

HOUSE BILL NO. HB0143

Wyoming medical cannabis.

Sponsored by: Representative(s) Burt, Baker, Banks, Barlow,
Henderson, LeBeau, Olsen, Provenza, Sweeney
and Wharff and Senator(s) Case

A BILL

for

1 AN ACT relating to medical marijuana; creating the Wyoming
2 Patient Cannabis Act of 2022; providing for the
3 acquisition, growth, cultivation, extraction, production,
4 processing, manufacture, testing, distribution, use, retail
5 sales, licensing, transportation and taxation of medical
6 marijuana and medical marijuana-derived products; providing
7 for the operation of medical marijuana establishments;
8 authorizing regulation by the Wyoming department of revenue
9 liquor division; preventing local regulation prohibiting
10 the development or operation of medical marijuana
11 establishments; preventing prescription of synthetic
12 marijuana; requiring rulemaking; conforming provisions; and
13 providing for effective dates.

14

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

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Section 1. W.S. 12-11-101, 12-11-102, 12-11-201 through 12-11-206 and 12-11-301 through 12-11-305 are created to read:

TITLE 12
ALCOHOLIC BEVERAGES AND CANNABIS

CHAPTER 11
MEDICAL MARIJUANA

ARTICLE 1
GENERAL PROVISIONS

12-11-101. Short title; definitions.

(a) This chapter may be cited as the "Wyoming Patient Cannabis Act of 2022."

(b) As used in this chapter, unless the context otherwise requires:

1 (i) "Cannabis" means marijuana, marihuana,
2 hashish, tetrahydrocannabinol or any plant or any plant
3 products or byproducts from the genus of flowering plant in
4 the family Cannabaceae;

5

6 (ii) "Cannabinoids" means the chemical compounds
7 in cannabis having a variety of pharmacologic properties;

8

9 (iii) "Caregiver" means a person licensed by the
10 division, other than a patient or the patient's health care
11 provider, who is twenty-one (21) years of age or older and
12 who is the person designated by a patient as the person
13 authorized, on the patient's behalf, to obtain, possess and
14 transport from a certified medical marijuana dispensary,
15 and dispense and assist in the administration of medical
16 marijuana, medical marijuana-derived products or medical
17 marijuana accessories;

18

19 (iv) "Debilitating medical condition" means
20 cancer, glaucoma, positive status for human
21 immunodeficiency virus, acquired immune deficiency
22 syndrome, hepatitis C, amyotrophic lateral sclerosis,
23 multiple sclerosis, Parkinson's disease, Crohn's disease,

1 sickle-cell anemia, ulcerative colitis, dementia,
2 Alzheimer's disease, Tourette's syndrome or any chronic
3 movement disorder, any terminal condition, or any treatment
4 that produces, for a specific patient, one (1) or more of
5 the following symptoms, and which, in the professional
6 opinion of the patient's health care provider, may be
7 alleviated by the use of medical marijuana or medical
8 marijuana-derived products: cachexia, post-traumatic stress
9 disorder, anxiety, autism, opiate dependency, daily nausea,
10 migraines, seizures including those that are characteristic
11 of epilepsy, intractable pain or persistent muscle spasms
12 including those that are characteristic of multiple
13 sclerosis;

14

15 (v) "Dispense" means the provision of medical
16 marijuana or medical marijuana-derived products by a
17 medical marijuana dispensary to a patient or caregiver for
18 remuneration;

19

20 (vi) "Division" means the Wyoming department of
21 revenue liquor division;

22

1 (vii) "Health care provider" means a physician,
2 physician assistant or nurse practitioner who maintains a
3 license in good standing to practice medicine issued by the
4 state of Wyoming and who is licensed, registered or
5 otherwise permitted by the United States or the
6 jurisdiction in which the person practices to dispense a
7 controlled substance in the course of professional
8 practice;

9

10 (viii) "Marijuana" means as defined in
11 W.S. 35-7-1002;

12

13 (ix) "Marijuana accessories" means any
14 equipment, products or material of any kind that are used,
15 intended or designed for vaporizing, ingesting, inhaling or
16 otherwise introducing medical marijuana into the human
17 body;

18

19 (x) "Marijuana testing facility" or "MTF" means
20 a licensed marijuana testing facility responsible for
21 testing potency, purity, chemical profile and safety of
22 medical marijuana and medical marijuana-derived products;

23

1 (xi) "Medical marijuana" means cannabis or
2 marijuana, including its chemical constituents THC and
3 other cannabinoids, recommended by a licensed health care
4 provider to be used as a therapeutic or treatment modality;

5

6 (xii) "Medical marijuana certification" means a
7 form established by the division that is executed and
8 signed by a health care provider stating that the patient
9 has a debilitating medical condition for which the use of
10 medical marijuana or medical marijuana-derived products is
11 indicated. "Medical marijuana certification" does not mean
12 a prescription;

13

14 (xiii) "Medical marijuana cultivation facility"
15 or "MCF" means one (1) or more structures in which, or the
16 real property on which, an entity is licensed to acquire,
17 possess, cultivate, harvest, dry or cure, process, store,
18 deliver, package, transport or prepare and label medical
19 marijuana that is available for testing or sale to other
20 licensed medical marijuana establishments but not to
21 consumers;

22

1 (xiv) "Medical marijuana dispensary" or "MMD"
2 means a facility licensed by the division that distributes
3 medical marijuana and medical marijuana-derived products
4 for remuneration to patients and caregivers certified under
5 this chapter;

