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*STATE OF WYOMING*

A BALLOT INITIATIVE

for the

The Peggy A. Kelley Wyoming Cannabis Act of 2016.

AN ACT relating to medical marijuana and hemp; creating The Peggy A. Kelley Wyoming Cannabis Act of 2016; providing for the lawful acquisition, growth, cultivation, extraction, production, processing, manufacture, testing, distribution, retail sales, licensing and taxation of medical marijuana and medical marijuana-infused products and the operations of medical marijuana establishments; providing for the cultivation and production of hemp and hemp products for commercial, research and development purposes; providing for the Wyoming Department of Revenue Liquor Division as rulemaking authority for medical marijuana and hemp; and, amending Title 35, Chapter 7 of the Wyoming State Statutes as it pertains to the criminalization of medical marijuana.

Be it enacted by the People of the State of Wyoming that: (a) Title 12 of the Wyoming State Statutes is hereby amended to add the following Chapter 11; and, (b) Title 35 of the Wyoming State Statutes is hereby amended as follows:

**Section 1.** Title 12 of the Wyoming State Statutes is hereby amended to add the following Chapter 11:

**Title 12, Chapter 11 – Legalization, Regulation and Taxation of Medical and Personal Use of Marijuana**

**§12-11-101. Summary.**

This chapter provides for the legalization of medical marijuana for use by persons with debilitating medical conditions and for the legalization of medical marijuana and medical marijuana-infused products. This chapter vests the Wyoming Department of Revenue Liquor Division (the “Liquor Division”) to regulate the state’s medical marijuana industry in a manner similar to the state’s regulation of alcohol. A Patient may obtain medical marijuana and medical marijuana-infused products only after being issued a medical marijuana certification by a Wyoming-licensed Physician, and only from state-regulated, medical marijuana dispensaries. Growth and cultivation of medical marijuana to be sold within the state will occur only at site-specific, state-regulated marijuana cultivation facilities. Extraction of medical marijuana and production of medical marijuana-infused products will occur only by state-regulated medical marijuana-infused products manufacturing facilities. No medical marijuana establishment may be within 1,000 feet of a house of worship, a publicly-owned library, playground, an elementary or secondary school, or a state-licensed child day-care center. Medical marijuana

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1 establishments shall be subject to any state commercial activities tax, including any  
2 applicable sales, use or excise tax as applied to businesses in general and all other local  
3 taxes, assessments, fees and charges as applied to businesses in general, but shall not be  
4 subject to any special taxes, assessments, fees and charges, other than the licensure fees  
5 set forth herein.

6  
7 **§12-11-102. Definitions.**

8 As used in this chapter, unless the context otherwise requires,

- 9
- 10 a. “Cannabinoids” means the chemical compounds in marijuana having a  
11 variety of pharmacologic properties.
- 12
- 13 b. “Caregiver” means an individual licensed by the Liquor Division, other  
14 than the Patient and Patient’s Physician, who is 21 years of age or older  
15 and is the person responsible for managing the well-being of a Patient with  
16 a debilitating medical condition for whom a medical marijuana  
17 certification has been issued under this chapter. To qualify as a Caregiver,  
18 this individual’s responsibilities to the Patient must include, at a minimum,  
19 provision of services in addition to provision of medical marijuana.
- 20
- 21 c. “Debilitating medical condition” means cancer, glaucoma, positive status  
22 for human immunodeficiency virus, or acquired immune deficiency  
23 syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease,  
24 sickle-cell anemia, ulcerative colitis, dementia, Alzheimer’s disease, or  
25 treatment for such conditions, which produces, for a specific Patient, one  
26 or more of the following, and which, in the professional opinion of the  
27 Patient’s Physician, foreseeably may be alleviated by the use of medical  
28 marijuana: cachexia, post-traumatic stress disorder, severe pain, severe  
29 nausea, seizures, including those that are characteristic of epilepsy, or  
30 persistent muscle spasms, including those that are characteristic of  
31 multiple sclerosis. The Liquor Division shall establish and update the list  
32 of debilitating medical conditions for which medical marijuana  
33 certifications may be issued on an annual basis, consistent with current,  
34 peer-reviewed medical research.
- 35
- 36 d. “Dispense” means the provision of medical marijuana by an MMD to a  
37 Patient or Caregiver for remuneration.
- 38
- 39 e. “Hemp” means the plant *Cannabis sativa* L., and any part of the plant,  
40 whether growing or not, and the seed produced therefrom, with a delta-9  
41 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry  
42 weight basis, and that is cultivated and processed exclusively for the  
43 purpose of producing the mature stalks of the plant, fiber produced from

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1 the stalks, oil or cake made from the seeds of the plant, or any other  
2 compound, manufacture, salt, derivative, mixture, or preparation of the  
3 mature stalks, except the resin or flowering tops extracted therefrom, fiber,  
4 oil, or cake, or the sterilized seed, or any component of the seed, of the  
5 plant that is incapable of germination.

