

HOUSE BILL NO. HB0137

Minors-sale and purchase of cannabidiol prohibited.

Sponsored by: Representative(s) Newsome, Brown, Eklund,
Haroldson, Heiner, Northrup and Sommers

A BILL

for

1 AN ACT relating to children; prohibiting the sale of
2 cannabidiol products to persons under age twenty-one (21);
3 prohibiting the purchase of cannabidiol products to persons
4 under age twenty-one (21); providing criminal and other
5 penalties; providing exceptions; providing for the
6 expungement of hemp-related offenses as specified; and
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 14-3-310 and 14-3-311 are created to
12 read:

13

14

ARTICLE 3

15

SALE OF NICOTINE AND CBD PRODUCTS

1

2 **14-3-310. Sale of CBD products to persons under age**
3 **twenty-one; penalties.**

4

5 (a) No person shall sell, offer for sale, give away
6 or deliver CBD products to any person under the age of
7 twenty-one (21) years.

8

9 (b) Any person violating subsection (a) of this
10 section is guilty of a misdemeanor punishable by a fine of
11 not more than:

12

13 (i) Two hundred fifty dollars (\$250.00) for a
14 first violation. The court may allow the defendant to
15 perform community service and be granted credit against his
16 fine and court costs at the rate of ten dollars (\$10.00)
17 for each hour of work performed;

18

19 (ii) Five hundred dollars (\$500.00) for a second
20 violation committed within twenty-four (24) months after a
21 first violation, regardless of the locations where the
22 violations occurred. The court may allow the defendant to
23 perform community service and be granted credit against his

1 fine and court costs at the rate of ten dollars (\$10.00)
2 for each hour of work performed;

3

4 (iii) Seven hundred fifty dollars (\$750.00) for
5 a third or subsequent violation committed within a
6 twenty-four (24) month period, regardless of the locations
7 where the violations occurred. The court may allow the
8 defendant to perform community service and be granted
9 credit against his fine and court costs at the rate of five
10 dollars (\$5.00) for each hour of work performed.

11

12 (c) No retailer shall sell, permit the sale, offer
13 for sale, give away or deliver CBD products to any person
14 under the age of twenty-one (21) years.

15

16 (d) Any person violating subsection (c) of this
17 section is guilty of a misdemeanor punishable by a fine of
18 not more than:

19

20 (i) Two hundred fifty dollars (\$250.00) for a
21 first violation;

22

1 (ii) Five hundred dollars (\$500.00) for a second
2 violation committed during a twenty-four (24) month period;

3
4 (iii) Seven hundred fifty dollars (\$750.00) for
5 a third or subsequent violation committed during a
6 twenty-four (24) month period.

7
8 (e) In addition to the penalties under paragraph
9 (d)(iii) of this section, any person violating subsection
10 (d) of this section by committing a third or subsequent
11 offense within a twenty-four (24) month period may be
12 subject to an injunction. The department of revenue or the
13 district attorney of the county in which the offense
14 occurred, may petition the district court for an injunction
15 to prohibit the sale of CBD products in the establishment
16 where the violation occurred. If the court finds that the
17 respondent in the action has violated the provisions of
18 subsection (d) of this section for a third or subsequent
19 time within a twenty-four (24) month period and may
20 continue to violate such provisions, it may grant an
21 injunction prohibiting the respondent from selling CBD
22 products in the establishment where the violation occurred
23 for a period of not more than one hundred eighty (180)

1 days. For purposes of this subsection, multiple violations
2 occurring before the petition for the injunction is filed
3 shall be deemed part of the violation for which the
4 injunction is sought. If the person against whom the
5 injunction is sought operates multiple, geographically
6 separate establishments, the injunction shall apply only to
7 the establishment where the violation occurred. The
8 injunction shall prohibit all sales of CBD products in the
9 establishment where the violation occurred, regardless of
10 any change in ownership or management of the establishment
11 that is not a bona fide, arms-length transaction while the
12 injunction is in effect.

13

14 (f) It is an affirmative defense to a prosecution
15 under subsections (b) and (d) of this section that, in the
16 case of a sale, the person who sold the CBD product was
17 presented with, and reasonably relied upon, an
18 identification card that identified the person buying or
19 receiving the CBD product as being over twenty-one (21)
20 years of age.

