

HOUSE BILL NO. HB0227

Cannabidiol medication.

Sponsored by: Representative(s) Gay

A BILL

for

1 AN ACT relating to public health; allowing supervised use
 2 of cannabidiol as specified; providing an exemption from
 3 prosecution for possession or use of cannabidiol as
 4 specified; authorizing a fee for registration; providing
 5 definitions; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 35-7-1063 and 35-7-1801 through
 10 35-7-1803 are created to read:

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12 **35-7-1063. Exception to provisions.**

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14 The provisions and penalties of this chapter shall not
 15 apply to the medical use of cannabidiol or CBD when used in

1 accordance with the provisions of W.S. 35-7-1801 through
2 35-7-1803.

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4

ARTICLE 18

5

SUPERVISED MEDICAL USE OF CANNABIDIOL

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7

35-7-1801. Definitions.

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(a) As used in this article:

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(i) "Cannabidiol" or "CBD" means an oil or other preparation intended as a medicine made from the cannabis plant which contains primarily cannabidiol as its active ingredient and which contains no tetrahydrocannabinol or THC or any other psychoactive substance;

(ii) "Department" means the Wyoming department of health;

(iii) "Parent" means a parent or legal guardian of a minor who is responsible for the minor's medical care;

1 (iv) "Prescribing physician" means a person who
2 is licensed to practice medicine pursuant to W.S. 33-26-301
3 et seq. and who is certified by a nationally recognized
4 professional organization as a neurosurgeon, neurologist,
5 pain management specialist, psychiatrist, oncologist or
6 ophthalmologist;

7

8 (v) "Registrant" means the person who holds a
9 registration card issued by the department pursuant to this
10 article;

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12 (vi) "Registration card" means a card issued by
13 the department under W.S. 35-7-1802.

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15 **35-7-1802. CBD registration cards.**

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17 (a) The department shall issue a CBD registration
18 card to a person who:

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20 (i) Is at least eighteen (18) years of age;

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22 (ii) Is a resident of Wyoming;

23

1 (iii) Provides a statement to the department
2 which is signed by a prescribing physician and specifies
3 that the person may benefit from treatment with CBD;

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5 (iv) Pays a fee to the department as specified
6 in subsection (e) of this section; and

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8 (v) Submits an application to the department on
9 a form created by the department that contains:

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11 (A) The individual's name and address;

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13 (B) A copy of the individual's valid photo
14 identification; and

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16 (C) Any other information the department
17 considers necessary to implement this article.

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19 (b) The department shall issue a registration card to
20 a parent who:

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22 (i) Is at least eighteen (18) years of age;

23

1 (ii) Is applying for a registration card on
2 behalf of a minor who is a resident of Wyoming;

3
4 (iii) Provides the department with a statement
5 signed by a prescribing physician that the minor in the
6 parent's care may benefit from treatment with CBD;

7
8 (iv) Pays the department a fee as provided in
9 subsection (e) of this section; and

10
11 (v) Submits an application to the department on
12 a form created by the department, which contains:

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14 (A) The parent's name and address;

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16 (B) The minor's name;

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18 (C) A copy of the parent's valid photo
19 identification; and

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21 (D) Any other information the department
22 considers necessary to implement this article.

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1 (c) The department shall maintain a registry of:

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3 (i) The names of each applicant to whom the
4 department issues a registration card under subsection (a)
5 of this section; and

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7 (ii) The names of each minor receiving care from
8 a parent who is issued a registration card under subsection
9 (b) of this section.

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11 (d) The department shall promulgate rules and
12 regulations to establish:

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14 (i) The information an applicant is required to
15 provide to the department under this article; and

16

17 (ii) The form of the registration card issued
18 under this article.

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20 (e) The department shall establish a fee for
21 maintaining the registry in an amount to ensure that, to
22 the extent practicable, the total revenue generated from

1 the fees collected approximates, but does not exceed, the
2 direct and indirect costs of administering the registry.

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4 (f) A registration card issued under subsection (a)
5 or (b) of this section is valid for one (1) year and is
6 renewable if, at the time of renewal, the registrant meets
7 the requirements of subsection (a) or (b) of this section.

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9 (g) The prescribing physician who signs a statement
10 as provided in this section shall:

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12 (i) Keep a record of his evaluation and
13 observation of each patient who is a registrant or a minor
14 under a registrant's care including the patient's response
15 to CBD; and

16

17 (ii) Transmit a copy of the records to the
18 department in accordance with rule and regulation of the
19 department.

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21 (h) The department shall maintain a database of
22 records received under subsection (g) of this section. The
23 department shall treat the records as confidential,

1 provided that the department may share the records with a
2 higher education institution for the purpose of studying
3 CBD if the records are redacted so that the patient cannot
4 be identified individually.

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6 **35-7-1803. Exemption from criminal and civil**
7 **penalties for the medical use of CBD.**

8

9 (a) Notwithstanding any other provision of this
10 chapter, an individual who possesses or uses CBD is not
11 subject to any penalties described in this chapter for
12 possession or use of the CBD if the individual:

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14 (i) Possesses or uses the CBD pursuant to the
15 direction of his prescribing physician;

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17 (ii) Possesses a registration card issued by the
18 department under W.S. 35-7-1802; and

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20 (iii) Can provide, through a certificate of
21 analysis or otherwise, evidence that the medication does
22 not contain tetrahydrocannabinol.

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1 (b) Notwithstanding any other provision of this
2 chapter, an individual who possesses CBD lawfully under
3 subsection (a) of this section and administers the CBD to a
4 minor is not subject to any penalties described in this
5 chapter for administering the medication to the minor if:

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7 (i) The individual is the minor's parent or
8 legal guardian; and

9

10 (ii) The individual possesses a registration
11 card issued by the department under W.S. 35-7-1802(b).

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13 **Section 2.** W.S. 35-7-1002(a)(xxviii) is amended to
14 read:

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16 **35-7-1002. Definitions.**

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18 (a) As used in this act:

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20 (xxviii) "This act" means W.S. 35-7-1001 through
21 ~~35-7-1060~~ 35-7-1063.

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1 **Section 3.** This act is effective July 1, 2015.

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(END)