6
7 (xv) "Medical marijuana establishment" or "MME"
8 means a medical marijuana cultivation facility, a medical
9 marijuana-derived product manufacturing facility, a medical
10 marijuana testing facility or a medical marijuana
11 dispensary facility;

12
13 (xvi) "Medical marijuana-derived product" means
14 any product derived from marijuana that is intended to be
15 used by a patient with a medical marijuana certification to
16 treat or alleviate a debilitating medical condition, and
17 intended for use or consumption, such as edible products,
18 marijuana concentrates, sprays, ointments, transdermal
19 patches, capsules, tablets and tinctures;

20
21 (xvii) "Medical marijuana-derived product
22 manufacturing facility" or "MDP" means a facility licensed
23 by the division to extract cannabinoids from medical

1 marijuana to acquire, possess, develop, process,
2 manufacture, package, transport, prepare and label medical
3 marijuana for use in medical marijuana-derived products
4 available for testing or sale to other licensed medical
5 marijuana establishments but not to consumers;

6

7 (xviii) "Micro-medical marijuana cultivation
8 facility" means a medical marijuana cultivation facility
9 that does not exceed two thousand five hundred (2,500)
10 square feet;

11

12 (xix) "Nonvolatile solvent" is any solvent that
13 is not easily evaporated at normal temperatures and is used
14 in processing medical marijuana or medical
15 marijuana-derived products. Examples include carbon
16 dioxide, ethanol, water, butter and oil;

17

18 (xx) "Patient" means a Wyoming resident who has
19 a debilitating medical condition and who holds a current
20 medical marijuana certification or a person from another
21 state who has a current valid medical marijuana
22 certification issued by the person's state of residency in
23 compliance with all applicable laws;

1

2 (xxi) "Transfer" means the provision, without
3 remuneration, of medical marijuana by a person possessing a
4 valid medical marijuana certification to another person
5 possessing a valid medical marijuana certification or a
6 caregiver's license, pursuant to W.S. 12-11-202(a)(iii);

7

8 (xxii) "Unreasonably impracticable" means that
9 the measures necessary to comply with a regulation under
10 this chapter would require such a high investment of risk,
11 money, time or any other resource or asset that the
12 operation of a medical marijuana establishment would not be
13 feasible to be carried out in practice by a reasonably
14 prudent businessperson;

15

16 (xxiii) "Volatile solvent" is a solvent that
17 produces a flammable gas or vapor and is used in processing
18 medical marijuana or medical marijuana-derived products.
19 Examples include butane, hexane and propane.

20

21 (c) As used in this chapter, the pre-mixed weight of
22 medical marijuana extract used in making a medical
23 marijuana-derived product shall apply toward the limit on

1 the total amount of medical marijuana-derived products a
2 patient or caregiver with a valid medical marijuana
3 certification may purchase for the patient's monthly
4 allotment or possess, display, transfer or transport away
5 from the patient's or caregiver's residence.

6

7 **12-11-102. Severability and conflicting provisions.**

8

9 (a) The provisions of this Wyoming Patient Cannabis
10 Act of 2022 shall be severable, and if any phrase, clause,
11 sentence or provision is deemed unenforceable, the
12 remaining provisions of the compact shall be enforceable.

13

14 (b) The provisions of this Wyoming Patient Cannabis
15 Act of 2022 shall be liberally constructed to effectuate
16 its purposes and shall supersede all conflicting state and
17 local laws, charters and regulations.

18

19 (c) Nothing in this chapter requires the violation of
20 federal law or purports to give immunity under federal
21 laws.

22

23

ARTICLE 2

1 REGULATION AND LIMITATIONS

2

3 12-11-201. Medical marijuana certification;
4 debilitating medical conditions.

5

6 (a) A patient with a debilitating medical condition
7 may acquire, administer, purchase, possess, transport,
8 transfer and use, and a patient's licensed caregiver may
9 acquire, administer, purchase, possess, transport and
10 transfer, medical marijuana and medical marijuana-derived
11 products pursuant to a valid medical marijuana
12 certification. A health care provider, after examining a
13 patient and determining that the patient has a debilitating
14 medical condition, may issue a medical marijuana
15 certification if:

16

17 (i) The health care provider has established a
18 relationship with the patient, formed for the purpose of
19 the health care provider providing medical diagnosis or
20 treatment to the patient, whether or not for compensation,
21 and has completed a full assessment of the patient's
22 medical history and current medical condition;

23

1 (ii) The health care provider determines that
2 the risk of the patient's use of medical marijuana is
3 reasonable in light of the potential benefit;

4

5 (iii) The health care provider has explained the
6 risks and benefits of using medical marijuana to the
7 patient. If the patient is younger than eighteen (18) years
8 of age, treatment involving medical marijuana shall not be
9 provided without consent by at least one (1) custodial
10 parent, guardian, conservator or other person with lawful
11 authority to consent to the patient's medical treatment;

12

13 (iv) The medical marijuana certification shall
14 expire one (1) year from the date issued and may thereafter
15 be considered for recertification.

16

17 (b) Neither law enforcement of this state or of a
18 political subdivision of this state nor an occupational
19 licensing board shall initiate an administrative, civil or
20 criminal investigation of, deny any professional right or
21 privilege to or pursue professional disciplinary action
22 against a health care provider authorized by this chapter,
23 solely on the ground that the health care provider:

1

2 (i) Discussed with a patient the use of medical
3 marijuana as a treatment option;

4

5 (ii) Issued a medical marijuana certification in
6 compliance with all relevant provisions of this chapter; or

7

8 (iii) Otherwise made a written or oral statement
9 that, in the health care provider's professional opinion,
10 the potential health benefits of the patient using medical
11 marijuana would likely outweigh the health risks.

