

HOUSE BILL NO. HB0032

Hemp extract regulation.

Sponsored by: Representative(s) McKim, Barlow, Blake, Gay
and Kroeker

A BILL

for

1 AN ACT relating to public health; allowing supervised
2 medical use of hemp extract; providing an exemption from
3 prosecution for possession or use of hemp extract;
4 providing for doctor supervision; creating a registration
5 program as specified; authorizing a fee for registration;
6 providing 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. 35-7-1063 and 35-7-1801 through
11 35-7-1803 are created to read:

12

13 **35-7-1063. Exception to provisions.**

14

1 The provisions and penalties of this chapter shall not
2 apply to the medical use of hemp extract when used in
3 accordance with the provisions of W.S. 35-7-1801 through
4 35-7-1803.

5

6

ARTICLE 18

7

SUPERVISED MEDICAL USE OF HEMP EXTRACTS

8

9

35-7-1801. Definitions.

10

11 (a) As used in this article:

12

13 (i) "Department" means the state department of
14 health;

15

16 (ii) "Hemp extract" means an extract from a
17 cannabis plant or a mixture or preparation containing
18 cannabis plant material that:

19

20 (A) Is composed of less than three-tenths
21 of a percent (0.3%) tetrahydrocannabinol by weight;

22

1 (B) Is composed of at least fifteen percent
2 (15%) cannabidiol by weight; and

3

4 (C) Contains no other psychoactive
5 substance.

6

7 (iii) "Hemp extract registration card" means a
8 card issued by the department under W.S. 35-7-1802;

9

10 (iv) "Intractable epilepsy" means epilepsy that,
11 as determined by a neurologist, does not respond to three
12 (3) or more treatment options overseen by the neurologist;

13

14 (v) "Neurologist" means a person who is licensed
15 to practice medicine pursuant to W.S. 33-26-301 et seq. and
16 who is certified in neurology by a nationally recognized
17 neurological physician organization designated by the
18 Wyoming state board of medicine;

19

20 (vi) "Parent" means a parent or legal guardian
21 of a minor who is responsible for the minor's medical care;

22

1 (vii) "Registrant" means the person who holds a
2 hemp extract registration card issued by the department
3 pursuant to this article.
4

5 **35-7-1802. Hemp extract registration cards.**
6

7 (a) The department shall issue a hemp extract
8 registration card to a person who:
9

10 (i) Is at least eighteen (18) years of age;
11

12 (ii) Is a resident of Wyoming;
13

14 (iii) Provides a statement to the department
15 which is signed by a neurologist and specifies that the
16 person suffers from intractable epilepsy and may benefit
17 from treatment with hemp extract;
18

19 (iv) Pays a fee to the department as specified
20 in subsection (e) of this section; and
21

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

1

2 (A) The individual's name and address;

3

4 (B) A copy of the individual's valid photo
5 identification; and

6

7 (C) Any other information the department
8 considers necessary to implement this article.

9

10 (b) The department shall issue a hemp extract
11 registration card to a parent who:

12

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

14

15 (ii) Is a Wyoming resident;

16

17 (iii) Provides the department with a statement
18 signed by a physician that the minor in the parent's care
19 may benefit from treatment with hemp extract;

20

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

23

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

3

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

5

6 (B) The minor's name;

7

8 (C) A copy of the parent's valid photo
9 identification; and

10

11 (D) Any other information the department
12 considers necessary to implement this article.

13

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

15

16 (i) The names of each applicant to whom the
17 department issues a hemp extract registration card under
18 subsection (a) of this section; and

19

20 (ii) The names of each minor receiving care from
21 a parent who is issued a hemp registration card under
22 subsection (b) of this section.

23

1 (d) The department shall promulgate rules and
2 regulations to establish:

3
4 (i) The information an applicant is required to
5 provide to the department under this article; and

6
7 (ii) The form of the hemp extract registration
8 card issued under this article.

9
10 (e) The department shall establish a fee for
11 maintaining the registry in an amount to ensure that, to
12 the extent practicable, the total revenue generated from
13 the fees collected approximates, but does not exceed, the
14 direct and indirect costs of administering the registry.

15
16 (f) A registration card issued under subsection (a)
17 or (b) of this section is valid for one (1) year and is
18 renewable if, at the time of renewal, the registrant meets
19 the requirements of subsection (a) or (b) of this section.

20
21 (g) The neurologist who signs a statement as provided
22 in this section shall:

23

1 (i) Keep a record of the neurologist's
2 evaluation and observation of a patient who is a registrant
3 or a minor under a registrant's care including the
4 patient's response to hemp extract; and

5

6 (ii) Transmit a copy of the records to the
7 department.

8

9 (h) The department shall maintain a database of
10 records received under subsection (g) of this section. The
11 department shall treat the records as confidential,
12 provided that the department may share the records with a
13 higher education institution for the purpose of studying
14 hemp extract if the records are redacted so that the
15 patient cannot be identified individually.

16

17 **35-7-1803. Exemption from criminal and civil**
18 **penalties for the medical use of hemp extract.**

19

20 (a) Notwithstanding any other provision of this
21 chapter, an individual who possesses or uses hemp extract
22 is not subject to the penalties described in this chapter

1 for possession or use of the hemp extract if the
2 individual:

3

4 (i) Possesses or uses the hemp extract only for
5 the treatment of intractable epilepsy;

6

7 (ii) Obtains a hemp extract registration card
8 issued by the department under W.S. 35-7-1802; and

9

10 (iii) Can provide, through a certificate of
11 analysis or otherwise, evidence that the hemp extract meets
12 the percentages for tetrahydrocannabinol and cannabidiol
13 provided in W.S. 37-7-1801(a)(ii).

14

15 (b) Notwithstanding any other provision of this
16 chapter, an individual who possesses hemp extract lawfully
17 under subsection (a) of this section and administers the
18 hemp extract to a minor is not subject to the penalties
19 described in this chapter for administering the hemp
20 extract to the minor if:

21

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

1

2 (ii) The individual obtains a hemp extract
3 registration card issued by the department under W.S.
4 35-7-1802(b) .

5

6 **Section 2.** W.S. 35-7-1002(a)(xxviii) is amended to
7 read:

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9 **35-7-1002. Definitions.**

10

11 (a) As used in this act:

12

13 (xxviii) "This act" means W.S. 35-7-1001 through
14 ~~35-7-1060~~ 35-7-1063 .

15

16 **Section 3.** This act is effective July 1, 2015.

17

18 (END)