6  
7 f. “Hemp products” means all products made from hemp, including cloth,  
8 cordage, fiber, food, fuel, paint, paper, construction materials, plastics  
9 seed, seed meal, seed oil and certified seed for cultivation.

10  
11 g. “Marijuana” and “marihuana” mean all parts of the plant of the genus  
12 cannabis whether growing or not, the seeds thereof, the resin extracted  
13 from any part of the plant, and every compound, salt derivative, mixture,  
14 or preparation of the plant, its seeds, or its resin. Such term does not  
15 include the mature stalks of such plant, fiber produced from such stalks,  
16 oil or cake made from the seeks of such plant, any other compound,  
17 manufacture, salt derivative, mixture, or preparation of such mature stalks  
18 (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized  
19 seed of such plant which is incapable of germination. The term  
20 “marijuana” does not include “hemp.”

21  
22 h. “Marijuana accessories” means any equipment, products, or material of  
23 any kind which are used, intended, or designed for vaporizing, ingesting,  
24 inhaling, or otherwise introducing, medical marijuana into the human  
25 body.

26  
27 i. “Medical marijuana” and “medical marihuana” means marijuana used to  
28 treat a debilitating medical condition, and includes medical marijuana-  
29 infused products used to treat debilitating medical conditions.

30  
31 j. “Medical marijuana certification” means a written certification issued on a  
32 form prescribed by the Liquor Division by a Patient’s treating Physician  
33 acting in the usual course of his or her professional practice.

34  
35 k. “Medical marijuana cultivation facility” or “MCF facility” means one or  
36 more structures in which, or the real property on which, the growth,  
37 cultivation, harvesting, processing, packaging, preparation and labeling of  
38 all medical marijuana available for sale or medical use within the state is  
39 lawful.

40  
41 l. “Medical marijuana establishment” means a MCF facility, a MIPS facility,  
42 a MTF facility or a MMD facility. A medical marijuana establishment’s  
43 actions, and the actions of that establishment’s employees and agents, are  
44 lawful and are not subject to civil or criminal penalties so long as such

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1 actions are in compliance with this chapter and with any rules and  
2 regulations promulgated by the Liquor Division.

3  
4 m. “Medical marijuana-infused product” means concentrated marijuana  
5 products that are composed of medical marijuana and other lawful  
6 ingredients and are intended for use or consumption, such as, but not  
7 limited to, edible products, marijuana concentrates, sprays, ointments, and  
8 tinctures.

9  
10 n. “Medical marijuana-infused product manufacturing facility” or “MIPS  
11 facility” means a facility licensed by the Liquor Division to extract  
12 cannabinoids from marijuana plants for use in medical marijuana-infused  
13 products available for sale or medical use within the state and to develop,  
14 manufacture, prepare, and/or package medical marijuana-infused products  
15 and/or marijuana accessories.

16  
17 o. “Medical marijuana testing facility” or “MTF facility” means a facility or  
18 laboratory licensed by the Liquor Division to acquire, possess, store,  
19 transfer, grow, cultivate, harvest, and process medical marijuana and  
20 medical marijuana-infused products for the explicit and limited purposes  
21 of engaging in research related to, and/or certifying the safety and potency  
22 of, medical marijuana and medical marijuana-infused products. Such  
23 facilities are prohibited from selling medical marijuana and medical  
24 marijuana-infused products to medical marijuana establishments and  
25 consumers, and may transfer medical marijuana and medical marijuana-  
26 infused products only to a medical marijuana establishment that has  
27 engaged the facility to perform quality control testing on those products or  
28 in connection with a safety and potency certification process developed by  
29 the Liquor Division.

30  
31 p. “Medical marijuana dispensary,” “dispensary” or “MMD facility” means a  
32 facility licensed by the Liquor Division to purchase medical marijuana  
33 from MCF facilities, and marijuana accessories and medical marijuana-  
34 infused products from MIPS facilities, and to sell medical marijuana,  
35 medical marijuana-infused products and marijuana accessories to Patients  
36 and Caregivers who present valid medical marijuana certifications  
37 pursuant to rules adopted by the Liquor Division.

