

HOUSE BILL NO. HB0109

Felony unlawful possession of controlled substances.

Sponsored by: Representative(s) Pelkey, Lindholm and
Zwonitzer, Dn. and Senator(s) Case

A BILL

for

1 AN ACT relating to Wyoming Controlled Substance Act;
2 amending penalties for subsequent offenses under the act as
3 specified; and providing for an effective date.

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

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7 **Section 1.** W.S. 35-7-1031(c)(i)(intro) is amended to
8 read:

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10 **35-7-1031. Unlawful manufacture or delivery;**
11 **counterfeit substance; unlawful possession.**

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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

1 valid prescription or order of a practitioner while acting
2 in the course of his professional practice, or except as
3 otherwise authorized by this act. With the exception of
4 dronabinol as listed in W.S. 35-7-1018(h), and
5 notwithstanding any other provision of this act, no
6 practitioner shall dispense or prescribe marihuana,
7 tetrahydrocannabinol, or synthetic equivalents of marihuana
8 or tetrahydrocannabinol and no prescription or
9 practitioner's order for marihuana, tetrahydrocannabinol,
10 or synthetic equivalents of marihuana or
11 tetrahydrocannabinol shall be valid. Any person who
12 violates this subsection:

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14 (i) And has in his possession a controlled
15 substance in the amount set forth in this paragraph is
16 guilty of a misdemeanor punishable by imprisonment for not
17 more than twelve (12) months, a fine of not more than one
18 thousand dollars (\$1,000.00), or both. Any person
19 convicted for a ~~third~~fourth or subsequent offense ~~under~~
20 ~~this paragraph~~ within five (5) years after a conviction for
21 a violation of this paragraph, including convictions for
22 violations of similar laws in other jurisdictions, shall be
23 imprisoned for a term not more than five (5) years, fined

1 not more than five thousand dollars (\$5,000.00), or both.
2 For purposes of this paragraph, the amounts of a controlled
3 substance are as follows:

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5 **Section 2.** This act is effective July 1, 2015.

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(END)