

HOUSE BILL NO. HB0197

Marihuana and THC products policy reform act.

Sponsored by: Representative(s) Olsen, Blackburn, Brown, Clem, Eyre, Furphy, Henderson, Jennings, Lone, Pownall, Salazar, Steinmetz and Winters and Senator(s) Christensen, Driskill and Hicks

A BILL

for

1 AN ACT relating to controlled substances; providing
2 penalties for possession of marihuana in plant form and
3 tetrahydrocannabinol products in specified amounts;
4 creating an elevated misdemeanor offense for possession of
5 such products as specified; amending a provision related to
6 determination of weight; making a conforming amendment; 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. 6-10-101 and 35-7-1031(c) (i) (A),
12 (iii), by creating a new paragraph (vi) and (d) are amended
13 to read:

14

1 **6-10-101. "Felony" and "misdemeanor" defined.**

2

3 Unless otherwise specified by law, crimes which may be
4 punished by death or by imprisonment for more than one (1)
5 year are felonies- and all other crimes are misdemeanors.

6

7 **35-7-1031. Unlawful manufacture or delivery;**
8 **counterfeit substance; unlawful possession.**

9

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

1 tetrahydrocannabinol shall be valid. Any person who
2 violates this subsection:

3
4 (i) And has in his possession a controlled
5 substance in the amount set forth in this paragraph is
6 guilty of a misdemeanor punishable by imprisonment for not
7 more than twelve (12) months, a fine of not more than one
8 thousand dollars (\$1,000.00), or both. Any person
9 convicted for a third or subsequent offense under this
10 paragraph, including convictions for violations of similar
11 laws in other jurisdictions, shall be imprisoned for a term
12 not more than five (5) years, fined not more than five
13 thousand dollars (\$5,000.00), or both. For purposes of
14 this paragraph, the amounts of a controlled substance are
15 as follows:

16
17 (A) Except as provided in paragraph (c) (vi)
18 of this section, for a controlled substance in plant form,
19 no more than three (3) ounces;

20
21 (iii) And has in his possession any other
22 controlled substance classified in Schedule I, II or III in
23 an amount greater than set forth in paragraph (c) (i) or

1 (vi) of this section, is guilty of a felony punishable by
2 imprisonment for not more than five (5) years, a fine of
3 not more than ten thousand dollars (\$10,000.00), or both;

4

5 (vi) And has in his possession marihuana in
6 plant form in an amount not to exceed three (3) ounces or
7 THC product in an amount not to exceed eight (8) ounces, is
8 guilty in accordance with the following:

9

10 (A) Of a misdemeanor punishable by
11 imprisonment for not more than twenty (20) days, a fine of
12 not more than two hundred dollars (\$200.00), or both;

13

14 (B) On a second conviction within five (5)
15 years, excluding periods of incarceration, after a
16 conviction for a violation of this paragraph or violation
17 of similar laws in other jurisdictions, of a misdemeanor
18 punishable by imprisonment for not more than six (6)
19 months, a fine of not more than seven hundred fifty dollars
20 (\$750.00), or both;

21

22 (C) On a third conviction within five (5)
23 years, excluding periods of incarceration, after a

1 conviction for a violation of this paragraph or violation
2 of similar laws in other jurisdictions, of an elevated
3 misdemeanor punishable by imprisonment in county jail for
4 not more than two (2) years, a fine of not more than five
5 thousand dollars (\$5,000.00), or both;

6
7 (D) On a fourth or subsequent conviction
8 within five (5) years, excluding periods of incarceration,
9 after a conviction for a violation of this paragraph or
10 violation of similar laws in other jurisdictions, of a
11 felony punishable by imprisonment for not more than five
12 (5) years, a fine of not more than ten thousand dollars
13 (\$10,000.00), or both;

14
15 (E) As used in this paragraph, "THC
16 product" means a preparation, compound, mixture or
17 substance not in plant form which contains marihuana or
18 tetrahydrocannabinols intended for consumption or use
19 without further preparation including, but not limited to,
20 baked goods, candies, edibles, ointments, potable liquids,
21 tinctures or any other similar form containing marihuana or
22 tetrahydrocannabinols.

23

1 (d) For purposes of determining the weights to be
2 given the controlled substances under this section, the
3 weights designated in this section shall include the weight
4 of the controlled substance and the weight of any carrier
5 element, cutting agent, diluting agent or any other
6 substance excluding packaging material or container.

7

8 **Section 2.** This act is effective July 1, 2017.

9

10

(END)