38  
39 q. “Patient” means a Wyoming resident who has a debilitating medical  
40 condition.

41  
42 r. “Physician” means an individual who maintains, in good standing, a  
43 license to practice medicine issued by the State of Wyoming.  
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- 1 s. “Transfer” means the provision, without remuneration, of medical  
2 marijuana by a person possessing a valid medical marijuana certification  
3 to another person possessing a valid medical marijuana certification,  
4 pursuant to §12-11-104(c).
- 5  
6 t. “Unreasonably impracticable” means that the measure necessary to  
7 comply with the regulations require such a high investment of risk,  
8 money, time, or any other resource or asset that the operation of a medical  
9 marijuana establishment is not worthy of being carried out in practice by a  
10 reasonably prudent businessperson.
- 11  
12 u. “Wyoming Department of Revenue Liquor Division” or “Liquor Division”  
13 means the agency whose authority is vested herein to regulate the  
14 marijuana industry, including, but not limited to, regulating, researching  
15 and reporting on the growth, cultivation, production, processing,  
16 manufacture, testing, distribution, transportation, retail sales, licensing,  
17 and taxation of medical marijuana and medical marijuana-infused  
18 products.

19  
20 **§12-11-103. Use of Medical Marijuana for Debilitating Medical Conditions.**

21 It is lawful for Patients with debilitating medical conditions to acquire, administer,  
22 purchase, possess, transport, and use, and for their licensed Caregivers to acquire,  
23 administer, purchase, possess, transport and transfer, medical marijuana pursuant to a  
24 valid medical marijuana certification. The state shall regulate the conduct of Physicians  
25 in issuing medical marijuana certifications in a manner similar to its regulation of  
26 medical prescriptions. A treating Physician who has examined a Patient and determined  
27 that he or she has a debilitating medical condition may issue a medical marijuana  
28 certification if: (1) a bona fide Physician-Patient relationship exists; (2) the Physician  
29 determines the risk of the Patient’s use of medical marijuana is reasonable in light of the  
30 potential benefit; and, (3) the Physician has explained the risks and benefits of using  
31 medical marijuana to the Patient. If the Patient is younger than 18 years of age, treatment  
32 involving medical marijuana may not be provided without consent by at least one  
33 custodial parent, guardian, conservator, or other person with lawful authority to consent  
34 to the Patient’s medical treatment.

35  
36 No agency, including a law enforcement agency, of this state or of a political subdivision  
37 of this state may initiate an administrative, civil or criminal investigation of a Physician,  
38 nor shall a Physician be denied any right or privilege or be subject to any disciplinary  
39 action, solely on the ground that the Physician: (1) discussed with a Patient the use of  
40 medical marijuana as a treatment option; or (2) issued a medical marijuana certification  
41 under this chapter, or otherwise made a written or oral statement that, in the Physician’s

1 professional opinion, the potential benefits of the Patient using medical marijuana would  
2 likely outweigh the health risks.

3  
4 **§12-11-104. Use of Medical Marijuana.**

5 Notwithstanding any other provision of law, it is lawful, and shall not be an offense under  
6 Wyoming law or the law of any locality within Wyoming or be a basis for seizure or  
7 forfeiture of assets under Wyoming law, for persons with a valid medical marijuana  
8 certification to:

9  
10 (a) Purchase, use, display, or transport marijuana accessories or no more than  
11 three (3) ounces of medical marijuana or its equivalent in medical marijuana-  
12 infused products;

13  
14 (b) Possess, grow, process, or transport no more than six (6) medical marijuana  
15 plants, with three or fewer being mature, flowering plants, and possession of  
16 the marijuana or its equivalent in medical marijuana-infused products  
17 produced by the plants on the premises where the plants were grown, provided  
18 that the growing takes place in an enclosed, locked space, is not conducted  
19 openly or publicly, and is not made available for sale;

20  
21 (c) Transfer of no more than three (3) ounces of medical marijuana, or its  
22 equivalent in medical marijuana-infused products, without remuneration to  
23 another person with a valid medical marijuana certification;

24  
25 (d) Consume medical marijuana or medical marijuana-infused products, provided  
26 that nothing in this section shall permit consumption that is conducted openly  
27 and publicly or in a manner that endangers others; and,

28  
29 (e) Assist another person with a valid medical marijuana certification in any of  
30 the acts described in paragraphs (a) through (e) of this subsection.

