

ENROLLED ACT NO. 65, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

AN ACT relating to hemp production; requiring fees for compliance inspections and disposal verification; authorizing disposal verification; amending requirements for corrective action plans; requiring rulemaking; correcting references; and providing for an effective date.

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

**Section 1.** W.S. 11-51-101(a)(intro), (i), (ii) and (iv), 11-51-102, 11-51-103(b)(iv) and (e), 11-51-104, 11-51-105(a), 11-51-106 and 11-51-107 are amended to read:

**11-51-101. Definitions.**

(a) As used in this ~~article~~chapter:

(i) "Corrective action plan" means a plan the department develops in consultation with a licensee to correct any violation of this ~~article~~chapter;

(ii) "Disposal" means activities to alter or treat hemp or hemp products that contain an amount of THC in excess of the amount authorized in this ~~article~~chapter to ensure that the THC is reduced to bring the hemp or hemp product into compliance with this ~~article~~chapter or, if compliance is not attainable, that the THC is rendered inaccessible;

(iv) "Licensee" means a person licensed under this ~~article~~chapter to produce, process or test hemp;

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

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(a) Hemp is an agricultural crop in this state. Upon meeting the requirements of this ~~article~~chapter, a person may produce or process hemp.

(b) Notwithstanding the requirements of this ~~article~~chapter, the possession, purchase, sale, transportation and use of hemp and hemp products by any person is allowable without restriction.

**11-51-103. Licensing.**

(b) The application for a license under this section shall include:

(iv) Authorization for reasonable access by the department for ~~random~~inspections and verifications related to production or processing activities for which a licensee shall be assessed fees under W.S. 11-51-104(a); and

(e) Any person possessing hemp or hemp products only for the purpose of testing THC levels may, but shall not be required to, obtain a license under this ~~article~~chapter.

**11-51-104. Enforcement; fees; penalties.**

(a) The department shall perform inspections and provide chemical sampling and analysis of ~~a random sample of production or processing activities by~~ licensees to determine compliance with this ~~article~~chapter. The department may require verification of effective disposal by licensees of hemp or hemp products that contain in excess of three-tenths of one percent (0.3%) THC on a dry weight basis. For any sample, analysis or verification conducted under this subsection, the department shall

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assess the licensee fees as established by rule of the department, not to exceed the following:

(i) Two hundred dollars (\$200.00) per sample conducted by the department;

(ii) Two hundred dollars (\$200.00) per analysis conducted by the department;

(iii) Two hundred fifty dollars (\$250.00) for verification of effective disposal of hemp or hemp products that contain in excess of three-tenths of one percent (0.3%) THC on a dry weight basis.

(b) Any licensee who violates any provision of this ~~article~~chapter or any regulation promulgated pursuant to this ~~article~~chapter shall be subject to a corrective action plan. The corrective action plan may include reporting requirements, additional inspections, suspension of a license, steps necessary to restore a license, ~~or~~ requirements related to disposal of hemp or hemp products that contain in excess of three-tenths of one percent (0.3%) THC on a dry weight basis or providing notice of the violation to the licensee's known creditors. The plan may require rendering THC inaccessible by using hemp or hemp products as a soil amendment material or by destruction of the hemp or hemp product as authorized by rule of the department.

(c) Any person who intentionally violates this ~~article~~chapter is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

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(d) If any person has three (3) or more violations of this ~~article~~chapter or any regulation promulgated pursuant to this ~~article~~chapter within five (5) years, the department shall revoke the license and the person shall be ineligible for licensure under this article for five (5) years.

**11-51-105. Rules; agreements; research activities.**

(a) The department shall adopt rules necessary to implement the provisions of this ~~article~~chapter.

**11-51-106. Disposition of fees.**

All fees collected under this ~~article~~chapter shall be deposited with the state treasurer in a separate account which is continuously appropriated to the department for the administration of this ~~article~~chapter.

**11-51-107. Exception if this chapter is not implemented.**

Nothing in this ~~article~~chapter shall preclude any person from applying for and receiving authorization to produce and process hemp from another authorized entity if the department does not receive authority to do so or is otherwise not implementing this ~~article~~chapter.

**Section 2.** The department of agriculture shall adopt rules necessary to implement this act.

ORIGINAL SENATE  
FILE NO. SF0055

ENGROSSED

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**Section 3.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk