

## HOUSE BILL NO. HB0191

Civil penalties for cannabis.

Sponsored by: Representative(s) Provenza and Singh and  
Senator(s) Case and Rothfuss

A BILL

for

1 AN ACT relating to food and drugs; creating a civil penalty  
2 for offenses related to specified amounts of marijuana and  
3 amending related criminal penalties as specified;  
4 eliminating use of marijuana and possession of marijuana  
5 paraphernalia as crimes; amending the prohibition on  
6 practitioners prescribing marijuana; amending definitions;  
7 making conforming amendments; repealing a provision;  
8 requiring rulemaking; and providing for effective dates.

9

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

11

12       **Section 1.** W.S. 35-7-1002(a)(xiv), (xxvii)(intro),  
13 (E)(intro) and (I), 35-7-1031(a)(ii), (c)(intro),  
14 (i)(intro), (A) through (D), by creating new subparagraphs  
15 (G) and (H), (iii) and by creating a new paragraph (vi),

1 35-7-1037, 35-7-1038(b), 35-7-1039 and 35-7-1040 are  
2 amended to read:

3

4 **35-7-1002. Definitions.**

5

6 (a) As used in this act:

7

8 (xiv) "Marihuana" or "marijuana" means all parts  
9 of the plant of the genus Cannabis, whether growing or not;  
10 the seed thereof; the resin extracted from any part of the  
11 plant; and every compound, manufacture, salt, derivative,  
12 mixture or preparation of the plant, its seeds or resin.  
13 "Marihuana" or "marijuana" includes products that are  
14 composed of both marijuana and other ingredients and that  
15 are intended for use or consumption, including edible  
16 products, ointments and tinctures. It does not include the  
17 mature stalks of the plant, fiber produced from the stalks,  
18 oil or cake made from the seeds of the plant, any other  
19 compound, manufacture, salt, derivative, mixture or  
20 preparation of the mature stalks (except the resin  
21 extracted therefrom), fiber, oil or cake, or the sterilized  
22 seed of the plant which is incapable of germination;

23

1           (xxvii) "Drug paraphernalia" means all  
2 equipment, products and materials of any kind when used,  
3 advertised for use, intended for use or designed for use  
4 for manufacturing, converting, preparing, packaging,  
5 repackaging, storing, containing, concealing, injecting,  
6 ingesting, inhaling or otherwise introducing into the human  
7 body a controlled substance, except marijuana, in violation  
8 of this act and includes:

9

10           (E) The following objects when used,  
11 advertised for use, intended for use or designed for use in  
12 ingesting, inhaling or otherwise introducing ~~marihuana,~~  
13 cocaine, ~~hashish or hashish oil~~ or any other controlled  
14 substance, except marijuana, into the human body:

15

16           (I) Metal, acrylic, glass, stone,  
17 plastic or ceramic pipes with or without screens, permanent  
18 screens, ~~hashish heads~~ or punctured metal bowls;

19

20           **35-7-1031. Unlawful manufacture or delivery;**  
21 **counterfeit substance; unlawful possession; civil penalty**  
22 **for marijuana.**

23

1           (a) Except as authorized by this act, it is unlawful  
2 for any person to manufacture, deliver, or possess with  
3 intent to manufacture or deliver, a controlled substance.  
4 Any person who violates this subsection with respect to:

5  
6           (ii) Any other controlled substance classified  
7 in Schedule I, except marijuana in amounts specified in  
8 paragraph (c)(vi) of this section, II or III, is guilty of  
9 a crime and upon conviction may be imprisoned for not more  
10 than ten (10) years, fined not more than ten thousand  
11 dollars (\$10,000.00), or both;

12  
13           (c) It is unlawful for any person knowingly or  
14 intentionally to possess a controlled substance unless the  
15 substance was obtained directly from, or pursuant to a  
16 valid prescription or order of a practitioner while acting  
17 in the course of his professional practice, or except as  
18 otherwise authorized by this act. ~~With the exception of any~~  
19 ~~drug that has received final approval from the United~~  
20 ~~States food and drug administration, including dronabinol~~  
21 ~~as listed in W.S. 35-7-1018(h), and notwithstanding any~~  
22 ~~other provision of this act, no practitioner shall dispense~~  
23 ~~or prescribe marihuana, tetrahydrocannabinol, or synthetic~~

