in subsection (e) of this section; and

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(v) Submits an application to the department on a form created by the department, which contains:

(A) The parent's name and address;

(B) The minor's name;

(C) A copy of the parent's valid photo identification; and

(D) Any other information the department considers necessary to implement this article.

(c) The department shall maintain a registry of:

(i) The names of each applicant to whom the department issues a hemp extract registration card under subsection (a) of this section; and

(ii) The names of each minor receiving care from a parent who is issued a hemp registration card under subsection (b) of this section.

(d) The department shall promulgate rules and regulations to establish:

(i) The information an applicant is required to provide to the department under this article; and

(ii) The form of the hemp extract registration card issued under this article.

(e) The department shall establish a fee for maintaining the registry in an amount to ensure that, to the extent practicable, the total revenue generated from the fees collected approximates, but does not exceed, the

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direct and indirect costs of administering the registry. All fees received shall be deposited in the general fund.

(f) A registration card issued under subsection (a) or (b) of this section is valid for one (1) year and is renewable if, at the time of renewal, the registrant meets the requirements of subsection (a) or (b) of this section. A card issued pursuant to subsection (b) of this section remains valid after the minor reaches the age of majority until the card expires or is replaced by a card issued pursuant to subsection (a) of this section.

(g) The neurologist who signs a statement as provided in this section shall:

(i) Keep a record of the neurologist's evaluation and observation of a patient who is a registrant or a minor under a registrant's care including the patient's response to hemp extract; and

(ii) Transmit a copy of the records to the department.

(h) The department shall maintain a database of records received under subsection (g) of this section. The department shall treat the records as confidential, provided that the department, with the consent of the registrant or the registrant's parent, may share the records with a higher education institution for the purpose of studying hemp extract if the records are redacted so that the patient cannot be identified individually.

35-7-1803. Exemption from criminal and civil penalties for the medical use of hemp extract.

(a) Notwithstanding any other provision of this chapter, an individual who possesses or uses hemp extract

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is not subject to the penalties described in this chapter for possession or use of the hemp extract if the individual:

(i) Possesses or uses the hemp extract only for the treatment of the individual's or the individual's minor child's intractable epilepsy or seizure disorders;

(ii) Is a holder of a valid hemp extract registration card issued by the department under W.S. 35-7-1802; and

(iii) Can provide, through a certificate of analysis or otherwise, evidence that the hemp extract meets the percentages for tetrahydrocannabinol and cannabidiol provided in W.S. 35-7-1801(a)(ii).

(b) Notwithstanding any other provision of this chapter, an individual who possesses hemp extract lawfully under subsection (a) of this section and administers the hemp extract to a minor is not subject to the penalties described in this chapter for administering the hemp extract to the minor if:

(i) The individual is the minor's parent or legal guardian;

(ii) The individual is a holder of a valid hemp extract registration card issued by the department under W.S. 35-7-1802(b); and

(iii) The individual administers the hemp extract only to the minor on whose behalf the hemp registration card was issued.

Section 2. W.S. 35-7-1002(a)(xxviii) is amended to read:

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35-7-1002. Definitions.

(a) As used in this act:

(xxviii) "This act" means W.S. 35-7-1001 through
~~35-7-1060~~ 35-7-1063.

Section 3. This act is effective July 1, 2015.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk