STATE OF WYOMING

A BALLOT INITIATIVE

for the


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

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

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

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


This chapter provides for the legalization of medical marijuana for use by persons with debilitating medical conditions and for the legalization of medical marijuana and medical marijuana-infused products. This chapter vests the Wyoming Department of Revenue Liquor Division (the “Liquor Division”) to regulate the state’s medical marijuana industry in a manner similar to the state’s regulation of alcohol. A Patient may obtain medical marijuana and medical marijuana-infused products only after being issued a medical marijuana certification by a Wyoming-licensed Physician, and only from state-regulated, medical marijuana dispensaries. Growth and cultivation of medical marijuana to be sold within the state will occur only at site-specific, state-regulated marijuana cultivation facilities. Extraction of medical marijuana and production of medical marijuana-infused products will occur only by state-regulated medical marijuana-infused products manufacturing facilities. No medical marijuana establishment may be within 1,000 feet of a house of worship, a publicly-owned library, playground, an elementary or secondary school, or a state-licensed child day-care center. Medical marijuana
establishments shall be subject to any state commercial activities tax, including any applicable sales, use or excise tax as applied to businesses in general and all other local taxes, assessments, fees and charges as applied to businesses in general, but shall not be subject to any special taxes, assessments, fees and charges, other than the licensure fees set forth herein.

§12-11-102. Definitions.

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

a. “Cannabinoids” means the chemical compounds in marijuana having a variety of pharmacologic properties.

b. “Caregiver” means an individual licensed by the Liquor Division, other than the Patient and Patient’s Physician, who is 21 years of age or older and is the person responsible for managing the well-being of a Patient with a debilitating medical condition for whom a medical marijuana certification has been issued under this chapter. To qualify as a Caregiver, this individual’s responsibilities to the Patient must include, at a minimum, provision of services in addition to provision of medical marijuana.

c. “Debilitating medical condition” means cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, sickle-cell anemia, ulcerative colitis, dementia, Alzheimer’s disease, or treatment for such conditions, which produces, for a specific Patient, one or more of the following, and which, in the professional opinion of the Patient’s Physician, foreseeably may be alleviated by the use of medical marijuana: cachexia, post-traumatic stress disorder, severe pain, severe nausea, seizures, including those that are characteristic of epilepsy, or persistent muscle spasms, including those that are characteristic of multiple sclerosis. The Liquor Division shall establish and update the list of debilitating medical conditions for which medical marijuana certifications may be issued on an annual basis, consistent with current, peer-reviewed medical research.

d. “Dispense” means the provision of medical marijuana by an MMD to a Patient or Caregiver for remuneration.

e. “Hemp” means the plant Cannabis sativa L., and any part of the plant, whether growing or not, and the seed produced therefrom, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis, and that is cultivated and processed exclusively for the purpose of producing the mature stalks of the plant, fiber produced from
the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin or flowering tops extracted therefrom, fiber, oil, or cake, or the sterilized seed, or any component of the seed, of the plant that is incapable of germination.

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

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

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

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

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

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

l. “Medical marijuana establishment” means a MCF facility, a MIPS facility, a MTF facility or a MMD facility. A medical marijuana establishment’s actions, and the actions of that establishment’s employees and agents, are lawful and are not subject to civil or criminal penalties so long as such
actions are in compliance with this chapter and with any rules and regulations promulgated by the Liquor Division.

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

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

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

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

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

r. “Physician” means an individual who maintains, in good standing, a license to practice medicine issued by the State of Wyoming.
s. “Transfer” means the provision, without remuneration, of medical marijuana by a person possessing a valid medical marijuana certification to another person possessing a valid medical marijuana certification, pursuant to §12-11-104(c).

t. “Unreasonably impracticable” means that the measure necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a medical marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

u. “Wyoming Department of Revenue Liquor Division” or “Liquor Division” means the agency whose authority is vested herein to regulate the marijuana industry, including, but not limited to, regulating, researching and reporting on the growth, cultivation, production, processing, manufacture, testing, distribution, transportation, retail sales, licensing, and taxation of medical marijuana and medical marijuana-infused products.