1 ~~equivalents of marihuana or tetrahydrocannabinol. No~~  
2 ~~prescription or practitioner's order for marihuana,~~  
3 ~~tetrahydrocannabinol, or synthetic equivalents of marihuana~~  
4 ~~or tetrahydrocannabinol shall be valid, unless the~~  
5 ~~prescription is for a drug that has received final approval~~  
6 ~~from the United States food and drug administration,~~  
7 ~~including dronabinol.~~ Any person who violates this  
8 subsection:

9  
10 (i) And has in his possession a controlled  
11 substance in the ~~amount~~ amounts set forth in this paragraph  
12 is guilty of a misdemeanor punishable by imprisonment for  
13 not more than twelve (12) months, a fine of not more than  
14 one thousand dollars (\$1,000.00), or both. Any person  
15 convicted for a third or subsequent offense under this  
16 paragraph, other than a marijuana offense, including  
17 convictions for violations of similar laws in other  
18 jurisdictions, shall be imprisoned for a term not more than  
19 five (5) years, fined not more than five thousand dollars  
20 (\$5,000.00), or both. For purposes of this paragraph, the  
21 amounts of a controlled substance are as follows:

22

1 (A) Except as provided in subparagraph (G)  
2 of this paragraph, for a controlled substance in plant  
3 form, no more than three (3) ounces;

4

5 (B) Except as provided in subparagraph (H)  
6 of this paragraph, for a controlled substance in liquid  
7 form, no more than three-tenths (3/10) of a gram;

8

9 (C) Except as provided in subparagraph (H)  
10 of this paragraph, for a controlled substance in powder or  
11 crystalline form, no more than three (3) grams;

12

13 (D) Except as provided in subparagraph (H)  
14 of this paragraph, for a controlled substance in pill or  
15 capsule form, no more than three (3) grams;

16

17 (G) For marijuana in plant form, more than  
18 three (3) ounces;

19

20 (H) For products composed of marijuana that  
21 are:

22

1                   (I) In solid form, including edible  
2 products, ointments and tinctures, more than sixteen (16)  
3 ounces;

4  
5                   (II) In liquid form, more than  
6 seventy-two (72) ounces;

7  
8                   (III) In a form that has undergone a  
9 process to concentrate one (1) or more active cannabinoids  
10 to increase the marijuana's potency, including in powder,  
11 crystalline, pill or capsule form, more than thirty (30)  
12 grams.

13  
14                   (iii) And has in his possession any other  
15 controlled substance classified in Schedule I, except  
16 marijuana, II or III in an amount greater than set forth in  
17 paragraph (c)(i) of this section, is guilty of a felony  
18 punishable by imprisonment for not more than five (5)  
19 years, a fine of not more than ten thousand dollars  
20 (\$10,000.00), or both;

21  
22                   (vi) And has in his possession marijuana in any  
23 combination of forms and amounts set forth in this

1 paragraph shall be subject to a civil penalty of not more  
2 than one hundred dollars (\$100.00). For purposes of this  
3 paragraph, the amounts of marijuana are as follows:

4  
5 (A) For marijuana in plant form, three (3)  
6 ounces or less;

7  
8 (B) For products composed of marijuana that  
9 are:

10  
11 (I) In solid form, including edible  
12 products, ointments and tinctures, sixteen (16) ounces or  
13 less;

14  
15 (II) In liquid form, seventy-two (72)  
16 ounces or less;

17  
18 (III) In a form that has undergone a  
19 process to concentrate one (1) or more active cannabinoids  
20 to increase the marijuana's potency, including in powder,  
21 crystalline, pill or capsule form, thirty (30) grams or  
22 less.