12

13 **12-11-202. Use of Medical Marijuana.**

14

15 (a) Notwithstanding any other provisions of law, it
16 is lawful, and shall not be an offense under Wyoming law or
17 the law of any locality within Wyoming or be a basis for
18 seizure or forfeiture of assets under Wyoming law, for a
19 person with a valid medical marijuana certification to:

20

21 (i) Purchase from a licensed medical marijuana
22 dispensary not more than four (4) ounces of medical

1 marijuana and twenty (20) grams of medical
2 marijuana-derived products in a thirty (30) day period;

3

4 (ii) Possess, display, transfer or transport
5 marijuana accessories and not more than four (4) ounces of
6 medical marijuana and not more than twenty (20) grams of
7 medical marijuana-derived products on their person, away
8 from their residence;

9

10 (iii) Possess, grow, process, manufacture,
11 transfer or transport not more than eight (8) mature
12 flowering marijuana plants, provided that the growing takes
13 place in an enclosed space that is inaccessible to minors,
14 is not conducted publicly and medical marijuana or its
15 equivalent in medical marijuana-derived products produced
16 by the plants on the premises where the plants were grown
17 is not made available for sale;

18

19 (iv) Transfer not more than four (4) ounces of
20 medical marijuana, or its equivalent in medical
21 marijuana-derived products, without remuneration to another
22 patient with a valid medical marijuana certification; or a

1 licensed caregiver on behalf of a patient with a valid
2 medical marijuana certification;

3

4 (v) Consume medical marijuana or medical
5 marijuana-derived products, provided that nothing in this
6 section shall permit consumption in a manner that endangers
7 others or smoking or vaping that is conducted openly and
8 publicly except when treating an immediate medical
9 emergency in accordance with W.S. 12-11-204(f); and

10

11 (vi) Assist another person with a valid medical
12 marijuana certification in any of the acts described in
13 paragraphs (i) through (v) of this subsection.

14

15 **12-11-203. Wyoming department of revenue liquor**
16 **division.**

17

18 (a) The Wyoming department of revenue liquor division
19 shall regulate the acquisition, growth, cultivation,
20 extraction, production, processing, manufacturing, testing,
21 distribution, retail sales, licensing, transportation and
22 taxation of medical marijuana and medical marijuana-derived

1 products and the operation of medical marijuana
2 establishments. Regulation shall:

3

4 (i) Not be excessively burdensome for patients
5 to access medical marijuana or medical marijuana-derived
6 products;

7

8 (ii) Not be burdensome for health care providers
9 to certify their patients.

10

11 (b) The division shall promulgate rules in accordance
12 with the Wyoming Administrative Procedure Act to facilitate
13 this chapter's implementation, enforcement and continuing
14 operation.

15

16 (c) Division rules shall not prohibit the operation
17 of medical marijuana establishments, either expressly or
18 through regulations that make their operations unreasonably
19 impracticable.

20

21 (d) Rules promulgated under this section shall
22 include:

23

1 (i) Procedures for the application for, and the
2 issuance, renewal, transfer, suspension and revocation of,
3 a license to operate a medical marijuana establishment;
4

5 (ii) A schedule of application, licensing and
6 renewal fees to be paid to the division, set and revised as
7 necessary to recover the expenses of administering this
8 act;
9

10 (iii) Qualifications for licensure that are
11 directly and demonstrably related to medical marijuana
12 establishment operations;
13

14 (iv) Qualifications for occupational licensure
15 for persons to be employed by, manage or otherwise operate
16 medical marijuana establishments;
17

18 (v) Requirements for testing the safety, potency
19 and chemical constituency of medical marijuana and medical
20 marijuana-derived products to include, at minimum, potency
21 in both percentage and milligrams and measuring at least
22 five (5) cannabinoids and at least seven (7) terpenes;
23

1 (vi) Labeling requirements for medical marijuana
2 and medical marijuana-derived products sold or distributed
3 by a medical marijuana establishment to include, at
4 minimum, potency in both percentage and milligrams and
5 measuring at least five (5) cannabinoids and at least seven
6 (7) terpenes;

7

8 (vii) Prohibitions on the promotion, advertising
9 and display of medical marijuana and medical
10 marijuana-derived products to persons without a valid
11 medical marijuana certification;

12

13 (viii) Research and reporting requirements.

14

15 (e) The division shall conduct a biennial audit of
16 each medical marijuana establishment to certify, at a
17 minimum, that the medical marijuana establishment is in
18 compliance with all applicable rules and regulations. If
19 the division determines that a medical marijuana
20 establishment is in material noncompliance with applicable
21 rules and regulations, the division may order remedial
22 action. If an establishment fails to comply with the
23 division's remedial action order within a reasonable time

1 period set forth by that order, the division may suspend or
2 revoke the medical marijuana establishment's license.

3

4 (f) The division shall issue a biennial license to a
5 medical marijuana establishment applicant not later than
6 sixty (60) days after receipt of the completed application
7 unless the division finds the applicant is not eligible for
8 a license under applicable laws and rules. Once granted a
9 license, licensees shall be entitled to have their licenses
10 renewed pursuant to the division's rules, unless the
11 division determines that the licensee has failed to comply
12 with applicable laws and rules and remedial orders issued
13 by the division. A renewal shall be issued or denied as
14 near as practicable to the expiration of a licensee's
15 current license. All licenses issued by the division
16 pursuant to this act are subject to the provisions of W.S.
17 16-3-113.

18

19 (g) The division may employ necessary and qualified
20 persons, including enforcement agents, and may retain
21 services of qualified third parties, including experts, to
22 perform its duties.