31  
32 **§12-11-105. Taxation of Marijuana Revenue.**

33 Each medical marijuana establishment shall be subject to, and pay, any state commercial  
34 activities tax, including any applicable sales, use or excise taxes as apply to businesses in  
35 general, and all other local taxes, assessments, fees and charges as apply to businesses in  
36 general.

37  
38 **§12-11-106. Establishment of Medical Marijuana Dispensaries (MMD).**

39 Medical marijuana shall only be dispensed and sold for remuneration to Patients and  
40 Caregivers by medical marijuana dispensaries licensed under this chapter, in accordance  
41 with a medical marijuana certification issued by the Patient's current treating Physician,

1 who shall exercise the same professional care, ethics and judgment in doing so as is  
2 required in issuing medical prescriptions.

3  
4 The Liquor Division shall issue licenses to, and shall promulgate and enforce regulations  
5 governing the operations of, medical marijuana dispensaries. Such regulations shall  
6 include rules regarding the number of licenses within any political subdivision of the  
7 state. The Liquor Division shall promulgate the initial regulatory rules for such  
8 dispensaries by May 31 of the year following adoption of this chapter.

9  
10 If the Liquor Division determines as part of its annual audit that a MMD is in material  
11 noncompliance with applicable laws or regulations, the Liquor Division may order  
12 remedial action; and, to the extent such MMD fails to materially comply with the Liquor  
13 Division's remediation order within the reasonable time period set forth by the order, the  
14 Liquor Division may suspend or revoke the MMD's license.

15  
16 **§12-11-107. Establishment of Medical Marijuana Cultivation Facilities (MCF).**

17 The growth and cultivation of medical marijuana, for medical use within this state, shall  
18 be lawful only at licensed medical marijuana cultivation facilities (MCF), except as  
19 otherwise provided herein in §12-11-104(b).

20  
21 The Liquor Division shall promulgate the initial regulatory rules for the operation of  
22 MCF facilities by May 31 of the year following adoption of this chapter.

23  
24 If the Liquor Division determines as part of its annual audit that a MCF facility is in  
25 material noncompliance with applicable laws or regulations, the Liquor Division may  
26 order remedial action; and, to the extent such MCF facility fails to materially comply  
27 with the Liquor Division's remediation order within the reasonable time period set forth  
28 by the order, the Liquor Division may suspend or revoke the MCF facility's license.

29  
30 **§12-11-108. Establishment of Medical Marijuana-Infused Product**  
31 **Manufacturing Facilities (MIPS).**

32 The extraction of cannabinoids, and the manufacturing, processing and packaging of  
33 medical marijuana-infused products shall be lawful only at licensed medical marijuana-  
34 infused product manufacturing facilities (MIPS) pursuant to a licensing and regulatory  
35 framework established by the Liquor Division by May 31 of the year following adoption  
36 of this chapter. MIPS facilities may also manufacture, process and package marijuana  
37 accessories. Such facilities may sell medical marijuana-infused products made only from  
38 medical marijuana purchased from licensed MIPS facilities.

39  
40 The Liquor Division shall establish rules regulating the chemical content and/or potency  
41 of medical marijuana-infused products and shall ensure they are prominently displayed  
42 on the products' packaging.

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If the Liquor Division determines as part of its annual audit that a MIPS facility is in material noncompliance with applicable laws or regulations, the Liquor Division may order remedial action; and, to the extent such MIPS facility fails to materially comply with the Liquor Division’s remediation order within the reasonable time period set forth by the order, the Liquor Division may suspend or revoke the MIPS facility’s license.

**§12-11-109. Establishment of Medical Marijuana Testing Facilities (MTF).**

The testing of medical marijuana, for medical use within this state, shall be lawful only at licensed medical marijuana testing facilities (MTF) pursuant to a licensing and regulatory framework established by the Liquor Division by May 31 of the year following adoption of this chapter. MTF facilities may engage in research related to, and/or certifying the safety and potency of, medical marijuana and medical marijuana-infused products and perform quality control testing on those products or in connection with a safety and potency certification process developed by the Liquor Division.

If the Liquor Division determines as part of its annual audit that a MTF facility is in material noncompliance with applicable laws or regulations, the Liquor Division may order remedial action; and, to the extent such MTF facility fails to materially comply with the Liquor Division’s remediation order within the reasonable time period set forth by the order, the Liquor Division may suspend or revoke the MTF facility’s license.

