SENATE FILE NO. SF0096

Marihuana edibles.

Sponsored by: Senator(s) Wasserburger and Representative(s) Harshman and Piiparinen

A BILL

for

1 AN ACT relating to controlled substances; specifying components of marihuana and tetrahydrocannabinols subject to prosecution; specifying the weight for prosecution of edibles and drinkables containing marihuana or tetrahydrocannabinols; specifying the weight for prosecution of controlled substances in other forms; specifying penalties; and providing for an effective date.

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

Section 1. W.S. 35-7-1002(a)(xiv), 35-7-1014(d)(xxi) and 35-7-1031(c)(i) by creating a new subparagraph (G), (iii) and by creating a new paragraph (vi) are amended to read:
35-7-1002. Definitions.

(a) As used in this act:

(xiv) "Marihuana" means all parts of the plant of the genus Cannabis, whether growing or not; the seed thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination or any other nonpsychoactive derivative, extractive, compound or other component of any part of the plant;

35-7-1014. Substances included in Schedule I.

(d) Hallucinogenic substances. - Unless specifically excepted or unless listed in another schedule, any
material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(xxi) Tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity such as the following: delta 1 cis or trans tetrahydrocannabinol and their optical isomers; delta 6 cis or trans tetrahydrocannabinol and their optical isomers; delta to the 3, 4 cis or trans tetrahydrocannabinol and its optical isomers. Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered. This paragraph shall not include any nonpsychoactive derivative, extractive, compound or other component of any substance listed therein;
35-7-1031. Unlawful manufacture or delivery; counterfeit substance; unlawful possession.

(c) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act. With the exception of dronabinol as listed in W.S. 35-7-1018(h), and notwithstanding any other provision of this act, no practitioner shall dispense or prescribe marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol and no prescription or practitioner's order for marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol shall be valid. Any person who violates this subsection:

(i) And has in his possession a controlled substance in the amount set forth in this paragraph is guilty of a misdemeanor punishable by imprisonment for not
more than twelve (12) months, a fine of not more than one
thousand dollars ($1,000.00), or both. Any person
convicted for a third or subsequent offense under this
paragraph, including convictions for violations of similar
laws in other jurisdictions, shall be imprisoned for a term
not more than five (5) years, fined not more than five
thousand dollars ($5,000.00), or both. For purposes of
this paragraph, the amounts of a controlled substance are
as follows:

(G) Except as otherwise provided in this
paragraph, for a controlled substance in any other form, no
more than three (3) grams.

(iii) And has in his possession any other
controlled substance classified in Schedule I, II or III in
an amount greater than set forth in paragraph (c)(i) or
(vi) of this section, is guilty of a felony punishable by
imprisonment for not more than five (5) years, a fine of
not more than ten thousand dollars ($10,000.00), or both;

(vi) And has in his possession the specified
controlled substance in the amount set forth in this
paragraph may be imprisoned for not more than eight (8) days in the county jail, fined not more than three hundred dollars ($300.00), or both. A second conviction under this paragraph within three (3) years from the date of the first conviction is punishable by imprisonment of not more than thirty (30) days in the county jail, a fine of not more than one thousand dollars ($1,000.00), or both. A third or subsequent conviction under this paragraph within three (3) years from the date of the first conviction is punishable by imprisonment of not more than one hundred twenty (120) days in the county jail, a fine of not more than three thousand dollars ($3,000.00), or both. In addition to or in lieu of, as applicable, the punishment the court may impose under this paragraph, the court may require substance abuse treatment or probation not to exceed one (1) year. For purposes of this paragraph, the amounts of a controlled substance are for preparations, compounds, mixtures or substances including but not limited to baked goods, candies, drinks, edibles or any other similar form containing marihuana or tetrahydrocannabinols excluding any nonpsychoactive derivative, extractive, compound or other component thereof, not more than three (3) ounces.
Section 2. This act is effective July 1, 2016.

(END)