23

1 **12-11-204. General provisions; limitations.**

2

3 (a) No person shall consume medical marijuana or
4 medical marijuana-derived products, by method of smoking or
5 vaping, in any public place, or in, or on the grounds of, a
6 public or chartered non-public elementary or secondary
7 school, a state certified day care center or a correctional
8 facility, in a vehicle, aircraft, train or undocked or
9 unmoored motorboat, except when treating an immediate
10 medical emergency in accordance with subsection (f) of this
11 section.

12

13 (b) No person shall operate, navigate or be in actual
14 physical control of any vehicle, aircraft, train or
15 motorboat while impaired due to use of medical marijuana or
16 medical marijuana-derived products. In no instance shall
17 the presence of a medical cannabis certification be the
18 sole cause to suspect the patient is operating a vehicle
19 under the influence under title 31, chapter 5, article 2.

20

21 (c) Nothing in this section shall prohibit a patient
22 from possessing or using medical marijuana in accordance
23 with a medical marijuana certification except for the

1 prohibition on operating or being in physical control of a
2 vehicle, aircraft, train or motorboat under subsection (b)
3 of this section.

4

5 (d) No person shall knowingly sell or transfer
6 medical marijuana or medical marijuana-derived products to
7 a person without a valid medical marijuana certification or
8 to a caregiver without a valid license.

9

10 (e) Nothing in this chapter is intended to require an
11 employer to permit or accommodate the use, consumption,
12 possession, transfer, display or transportation of medical
13 marijuana, medical marijuana-derived products or medical
14 marijuana accessories in the workplace or to affect an
15 employer's ability to restrict use of such products by
16 employees, except when the employee is treating an
17 immediate emergency in accordance with subsection (f) of
18 this section.

19

20 (f) When treating an immediate medical emergency a
21 patient may self administer or caregiver may administer
22 medical marijuana or medical marijuana-derived products to
23 a patient openly or publicly, subject to the same

1 conditions applied to the administration of prescribed
2 medications.

3

4 (g) No person shall have an ownership interest in, or
5 be an officer or director of, a medical marijuana
6 establishment who is under the age of twenty-one (21) or
7 who has been convicted of a violent felony offense within
8 the previous five (5) years. No person shall continue to
9 have ownership interest in, or be an officer or director
10 position with, a medical marijuana establishment upon
11 conviction of a violent felony and exhaustion of any
12 appeals.

13

14 (h) No person who has served in the Wyoming
15 legislature or directly worked on the licensing of, the
16 development of department rules or enforcement of rules and
17 regulations, shall have an ownership interest in or be an
18 officer or director of a medical marijuana establishment
19 for a term of seven (7) years following enactment of this
20 chapter.

21

22 (j) No person under the age of twenty-one (21) shall
23 be permitted on the premises of a medical marijuana

1 establishment, except that a patient eighteen (18) to
2 twenty (20) years of age may be on a dispensary's premises
3 for the purpose of obtaining medical marijuana or medical
4 marijuana-derived products pursuant to a medical marijuana
5 certification issued for that patient.

6

7 (k) A person with a valid medical marijuana
8 certification may purchase, possess, transfer, transport,
9 use and share marijuana accessories within this state with
10 other persons with valid medical marijuana certifications.

11

12 (m) The division shall establish and implement a
13 system for real-time tracking and monitoring of all medical
14 marijuana and medical marijuana-derived products from the
15 initial germination through the final patient transaction
16 in an effort to mitigate and prevent traffic of medical
17 marijuana and medical marijuana-derived products outside of
18 regulations under the Wyoming Patient Cannabis Act of 2022.

19

20 **12-11-205. Enforcement; penalties.**

21

22 (a) Any medical marijuana establishment, patient or
23 caregiver who violates any provision of this chapter or any

1 rule promulgated pursuant to this chapter shall be subject
2 to a corrective action plan. The corrective action plan may
3 include reporting requirements, additional inspections or
4 suspension of a license or certification, steps necessary
5 to restore a license or certification.

6

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

11

12 (c) If any person has three (3) or more violations of
13 this chapter or any rule promulgated pursuant to this
14 chapter within five (5) years, the division shall revoke
15 the person's license or certification and the person shall
16 be ineligible for licensure or certification under this
17 article for five (5) years.

18

19 **12-11-206. Taxation of Marijuana Revenue.**

20

21 Each medical marijuana establishment shall be subject to,
22 and pay, any state commercial activities tax, including any
23 applicable sales, use or excise taxes as apply to

1 businesses in general, and all other local taxes,
2 assessments, fees, and charges as apply to businesses in
3 general.

4

5

ARTICLE 3

6

MEDICAL MARIJUANA ESTABLISHMENTS

7

8 **12-11-301. Locations of establishments; subject to**
9 **general regulations.**

10

11 (a) No medical marijuana establishment shall be
12 located within two hundred (200) yards of the primary
13 building structure used for a publicly-owned library, a
14 public or chartered nonpublic elementary or secondary
15 school, a state certified day care center or a public
16 playground adjacent to any of the aforementioned primary
17 building structures, so long as the structure was in
18 existence within the two hundred (200) yards zone on or
19 before the date of an applicant's first application for a
20 license for a MCF, MDP, MMT or MMD facility.

21

22 (b) A MCF, MDP and MMD, or any combination of the
23 three (3), may be located at the same location but each

1 shall be physically separated from the other with a
2 separate door and separate cash register, point of sale or
3 other business operations.