**§12-11-110. Wyoming Department of Revenue Liquor Division.**

It is hereby established that the Wyoming Department of Revenue Liquor Division shall regulate the acquisition, growth, cultivation, extraction, production, processing, manufacture, testing, distribution, retail sales, licensing and taxation of medical marijuana and medical marijuana-infused products and the operations of medical marijuana establishments.

The Liquor Division shall adopt rules to facilitate this chapter’s implementation and continuing operation. The initial regulatory rules required to be adopted herein by specific dates shall be adopted by the Liquor Division notwithstanding any other provision of law regarding promulgation of administrative rules, provided that the Liquor Division shall offer an opportunity for public comment as provided in W.S. § 16-3-103(a)(i-ii). Any rule adopted by the Liquor Division shall be submitted to the management council of the legislature in accordance with W.S. §§ 28-9-101, *et seq.*, approved by the governor as provided in W.S.16-3-103(d) and filed with the Wyoming Secretary of State. Regulatory rules shall not prohibit the operation of medical marijuana establishments, either expressly or through regulations that make their operations unreasonably impracticable. Such regulations shall include, but not be limited to: procedures for the application for, and the issuance, renewal, transfer, suspension, and revocation of, a license to a operate a medical marijuana establishment or medical



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1 marijuana testing facility or qualify as a Caregiver; a schedule of application, licensing  
2 and renewal fees to be paid to the Liquor Division; qualifications for licensure that are  
3 directly and demonstrably related to medical marijuana establishment operations;  
4 qualifications for occupational licensure for individuals to be employed by, manage or  
5 otherwise operate medical marijuana establishments; regulations regarding debilitating  
6 medical conditions, medical marijuana certifications, Caregiver qualifications;  
7 requirements to prevent the sale and diversion of medical marijuana and medical  
8 marijuana-infused products to persons without valid medical marijuana certifications;  
9 requirements for testing the safety and potency of medical marijuana and medical  
10 marijuana-infused products; labeling requirements for medical marijuana and medical  
11 marijuana-infused products sold or distributed by a medical marijuana establishment;  
12 health and safety regulations for the acquisition, growth, cultivation, harvesting,  
13 processing, packaging, preparation, extraction, handling, distribution, transportation,  
14 manufacture, and production of medical marijuana and/or medical marijuana-infused  
15 products; restrictions on the advertising and display of medical marijuana and medical  
16 marijuana-infused products to persons without valid medical marijuana certifications;  
17 and, civil penalties for failure to comply with regulations made pursuant to this chapter,  
18 including enhanced civil penalties for repeat violations. The Liquor Division shall also  
19 establish and implement a system for real-time tracking and monitoring of all medical  
20 marijuana and medical marijuana-infused products from the initial germination and/or  
21 extraction through the final consumer transaction.

22

23 Beginning in the second year following the adoption of this chapter, the Liquor Division  
24 shall conduct an annual audit of each medical marijuana establishment to certify, at a  
25 minimum, that such medical marijuana establishment is in compliance with all applicable  
26 rules and regulations. To the extent it determines that a medical marijuana establishment  
27 is in material noncompliance with applicable rules and regulations, the Liquor Division  
28 may order remedial action; and, to the extent that establishment fails to comply with the  
29 Liquor Division's order within the reasonable time period set forth by that order, the  
30 Liquor Division may suspend or revoke the medical marijuana establishment's license.

31

32 The Liquor Division shall issue annual licenses to medical marijuana establishment  
33 applicants no later than 90 days after receipt of the completed application unless the  
34 Liquor Division finds the applicant is not eligible for a license under applicable laws and  
35 regulations. Thereafter, licensees shall be entitled to have their licenses renewed pursuant  
36 to the Liquor Division's rules, unless the Liquor Division determines that the licensee has  
37 repeatedly failed to comply with its remedial orders. Such renewal shall be issued or  
38 denied prior to expiration of the current license. All licenses issued by the Liquor  
39 Division pursuant to this Act are subject to the provisions of W.S. § 16-3-113.

40

1 The Liquor Division shall employ necessary and qualified persons, including  
2 enforcement agents, and shall retain services of qualified third parties, including experts,  
3 to perform its duties.

