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State of Wyoming

A Ballot Initiative

For the

Wyoming Patient Cannabis Act of 2022

AN ACT relating to medical marijuana; creating the Wyoming Patient Cannabis Act of 2022; providing for the lawful acquisition, growth, cultivation, extraction, production, processing, manufacture, testing, distribution, retail sales, licensing, transportation and taxation of medical marijuana and medical marijuana-derived products and the operation of medical marijuana establishments; providing the Wyoming Department of Revenue Liquor Division as a rulemaking authority for medical marijuana; and amending Title 35, Chapter 7 of the Wyoming State Statute 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 Statute is hereby amended to add the following Chapter 11; and, (b) Title 35 of the Wyoming State Statute is hereby amended as follows:

Section 1. W.S. 12-11-101 through 12-11-112 are created to read as follows:

Title 12, Chapter 11 – Legalization, Regulation, and Taxation of the Medical Marijuana and Medical Marijuana Derived Products.

1 **§12-11-101. Summary.**

2

3 (a) This chapter provides for the legalization of medical marijuana for use by persons
4 with debilitating medical conditions and for the legalization of medical marijuana and medical
5 marijuana-derived products. This chapter vests authority the Wyoming Department of Revenue
6 Liquor Division (the “Liquor Division”) to regulate the state’s medical marijuana industry in a
7 manner similar to the state’s regulation of alcohol. A Patient may obtain medical marijuana and
8 medical marijuana-derived products only after being issued a medical marijuana certification by
9 a Wyoming-licensed Health Care Provider and only from state-regulated, medical marijuana
10 dispensaries, or as otherwise specified in this chapter. Growth and cultivation of medical
11 marijuana to be sold within the state will occur only at site-specific, state-regulated medical
12 marijuana cultivation facilities. Extraction of medical marijuana and production of medical
13 marijuana-derived products for commercial purposes will occur only by state-regulated medical
14 marijuana-derived products manufacturing facilities. No medical marijuana establishment may
15 be within two hundred (200) yards of a publicly owned library, playground, an elementary or
16 secondary school, or a state-licensed child day-care center. Medical marijuana establishments
17 shall be subject to any state commercial activities tax, including any applicable sales, use or
18 excise tax as applied to businesses in general and all other local taxes, assessments, fees, and
19 charges as applied to business in general, but shall not be subject to any special taxes,
20 assessments, fees, and charges.

21

22 **§12-11-102. Definitions.**

23

24 (a) As used in this chapter, unless the context otherwise requires:

25

1 (i) "Cannabis" means marijuana, "marihuana", hashish,
2 tetrahydrocannabinol or any other term used to describe the plant or any plant byproducts from
3 the genus of flowering plant in the family Cannabaceae;

4

5 (ii) "Cannabinoids" means the chemical compounds in cannabis, marijuana
6 or marihuana having a variety of pharmacologic properties;

7

8 (iii) "Caregiver" means an individual licensed by the Liquor Division, other
9 than the Patient and Patient's Health Care Provider, who is twenty-one (21) years of age or
10 older and is the person designated by a Patient with a current medical marijuana certification as
11 the person authorized, on the Patient's behalf, to obtain, possess, and transport from a certified
12 medical marijuana dispensary, and dispense and assist in the administration of medical
13 marijuana or medical marijuana-derived products, or medical marijuana accessories;

14

15 (iv) "Debilitating medical condition" means cancer, glaucoma, positive status
16 for human immunodeficiency virus, or acquired immune deficiency syndrome, hepatitis C,
17 amyotrophic lateral sclerosis, Multiple Sclerosis, Parkinson's, Crohn's disease, sickle-cell
18 anemia, ulcerative colitis, dementia, Alzheimer's disease, Tourette's or any chronic movement
19 disorder, any terminal Patient or person with a terminal condition, or treatment for such
20 conditions, which produces, for a specific Patient, one or more of the following symptoms, and
21 which, in the professional opinion of the Patient's Health-Care Provider, foreseeably may be
22 alleviated by the use of medical marijuana: cachexia, post-traumatic stress disorder, anxiety,
23 autism, opiate dependency, daily nausea, migraines, seizures, including those that are
24 characteristic of epilepsy, intractable pain, or persistent muscle spasms including those that are
25 characteristic of multiple sclerosis;

26

1 (v) “Dispense” means the provision of medical marijuana or medical
2 marijuana-derived products by a medical marijuana dispensary to a Patient or Caregiver for
3 remuneration;

4
5 (vi) “Health Care Provider” means an individual who maintains, in good
6 standing, a license to practice medicine issued by the state of Wyoming. These individuals are
7 currently limited to Physicians(MD), Physician Assistants(PA), and Nurse Practitioners(NP) who
8 are licensed, registered, or otherwise permitted by the United States or the jurisdiction in which
9 they practice, to dispense a controlled substance in the course of professional practice;

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

17
18 (viii) “Marijuana accessories” means any equipment, products, or material of
19 any kind which are used, intended, or designed for vaporizing, ingesting, inhaling, or otherwise
20 introducing, medical marijuana into the human body;

