

HOUSE BILL NO. HB0166

Marijuana-class III substance.

Sponsored by: Representative(s) Provenza, Posey and Singh
and Senator(s) Case and Rothfuss

A BILL

for

1 AN ACT relating to public health and safety; amending
2 provisions related to the scheduling and use of marijuana;
3 repealing a conflicting provision; making conforming
4 amendments; requiring rulemaking; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 14-3-301(a)(viii), (xi)(A) and (B),
10 35-7-1002(a)(xiv), (xxvii)(C) and (E), 35-7-1018(h) by
11 creating a new paragraph (ii), 35-7-1031(c)(intro),
12 35-7-1037, 35-7-1040 and 35-7-1049(r)(vi)(D)(I) are amended
13 to read:

14

15 **14-3-301. Definitions.**

1

2 (a) As used in this article:

3

4 (viii) "Edible products" means any product
5 intended for consumption, including but not limited to
6 baked goods, candies, gummies and liquids, that contains
7 tetrahydrocannabinol, a controlled substance listed under
8 W.S. ~~35-7-1014(d) (xiii) or (xxi)~~ 35-7-1014(d) (xxi),
9 35-7-1018(h) (ii) or their analogs;

10

11 (xi) "Analog" means a substance:

12

13 (A) Whose chemical structure is
14 substantially similar to the chemical structure of a
15 controlled substance listed under W.S. ~~35-7-1014(d) (xiii)~~
16 ~~or (xxi)~~ 35-7-1014(d) (xxi) or 35-7-1018(h) (ii); or

17

18 (B) That has a stimulant, depressant or
19 hallucinogenic effect on the central nervous system that is
20 substantially similar to or greater than the stimulant,
21 depressant or hallucinogenic effect on the central nervous
22 system of a controlled substance listed under W.S.

1 ~~35-7-1014(d)(xiii) or (xxi)~~ 35-7-1014(d)(xxi) or
2 35-7-1018(h)(ii).

3

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

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6 (a) As used in this act:

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8 (xiv) ~~"Marihuana"~~ "Marijuana" means all parts of
9 the plant of the genus Cannabis, whether growing or not;
10 the seed thereof; the resin extracted from any part of the
11 plant; and every compound, manufacture, salt, derivative,
12 mixture or preparation of the plant, its seeds or resin. It
13 does not include the mature stalks of the plant, fiber
14 produced from the stalks, oil or cake made from the seeds
15 of the plant, any other compound, manufacture, salt,
16 derivative, mixture or preparation of the mature stalks
17 (except the resin extracted therefrom), fiber, oil or cake,
18 or the sterilized seed of the plant which is incapable of
19 germination;

20

21 (xxvii) "Drug paraphernalia" means all
22 equipment, products and materials of any kind when used,
23 advertised for use, intended for use or designed for use

1 for manufacturing, converting, preparing, packaging,
2 repackaging, storing, containing, concealing, injecting,
3 ingesting, inhaling or otherwise introducing into the human
4 body a controlled substance in violation of this act and
5 includes:

6

7 (C) Separation gins and sifters when used
8 or advertised for use in removing twigs and seeds from or
9 in otherwise cleaning or refining ~~marihuana~~ marijuana;

10

11 (E) The following objects when used,
12 advertised for use, intended for use or designed for use in
13 ingesting, inhaling or otherwise introducing ~~marihuana~~
14 marijuana, cocaine, hashish or hashish oil or any other
15 controlled substance into the human body:

16

17 **35-7-1018. Substances included in Schedule III.**

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19 (h) Hallucinogenic substances:

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21 (ii) Marijuana.

22

1 **35-7-1031. Unlawful manufacture or delivery;**
2 **counterfeit substance; unlawful possession.**

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4 (c) Except as provided in W.S. 35-7-1064, it is
5 unlawful for any person knowingly or intentionally to
6 possess a controlled substance unless the substance was
7 obtained directly from, or pursuant to a valid prescription
8 or order of a practitioner while acting in the course of
9 his professional practice, or except as otherwise
10 authorized by this act. With the exception of any drug that
11 has received final approval from the United States food and
12 drug administration, including dronabinol as listed in W.S.
13 35-7-1018(h), and notwithstanding any other provision of
14 this act, no practitioner shall dispense or prescribe
15 ~~marihuana~~marijuana, tetrahydrocannabinol, or synthetic
16 equivalents of ~~marihuana~~marijuana or tetrahydrocannabinol.
17 No prescription or practitioner's order for ~~marihuana~~
18 marijuana, tetrahydrocannabinol, or synthetic equivalents
19 of ~~marihuana~~marijuana or tetrahydrocannabinol shall be
20 valid, unless the prescription is for a drug that has
21 received final approval from the United States food and
22 drug administration, including dronabinol. Any person who
23 violates this subsection:

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2 **35-7-1037. Probation and discharge of first**
3 **offenders.**

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5 Whenever any person who has not previously been convicted
6 of any offense under this act or under any statute of the
7 United States or of any state relating to narcotic drugs,
8 ~~marihuana~~—marijuana, or stimulant, depressant, or
9 hallucinogenic drugs, pleads guilty to or is found guilty
10 of possession of a controlled substance under W.S.
11 35-7-1031(c) or 35-7-1033(a)(iii)(B), or pleads guilty to
12 or is found guilty of using or being under the influence of
13 a controlled substance under W.S. 35-7-1039, the court,
14 without entering a judgment of guilt and with the consent
15 of the accused, may defer further proceedings and place him
16 on probation upon terms and conditions. Any term of
17 probation imposed under this section for a felony offense
18 shall not exceed the maximum term of probation authorized
19 under W.S. 7-13-302(b). Upon violation of a term or
20 condition, the court may enter an adjudication of guilt and
21 proceed as otherwise provided. Upon fulfillment of the
22 terms and conditions, the court shall discharge the person
23 and dismiss the proceedings against him. Discharge and

1 dismissal under this section shall be without adjudication
2 of guilt and is not a conviction for purposes of this
3 section or for purposes of disqualifications or
4 disabilities imposed by law upon conviction of a crime,
5 including the additional penalties imposed for second or
6 subsequent convictions under W.S. 35-7-1038. There may be
7 only one (1) discharge and dismissal under this section
8 with respect to any person. This section shall not be
9 construed to provide an exclusive procedure. Any other
10 procedure provided by law relating to suspension of trial
11 or probation, may be followed, in the discretion of the
12 trial court.

13

14 **35-7-1040. Planting, cultivating or processing**
15 **marijuana, peyote or opium poppy.**

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17 Any person who knowingly or intentionally plants,
18 cultivates, harvests, dries, or processes any marihuana
19 marijuana, peyote, or opium poppy except as otherwise
20 provided by law shall be guilty of a misdemeanor and shall
21 be punished by imprisonment not to exceed six (6) months in
22 the county jail or by a fine not to exceed one thousand
23 dollars (\$1,000.00), or both.

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2 **35-7-1049. Forfeitures and seizures generally;**
3 **property subject to forfeiture.**

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5 (r) When property is forfeited under this act, the
6 commissioner may:

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8 (vi) Authorize any law enforcement officer to
9 apply to the district court with jurisdiction for an order
10 providing for destruction of the contraband controlled
11 substances or paraphernalia if no longer necessary for
12 evidentiary purposes, provided, however, that a district
13 court order shall not be necessary for the division of
14 criminal investigation to destroy quantities of contraband
15 controlled substances after the division has tested random
16 samples. The division of criminal investigation shall
17 adopt rules necessary to operate a program to destroy bulk
18 quantities of contraband controlled substances, which shall
19 include:

20

21 (D) The additional retention of:

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