4

5 (c) Medical marijuana establishments shall be subject
6 to all applicable state and local laws and regulations
7 related to building codes and signage. Notwithstanding the
8 foregoing, no local zoning, land use laws, agriculture
9 regulations, subdivision regulations or similar provisions
10 shall prohibit the development or operation of medical
11 marijuana establishments, provided that no medical
12 marijuana establishment shall be located in a district
13 zoned exclusively residential as of the date that an
14 application for license is first filed by an MCF, MDP, MTF
15 or MMD facility.

16

17 (d) Medical marijuana establishments shall be subject
18 to all applicable state and local food safety regulations
19 and licensing.

20

21 **12-11-302. Medical marijuana dispensary (MMD).**

22

1 (a) Medical marijuana and medical marijuana-derived
2 products shall only be dispensed and sold for remuneration
3 to patients and caregivers by medical marijuana
4 dispensaries licensed under this chapter, in accordance
5 with a current medical marijuana certification issued by
6 the patient's current treating health care provider.

7

8 (b) The division shall issue licenses to, and shall
9 promulgate and enforce rules governing the operations of,
10 medical marijuana dispensaries. All application and
11 licensing fees for MMDs shall be issued and charged per
12 location and shall not exceed:

13

14 (i) A nonrefundable application fee of not more
15 than three thousand dollars (\$3,000.00);

16

17 (ii) An initial licensing fee of not more than
18 fifteen thousand dollars (\$15,000.00);

19

20 (iii) A renewal fee of not more than ten
21 thousand dollars (\$10,000.00).

22

23 (c) A MMD facility may:

1

2 (i) Purchase, acquire, possess, handle, store,
3 receive, dispense, display, deliver, sell or transport
4 marijuana accessories, medical marijuana or medical
5 marijuana-derived products from other licensed medical
6 marijuana establishments and that are properly tested and
7 labeled in accordance with rules promulgated by the
8 division;

9

10 (ii) Handle, deliver or transport medical
11 marijuana accessories, medical marijuana or medical
12 marijuana-derived products to a patient with a valid
13 medical marijuana certification.

14

15 (d) If the division determines as part of its
16 biennial audit that an MMD is in material noncompliance
17 with applicable laws or regulations, the division may order
18 remedial action. If the MMD fails to materially comply with
19 the division's remediation order within a reasonable time
20 period set forth by the order, the division may suspend or
21 revoke the MMD's license.

22

1 **12-11-303. Medical marijuana cultivation facility**
2 **(MCF).**

3

4 (a) The growth and cultivation of medical marijuana
5 within this state shall be lawful only at licensed medical
6 marijuana cultivation facilities, except as otherwise
7 provided in W.S. 12-11-202(a)(iii).

8

9 (b) The division shall issue licenses to, and shall
10 promulgate and enforce rules governing the operations of,
11 medical marijuana cultivation facilities. All application
12 and licensing fees for MCFs shall be issued and charged per
13 location and shall not exceed:

14

15 (i) A nonrefundable application fee of not more
16 than three thousand dollars (\$3,000.00);

17

18 (ii) For a micro-medical marijuana cultivation
19 facility a license fee of not more than fifteen thousand
20 dollars (\$15,000.00);

21

22 (iii) For a MCF with an area between two
23 thousand five hundred one (2,501) square feet and five

1 thousand (5,000) square feet, a license fee of not more
2 than thirty thousand dollars (\$30,000.00) and a renewal fee
3 of not more than twenty thousand dollars (\$20,000.00);

4

5 (iv) For a MCF with an area between five
6 thousand one (5,001) square feet and ten thousand (10,000)
7 square feet, a license fee of not more than fifty thousand
8 dollars (\$50,000.00) and a renewal fee of not more than
9 thirty thousand dollars (\$30,000.00);

10

11 (v) For a MCF with an area between ten thousand
12 one (10,001) square feet and fifteen thousand (15,000)
13 square feet, a license fee of not more than one hundred
14 thousand dollars (\$100,000.00) and a renewal fee of not
15 more than fifty thousand dollars (\$50,000.00);

16

17 (vi) For a MCF with an area of more than fifteen
18 thousand one (15,001) square feet, a license fee of not
19 more than one hundred fifty thousand dollars (\$150,000.00)
20 and a renewal fee of not more than one hundred thousand
21 dollars (\$100,000.00).

22

1 (c) A licensed MCF, or its designated employees or
2 agents:

3

4 (i) May acquire, handle, sell, store, deliver,
5 or transport medical marijuana to a licensed MDP facility,
6 a licensed MMT facility or a licensed MMD facility or
7 between one (1) or more other licensed MCFs;

8

9 (ii) Shall not sell, deliver, transport or
10 transfer medical marijuana, medical marijuana-derived
11 products and marijuana accessories directly to patients.

12

13 (d) If the division determines as part of its
14 biennial audit that a MCF is in material noncompliance with
15 applicable laws or regulations, the division may order
16 remedial action. If the MCF fails to materially comply with
17 the division's remediation order within a reasonable time
18 period set forth by the order, the division may suspend or
19 revoke the MCF's license.

20

21 **12-11-304. Medical marijuana-derived product**
22 **manufacturing facility (MDP).**

23

1 (a) The extraction of cannabinoids, and the
2 processing, manufacturing and packaging of medical
3 marijuana-derived products shall be lawful only at a
4 licensed medical marijuana-derived product manufacturing
5 facility (MDP), except as otherwise provided in W.S.
6 12-11-202(a)(iii).