21
22 (ix) “Marijuana testing facility” or “MTF” means a licensed marijuana testing
23 facility responsible for testing potency, purity, chemical profile and safety of medical marijuana
24 and medical marijuana-derived products;

25

1 (x) “Medical marijuana” and “medical marihuana” means the use of cannabis
2 or marijuana, including its chemical constituents, THC, and other cannabinoids, as a
3 recommended form of therapeutic modality by a licensed healthcare provider;
4

5 (xi) “Medical marijuana certification” means a form established by the Liquor
6 Division which is executed and signed by a licensed health care provider stating that the Patient
7 has a debilitating medical condition, as defined in this chapter, for which the use of medical
8 marijuana and medical marijuana-derived products is indicated; medical marijuana certifications
9 shall not be interpreted as a prescription;
10

11 (xii) “Medical marijuana cultivation facility” or “MCF” means one or more
12 structures in which, or the real property on which, an entity is licensed to acquire, possess,
13 cultivate, harvest, dry or cure, process, store, deliver, package, transport, or prepare and label
14 medical marijuana that is available for testing or sale to other licensed medical marijuana
15 establishments but not to consumers;
16

17 (xiii) “Medical marijuana dispensary” or “MMD” means a licensed facility that
18 distributes medical marijuana and medical marijuana-derived products for remuneration to
19 Patients certified in accordance with this chapter. It shall be lawful for licensed MMDs to
20 acquire, possess, deliver, dispense, display, transport, and sell medical marijuana and medical
21 marijuana-derived products that have been obtained from other licensed medical marijuana
22 establishments, and that are properly tested and labeled in accordance with the rules
23 promulgated by the Liquor Division;
24

25 (xiv) “Medical marijuana establishment” or “MME” means a medical marijuana
26 cultivation facility, a medical marijuana-derived product manufacturing facility, a medical

1 marijuana testing facility or a medical marijuana dispensary facility. A medical marijuana
2 establishment's actions, and the actions of that establishment's employees and agents, are
3 lawful and are not subject to civil or criminal penalties so long as such actions are in compliance
4 with this chapter and with any rules and regulations promulgated by the Liquor Division;

5

6 (xv) "Medical marijuana-derived product" means any product derived from
7 marijuana that is intended to be used by a person with a medical marijuana certification to treat
8 or alleviate a debilitating medical condition, and intended for use or consumption, such as, but
9 not limited to: edible products, marijuana concentrates, sprays, ointments, transdermal patches,
10 capsules, tablets and tinctures;

11

12 (xvi) "Medical marijuana-derived product manufacturing facility" or "MDP
13 facility" means a facility licensed by the Liquor Division to extract cannabinoids from medical
14 marijuana* to acquire, possess, develop, process, manufacture, package, transport, prepare,
15 and label medical marijuana for use in medical marijuana-derived products that is available for
16 testing or sale to other licensed medical marijuana establishments but not to consumers;

17

18 (xvii) "Micro-medical marijuana cultivation facility" means a medical marijuana
19 cultivation facility that does not exceed two thousand, five hundred (2,500) square feet;

20

21 (xviii) "Nonvolatile Solvent" is any other type of solvent used during the
22 extraction process. Examples: carbon dioxide, ethanol, water, butter and oil

23

24 (xix) "Patient" means a Wyoming resident who has a debilitating medical
25 condition, or a Patient from another state who has a current valid medical marijuana certification
26 issued by their state of residency, in compliance with all applicable laws;

1

2 (xx) "Transfer" means the provision, without remuneration, of medical
3 marijuana by a person possessing a valid medical marijuana certification to another person
4 possessing a valid medical marijuana certification or a caregiver's license, pursuant to §12-11-
5 104(c);

6

7 (xxi) "Unreasonably impracticable" means that the measure necessary to
8 comply with the regulations require such a high investment of risk, money, time, or any other
9 resource or asset that the operation of a medical marijuana establishment is not worthy of being
10 carried out in practice by a reasonably prudent businessperson;

11

12 (xxii) "Volatile Solvent" is a solvent that produces a flammable gas or vapor.
13 Examples: butane, hexane and propane

14

15 (xxiii) "Wyoming Department of Revenue Liquor Division" or "Liquor Division"
16 means the agency whose authority is vested herein to regulate the marijuana industry,
17 including, but not limited to, regulating, researching, and reporting on the growth, cultivation,
18 production, processing, manufacture, testing, distribution, transportation, retail sales, licensing,
19 and taxation of medical marijuana and medical marijuana-derived products.