21

22 **14-3-311. Purchase and possession of CBD products by**
23 **persons under age twenty-one prohibited; penalties.**

1

2 (a) No person under the age of twenty-one (21) years
3 shall purchase or attempt to purchase CBD products, or
4 misrepresent the person's identity or age, or use any false
5 or altered identification for the purpose of purchasing or
6 attempting to purchase CBD products. A person shall not be
7 arrested for an alleged violation of this subsection but
8 shall be issued a citation as a charging document by a
9 peace officer having probable cause to believe the person
10 violated this subsection. An officer issuing a citation
11 shall deposit one (1) copy of the citation with the court
12 having jurisdiction over the alleged offense. Bond may be
13 posted and forfeited for an offense charged under this
14 section in an amount equal to the fine imposed by
15 subsection (c) of this section.

16

17 (b) It is unlawful for any person under the age of
18 twenty-one (21) years to possess or use any CBD products.
19 A person shall not be arrested for an alleged violation of
20 this subsection but shall be issued a citation as a
21 charging document by a peace officer having probable cause
22 to believe the person violated this subsection. An officer
23 issuing a citation shall deposit one (1) copy of the

1 citation with the court having jurisdiction over the
2 alleged offense. Bond may be posted and forfeited for an
3 offense charged under this section in an amount equal to
4 the fine imposed by subsection (c) of this section.

5

6 (c) Any person violating subsection (a) or subsection
7 (b) of this section is guilty of a misdemeanor punishable
8 by a fine of fifty dollars (\$50.00). In lieu of the fine
9 under this subsection, the court may allow the defendant to
10 perform community service and be granted credit against the
11 fine and court costs at the rate of ten dollars (\$10.00)
12 for each hour of work performed.

13

14 (d) No conviction under subsection (c) of this
15 section, whether by guilty plea, adjudication of guilt or
16 forfeiture of bond shall be reported by the court to any
17 law enforcement agency. Upon payment of the fine imposed by
18 subsection (c) of this section, a criminal conviction under
19 this section shall be expunged by operation of law from all
20 records of the court nine (9) months after the entry of
21 conviction. For any person whose record of conviction was
22 expunged under this subsection, the conviction is deemed
23 not to have occurred and the person may reply accordingly

1 upon any inquiry in the matter. No expungement under this
2 subsection shall be considered for purposes of any other
3 law providing for expungement.

4

5 **Section 2.** W.S. 11-51-102(b), 14-3-301(a) by creating
6 new paragraphs (viii) and (ix) and 35-7-1063(a)(i) are
7 amended to read:

8

9 **11-51-102. Hemp as agricultural crop; use of hemp.**

10

11 (b) Notwithstanding the requirements of this chapter,
12 the possession, purchase, sale, transportation and use of
13 hemp and hemp products by any person is allowable ~~without~~
14 ~~restriction~~ except as provided in W.S. 14-3-310 and
15 14-3-311.

16

17 **14-3-301. Definitions.**

18

19 (a) As used in this article:

20

21 (viii) "CBD product" means any part, seed,
22 variety or product of the plant cannabis sativa l., whether
23 growing or not, or a product, derivative, extract,

1 cannabinoid, isomer, acid, salt or salt of isomer made from
2 that plant with a THC concentration of not more than
3 three-tenths of one percent (0.3%) on a dry weight basis
4 when using post-decarboxylation or another similarly
5 reliable testing method. "CBD product" shall not include
6 any CBD product that can be applied topically with a THC
7 concentration of not more than three-tenths of one percent
8 (0.3%) on a dry weight basis;

9
10 (ix) "THC" means tetrahydrocannabinol, the
11 psychoactive component of the cannabis plant, with the
12 scientific name trans-delta 9-tetrahydrocannabinol.

13
14 **35-7-1063. Exceptions to provisions.**

15
16 (a) The provisions and penalties of this chapter
17 shall not apply to:

18
19 (i) The possession or use of hemp or hemp
20 products for any purpose or application except as otherwise
21 provided by W.S. 14-3-310 and 14-3-311;

22

1 **Section 3.** This act is effective July 1, 2023.

2

3

(END)