4  
5 **§12-11-111. General Provisions and Specific Limitations.**

6  
7 a. No medical marijuana establishment shall be located within 1,000 feet of  
8 the primary building structure used for any of the following: a house of  
9 worship exempt from taxation under Wyoming Statutes; a publicly-owned  
10 library; a public or chartered non-public elementary or secondary school;  
11 or a state licensed child day-care center, or within 1,000 feet of any public  
12 playgrounds or playground adjacent to any of the foregoing primary  
13 building structures, so long as such house of worship, library, playground  
14 or day-care center was in existence within the 1,000 foot zone on or before  
15 the date of an applicant's first application for a license in the case of a  
16 MCF facility, MIPS facility, MTF facility, or MMD facility.

17  
18 b. In no event shall a person consume medical marijuana or medical  
19 marijuana-infused products in any public place, or in, or on the grounds  
20 of, a public or chartered non-public elementary or secondary school, a  
21 state licensed child day-care center, a correctional facility or community  
22 corrections, or in a vehicle, aircraft, train or motorboat. No person shall  
23 operate, navigate, or be in actual physical control of any vehicle, aircraft,  
24 train or motorboat while under the influence of medical marijuana or  
25 medical marijuana-infused products. The foregoing provisions, other than  
26 operating or being in in physical control of a vehicle, aircraft, train or  
27 motorboat, do not prohibit a patient from possessing or using medical  
28 marijuana in accordance with a medical marijuana certification.

29  
30 c. Other than for medical marijuana transferred or sold by a dispensary to a  
31 Patient or Caregiver, and for transfers between a Patient and Caregiver  
32 consistent with Liquor Division regulations, it shall be unlawful for any  
33 person to knowingly sell or transfer medical marijuana or medical  
34 marijuana-infused products to a person without a valid medical marijuana  
35 certification.

36  
37 d. Nothing in this chapter is intended to require an employer to permit or  
38 accommodate the use, consumption, possession, transfer, display, or  
39 transportation of medical marijuana, medical marijuana-infused products  
40 or marijuana accessories in the workplace or to affect employers' ability to  
41 restrict use of such products by employees, except that a Patient with a  
42 medical marijuana certification may self-administer the medical marijuana

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1 subject to the same conditions applied to administration of prescribed  
2 medications.

3  
4 e. No person shall have an ownership interest in, or be an officer or director  
5 of, a medical marijuana establishment who is under the age of 21 or who  
6 has been convicted of a felony offense within the prior five years. No  
7 person shall continue to an ownership interest in, or an officer or director  
8 position with, a medical marijuana establishment upon conviction of a  
9 felony and exhaustion of any appeals.

10  
11 f. No person under the age of 21 shall be permitted on the premises of a  
12 medical marijuana establishment, except that a Patient 18 to 20 years of  
13 age may be on a dispensary's premises for the purpose of obtaining  
14 medical marijuana pursuant to a medical marijuana certification issued for  
15 such Patient.

16  
17 g. It shall be lawful for persons with valid medical marijuana certifications to  
18 purchase, possess, transfer, transport, use and share marijuana accessories  
19 within this state with other persons with valid medical marijuana  
20 certifications marijuana.

21  
22 h. It shall not be unlawful for a licensed MCF facility, or its designated  
23 employees or agents, to handle, sell, store, deliver, transport or transfer  
24 medical marijuana to a licensed MIPS facility, a licensed MMT facility or  
25 a licensed MMD facility. It shall not be unlawful for a licensed MIPS  
26 facility, or its designated employees or agents, to handle, sell, store,  
27 deliver, transport or transfer marijuana accessories or medical marijuana-  
28 infused products to another licensed MIPS facility, a licensed MMT  
29 facility or a licensed MMD facility. It shall not be unlawful for licensed  
30 MMD facilities and licensed MMT facilities, or their designated  
31 employees or agents, to purchase, obtain, handle, store, receive, deliver,  
32 transport or transfer marijuana accessories, medical marijuana or medical  
33 marijuana-infused products from licensed MCF and MIPS facilities and  
34 other licensed MMD facilities and licensed MMT facilities.

35  
36 i. MCF facilities and MIPS facilities are prohibited from selling, delivering,  
37 transporting or transferring medical marijuana, medical marijuana-infused  
38 products and marijuana accessories directly to Patients.

39  
40 j. Medical marijuana establishments shall be subject to all applicable state  
41 and local laws and regulations related to health, safety and building codes,  
42 including signage. Notwithstanding the foregoing, no local zoning, land  
43 use laws, agricultural regulations, subdivision regulations or similar  
44 provisions shall prohibit the development or operation of medical

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1 marijuana establishments, provided that no such medical marijuana  
2 establishment shall be located in a district zoned exclusively residential as  
3 of the date that an application for a license is first filed by a MCF facility,  
4 MIPS facility MTF facility or MMD facility.