20

21 **§12-11-103. Use of Medical Marijuana for Debilitating Medical Conditions.**

22

23 (a) It is lawful for Patients with debilitating medical conditions to acquire, administer,
24 purchase, possess, transport, transfer, and use, and for their licensed caregiver to acquire,
25 administer, purchase, possess, transport, and transfer, medical marijuana pursuant to a valid
26 medical marijuana certification in a manner similar to its regulation of medical prescriptions. A

1 Healthcare provider, who has examined a Patient and determined that he or she has a
2 debilitating medical consideration may issue a medical marijuana certification if:

3

4 (i) They have established a Patient relationship with the health care provider
5 after having completed a full assessment of the Patient's medical history and current medical
6 condition;

7

8 (ii) The health care provider determines the risk of the Patient's use of
9 medical marijuana is reasonable in light of the potential benefit;

10

11 (iii) The Health Care Provider has explained the risks and benefits of using
12 medical marijuana to the Patient. If the Patient is younger than eighteen (18) years of age,
13 treatment involving medical marijuana may not be provided without consent by at least one (1)
14 custodial parent, guardian, conservator, or other person with lawful authority to consent to the
15 Patient's medical treatment;

16

17 (iv) The medical marijuana certification must be recertified annually and
18 expires one (1) year from the date issued.

19

20 (b) No agency, including a law enforcement agency, of this state or of a political
21 subdivision of this state may initiate an administrative, civil, or criminal investigation of a
22 licensed Health Care Provider, authorized by this chapter, nor shall a licensed Health Care
23 Provider be denied any right or privilege or be subject to any disciplinary action, solely on the
24 ground that the Health Care Provider:

25

1 (i) Discussed with a Patient the use of medical marijuana as a treatment
2 option;

3

4 (ii) Issued a medical marijuana certification with all relevant provisions of this
5 chapter; or,

6

7 (iii) Otherwise made a written or oral statement that, in the Health Care
8 Provider's professional opinion, the potential benefits of the Patient using medical marijuana
9 would likely outweigh the health risks.

10

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

12

13 (a) Notwithstanding any other provisions of law, it is lawful, and shall not be an
14 offense under Wyoming law or the law of any locality within Wyoming or be a basis for seizure
15 or forfeiture of assets under Wyoming law, for a person or persons with a valid medical
16 marijuana certification to:

17

18 (i) Purchase from a licensed medical marijuana dispensary no more than
19 four (4) ounces of medical marijuana and twenty (20) grams of medical marijuana-derived
20 products in a thirty (30) day period. The pre-mixed weight of medical marijuana extract used in
21 making a medical marijuana-derived product shall apply toward the limit on the total amount of
22 medical marijuana-derived products a registered, qualifying Patient may purchase for their
23 monthly allotment;

24

25 (ii) Possess, display, transfer, or transport marijuana accessories and no
26 more than four (4) ounces of medical marijuana and no more than twenty (20) grams of medical

1 marijuana-derived products on their person, away from their residence. The pre-mixed weight of
2 medical marijuana used in making a medical marijuana-derived product shall apply toward the
3 limit on the total amount of medical marijuana a registered qualifying Patient may possess on
4 their person, away from their residence;

5

6 (iii) Possess, grow, process, manufacture, transfer or transport no more than
7 eight (8) mature flowering marijuana plants; and possession of the medical marijuana or its
8 equivalent in medical marijuana-derived products produced by the plants on the premises where
9 the plants were grown, provided that the growing takes place in an enclosed space that is
10 inaccessible to minor children, is not conducted publicly, and is not made available for sale;

11

12 (iv) Transfer of no more than four (4) ounces of medical marijuana, or its
13 equivalent in medical marijuana-derived products, without remuneration to another Patient with
14 a valid medical marijuana certification; or a licensed caregiver on behalf of a Patient with a valid
15 medical marijuana certification;

16

17 (v) Consume medical marijuana or medical marijuana-derived products,
18 provided that nothing in this section shall permit consumption in a manner that endangers
19 others or smoking or vaping that is conducted openly and publicly except when treating an
20 immediate medical emergency; and,

21

22 (vi) Assist another person with a valid medical marijuana certification in any of
23 the acts described in paragraphs (a) through (e) of this subsection.

24

25 **§12-11-105. Taxation of Marijuana Revenue.**

26

1 (a) Each medical marijuana establishment shall be subject to, and pay, any state
2 commercial activities tax, including any applicable sales, use or excise taxes as apply to
3 businesses in general, and all other local taxes, assessments, fees, and charges as apply to
4 businesses in general.

5

6 **§12-11-106. Establishment of Medical Marijuana Dispensaries (MMD).**

7

8 (a) Medical marijuana and medical marijuana derived products shall only be
9 dispensed and sold for remuneration to Patients and Caregivers by medical marijuana
10 dispensaries licensed under this chapter, in accordance with a current medical marijuana
11 certification issued by the Patient's current treating Health Care Provider.

12

13 (b) The Liquor Division shall issue licenses to, and shall promulgate and enforce
14 regulations governing the operations of, medical marijuana dispensaries. The Liquor Division
15 shall promulgate the initial regulatory rules for such dispensaries by July 1 of the year following
16 the adoption of this chapter. All application and licensing fees for MMD's shall not exceed:

17

18 (i) Non refundable application fee of no more than three thousand dollars
19 (\$3,000.00);

20

21 (ii) Initial licensing fee of no more than fifteen thousand dollars (\$15,000.00);

22

23 (iii) Renewal fee of no more than ten thousand dollars (\$10,000.00);

24

25 (iv) Application and Licensing shall be issued and charged per-location.