23



1           **35-7-1037. Probation and discharge of first**  
2 **offenders.**

3  
4 Whenever any person who has not previously been convicted  
5 of any offense under this act or under any statute of the  
6 United States or of any state relating to narcotic drugs,  
7 ~~marihuana~~ marijuana, or stimulant, depressant, or  
8 hallucinogenic drugs, pleads guilty to or is found guilty  
9 of possession of a controlled substance under W.S.  
10 ~~35-7-1031(e)~~ 35-7-1031(c)(i) through (v) or  
11 35-7-1033(a)(iii)(B), or pleads guilty to or is found  
12 guilty of using or being under the influence of a  
13 controlled substance under W.S. 35-7-1039, the court,  
14 without entering a judgment of guilt and with the consent  
15 of the accused, may defer further proceedings and place him  
16 on probation upon terms and conditions. Any term of  
17 probation imposed under this section for a felony offense  
18 shall not exceed the maximum term of probation authorized  
19 under W.S. 7-13-302(b). Upon violation of a term or  
20 condition, the court may enter an adjudication of guilt and  
21 proceed as otherwise provided. Upon fulfillment of the  
22 terms and conditions, the court shall discharge the person  
23 and dismiss the proceedings against him. Discharge and

1 dismissal under this section shall be without adjudication  
2 of guilt and is not a conviction for purposes of this  
3 section or for purposes of disqualifications or  
4 disabilities imposed by law upon conviction of a crime,  
5 including the additional penalties imposed for second or  
6 subsequent convictions under W.S. 35-7-1038. There may be  
7 only one (1) discharge and dismissal under this section  
8 with respect to any person. This section shall not be  
9 construed to provide an exclusive procedure. Any other  
10 procedure provided by law relating to suspension of trial  
11 or probation, may be followed, in the discretion of the  
12 trial court.

13

14 **35-7-1038. Second or subsequent offenses; mandatory**  
15 **minimum penalty for certain subsequent offenses.**

16

17 (b) For purposes of subsection (a) of this section,  
18 an offense is a second or subsequent offense if, prior to  
19 his conviction of the offense, the offender has at any time  
20 been convicted under this act or under any statute of the  
21 United States or of any state relating to narcotic drugs,  
22 ~~marijuana,~~ depressant, stimulant or hallucinogenic drugs.

1 excluding any conviction related to the possession or use  
2 of marijuana by the offender.

3

4 **35-7-1039. Person using or under influence of**  
5 **controlled substance.**

6

7 Any person who knowingly or intentionally uses or is under  
8 the influence of a controlled substance listed in Schedules  
9 I, except marijuana, II or III and except when administered  
10 or prescribed by or under the direction of a licensed  
11 practitioner, shall be guilty of a misdemeanor and shall be  
12 punished by imprisonment in the county jail not to exceed  
13 six (6) months or a fine not to exceed seven hundred fifty  
14 dollars (\$750.00), or by both.

15

16 **35-7-1040. Planting, cultivating or processing peyote**  
17 **or opium poppy.**

18

19 Any person who knowingly or intentionally plants,  
20 cultivates, harvests, dries, or processes marijuana in  
21 amounts that exceed the amounts listed in W.S.  
22 35-7-1031(c)(vi) or any ~~marihuana,~~ peyote, or opium poppy  
23 except as otherwise provided by law shall be guilty of a

1 misdemeanor and shall be punished by imprisonment not to  
2 exceed six (6) months in the county jail or by a fine not  
3 to exceed one thousand dollars (\$1,000.00), or both.

4

5 **Section 2.** W.S. 35-7-1002(a)(xxvii)(C) is repealed.

6

7 **Section 3.** The attorney general, as commissioner of  
8 drugs and substances control, shall adopt rules necessary  
9 to implement this act not later than July 1, 2025.

10

11 **Section 4.**

12

13 (a) Except as otherwise provided in subsection (b) of  
14 this section, this act is effective immediately upon  
15 completion of all acts necessary for a bill to become law  
16 as provided by Article 4, Section 8 of the Wyoming  
17 Constitution.

18

19 (b) Sections 1 and 2 of this act are effective July  
20 1, 2025.

21

22

(END)