

MEDIA RELEASE

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Petition circulation begins for medical marijuana initiative

Today an initiative petition calling for the legalization of medical marijuana was handed over to supporters of the ballot measure.

Secretary of State Ed Murray has confirmed that the Wyoming National Organization for the Reform of Marijuana Laws (NORML) may now begin circulating petitions around the state in an effort to obtain the signatures of 25,673 registered Wyoming voters in order to have the measure placed on the 2016 general election ballot.

“As this initiative process begins it is important to note that the required number of signatures changes from initiative to initiative based upon the year. Even so, the number of signatures must always equal at least 15% of the total number of votes cast in the previous statewide general election. For this initiative that number is 25,673. Additionally, those same signatures must be obtained proportionally from 15% of resident voters in at least 16 of Wyoming’s 23 counties. These initiative requirements are set by the Constitution of the State of Wyoming.” said Secretary Murray.

Circulated petitions will include a copy of the proposed legislation, The Peggy A. Kelley Wyoming Cannabis Act of 2016. All petition circulators are required to be U.S. citizens and at least 18 years of age. Additionally, Murray noted that, with this initiative, NORML opted not to use paid petition circulators.

Wyoming NORML has until February 8, 2016, just prior to the convening of the Wyoming legislature, to submit the required signatures to the Secretary of State’s office if the measure is to be placed on the 2016 general election ballot. The Secretary of State’s office then has 60 days to verify the validity of the collected signatures.

Additional information about the initiative process and the bill can be found on the Secretary of State’s website at:

<http://soswy.state.wy.us/Elections/InitiativeReferendumInfo.aspx> .

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2016		
Initiative Signatures Required: 25,673		
<i>15% of total votes cast in 2014 general election: 171,153 x .15 = 25,673</i>		
<i>Distribution requirement: 15% of those voting in 2014 general election in at least two-thirds (2/3rds) of counties = 16 counties</i>		
County	Total Ballots Cast 2014 General	15% Threshold
Albany	10,437	1,566
Big Horn	4,241	636
Campbell	10,824	1,624
Carbon	4,647	697
Converse	4,310	647
Crook	2,840	426
Fremont	12,526	1,879
Goshen	4,375	656
Hot Springs	2,070	311
Johnson	3,334	500
Laramie	26,165	3,925
Lincoln	5,902	885
Natrona	21,350	3,203
Niobrara	1,074	161
Park	9,696	1,454
Platte	3,606	541
Sheridan	9,664	1,450
Sublette	3,280	492
Sweetwater	11,461	1,719
Teton	8,096	1,214
Uinta	5,831	875
Washakie	2,897	435
Weston	2,527	379

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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.

44

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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.

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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

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;