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(c) If the Liquor Division determines as part of its biennial audit that an MMD is a material noncompliance with applicable laws or regulations, the Liquor Division may order remedial action; and, to the extent such MMD fails to materially comply with the Liquor Division's remediation order within a reasonable time period set forth by the order, the Liquor Division may suspend or revoke the MMD's license.

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

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

(b) The Liquor Division shall issue licenses to, and shall promulgate and enforce regulations governing the operations of, Medical marijuana cultivation facilities. The Liquor Division shall promulgate the initial regulatory rules for the operation of MCF by July 1 of the year following adoption of this chapter. The Liquor Division shall establish rules regulating the packaging of medical marijuana and shall ensure that potency, chemical constituents and safety messages are prominently displayed on the products' packaging. All application and licensing fees for MCF's shall not exceed:

(i) Non-refundable application fee of no more than three thousand dollars (\$3,000.00);

(ii) Micro-Medical Marijuana Cultivation Facility license fee of no more than fifteen thousand dollars (\$15,000.00);

1 (iii) For a Medical Marijuana Cultivation Facility with an area between two
2 thousand, five hundred, one (2,501) square feet, and five thousand (5,000) square feet, there
3 shall be a license fee of no more than thirty thousand dollars (\$30,000.00), and a renewal fee of
4 no more than twenty thousand dollars (\$20,000.00);

5

6 (iv) For a Medical Marijuana Cultivation Facility with an area between five
7 thousand, one (5,001) square feet, and ten thousand (10,000) square feet, there shall be a
8 license fee of no more than fifty thousand dollars (\$50,000.00), and a renewal fee of no more
9 than thirty thousand dollars (\$30,000.00);

10

11 (v) For a Medical Marijuana Cultivation Facility with an area between ten
12 thousand, one (10,001) square feet, and fifteen thousand (15,000) square feet, there shall be a
13 license fee of no more than one hundred thousand dollars (\$100,000.00), and a renewal fee of
14 no more than fifty thousand dollars (\$50,000.00);

15

16 (vi) For a Medical Marijuana Cultivation Facility with an area of more than
17 fifteen thousand, one (15,001) square feet, there shall be a license fee of no more than one
18 hundred fifty thousand dollars (\$150,000.00), and a renewal fee of no more than one hundred
19 thousand dollars (\$100,000.00);

20

21 (vii) Applications and licensing shall be issued and charged per-location.

22

23 (c) If the Liquor Division determines as part of its biennial audit that a MCF is in
24 material noncompliance with applicable laws or regulations, the Liquor Division may order
25 remedial action; and, to the extent such MCF fails to materially comply with the Liquor Division's

1 remediation order within the reasonable time period set forth by the order. The Liquor Division
2 may suspend or revoke the MCF license.

3

4 **§12-11-108. Establishment of Medical Marijuana-derived Product Manufacturing**
5 **Facilities (MDPs).**

6

7 (a) The extraction of cannabinoids, and the processing, manufacturing, and
8 packaging of medical marijuana-derived products shall be lawful only at a licensed medical
9 marijuana-derived product manufacturing facilities (MDP), except as otherwise provided herein
10 in §12-11-104(c), pursuant to a licensing and regulatory framework established by the Liquor
11 Division by July 1 of the year following the adoption of this chapter. Such facilities may only sell
12 medical marijuana-derived products made from medical marijuana purchased from licensed
13 MCF facilities. MDP facilities may also manufacture, process, package and distribute marijuana
14 accessories only to licensed MMD.

15

16 (b) The Liquor Division shall issue licenses to, and shall promulgate and enforce
17 regulations governing the operations of, Medical marijuana-derived Product Manufacturing
18 Facilities. The Liquor Division shall establish rules regulating the packaging of medical
19 marijuana and medical marijuana-derived products and shall ensure that potency, chemical
20 constituents and safety messages are prominently displayed on the products' packaging. All
21 application and licensing fees for MCF's shall not exceed:

22

23 (i) Non-refundable application fee of no more than three thousand dollars
24 (\$3,000.00);

25

1 (ii) MDP Facility with an area of two thousand, five hundred (2,500) square
2 feet or less, there shall be a license fee of no more than fifteen thousand dollars (\$15,000.00);

3

4 (iii) For a MDP Facility with an area between two thousand, five hundred, one
5 (2,501) square feet, and ten thousand (10,000) square feet, there shall be a license fee of no
6 more than thirty thousand dollars (\$30,000.00), and a renewal fee of no more than fifteen
7 thousand dollars (\$15,000.00);

8

9 (iv) For a MDP Facility with an area of ten thousand, one (10,001) square
10 feet or more, there shall be a license fee of no more than fifty thousand dollars (\$50,000.00),
11 and a renewal fee of no more than twenty five thousand dollars (\$25,000.00);

12

13 (v) Any manufacturing facility that will utilize volatile solvents shall have an
14 additional licensing fee not to exceed five thousand dollars (\$5,000.00).