- 5  
6 k. All provisions of this chapter shall apply in equal force to all localities  
7 within the State of Wyoming, whereby medical marijuana establishments  
8 may be established in each locality within the State of Wyoming pursuant  
9 to this chapter and regulations set by Liquor Division.

10  
11 **§12-11-112. Hemp.**

12 Residents of the State of Wyoming shall have the right to produce hemp and hemp  
13 products. With this right, industrial hemp is hereby removed from any schedule or  
14 classification system in the State of Wyoming wherein it is listed as a drug. Hemp may be  
15 grown as a crop, produced, processed, possessed and commercially traded in Wyoming  
16 pursuant to the provisions of this chapter, including those following, for both (a)  
17 commercial and (b) research and development purposes:

- 18  
19 (a) A person who intends to grow hemp for either (a) commercial and (b)  
20 research and development purposes shall register with the Liquor  
21 Division and submit on a form provided by the Liquor Division the  
22 following:

- 23  
24 1. The name, physical address and mailing address of the person in  
25 addition to the fee(s) set forth below in (d) of this subsection;  
26  
27 2. A statement that the seeds obtained for planting are of a type and  
28 variety that do not exceed the maximum concentration of  
29 tetrahydrocannabinol set forth in §12-11-102 of this chapter; and,  
30  
31 3. The location and acreage of all parcels sown and other field  
32 reference information as may be required by the Liquor Division.

- 33  
34 (b) The form provided by the Liquor Division pursuant to subsection (a) of  
35 this section shall include a notice statement that, until current federal law  
36 is amended to provide otherwise:

- 37  
38 1. Cultivation and possession of hemp in Wyoming is a violation of  
39 the federal Controlled Substances Act; and,  
40  
41 2. Federal prosecution for growing hemp in violation of federal law  
42 may include criminal penalties, forfeiture of property, and loss of

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1 access to federal agricultural benefits, including agricultural loans,  
2 conservation programs, and insurance programs.

3  
4 (c) A person registered with the Liquor Division pursuant to this section  
5 shall allow hemp crops, throughout sowing, growing season, harvest,  
6 storage, and processing, to be inspected and tested by and at the  
7 discretion of the Liquor Division or its designee.

8  
9 (d) The Liquor Division shall establish a registration fee and appropriate  
10 renewal fee to be paid by to cover the actual costs of implementing,  
11 administrating, and enforcing the provisions of this chapter.

12  
13 (e) Hemp and hemp products shall be subject to any state commercial  
14 activities tax, including any applicable sales, use or excise tax as applied  
15 to businesses in general and all other local taxes, assessments, fees and  
16 charges as applied to businesses in general, but shall not be subject to any  
17 special taxes, assessments, fees and charges, other than the registration  
18 fees set forth herein.

19  
20 **§12-11-113. Self-Executing, Severability and Conflicting Provisions**

21 All provisions of this chapter are self-executing, except as specified herein, are severable,  
22 and, except where otherwise indicated in the text, shall supersede all conflicting state and  
23 local laws, charters and regulations or other provisions of Wyoming Statutes. Nothing in  
24 this chapter requires the violation of federal law or purports to give immunity under  
25 federal law.

26  
27 **Title 35, Chapter 7 – Food and Drugs**

28  
29  
30 **Section 2.** W.S. 35-7-1002(a)(xxvii)(E) is amended to read:

31  
32 **§ 35-7-1002. Definitions.**

33  
34 **(a) As used in this act:**

35 (xxvii) “Drug paraphernalia” means all equipment, products and materials of any  
36 kind when used, advertised for use, intended for use or designed for use for  
37 manufacturing, converting, preparing, packaging, repackaging, storing,  
38 containing, concealing, injecting, ingesting, inhaling or otherwise introducing into  
39 the human body a controlled substance in violation of this act and includes:

40 . . .

41 (E) Except as authorized for use with marihuana authorized as medical  
42 marihuana, the following objects when used, advertised for use, intended for

1 use or designed for use in ingesting, inhaling or otherwise introducing  
2 marihuana, cocaine, hashish or hashish oil or any other controlled substance  
3 into the human body:  
4  
5  
6  
7  
8

9 **Section 3.** W.S. 35-7-1014(d)(xiii) is amended to read:

10  
11 **§ 35-7-1014. Substances included in Schedule I.**

12 . . .