§12-11-103. Use of Medical Marijuana for Debilitating Medical Conditions.
It is lawful for Patients with debilitating medical conditions to acquire, administer, purchase, possess, transport, and use, and for their licensed Caregivers to acquire, administer, purchase, possess, transport and transfer, medical marijuana pursuant to a valid medical marijuana certification. The state shall regulate the conduct of Physicians in issuing medical marijuana certifications in a manner similar to its regulation of medical prescriptions. A treating Physician who has examined a Patient and determined that he or she has a debilitating medical condition may issue a medical marijuana certification if: (1) a bona fide Physician-Patient relationship exists; (2) the Physician determines the risk of the Patient’s use of medical marijuana is reasonable in light of the potential benefit; and, (3) the Physician has explained the risks and benefits of using medical marijuana to the Patient. If the Patient is younger than 18 years of age, treatment involving medical marijuana may not be provided without consent by at least one custodial parent, guardian, conservator, or other person with lawful authority to consent to the Patient’s medical treatment.

No agency, including a law enforcement agency, of this state or of a political subdivision of this state may initiate an administrative, civil or criminal investigation of a Physician, nor shall a Physician be denied any right or privilege or be subject to any disciplinary action, solely on the ground that the Physician: (1) discussed with a Patient the use of medical marijuana as a treatment option; or (2) issued a medical marijuana certification under this chapter, or otherwise made a written or oral statement that, in the Physician’s
professional opinion, the potential benefits of the Patient using medical marijuana would likely outweigh the health risks.

§12-11-104. Use of Medical Marijuana.

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

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

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

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

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

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

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

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

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

Medical marijuana shall only be dispensed and sold for remuneration to Patients and Caregivers by medical marijuana dispensaries licensed under this chapter, in accordance with a medical marijuana certification issued by the Patient’s current treating Physician,
who shall exercise the same professional care, ethics and judgment in doing so as is
required in issuing medical prescriptions.

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

If the Liquor Division determines as part of its annual audit that a MMD is in 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 the reasonable time period set forth by the order, the
Liquor Division may suspend or revoke the MMD’s license.


The growth and cultivation of 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(b).

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

If the Liquor Division determines as part of its annual audit that a MCF facility is in
material noncompliance with applicable laws or regulations, the Liquor Division may
order remedial action; and, to the extent such MCF 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 MCF facility’s license.

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

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

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


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

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

The Liquor Division shall issue annual licenses to medical marijuana establishment
applicants no later than 90 days after receipt of the completed application unless the
Liquor Division finds the applicant is not eligible for a license under applicable laws and
regulations. Thereafter, licensees shall be entitled to have their licenses renewed pursuant
to the Liquor Division’s rules, unless the Liquor Division determines that the licensee has
repeatedly failed to comply with its remedial orders. Such renewal shall be issued or
denied prior to expiration of the current license. All licenses issued by the Liquor
Division pursuant to this Act are subject to the provisions of W.S. § 16-3-113.
The Liquor Division shall employ necessary and qualified persons, including
enforcement agents, and shall retain services of qualified third parties, including experts,
to perform its duties.

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

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

b. In no event shall a person consume medical marijuana or medical
marijuana-infused products in any public place, or in, or on the grounds
of, a public or chartered non-public elementary or secondary school, a
state licensed child day-care center, a correctional facility or community
corrections, or in a vehicle, aircraft, train or motorboat. 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-infused products. The foregoing provisions, other than
operating or being in in physical control of a vehicle, aircraft, train or
motorboat, do not prohibit a patient from possessing or using medical
marijuana in accordance with a medical marijuana certification.