15

16 (c) If the Liquor Division determines as part of its biennial audit that a MDP facility is
17 in material noncompliance with applicable laws or regulations, the Liquor Division may order
18 remedial action; and, to the extent such MDP facility fails to materially comply with the Liquor
19 Division's remediation order within the reasonable time period set forth by the order, the Liquor
20 Division may suspend or revoke the MDP facility's license.

21

22 **§12-11-109. Establishment of Medical Marijuana Testing Facilities (MTF).**

23

24 (a) The testing of medical marijuana and medical marijuana derived products, for
25 medical use within the state, shall be lawful only at licensed medical marijuana testing facilities

1 (MTF) pursuant to a licensing and regulatory framework established by the Liquor Division by
2 May 31 of the year following the adoption of this chapter.

3

4 (b) An MTF may engage in research related to, and/or certifying the safety, potency
5 and chemical constituency of medical marijuana and medical marijuana-derived products and
6 perform quality control testing on those products or in connection with a safety, potency and
7 chemical constituency certification process developed by the Liquor Division.

8

9 (c) The Liquor Division shall issue licenses to, and shall promulgate and enforce
10 regulations governing the operations of, Medical marijuana Testing Facilities. All application and
11 licensing fees for MTF's shall not exceed:

12

13 (i) Non-refundable application fee of no more than three thousand dollars
14 (\$3,000.00);

15

16 (ii) For a Medical Marijuana Testing Facility, there shall be a licensing fee of
17 no more than ten thousand dollars (\$10,000.00), and a renewal fee of no more than five
18 thousand dollars (\$5,000.00).

19

20 (d) If the Liquor Division determines as part of its biennial audit that an MTF's is in
21 material noncompliance with applicable laws or regulations, the Liquor Division may order
22 remedial action; and, to the extent such MTF's fails to materially comply with the Liquor
23 Division's remediation order within the reasonable time period set forth by the order, the Liquor
24 Division may suspend or revoke the MTF's license.

25

26 **§12-11-110. Wyoming Department of Revenue Liquor Division.**

1

2 (a) It is hereby established that the Wyoming Department of Revenue Liquor
3 Division shall regulate the acquisition, growth, cultivation, extraction, production, processing,
4 manufacturing, testing, distribution, retail sales, licensing, transportation and taxation of medical
5 marijuana and medical marijuana-derived products and the operation of medical marijuana
6 establishments in a manner that will not prove excessively burdensome for Patients to access
7 medical marijuana or medical marijuana-derived products nor burdensome for licensed
8 healthcare providers to certify their Patients.

9

10 (b) The Liquor Division shall adopt rules to facilitate this chapter's implementation
11 and continuing operation. The initial regulatory rules required to be adopted herein by specific
12 dates shall be adopted by the Liquor Division notwithstanding any other provision of law
13 regarding promulgation of administrative rules, provided that the Liquor Division shall offer an
14 opportunity for public comment as provided in W.S. § 16-3-103(a)(i-ii).

15

16 (c) Any rule adopted by the Liquor Division shall be submitted to the management
17 council of the legislature in accordance with W.S. §28-9-101, *et seq.*, approved by the governor
18 as provided in W.S. 16-3-103(d) and filed with the Wyoming Secretary of State. Regulatory rules
19 shall not prohibit the operation of medical marijuana establishments, either expressly or through
20 regulations that make their operations unreasonably impracticable.

21

22 (d) Such regulations shall include, but be limited to:

23

24 (i) Procedures for the application for, and the issuance, renewal, transfer,
25 suspension, and revocation of, a license to operate a medical marijuana establishment;

26

1 (ii) a schedule of application, licensing and renewal fees to be paid to the
2 Liquor Division; qualifications for the licensure that are directly and demonstrably related to
3 medical marijuana establishment operations;

4
5 (iii) qualifications for occupational licensure for individuals to be employed by,
6 manage or otherwise operate medical marijuana establishments;

7
8 (iv) requirements for testing the safety, potency and chemical constituency of
9 medical marijuana and medical marijuana-derived products; to include at minimum; potency in
10 both percentage and milligrams, at least five (5) cannabinoids, and at least seven (7) terpenes;

11
12 (v) labeling requirements for medical marijuana and medical marijuana-
13 derived products sold or distributed by a medical marijuana establishment, to include at
14 minimum; potency in both percentage and milligrams, at least five (5) cannabinoids, and at least
15 seven (7) terpenes;

16
17 (vi) health and safety regulations for the acquisition, growth, cultivation,
18 harvesting, storage, processing, packaging, preparation, extraction, handling, distribution,
19 transportation, manufacture, and production of medical marijuana and/or medical marijuana-
20 derived products;

21
22 (vii) restrictions on the advertising and display of medical marijuana and
23 medical marijuana-derived products to persons without a valid medical marijuana certification;

24
25 (viii) civil penalties for failure to comply with regulations made pursuant to this
26 chapter;

1

2 (ix) The Liquor Division shall also establish and implement a system for real-
3 time tracking and monitoring of all medical marijuana and medical marijuana-derived products in
4 an effort to mitigate and prevent diversion.