7

8 (b) The division shall issue licenses to, and shall
9 promulgate and enforce rules governing the operations of,
10 medical marijuana-derived product manufacturing facilities.
11 All application and licensing fees for MCFs shall be issued
12 and charged per location and shall not exceed:

13

14 (i) A nonrefundable application fee of not more
15 than three thousand dollars (\$3,000.00);

16

17 (ii) For a MDP facility with an area of two
18 thousand five hundred (2,500) square feet or less, a
19 license fee of not more than fifteen thousand dollars
20 (\$15,000.00);

21

22 (iii) For a MDP facility with an area between
23 two thousand five hundred one (2,501) square feet and ten

1 thousand (10,000) square feet, a license fee of not more
2 than thirty thousand dollars (\$30,000.00) and a renewal fee
3 of not more than fifteen thousand dollars (\$15,000.00);

4

5 (iv) For a MDP facility with an area of ten
6 thousand one (10,001) square feet or more, a license fee of
7 not more than fifty thousand dollars (\$50,000.00) and a
8 renewal fee of not more than twenty-five thousand dollars
9 (\$25,000.00);

10

11 (v) In addition to a fee under paragraph (i)
12 through (iv) of this subsection, any MDP facility that will
13 use volatile solvents shall have an additional licensing
14 fee not to exceed five thousand dollars (\$5,000.00).

15

16 (c) The division shall establish rules regulating the
17 labeling of medical marijuana and medical marijuana-derived
18 products and shall ensure that potency, chemical
19 constituents and safety messages are prominently displayed
20 on the products' packaging.

21

22 (d) A licensed MDP facility or its designated
23 employees or agents:

1

2 (i) Shall sell medical marijuana-derived
3 products made only from medical marijuana purchased from a
4 licensed MCF;

5

6 (ii) Shall manufacture, process, package and
7 distribute marijuana accessories only to a licensed MMD;

8

9 (iii) May acquire, handle, sell, store, deliver
10 or transport marijuana accessories, medical marijuana or
11 medical marijuana-derived products to another licensed MDP
12 facility, a licensed MMT facility or a licensed MMD
13 facility;

14

15 (iv) Shall not sell, deliver, transport or
16 transfer medical marijuana, medical marijuana-derived
17 products or marijuana accessories directly to patients or
18 caregivers.

19

20 (e) If the division determines as part of its
21 biennial audit that a MDP facility is in material
22 noncompliance with applicable laws or regulations, the
23 division may order remedial action. If the MDP facility

1 fails to materially comply with the division's remediation
2 order within a reasonable time period set forth by the
3 order, the division may suspend or revoke the MDP
4 facility's license.

5

6 **12-11-305. Marijuana testing facility (MTF).**

7

8 (a) The testing of medical marijuana and medical
9 marijuana-derived products, for medical use within the
10 state, shall be lawful only at licensed medical marijuana
11 testing facilities.

12

13 (b) An MTF may engage in research related to, and
14 certifying the safety, potency and chemical constituency of
15 medical marijuana and medical marijuana-derived products
16 and perform quality control testing on those products or in
17 connection with a safety, potency and chemical constituency
18 certification process developed by the division.

19

20 (c) The division shall issue licenses to, and shall
21 promulgate and enforce rules governing the operations of,
22 medical marijuana testing facilities. All application and

1 licensing fees for MTFs shall be issued and charged per
2 location and shall not exceed:

3

4 (i) A nonrefundable application fee of not more
5 than three thousand dollars (\$3,000.00);

6

7 (ii) A licensing fee of not more than ten
8 thousand dollars (\$10,000.00) and a renewal fee of not more
9 than five thousand dollars (\$5,000.00).

10

11 (d) If the division determines as part of its
12 biennial audit that an MTF is in material noncompliance
13 with applicable laws or regulations, the division may order
14 remedial action. If the MTF fails to materially comply with
15 the division's remediation order within a reasonable time
16 period set forth by the order, the division may suspend or
17 revoke the MTF's license.

18

19 **Section 2.** W.S. 35-7-1002(a)(xiv) and
20 (xxvii)(E)(intro), 35-7-1014(d)(xiii) and (xxi), 35-7-1022
21 by creating a new subsection (g), 35-7-1031(a)(intro) and
22 (c)(intro), 35-7-1037, 35-7-1038(b), 35-7-1039, 35-7-1040,
23 35-7-1049(a)(intro) and (vi), 35-7-1063(a) by creating a

1 new paragraph (iv), 39-15-105(a)(vi)(B) and
2 39-16-105(a)(vi)(A) are amended to read:

3

4 **35-7-1002. Definitions.**

5

6 (a) As used in this act:

7

8 (xiv) ~~"Marihuana"~~ "Marijuana" or "marihuana"

9 means all parts of the plant of the genus Cannabis, whether
10 growing or not; the seed thereof; the resin extracted from
11 any part of the plant; and every compound, manufacture,
12 salt, derivative, mixture or preparation of the plant, its
13 seeds or resin. It does not include the mature stalks of
14 the plant, fiber produced from the stalks, oil or cake made
15 from the seeds of the plant, any other compound,
16 manufacture, salt, derivative, mixture or preparation of
17 the mature stalks (except the resin extracted therefrom),
18 fiber, oil or cake, or the sterilized seed of the plant
19 ~~which—that~~ is incapable of germination. "Marijuana" or
20 "marihuana" does not mean "hemp" as defined in
21 W.S. 11-51-101(a)(iii);

22

1 (xxvii) "Drug paraphernalia" means all
2 equipment, products and materials of any kind when used,
3 advertised for use, intended for use or designed for use
4 for manufacturing, converting, preparing, packaging,
5 repackaging, storing, containing, concealing, injecting,
6 ingesting, inhaling or otherwise introducing into the human
7 body a controlled substance in violation of this act and
8 includes:

