

HOUSE BILL NO. HB0110

Cannabidiol medication.

Sponsored by: Representative(s) Gay and Byrd

A BILL

for

1 AN ACT relating to public health; allowing supervised use
 2 of cannabidiol as specified; providing an exemption from
 3 prosecution for possession or use of cannabidiol as
 4 specified; requiring registration; authorizing a fee for
 5 registration; providing regulatory authority; providing
 6 definitions; 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. 35-7-2101 through 35-7-2103 are
 11 created to read:

12

ARTICLE 21

13

SUPERVISED MEDICAL USE OF CANNABIDIOL

14

15

16 **35-7-2101. Definitions.**

1

2 (a) As used in this article:

3

4 (i) "Cannabidiol" or "CBD" means an oil or other
5 preparation intended as a medicine made from the cannabis
6 plant which contains primarily cannabidiol as its active
7 ingredient and which contains no tetrahydrocannabinol or
8 THC or any other psychoactive substance;

9

10 (ii) "Department" means the department of
11 health;

12

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

15

16 (iv) "Prescribing physician" means a person who
17 is licensed to practice medicine pursuant to the Medical
18 Practice Act and who is certified by a nationally
19 recognized professional organization as a neurosurgeon,
20 neurologist, pain management specialist, psychiatrist,
21 oncologist or ophthalmologist;

22

1 (v) "Registrant" means the person who holds a
2 registration card issued by the department pursuant to this
3 article;

4

5 (vi) "Registration card" means a card issued by
6 the department under W.S. 35-7-2102.

7

8 **35-7-2102. CBD registration cards.**

9

10 (a) The department shall issue a CBD registration
11 card to a person who:

12

13 (i) Is at least eighteen (18) years of age;

14

15 (ii) Is a resident of Wyoming;

16

17 (iii) Provides a statement to the department
18 which is signed by a prescribing physician and specifies
19 that the person may benefit from treatment with CBD;

20

21 (iv) Pays a fee to the department as specified
22 in this section; and

23

1 (v) Submits an application to the department on
2 a form created by the department that contains:

3

4 (A) The person's name and address;

5

6 (B) A copy of the person's valid photo
7 identification; and

8

9 (C) Any other information the department
10 determines necessary to implement this article.

11

12 (b) The department shall issue a registration card to
13 a parent who:

14

15 (i) Is at least eighteen (18) years of age;

16

17 (ii) Is applying for a registration card on
18 behalf of a minor who is in the parent's care and is a
19 resident of Wyoming;

20

21 (iii) Provides the department with a statement
22 signed by a prescribing physician that the minor may
23 benefit from treatment with CBD;

1

2 (iv) Pays the department a fee as provided in
3 subsection (e) of this section; and

4

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

7

8 (A) The parent's name and address;

9

10 (B) The minor's name;

11

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

14

15 (D) Any other information the department
16 determines necessary to implement this article.

17

18 (c) The department shall maintain a registry of:

19

20 (i) The names of each applicant to whom the
21 department issues a registration card under this section;

22 and

23

1 (ii) The names of each minor receiving care from
2 a parent who is issued a registration card under this
3 section.

4

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

7

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

10

11 (ii) The form of the registration card issued
12 under this article; and

13

14 (iii) Any other requirements reasonably
15 necessary to implement this article.

16

17 (e) The department shall establish a fee for
18 maintaining and administering the registry required by this
19 section in an amount to ensure that, to the extent
20 practicable, the total revenue generated from the fees
21 collected approximates, but does not exceed, the direct and
22 indirect costs of maintaining and administering the

1 registry. Fees collected under this section shall be
2 deposited in the general fund.

3

4 (f) A registration card issued under this section is
5 valid for one (1) year and is renewable if, at the time of
6 renewal, the registrant meets the requirements of this
7 section.

8

9 (g) The prescribing physician who signs a statement
10 required by this section shall:

11

12 (i) Keep a record of his evaluation and
13 observation of each patient who is an applicant, registrant
14 or minor under a registrant's care including the patient's
15 response to CBD; and

16

17 (ii) Transmit a copy of the record to the
18 department in accordance with rules and regulations adopted
19 by the department.

20

21 (h) The department shall maintain a database of
22 records received under this section. The department shall
23 treat the records as confidential and not subject to the

1 public records act, W.S. 16-4-201 through 16-4-205,
2 provided that the department may share the records with a
3 higher education institution for the purpose of studying
4 CBD if the records are redacted so that the patient cannot
5 be identified individually.

6

7 **35-7-2103. Exemption from criminal and civil**
8 **penalties for the medical use of CBD.**

9

10 (a) Notwithstanding any other provision of this
11 chapter, no person who possesses or uses CBD shall be
12 subject to any penalties provided in this chapter for
13 possession or use of the CBD if the individual:

14

15 (i) Possesses or uses the CBD pursuant to the
16 direction of a prescribing physician;

17

18 (ii) Possesses a registration card issued by the
19 department under W.S. 35-7-2102; and

20

21 (iii) Can provide, through a certificate of
22 analysis or otherwise, evidence that the medication does
23 not contain tetrahydrocannabinol.

1

2 (b) Notwithstanding any other provision of this
3 chapter, no person who possesses CBD and administers the
4 CBD to a minor shall be subject to any penalties provided
5 in this chapter if:

6

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

9

10 (ii) The individual possesses a registration
11 card issued by the department under W.S. 35-7-2102(b).

12

13 **Section 2.** W.S. 35-7-1063 is amended to read:

14

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

16

17 (a) The provisions and penalties of this chapter
18 shall not apply to the medical use of hemp extract when
19 used in accordance with the provisions of W.S. 35-7-1901
20 through 35-7-1903.

21

22 (b) The provisions and penalties of this chapter
23 shall not apply to the medical use of cannabidiol or CBD

1 when used in accordance with the provisions of W.S.
2 35-7-2101 through 35-7-2103.

3

4 **Section 3.** This act is effective July 1, 2016.

5

6

(END)