5

6 (e) Beginning in the second year following the adoption of this chapter, the Liquor
7 Division shall conduct a biennial audit of each medical marijuana establishment to certify, at a
8 minimum, that such medical marijuana establishments are in compliance with all applicable
9 rules and regulations. To the extent it determines that a medical marijuana establishment is in
10 material noncompliance with applicable rules and regulations, the Liquor Division may order
11 remedial action; and, to the extent that establishments fail to comply with the Liquor Division's
12 order within the reasonable time period set forth by that order, the Liquor Division may suspend
13 or revoke the medical marijuana establishment's license.

14

15 (f) The Liquor Division shall issue biennial licenses to medical marijuana
16 establishment applicants no later than thirty (30) days after receipt of the completed application
17 unless the Liquor Division finds the applicant is not eligible for a license under applicable laws
18 and regulations. Thereafter, licensees shall be entitled to have their licenses renewed pursuant
19 to the Liquor Division's rules, unless the Liquor Division determines that the licensee has
20 repeatedly failed to comply with its remedial orders. Such renewal shall be issued or denied
21 prior to the expiration of current license. All licenses issued by the Liquor Division pursuant to
22 this Act are subject to the provisions of W.S. §16-3-113.

23

24 (g) The Liquor Division shall employ necessary and qualified persons, including
25 enforcement agents, and shall retain services of qualified third parties, including experts, to
26 perform its duties.

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§12-11-111. General Provisions and Specific Limitations.

(a) No medical marijuana establishment shall be located within two hundred (200) yards of the primary building structure used for any of the following: a publicly-owned library; a public or chartered nonpublic elementary or secondary school; or a state-licensed day-care center, or within two hundred (200) yards of any public playground or playgrounds adjacent to any of the aforementioned primary building structures, so long as those structures listed were in existence within the two hundred (200) yards zone on or before the date of an applicant's first application for the license in the case of MCF, MDP, MMT or MMD facility.

(b) In no event shall a person consume medical marijuana or medical marijuana-derived products, by method of smoking or vaping, in any public place, or in, or on the grounds of, a public or chartered non-public elementary or secondary school, a state licensed day-care center, a correctional facility or community correction, in a vehicle, aircraft, train, or undocked or unmoored motorboat, except when treating an immediate medical emergency. When treating an immediate medical emergency, a Patient with a medical marijuana certification may self-administer medical marijuana-derived products subject to the same conditions applied to the administration of prescribed medications.

(c) No person shall operate, navigate, or be in actual physical control of any vehicle, aircraft, train or motorboat while under the influence of medical marijuana or medical marijuana-derived products. Until and unless the National Highway Traffic Safety Administration develops and mandates standardized tests for operating a vehicle under the influence of cannabis, a certified Patient shall fail a generally accepted field sobriety test given by law enforcement personnel, before the Patient can be suspect of driving under the influence; and in no instance

1 shall the presence of a medical cannabis certification be the sole cause to suspect the Patient is
2 operating a vehicle under the influence.

3

4 (d) The foregoing provisions, other than operating or being in physical control of a
5 vehicle, aircraft, train or motorboat, do not prohibit a Patient from possessing or using medical
6 marijuana in accordance with a medical marijuana certification.

7

8 (e) Other than for medical marijuana transferred or sold by a dispensary to a Patient
9 or Caregiver, and for transfers between a Patient and Caregiver consistent with Liquor Division
10 regulations, it shall be unlawful for any person to knowingly sell or transfer medical marijuana or
11 medical marijuana-derived products to a person without a valid medical marijuana certification.

12

13 (f) Nothing in this chapter is intended to require an employer to permit or
14 accommodate the use, consumption, possession, transfer, display, or transportation of medical
15 marijuana, medical marijuana-derived products, or medical marijuana accessories in the
16 workplace or to affect employers' ability to restrict use of such products by employees, except
17 that during a medical emergency, a Patient with a medical marijuana certification may self-
18 administer the medical marijuana-derived products subject to the same conditions applied to the
19 administration of prescribed medications.

20

21 (g) No person shall have an ownership interest in, or be an officer or director of, a
22 medical marijuana establishment who is under the age of twenty-one (21) or who has been
23 convicted of a violent felony offense within the prior five (5) years. No person shall continue to
24 have ownership interest in, or an officer or director position with, a medical marijuana
25 establishment upon conviction of a violent felony and exhaustion of any appeals.

26

1 (h) No person who has served in the Wyoming State Legislative Branch or directly
2 worked on the licensing of, the development of the rules or regulations for, and enforcement of
3 rules and regulations, shall have ownership interest in or be an officer or director of a medical
4 marijuana establishment for a term of seven (7) years following the passage of this chapter.

5

6 (i) No person under the age of twenty-one (21) shall be permitted on the premises
7 of a medical marijuana establishment, except that a Patient eighteen (18) to twenty (20) years of
8 age may be on a dispensary's premises for the purpose of obtaining medical marijuana or
9 medical marijuana-derived products pursuant to a medical marijuana certification issued for
10 such Patient.