9

10 (E) Except as authorized for use for
11 medical marijuana or medical marijuana-derived products
12 under the Wyoming Patient Cannabis Act of 2022 and
13 department of revenue liquor division rules promulgated
14 pursuant that act, the following objects when used,
15 advertised for use, intended for use or designed for use in
16 ingesting, inhaling or otherwise introducing marihuana
17 marijuana, cocaine, hashish or hashish oil or any other
18 controlled substance into the human body:

19

20 **35-7-1014. Substances included in Schedule I.**

21

22 (d) Hallucinogenic substances.-Unless specifically
23 excepted or unless listed in another schedule, any

1 material, compound, mixture or preparation which contains
2 any quantity of the following hallucinogenic substances,
3 their salts, isomers and salts of isomers whenever the
4 existence of these salts, isomers and salts of isomers is
5 possible within the specific chemical designation (for
6 purposes of this paragraph only, the term "isomer" includes
7 the optical, position and geometric isomers):

8

9 (xiii) Marihuana except as authorized as medical
10 marijuana or medical marijuana-derived products under the
11 Wyoming Patient Cannabis Act of 2022;

12

13 (xxi) Except as authorized for medical marijuana
14 or medical marijuana-derived products under the Wyoming
15 Patient Cannabis Act of 2022, tetrahydrocannabinols;

16 synthetic equivalents of the substances contained in the
17 plant or in the resinous extractives of Cannabis, sp.

18 and/or synthetic substances, derivatives and their isomers
19 with similar chemical structure and pharmacological

20 activity such as the following: delta 1 cis or trans
21 tetrahydrocannabinol and their optical isomers; delta 6 cis

22 or trans tetrahydrocannabinol and their optical isomers;

23 delta to the 3, 4 cis or trans tetrahydrocannabinol and its

1 optical isomers. Since nomenclature of these substances is
2 not internationally standardized, compounds of these
3 structures, regardless of numerical designation of atomic
4 positions are covered;

5

6 **35-7-1022. Substances included in Schedule V.**

7

8 (g) Medical marijuana and medical marijuana-derived
9 products under the Wyoming Patient Cannabis Act of 2022.

10

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

13

14 (a) Except as authorized by this act or by the
15 Wyoming Patient Cannabis Act of 2022, it is unlawful for
16 any person to manufacture, deliver, or possess with intent
17 to manufacture or deliver, a controlled substance. Any
18 person who violates this subsection with respect to:

19

20 (c) It is unlawful for any person knowingly or
21 intentionally to possess a controlled substance unless the
22 substance was obtained directly from, or pursuant to a
23 valid prescription or order of a practitioner while acting

1 in the course of his professional practice, or except as
2 otherwise authorized by this act or by the Wyoming Patient
3 Cannabis Act of 2022. With the exception of any drug that
4 has received final approval from the United States food and
5 drug administration, including dronabinol as listed in W.S.
6 35-7-1018(h), and notwithstanding any other provision of
7 this act, no practitioner shall dispense or prescribe
8 ~~marihuana, tetrahydrocannabinol, or~~ synthetic equivalents
9 of marihuana or tetrahydrocannabinol. No prescription,
10 certification or practitioner's order for marihuana, or
11 ~~tetrahydrocannabinol, or synthetic equivalents of marihuana~~
12 ~~or tetrahydrocannabinol~~ shall be valid, unless ~~the~~
13 ~~prescription is for a drug that has received final approval~~
14 ~~from the United States food and drug administration,~~
15 ~~including dronabinol~~ made in accordance with the Wyoming
16 Patient Cannabis Act of 2022. Any person who violates this
17 subsection:

18

19 **35-7-1037. Probation and discharge of first**
20 **offenders.**

21

22 Whenever any person who has not previously been convicted
23 of any offense under this act or under any statute of the

1 United States or of any state relating to narcotic drugs,
2 ~~marihuana, marijuana, except medical marijuana or medical~~
3 ~~marijuana-derived products under the Wyoming Patient~~
4 ~~Cannabis Act of 2022,~~ or stimulant, depressant, or
5 hallucinogenic drugs, pleads guilty to or is found guilty
6 of possession of a controlled substance under W.S.
7 35-7-1031(c) or 35-7-1033(a)(iii)(B), or pleads guilty to
8 or is found guilty of using or being under the influence of
9 a controlled substance under W.S. 35-7-1039, the court,
10 without entering a judgment of guilt and with the consent
11 of the accused, may defer further proceedings and place him
12 on probation upon terms and conditions. Any term of
13 probation imposed under this section for a felony offense
14 shall not exceed the maximum term of probation authorized
15 under W.S. 7-13-302(b). Upon violation of a term or
16 condition, the court may enter an adjudication of guilt and
17 proceed as otherwise provided. Upon fulfillment of the
18 terms and conditions, the court shall discharge the person
19 and dismiss the proceedings against him. Discharge and
20 dismissal under this section shall be without adjudication
21 of guilt and is not a conviction for purposes of this
22 section or for purposes of disqualifications or
23 disabilities imposed by law upon conviction of a crime,

1 including the additional penalties imposed for second or
2 subsequent convictions under W.S. 35-7-1038. There may be
3 only one (1) discharge and dismissal under this section
4 with respect to any person. This section shall not be
5 construed to provide an exclusive procedure. Any other
6 procedure provided by law relating to suspension of trial
7 or probation, may be followed, in the discretion of the
8 trial court.

