

## HOUSE BILL NO. HB0100

Felony unlawful possession of controlled substances.

Sponsored by: Representative(s) Pelkey, Lindholm and  
Zwonitzer, Dn. and Senator(s) Esquibel, F.  
and Rothfuss

A BILL

for

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

5

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

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

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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

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

14

15 (i) And has in his possession a controlled  
16 substance in the amount set forth in this paragraph is  
17 guilty of a misdemeanor punishable by imprisonment for not  
18 more than twelve (12) months, a fine of not more than one  
19 thousand dollars (\$1,000.00), or both. Any person  
20 convicted for a ~~third~~fourth or subsequent offense under  
21 within ten (10) years of a conviction for a violation of  
22 this paragraph, including convictions for violations of  
23 similar laws in other jurisdictions, shall be imprisoned

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

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6 **Section 2.** The provisions of this act shall apply to  
7 offenses committed on or after the effective date of this  
8 act.

9

10 **Section 3.** This act is effective July 1, 2016.

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12

(END)