11

12 (j) It shall be lawful for persons with a valid medical marijuana certification to
13 purchase, possess, transfer, transport, use and share marijuana accessories within this state
14 with other persons with valid medical marijuana certifications.

15

16 (k) It shall be lawful for a licensed MCF, or its designated employees or agents, to
17 acquire, handle, sell, store, deliver, or transport medical marijuana to a licensed MDP facility, a
18 licensed MMT facility or a licensed MMD facility or between another licensed MCF.

19

20 (l) It shall be lawful for a licensed MDP facility, or its designated employees or
21 agents, to acquire, handle, sell, store, deliver, or transport marijuana accessories, medical
22 marijuana or medical marijuana-derived products to another licensed MDP facility, a licensed
23 MMT facility or a licensed MMD facility.

24

1 (m) It shall be lawful for licensed MMD facilities to purchase, acquire, handle, store,
2 receive, deliver, or transport marijuana accessories, medical marijuana or medical marijuana-
3 derived products from licensed MCF and MDP facilities and other licensed MMD facilities.

4

5 (n) It shall be lawful for a licensed MMD facility to handle, deliver, or transport
6 medical marijuana accessories, medical marijuana or medical marijuana-derived products to a
7 Patient with a valid medical marijuana certification.

8

9 (o) MCF and MDP facilities are prohibited from selling, delivering, transporting, or
10 transferring medical marijuana, medical marijuana-derived products and marijuana accessories
11 directly to Patients.

12

13 (p) Medical marijuana establishments shall be subject to all applicable state and
14 local laws and regulations related to health, safety and building codes, including signage.
15 Notwithstanding the foregoing, no local zoning, land use laws, agriculture regulations,
16 subdivision regulations or similar provisions shall prohibit the development or operation of
17 medical marijuana establishments, provided that no such medical marijuana establishment shall
18 be located in a district zoned exclusively residential as of the date that an application for license
19 is first filed by an MCF, MDP facility, MTF or MMD facility.

20

21 (q) The Liquor Division shall also establish and implement a system for real-time
22 tracking and monitoring of all medical marijuana and medical marijuana-derived products from
23 the initial germination through the final patient transaction in an effort to mitigate and prevent
24 diversion.

25

1 (r) All Medical Marijuana Establishments shall be subject to applicable state
2 licensing and regulations, including but not limited to food safety guidelines and food licenses.

3

4 (s) Any person who is in violation of this section, shall be subject to fines and
5 penalties pursuant to Title 35 Chapter 7 and this chapter of the Wyoming State Statute as it
6 pertains to marijuana, marihuana, or tetrahydrocannabinol.

7

8 (t) All provisions of this Chapter shall apply in equal force to all localities within the
9 State of Wyoming, whereby medical marijuana establishments may be established in each
10 locality within the State of Wyoming pursuant to this chapter and regulations set by the Liquor
11 Division.

12

13 **§12-11-112. Self-Executing, Severability and Conflicting Provisions.**

14

15 (a) All provisions of this chapter are self-executing, except as specified herein, are
16 severable, and, except where otherwise indicated in the text, shall supersede all conflicting state
17 and local laws, charters and regulations or other provisions of Wyoming Statutes. Nothing in this
18 Chapter requires the violation of federal law or purports to give immunity under federal laws.

19

20 **Section 2.** W.S. 35-7-1002(a)(xxxvii)(E), W.S. 35-7-1014(d)(xiii) and (xxi), 35-7-1022 by
21 adding a new subsection (g), 35-7-1031(c), 35-7-1037, 35-7-1040, 35-7-1049(e)(vi)(D)(1), 39-
22 15-105(a)(vi)(B) are amended to read:

23

24 **§ 35-7-1002. Definitions.**

25

26 (a) As used in this act:

1 (xxvii) "Drug paraphernalia" means all equipment, products and materials of any
2 kind when used, advertised for use, intended for use or designed for use for manufacturing,
3 converting, preparing, packaging, repackaging, storing, containing, concealing, injecting,
4 ingesting, inhaling or otherwise introducing into the human body a controlled substance in
5 violation of this act and includes:

6

7 ...

8

9

(E) Except as authorized for use within marijuana authorized as
10 medical marihuana or medical marijuana pursuant to Title 12 Chapter 11 of the Wyoming State
11 statute, the following objects when used, advertised for use, intended for use or designed for
12 use in ingesting or otherwise introducing marihuana or marijuana, cocaine, hashish or hashish
13 oil or any other controlled substance into the human body:

14

15 **§ 35-7-1014. Substances included in Section I.**

16

17 ...

18

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

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(xiii) Marihuana; or Marijuana, except marihuana or marijuana authorized as medical marihuana or marijuana pursuant to Title 12 Chapter 11 of the Wyoming State statute.

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

...

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

...

