

## HOUSE BILL NO. HB0003

Marihuana possession.

Sponsored by: Representative(s) Byrd

A BILL

for

1 AN ACT relating to marihuana possession; amending penalties  
2 for marihuana possession as specified; and providing for an  
3 effective date.

4

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

6

7 **Section 1.** W.S. 35-7-1031(c)(i)(intro), (A), by  
8 creating a new subparagraph (G) and by creating new  
9 paragraphs (vi) and (vii) is amended to read:

10

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

13

14 (c) It is unlawful for any person knowingly or  
15 intentionally to possess a controlled substance unless the  
16 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:

13

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

1 year, fined not more than ~~five thousand dollars~~  
2 ~~(\$5,000.00), or both three thousand dollars (\$3,000.00),~~  
3 required to complete a drug counseling and rehabilitation  
4 program or any combination thereof. For purposes of this  
5 paragraph, the amounts of a controlled substance are as  
6 follows:

7  
8 (A) Except as provided in subparagraph (G)  
9 of this paragraph, for a controlled substance in plant  
10 form, no more than three (3) ounces;

11  
12 (G) For marihuana, no more than three (3)  
13 ounces but greater than one (1) ounce.

14  
15 (vi) And has in his possession marihuana for a  
16 first or second offense, including any other offenses  
17 related to possession of controlled substances, may be  
18 punished based on the amount of marihuana in his possession  
19 as follows:

20  
21 (A) Possession of marihuana in an amount no  
22 more than one (1) ounce but greater than one-half (1/2)

1 ounce shall be subject to a civil penalty of not more than  
2 one hundred dollars (\$100.00);

3

4 (B) Possession of marihuana in an amount no  
5 more than one-half (1/2) ounce shall be subject to a civil  
6 penalty of not more than fifty dollars (\$50.00).

7

8 (vii) And has in his possession marihuana for a  
9 third or subsequent offense, including any other offenses  
10 related to controlled substances, in an amount of not more  
11 than one (1) ounce shall be punished by one (1) or more of  
12 the following:

13

14 (A) Mandatory counseling;

15

16 (B) A fine of not less than five hundred  
17 dollars (\$500.00) but not more than one thousand dollars  
18 (\$1,000.00);

19

20 (C) Imprisonment for not more than thirty  
21 (30) days;

22

1                   (D) Probation for a term not to exceed one  
2 (1) year. Probation under this subparagraph may be in  
3 addition to or in lieu of a fine or imprisonment under this  
4 paragraph.

5

6           **Section 2.** This act is effective July 1, 2016.

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8

(END)