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

d. Nothing in this chapter is intended to require an employer to permit or
accommodate the use, consumption, possession, transfer, display, or
transportation of medical marijuana, medical marijuana-infused products
or marijuana accessories in the workplace or to affect employers’ ability to
restrict use of such products by employees, except that a Patient with a
medical marijuana certification may self-administer the medical marijuana
subject to the same conditions applied to administration of prescribed medications.

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

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

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

h. It shall not be unlawful for a licensed MCF facility, or its designated employees or agents, to handle, sell, store, deliver, transport or transfer medical marijuana to a licensed MIPS facility, a licensed MMT facility or a licensed MMD facility. It shall not be unlawful for a licensed MIPS facility, or its designated employees or agents, to handle, sell, store, deliver, transport or transfer marijuana accessories or medical marijuana-infused products to another licensed MIPS facility, a licensed MMT facility or a licensed MMD facility. It shall not be unlawful for licensed MMD facilities and licensed MMT facilities, or their designated employees or agents, to purchase, obtain, handle, store, receive, deliver, transport or transfer marijuana accessories, medical marijuana or medical marijuana-infused products from licensed MCF and MIPS facilities and other licensed MMD facilities and licensed MMT facilities.

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

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

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

§12-11-112. Hemp.
Residents of the State of Wyoming shall have the right to produce hemp and hemp
products. With this right, industrial hemp is hereby removed from any schedule or
classification system in the State of Wyoming wherein it is listed as a drug. Hemp may be
grown as a crop, produced, processed, possessed and commercially traded in Wyoming
pursuant to the provisions of this chapter, including those following, for both (a)
commmercial and (b) research and development purposes:

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

1. The name, physical address and mailing address of the person in
addition to the fee(s) set forth below in (d) of this subsection;

2. A statement that the seeds obtained for planting are of a type and
variety that do not exceed the maximum concentration of
tetrahydrocannabinol set forth in §12-11-102 of this chapter; and,

3. The location and acreage of all parcels sown and other field
reference information as may be required by the Liquor Division.

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

1. Cultivation and possession of hemp in Wyoming is a violation of
the federal Controlled Substances Act; and,

2. Federal prosecution for growing hemp in violation of federal law
may include criminal penalties, forfeiture of property, and loss of
access to federal agricultural benefits, including agricultural loans, 
conservation programs, and insurance programs.

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

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

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


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

Title 35, Chapter 7 – Food and Drugs

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

§ 35-7-1002. Definitions.

(a) As used in this act:

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

(E) Except as authorized for use with marihuana authorized as medical 
marihuana, the following objects when used, advertised for use, intended for
use or designed for use in ingesting, inhaling or otherwise introducing
marihuana, cocaine, hashish or hashish oil or any other controlled substance
into the human body:

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

§ 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):
...
(xiii) Marihuana, except marihuana authorized as medical marihuana;

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

§ 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 authorized as medical marihuana,
tetrahydrocannabinols; synthetic equivalents of the substances contained in the
plant or in the resinous extractives of Cannabis, sp. and/or synthetic substances,
derivatives and their isomers with similar chemical structure and pharmacological
activity such as the following: delta 1 cis or trans tetrahydrocannabinol and their
optical isomers; delta 6 cis or trans tetrahydrocannabinol and their optical
isomers; delta to the 3, 4 cis or trans tetrahydrocannabinol and its optical isomers.
Since nomenclature of these substances is not internationally standardized,
compounds of these structures, regardless of numerical designation of atomic
positions are covered;

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

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

... (c) Except marihuana authorized as medical marihuana, or tetrahydrocannabinol
contained therein, it is unlawful for any person knowingly or intentionally to possess
a controlled substance unless the substance was obtained directly from, or pursuant to
a valid prescription or order of a practitioner while acting in the course of his
professional practice, or except as otherwise authorized by this act. With the
exception of dronabinol as listed in W.S. 35-7-1018(h) and marihuana authorized as
medical marihuana, or tetrahydrocannabinol contained therein, 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:
... 

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

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

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

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

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

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

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

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

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

. . .

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

(D) The additional retention of:

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