(xxi) Except within marihuana or marijuana authorized as medical marihuana or marijuana pursuant to Title 12 Chapter 11 of the Wyoming State statute, tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant or in the resinous extractive of Cannabis, sp. And/or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity such as the following: delta 1 cis or trans tetrahydrocannabinol and their optical isomers; delta 6 cis or trans tetrahydrocannabinol and their isomers; delta to the 3. 4 cis or trans tetrahydrocannabinol and its optical isomers. Since nomenclature of these substances is not internationally standardized, compounds of these structures of numerical designation of atomic positions are covered;

§ 35-7-1022. Substances included in Schedule V

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(a) The controlled substances listed in this section are included in Schedule V. Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated in this section.

...

(g) Medical Marijuana or Medical Marihuana and Medical Marijuana-derived products pursuant to Title 12 Chapter 11 of the Wyoming State statute.

§ 35-7-1031. Unlawful manufacture or delivery; counterfeit substances' unlawful possession.

...

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

1 ...

2

3 **§ 35-7-1037. Probation and discharge of first offender.**

4

5 Whenever any person who has not previously been convicted of any offense under this act or
6 under any statute of the United States or any state relating to narcotic drugs, marihuana, except
7 marihuana or marijuana authorized as medical marihuana or medical marijuana pursuant to
8 Title 12 Chapter 11 of the Wyoming State statute, or stimulant, depressant, or hallucinogenic
9 drugs, pleads guilty to or is found guilty of possession of a controlled substance under W.S. 35-
10 7-1031(c) or 35-7-1033(a)(iii)(B), the court, without entering a judgement of guilt and with the
11 consent of the accused, may defer further proceedings and place him on probation upon terms
12 and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt
13 and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall
14 discharge the person and dismiss the proceedings against him. Discharge and dismissal under
15 this section shall be without adjudication of guilt and is not a conviction for purposes of this
16 section or for purposes of disqualification or disabilities imposed by law upon conviction of a
17 crime, including the additional penalties imposed for second or subsequent convictions under
18 W.S. 35-7-1038. There may be only one (1) discharge and dismissal under this section with
19 respect to any person. This section shall not be construed to provide an exclusive procedure.
20 Any other procedure provided by law relating to suspension of trial or probation may be
21 followed, in the discretion of the trial court.

22

23 **§35-7-1040. Planting, cultivating or processing marihuana, peyote or opium**
24 **poppy.**

25

1 Any person who knowingly or intentionally plants, cultivates, harvests, dries, or processes any
2 marihuana or marijuana, except marihuana or marijuana authorized as medical marihuana or
3 medical marijuana pursuant to Title 12 Chapter 11 of the Wyoming State statute, peyote, or
4 opium poppy except as otherwise provided by law shall be guilty of a misdemeanor and shall be
5 punished by imprisonment not to exceed six (6) months in the county jail or by a fine not to
6 exceed one thousand dollars (\$1,000.00), or both.

7

8 **§ 35-7-1049(e)(vi)(D)(1). Forfeitures and seizures generally; property subject to**
9 **forfeiture.**

10

11 (d) Seized property not repleviable; sealing or removal of seized property. - Property
12 taken or detained under this section shall not be subject to replevin, but is deemed to be in the
13 custody of the commissioner subject only to the orders and decrees of the court having
14 jurisdiction over the forfeiture proceedings. When property is seized under this act, the
15 commissioner may:

16

17 ...

18

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

26

1 (D) The additional retention of:

2

3 (I) Five (5) ounces of organic material if the controlled
4 substance is marihuana, except marihuana authorized as medical marihuana pursuant to Title
5 12 Chapter 11 of the Wyoming State statute, or a substance of similar organic consumption.

6

7 **§ W.S. 39-15-105. Exemptions.**

8 (a) The following sales or leases are exempt from the excise tax imposed by this article:

9

10 ...

11

12 (vi) For the purpose of exempting sales of services and tangible personal
13 property which are essential human goods and services, the following are exempt:

14

15 ...

16

17 (B) Sales of the following tangible personal property sold under a
18 prescription: drugs for human relief excluding over-the-counter-drugs and medical marijuana
19 obtained with a medical marijuana certificate, insulin for human relief and any syringe, needle or
20 other device necessary for the administration thereof, oxygen for medical use, blood plasma,
21 prosthetic devices, hearing aids, eyeglasses, contact lenses, mobility enhancing equipment,
22 durable medical equipment and any assistive device. As used in this subparagraph, "assistive
23 device" means any item, piece of equipment or product system, as defined by department rule,
24 which is used to increase, maintain or improve the functional capabilities of an individual with a
25 permanent disability, excluding any medical device, surgical device or organ implanted or
26 transplanted into or attached directly to an individual;

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Section 3. Nothing in this act shall be construed to authorize or regulate the cultivation, manufacture, testing, use, sale or transport of marijuana that has been part of, operated in or otherwise connected to interstate commerce.

Section 4.

(a) Except as otherwise provided in this section, the Liquor Division shall promulgate all rules necessary to implement the provisions of this act;

(b) The department of revenue shall promulgate all rules necessary to implement the marijuana taxation provisions created in section 1 of this act;

(c) The attorney general, as commissioner of drugs and substances control, shall promulgate all rules necessary to implement the provisions of section 1 and 2 in this act concerning the scheduling of marijuana as a controlled substance in Wyoming.

(END)