9

10 **35-7-1038. Second or subsequent offenses; mandatory**
11 **minimum penalty for certain subsequent offenses.**

12

13 (b) For purposes of subsection (a) of this section,
14 an offense is a second or subsequent offense if, prior to
15 his conviction of the offense, the offender has at any time
16 been convicted under this act or under any statute of the
17 United States or of any state relating to narcotic drugs,
18 marijuana, except medical marijuana or medical
19 marijuana-derived products under the Wyoming Patient
20 Cannabis Act of 2022, depressant, stimulant or
21 hallucinogenic drugs.

22

1 **35-7-1039. Person using or under influence of**
2 **controlled substance.**

3

4 Any person who knowingly or intentionally uses or is under
5 the influence of a controlled substance listed in Schedules
6 I, II or III except when administered or prescribed by or
7 under the direction of a licensed practitioner or except
8 medical marijuana or medical marijuana-derived products
9 pursuant to the Wyoming Patient Cannabis Act of 2022, shall
10 be guilty of a misdemeanor and shall be punished by
11 imprisonment in the county jail not to exceed six (6)
12 months or a fine not to exceed seven hundred fifty dollars
13 (\$750.00), or by both.

14

15 **35-7-1040. Planting, cultivating or processing**
16 **marijuana, peyote or opium poppy.**

17

18 Any person who knowingly or intentionally plants,
19 cultivates, harvests, dries, or processes any ~~marihuana,~~
20 marijuana, except medical marijuana or medical
21 marijuana-derived products under the Wyoming Patient
22 Cannabis Act of 2022, peyote, or opium poppy except as
23 otherwise provided by law shall be guilty of a misdemeanor

1 and shall be punished by imprisonment not to exceed six (6)
2 months in the county jail or by a fine not to exceed one
3 thousand dollars (\$1,000.00), or both.

4

5 **35-7-1049. Forfeitures and seizures generally;**
6 **property subject to forfeiture.**

7

8 (a) The following are subject to forfeiture, except
9 that this section shall not apply to any property that is
10 authorized under the Wyoming Patient Cannabis Act of 2022:

11

12 (vi) All "drug paraphernalia" as defined by W.S.
13 35-7-1002(a)(xxvii), except that this section shall not
14 apply to drug paraphernalia or other property that is
15 authorized under the Wyoming Patient Cannabis Act of 2022;

16

17 **35-7-1063. Exceptions to provisions.**

18

19 (a) The provisions and penalties of this chapter
20 shall not apply to:

21

22 (iv) The possession, use, cultivation,
23 processing, sale or distribution of medical marijuana or

1 medical marijuana-derived products authorized under the
2 Wyoming Patient Cannabis Act of 2022.

3

4 **39-15-105. Exemptions.**

5

6 (a) The following sales or leases are exempt from the
7 excise tax imposed by this article:

8

9 (vi) For the purpose of exempting sales of
10 services and tangible personal property which are essential
11 human goods and services, the following are exempt:

12

13 (B) Sales of the following tangible
14 personal property sold under a prescription: drugs for
15 human relief excluding over-the-counter-drugs and excluding
16 medical marijuana and medical marijuana-derived products
17 under the Wyoming Patient Cannabis Act of 2022, insulin for
18 human relief and any syringe, needle or other device
19 necessary for the administration thereof, oxygen for
20 medical use, blood plasma, prosthetic devices, hearing
21 aids, eyeglasses, contact lenses, mobility enhancing
22 equipment, durable medical equipment and any assistive
23 device. As used in this subparagraph, "assistive device"

1 means any item, piece of equipment or product system, as
2 defined by department rule, which is used to increase,
3 maintain or improve the functional capabilities of an
4 individual with a permanent disability, excluding any
5 medical device, surgical device or organ implanted or
6 transplanted into or attached directly to an individual;

7

8 **39-16-105. Exemptions.**

9

10 (a) The following purchases or leases are exempt from
11 the excise tax imposed by this article:

12

13 (vi) For the purpose of exempting sales of
14 services and tangible personal property and services which
15 are essential human goods and services, the following are
16 exempt:

17

18 (A) Purchases of the following tangible
19 personal property sold under a prescription: drugs for
20 human relief excluding "over-the-counter-drugs" and
21 excluding medical marijuana and medical marijuana-derived
22 products under the Wyoming Patient Cannabis Act of 2022,
23 insulin for human relief and any syringe, needle or other

1 device necessary for the administration thereof, oxygen for
2 medical use, blood plasma, prosthetic devices, hearing
3 aids, eyeglasses, contact lenses, mobility enhancing
4 equipment, durable medical equipment and any assistive
5 device. As used in this subparagraph, "assistive device"
6 means any item, piece of equipment or product system, as
7 defined by department rule, which is used to increase,
8 maintain or improve the functional capabilities of an
9 individual with a permanent disability, excluding any
10 medical device, surgical device or organ implanted or
11 transplanted into or attached directly to an individual.

12

13 **Section 3.**

14

15 (a) Not later than May 31, 2023 the department of
16 revenue liquor division and the attorney general as
17 commissioner of drugs and substances control shall each
18 promulgate rules to implement this act.

19

20 (b) Not later than October 1, 2022 the department of
21 revenue liquor division and the attorney general shall
22 recommend any additional necessary legislation to the joint

1 review interim committee and the joint judiciary interim
2 committee.

3

4 **Section 4.**

5

6 (a) Except as provided in subsection (b) of this
7 section, this act is effective May 31, 2023.

8

9 (b) Sections 3 and 4 are effective immediately upon
10 completion of all acts necessary for a bill to become law
11 as provided by Article 4, Section 8 of the Wyoming
12 Constitution.

13

14 (END)