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State of Wyoming

A Ballot Initiative

For the

Wyoming Cannabis Amendments

AN ACT relating to cannabis or marijuana; creating the Wyoming Cannabis Amendments; amending Title 35, Chapter 7 of the Wyoming State Statute as it pertains to the criminalization of marijuana, marihuana, cannabis, or tetrahydrocannabinol, and prescribed punishments by reducing criminal penalties and fines for the possession, use, cultivation, and transfer of marijuana, marihuana, cannabis, or tetrahydrocannabinol.

Be it enacted by the People of the State of Wyoming that: Title 35 of the Wyoming State Statute is hereby amended as follows:

Title 35, Chapter 7 – Food and Drugs:

Section 1. W.S. 35-7-1002(a)(xiv), 35-7-1031(a)(i), (c)(i), (c)(ii), (c)(iii), and by adding paragraphs (c)(vi) and (c)(vii), 35-7-1039 by adding (a) and new paragraph (b), 35-7-1040 by adding (a) and new paragraph (b), are amended to read as follows:

1 **W.S. 35-7-1002. Definitions**

2

3 (a) As used in this act;

4

5 ...

6

7 (xiv) “Marihuana”, “marijuana”, or “cannabis” means all parts of the plant of
8 the genus Cannabis, whether growing or not; the seed thereof; the resin extracted from any
9 part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of
10 the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced
11 from the stalks, oil or cake made from the seeds of the plant, any other compound,
12 manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin
13 extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of
14 germination;

15

16 **W.S. 35-7-1031. Unlawful manufacture or delivery; counterfeit substance; unlawful**
17 **possession.**

18 (a) Except as authorized by this act, it is unlawful for any person to manufacture,
19 deliver, or possess with intent to manufacture or deliver, a controlled substance. Any person
20 who violates this subsection with respect to:

21

1 (i) Methamphetamine or a controlled substance classified in Schedule I or II
2 which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not
3 more than twenty (20) years, or fined not more than twenty-five thousand dollars (\$25,000.00),
4 or both;

5
6 (ii) Any other controlled substance classified in Schedule I, II or III, except
7 marijuana, marihuana, cannabis, or tetrahydrocannabinol, is guilty of a crime and upon
8 conviction may be imprisoned for not more than ten (10) years, fined not more than ten
9 thousand dollars (\$10,000.00), or both; Any person who manufactures, delivers, or possesses
10 marijuana, marihuana, cannabis, or tetrahydrocannabinol is guilty of a crime and upon
11 conviction may be fined not more than two hundred dollars (\$200.00);

12
13 ...

14
15 (c) It is unlawful for any person knowingly or intentionally to possess a controlled
16 substance unless the substance was obtained directly from, or pursuant to a valid prescription
17 or order of a practitioner while acting in the course of his professional practice, or except as
18 otherwise authorized by this act. With the exception of any drug that has received final
19 approval from the United States food and drug administration, including dronabinol as listed in
20 W.S. 35-7-1018(h), and notwithstanding any other provision of this act, no practitioner shall
21 dispense or prescribe marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana
22 or tetrahydrocannabinol. No prescription or practitioner's order for marihuana,

1 tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol shall be
2 valid. Any person who violates this subsection:

3

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

11

12 (A) For a controlled substance in plant form, no more than ~~three (3)~~
13 four (4) ounces;

14

15 (B) For a controlled substance in liquid form, no more than three-
16 tenths (3/10) of a gram;

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18 (C) For a controlled substance in powder or crystalline form, no more
19 than three (3) grams;

20

21 (D) For a controlled substance in pill or capsule form, no more than
22 three (3) grams;

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(E) For a controlled substance in the form of cocaine-based "crack" cocaine, no more than five-tenths (5/10) of a gram;

(F) For a controlled substance known as LSD (Lysergic acid diethylamide), no more than three-tenths (3/10) of a gram.

(ii) And has in his possession methamphetamine or a controlled substance classified in Schedule I or II, which is a narcotic drug in an amount greater than those set forth in paragraph (c)(i) of this section, is guilty of a felony punishable by imprisonment for not more than seven (7) years, a fine of not more than fifteen thousand dollars (\$15,000.00), or both;

(iii) And has in his possession any other controlled substance, except marijuana, marihuana, cannabis, or tetrahydrocannabinol, classified in Schedule I, II or III in an amount greater than set forth in paragraph (c)(i) 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;

(iv) And has in his possession a controlled substance classified in Schedule IV in an amount greater than set forth in paragraph (c)(i) of this section, is guilty of a felony punishable by imprisonment for not more than two (2) years, a fine of not more than two thousand five hundred dollars (\$2,500.00), or both;

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(v) And has in his possession a controlled substance classified in Schedule V, is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both.

(vi) And has in his possession marijuana, marihuana, cannabis, or tetrahydrocannabinol, in an amount equal to or less than the amounts specified in 35-7-1031(c)(i) is guilty of a misdemeanor punishable by, a fine of not more than fifty dollars (\$50.00). Any person convicted for a third or subsequent offense under this paragraph, shall be, fined not more than seventy-five dollars (\$75.00);

(vii) And has in his possession marijuana, marihuana, cannabis, or tetrahydrocannabinol in an amount greater than set forth in paragraph (c)(i) of this section, is guilty of a crime punishable by, a fine of not more than five hundred dollars (\$500.00).

...

W.S. 35-7-1039. Person using or under influence of controlled substance.

(a) Any person who knowingly or intentionally uses or is under the influence of a controlled substance listed in Schedules I, II or III, except marijuana, marihuana, cannabis, or tetrahydrocannabinol, and except when administered or prescribed by or under the direction of a licensed practitioner, shall be guilty of a misdemeanor and shall be punished by imprisonment

1 in the county jail not to exceed six (6) months or a fine not to exceed seven hundred fifty dollars
2 (\$750.00), or by both.

3

4 (b) Any person who knowingly or intentionally uses or is under the influence of
5 marijuana, marihuana, cannabis, or tetrahydrocannabinol, shall be guilty of a misdemeanor and
6 shall be punished by a fine not to exceed fifty dollars (\$50.00).

7

8 **35-7-1040. Planting, cultivating or processing marihuana, peyote or opium poppy.**

9

10 (a) Any person who knowingly or intentionally plants, cultivates, harvests, dries, or
11 processes any ~~marihuana~~, peyote, or opium poppy except as otherwise provided by law shall be
12 guilty of a 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 (b) Any person who knowingly or intentionally plants, cultivates, harvests, dries, or
16 processes any marijuana, marihuana, cannabis, or tetrahydrocannabinol, except as otherwise
17 provided by law shall be guilty of a misdemeanor and shall be punished by a fine not to exceed
18 two hundred dollars (\$200.00).

19

20 **Section 2.** All provisions of this act are self-executing, except as specified herein, are
21 severable, and, except where otherwise indicated in the text, shall supersede all conflicting
22 state and local laws, charters and regulations or other provisions of Wyoming Statutes. Nothing

1 in this Chapter requires the violation of federal law or purports to give immunity under federal
2 laws.

3

4 **Section 3.** The attorney general, as commissioner of drugs and substances control, shall
5 promulgate all rules necessary to implement the provisions of section 1 and 2 in this act
6 concerning the scheduling of marijuana as a controlled substance in Wyoming.

7

8 This act is effective immediately upon completion of all acts necessary for an initiative to
9 become law as provided by Article 3, Section 52(f) of the Wyoming Constitution.

10

11 **Section 4.** Sections 1 through 3 of this act are effective immediately upon completion of
12 all acts necessary for an initiative to become law as provided by the Wyoming Constitution.

13

14 (END)

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