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

19 . . .

20 (xiii) Marihuana, except marihuana authorized as medical marihuana;  
21

22 **Section 4.** W.S. 35-7-1014(d)(xxi) is amended to read:

23  
24 **§ 35-7-1014. Substances included in Schedule I.**

25 . . .

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

32  
33 . . .

34 (xxi) Except within marihuana authorized as medical marihuana,  
35 tetrahydrocannabinols; synthetic equivalents of the substances contained in the  
36 plant or in the resinous extractives of *Cannabis*, sp. and/or synthetic substances,  
37 derivatives and their isomers with similar chemical structure and pharmacological  
38 activity such as the following: delta 1 cis or trans tetrahydrocannabinol and their  
39 optical isomers; delta 6 cis or trans tetrahydrocannabinol and their optical  
40 isomers; delta to the 3, 4 cis or trans tetrahydrocannabinol and its optical isomers.  
41 Since nomenclature of these substances is not internationally standardized,

1 compounds of these structures, regardless of numerical designation of atomic  
2 positions are covered;

3  
4 **Section 5.** W.S. 35-7-1031(c) is amended to read:

5  
6 **§ 35-7-1031. Unlawful manufacture or delivery; counterfeit substance; unlawful  
7 possession.**

8 . . .

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

21 . . .

22  
23 **Section 6.** W.S. 35-7-1037 is amended to read:

24  
25 **§ 35-7-1037. Probation and discharge of first offenders.**

26  
27 Whenever any person who has not previously been convicted of any offense under  
28 this act or under any statute of the United States or of any state relating to narcotic  
29 drugs, marihuana, except marihuana authorized as medical marihuana, or stimulant,  
30 depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession  
31 of a controlled substance under W.S. 35-7-1031(c) or 35-7-1033(a)(iii)(B), the court,  
32 without entering a judgment of guilt and with the consent of the accused, may defer  
33 further proceedings and place him on probation upon terms and conditions. Upon  
34 violation of a term or condition, the court may enter an adjudication of guilt and  
35 proceed as otherwise provided. Upon fulfillment of the terms and conditions, the  
36 court shall discharge the person and dismiss the proceedings against him. Discharge  
37 and dismissal under this section shall be without adjudication of guilt and is not a  
38 conviction for purposes of this section or for purposes of disqualifications or  
39 disabilities imposed by law upon conviction of a crime, including the additional  
40 penalties imposed for second or subsequent convictions under W.S. 35-7-1038. There  
41 may be only one (1) discharge and dismissal under this section with respect to any  
42 person. This section shall not be construed to provide an exclusive procedure. Any

1 other procedure provided by law relating to suspension of trial or probation, may be  
2 followed, in the discretion of the trial court.

3  
4 **Section 7.** W.S. 35-7-1040 is amended to read:

5  
6 **§ 35-7-1040. Planting, cultivating or processing marihuana, peyote or opium**  
7 **poppy.**

8  
9 Any person who knowingly or intentionally plants, cultivates, harvests, dries, or  
10 processes any marihuana, except marihuana authorized as medical marihuana, peyote,  
11 or opium poppy except as otherwise provided by law shall be guilty of a  
12 misdemeanor and shall be punished by imprisonment not to exceed six (6) months in  
13 the county jail or by a fine not to exceed one thousand dollars (\$1,000.00), or both.

14  
15 **Section 8.** W.S. 35-7-1049(e)(vi)(D)(I) is amended to read:

16  
17 **§ 35-7-1049(e)(vi)(D)(I). Forfeitures and seizures generally; property subject to**  
18 **forfeiture.**

19  
20 **(e) When property is forfeited under this act, the commissioner may:**

21 . . .

22 (vi) Authorize any law enforcement officer to apply to the district court with  
23 jurisdiction for an order providing for destruction of the contraband controlled  
24 substances or paraphernalia if no longer necessary for evidentiary purposes, provided,  
25 however, that a district court order shall not be necessary for the division of criminal  
26 investigation to destroy quantities of contraband controlled substances after the  
27 division has tested random samples. The division of criminal investigation shall adopt  
28 rules necessary to operate a program to destroy bulk quantities of contraband  
29 controlled substances, which shall include:

30  
31 (D) The additional retention of:

32  
33 (I) Five (5) ounces of organic material if the controlled substance  
34 is marihuana, except marihuana authorized as medical marihuana,  
35 or a substance of similar organic consumption;