

HOUSE BILL NO. HB0157

Marihuana possession of less than three ounces.

Sponsored by: Representative(s) Baker, Barlow, Byrd, Clem, Halverson, Lindholm, Loucks, Pelkey and Zwonitzer and Senator(s) Case and Rothfuss

A BILL

for

1 AN ACT relating to food and drugs; creating a civil penalty
2 for specified amounts of marihuana and marihuana products;
3 and providing for an 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), (B), by
8 creating new subparagraphs (G) and (H) and by creating a
9 new paragraph (vi) is amended to 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~~amounts set forth in this paragraph
17 is guilty of a misdemeanor punishable by imprisonment for
18 not more than twelve (12) months, a fine of not more than
19 one thousand dollars (\$1,000.00), or both. Any person
20 convicted for a third or subsequent offense under this
21 paragraph, including convictions for violations of similar
22 laws in other jurisdictions, shall be imprisoned for a term
23 not more than five (5) years, fined not more than five

1 thousand dollars (\$5,000.00), or both. For purposes of
2 this paragraph, the amounts of a controlled substance are
3 as follows:

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

8

9 (B) Except as provided in subparagraph (H)
10 of this paragraph, for a controlled substance in liquid
11 form, no more than three-tenths (3/10) of a gram;

12

13 (G) For marihuana in plant form, more than
14 three (3) ounces;

15

16 (H) For marihuana product, more than five
17 hundred (500) milligrams combined of tetrahydrocannabinol
18 and tetrahydrocannabinolic acid. As used in this
19 subsection, "marihuana product" means a preparation,
20 compound, mixture or substance not in plant form that
21 contains marihuana or tetrahydrocannabinols intended for
22 consumption or use without further preparation including,
23 but not limited to, baked goods, candies, edibles,

1 ointments, potable liquids, tinctures or any other similar
2 form containing marihuana or tetrahydrocannabinols.

3

4 (vi) And has in his possession marihuana in an
5 amount of three (3) ounces or less, or marihuana product in
6 an amount of five hundred (500) milligrams combined, or
7 less, of tetrahydrocannabinol and tetrahydrocannabinolic
8 acid, shall be subject to a civil penalty of not more than
9 two hundred dollars (\$200.00).

10

11 **Section 2.** This act is effective July 1, 2017.

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13

(END)