

HOUSE BILL NO. HB0016

Possession of marihuana products.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to controlled substances; providing
2 penalties for possession of marihuana and marihuana
3 products in specified amounts; creating offenses for
4 possession of marihuana products as specified; amending a
5 provision related to the determination of weight of
6 controlled substances; 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. 35-7-1031(c)(i)(B) through (D), by
11 creating a new subparagraph (G), (iii), by creating new
12 paragraphs (vi) and (vii) and (d) is amended to read:

13

14 **35-7-1031. Unlawful manufacture or delivery;**
15 **counterfeit substance; unlawful possession.**

16

1 (c) It is unlawful for any person knowingly or
2 intentionally to possess a controlled substance unless the
3 substance was obtained directly from, or pursuant to a
4 valid prescription or order of a practitioner while acting
5 in the course of his professional practice, or except as
6 otherwise authorized by this act. With the exception of
7 dronabinol as listed in W.S. 35-7-1018(h), and
8 notwithstanding any other provision of this act, no
9 practitioner shall dispense or prescribe marihuana,
10 tetrahydrocannabinol, or synthetic equivalents of marihuana
11 or tetrahydrocannabinol and no prescription or
12 practitioner's order for marihuana, tetrahydrocannabinol,
13 or synthetic equivalents of marihuana or
14 tetrahydrocannabinol shall be valid. Any person who
15 violates this subsection:

16

17 (i) And has in his possession a controlled
18 substance in the amount set forth in this paragraph is
19 guilty of a misdemeanor punishable by imprisonment for not
20 more than twelve (12) months, a fine of not more than one
21 thousand dollars (\$1,000.00), or both. Any person
22 convicted for a third or subsequent offense under this
23 paragraph, including convictions for violations of similar

1 laws in other jurisdictions, shall be imprisoned for a term
2 not more than five (5) years, fined not more than five
3 thousand dollars (\$5,000.00), or both. For purposes of
4 this paragraph, the amounts of a controlled substance are
5 as follows:

6

7 (B) For a controlled substance in liquid
8 form other than a marihuana product as defined in paragraph
9 (vii) of this subsection, no more than three-tenths (3/10)
10 of a gram;

11

12 (C) For a controlled substance in powder or
13 crystalline form other than a marihuana product as defined
14 in paragraph (vii) of this subsection, no more than three
15 (3) grams;

16

17 (D) For a controlled substance in pill or
18 capsule form other than a marihuana product as defined in
19 paragraph (vii) of this subsection, no more than three (3)
20 grams;

21

22 (G) Except as otherwise provided in this
23 subsection, for a controlled substance containing marihuana

1 or tetrahydrocannabinols that is not a marihuana product as
2 defined in paragraph (vii) of this subsection and that is
3 in a form other than a form specified in this paragraph, no
4 more than three (3) grams.

5
6 (iii) And has in his possession any other
7 controlled substance classified in Schedule I, II or III in
8 an amount greater than set forth in paragraph (c)(i) or
9 (vi) of this section, is guilty of a felony punishable by
10 imprisonment for not more than five (5) years, a fine of
11 not more than ten thousand dollars (\$10,000.00), or both;

12
13 (vi) And has in his possession marihuana product
14 in an amount no more than three (3) ounces, is guilty as
15 follows:

16
17 (A) Of a misdemeanor punishable by
18 imprisonment for not more than twenty (20) days, a fine of
19 not more than two hundred dollars (\$200.00), or both;

20
21 (B) Upon violation of this paragraph within
22 ten (10) years after any previous conviction under this
23 section or under any substantially similar law of another

1 jurisdiction, of a misdemeanor punishable by imprisonment
2 for not more than six (6) months, a fine of not more than
3 seven hundred fifty dollars (\$750.00), or both;

4
5 (C) Upon violation of this paragraph within
6 ten (10) years after two (2) previous convictions under
7 this section or under any substantially similar law of
8 another jurisdiction, of a misdemeanor punishable by
9 imprisonment for not more than one (1) year, a fine of not
10 more than five thousand dollars (\$5,000.00), or both;

11
12 (D) Upon violation of this paragraph within
13 ten (10) years after three (3) or more previous convictions
14 under this section or under any substantially similar law
15 of another jurisdiction, of a felony punishable by
16 imprisonment for not more than five (5) years, a fine of
17 not more than ten thousand dollars (\$10,000.00), or both.

18
19 (vii) As used in this subsection, "marihuana
20 product" means a preparation, compound, mixture or
21 substance not in plant form which contains marihuana or
22 tetrahydrocannabinol intended for consumption, other than
23 by smoking, including baked goods, candies, edibles,

1 ointments, potable liquids, tinctures or any other similar
2 form containing marihuana or tetrahydrocannabinol.
3 "Marihuana product" does not include a substance obtained
4 by separating cannabinoids from marihuana that has not been
5 prepared into baked goods, candies, edibles, ointments,
6 potable liquids, tinctures or any other similar form.

7
8 (d) For purposes of determining the weights to be
9 given the controlled substances under this section, the
10 weights designated in this section shall include the weight
11 of the controlled substance and the weight of any carrier
12 element, cutting agent, diluting agent or any other
13 substance excluding packaging material or container.

14
15 **Section 2.** This act is effective July 1, 2018.

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(END)