

HOUSE BILL NO. HB0204

Decriminalization of cannabis.

Sponsored by: Representative(s) Provenza and Olsen and Senator(s) Case and Rothfuss

A BILL

for

1 AN ACT relating to food and drugs; creating a civil penalty
2 for offenses related to specified amounts of marijuana and
3 eliminating and amending related criminal penalties as
4 specified; eliminating use of marijuana and possession of
5 marijuana paraphernalia as crimes; eliminating the
6 prohibition on practitioners prescribing marijuana;
7 amending definitions; making conforming amendments;
8 repealing a provision; requiring rulemaking; and providing
9 for effective dates.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.** W.S. 35-7-1002(a)(xiv), (xxvii)(intro),
14 (E)(intro) and (I), 35-7-1031(a)(ii), (c)(intro),
15 (i)(intro), (A) through (D), by creating new subparagraphs

1 (G) and (H), (iii) and by creating a new paragraph (vi),
2 35-7-1037, 35-7-1038(b), 35-7-1039 and 35-7-1040 are
3 amended to read:

4

5 **35-7-1002. Definitions.**

6

7 (a) As used in this act:

8

9 (xiv) "Marihuana" or "marijuana" means all parts
10 of the plant of the genus Cannabis, whether growing or not;
11 the seed thereof; the resin extracted from any part of the
12 plant; and every compound, manufacture, salt, derivative,
13 mixture or preparation of the plant, its seeds or resin.

14 "Marihuana" or "marijuana" includes products that are
15 composed of both marijuana and other ingredients and that
16 are intended for use or consumption, including edible
17 products, ointments and tinctures. It does not include the
18 mature stalks of the plant, fiber produced from the stalks,
19 oil or cake made from the seeds of the plant, any other
20 compound, manufacture, salt, derivative, mixture or
21 preparation of the mature stalks (except the resin
22 extracted therefrom), fiber, oil or cake, or the sterilized
23 seed of the plant which is incapable of germination;

1

10

16

17 (I) Metal, acrylic, glass, stone,
18 plastic or ceramic pipes with or without screens, permanent
19 screens, ~~hashish heads~~ or punctured metal bowls;

20

21 35-7-1031. Unlawful manufacture or delivery;
22 counterfeit substance; unlawful possession; civil penalty
23 for marijuana.

1

2 (a) Except as authorized by this act, it is unlawful
3 for any person to manufacture, deliver, or possess with
4 intent to manufacture or deliver, a controlled substance.

5 Any person who violates this subsection with respect to:

6

7 (ii) Any other controlled substance classified
8 in Schedule I, except marijuana in amounts specified in
9 paragraph (c)(vi) of this section, II or III, is guilty of
10 a crime and upon conviction may be imprisoned for not more
11 than ten (10) years, fined not more than ten thousand
12 dollars (\$10,000.00), or both;

13

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

1 ~~or prescribe marihuana, tetrahydrocannabinol, or synthetic~~
2 ~~equivalents of marihuana or tetrahydrocannabinol.~~ No
3 ~~prescription or practitioner's order for marihuana,~~
4 ~~tetrahydrocannabinol, or synthetic equivalents of marihuana~~
5 ~~or tetrahydrocannabinol shall be valid, unless the~~
6 ~~prescription is for a drug that has received final approval~~
7 ~~from the United States food and drug administration,~~
8 ~~including dronabinol.~~ Any person who violates this
9 subsection:

10

11 (i) And has in his possession a controlled
12 substance in the ~~amount~~amounts set forth in this paragraph
13 is guilty of a misdemeanor punishable by imprisonment for
14 not more than twelve (12) months, a fine of not more than
15 one thousand dollars (\$1,000.00), or both. Any person
16 convicted for a third or subsequent offense under this
17 paragraph, other than a marijuana offense, including
18 convictions for violations of similar laws in other
19 jurisdictions, shall be imprisoned for a term not more than
20 five (5) years, fined not more than five thousand dollars
21 (\$5,000.00), or both. For purposes of this paragraph, the
22 amounts of a controlled substance are as follows:

23

- 1 (A) Except as provided in subparagraph (G)
- 2 of this paragraph, for a controlled substance in plant
- 3 form, no more than three (3) ounces;
- 4
- 5 (B) Except as provided in subparagraph (H)
- 6 of this paragraph, for a controlled substance in liquid
- 7 form, no more than three-tenths (3/10) of a gram;
- 8
- 9 (C) Except as provided in subparagraph (H)
- 10 of this paragraph, for a controlled substance in powder or
- 11 crystalline form, no more than three (3) grams;
- 12
- 13 (D) Except as provided in subparagraph (H)
- 14 of this paragraph, for a controlled substance in pill or
- 15 capsule form, no more than three (3) grams;
- 16
- 17 (G) For marijuana in plant form, more than
- 18 three (3) ounces;
- 19
- 20 (H) For products composed of marijuana that
- 21 are:
- 22

(I) In solid form, including edible products, ointments and tinctures, more than sixteen (16) ounces;

4

(II) In liquid form, more than
seventy-two (72) ounces;

7

13

21

22 (vi) And has in his possession marijuana in any
23 combination of forms and amounts set forth in this

1 paragraph shall be subject to a civil penalty of not more
2 than one hundred dollars (\$100.00). For purposes of this
3 paragraph, the amounts of marijuana are as follows:

4

5 (A) For marijuana in plant form, three (3)
6 ounces or less;

7

8 (B) For products composed of marijuana that
9 are:

10

11 (I) In solid form, including edible
12 products, ointments and tinctures, sixteen (16) ounces or
13 less;

14

15 (II) In liquid form, seventy-two (72)
16 ounces or less;

17

18 (III) In a form that has undergone a
19 process to concentrate one (1) or more active cannabinoids
20 to increase the marijuana's potency, including in powder,
21 crystalline, pill or capsule form, thirty (30) grams or
22 less.

23

1 **35-7-1037. Probation and discharge of first**
2 **offenders.**

3

4 Whenever any person who has not previously been convicted
5 of any offense under this act or under any statute of the
6 United States or of any state relating to narcotic drugs,
7 marihuana—marijuana, or stimulant, depressant, or
8 hallucinogenic drugs, pleads guilty to or is found guilty
9 of possession of a controlled substance under W.S.
10 35-7-1031(c)—35-7-1031(c)(i) through (v) or
11 35-7-1033(a)(iii)(B), or pleads guilty to or is found
12 guilty of using or being under the influence of a
13 controlled substance under W.S. 35-7-1039, the court,
14 without entering a judgment of guilt and with the consent
15 of the accused, may defer further proceedings and place him
16 on probation upon terms and conditions. Any term of
17 probation imposed under this section for a felony offense
18 shall not exceed the maximum term of probation authorized
19 under W.S. 7-13-302(b). Upon violation of a term or
20 condition, the court may enter an adjudication of guilt and
21 proceed as otherwise provided. Upon fulfillment of the
22 terms and conditions, the court shall discharge the person
23 and dismiss the proceedings against him. Discharge and

1 dismissal under this section shall be without adjudication
2 of guilt and is not a conviction for purposes of this
3 section or for purposes of disqualifications or
4 disabilities imposed by law upon conviction of a crime,
5 including the additional penalties imposed for second or
6 subsequent convictions under W.S. 35-7-1038. There may be
7 only one (1) discharge and dismissal under this section
8 with respect to any person. This section shall not be
9 construed to provide an exclusive procedure. Any other
10 procedure provided by law relating to suspension of trial
11 or probation, may be followed, in the discretion of the
12 trial court.

13

14 **35-7-1038. Second or subsequent offenses; mandatory**
15 **minimum penalty for certain subsequent offenses.**

16

17 (b) For purposes of subsection (a) of this section,
18 an offense is a second or subsequent offense if, prior to
19 his conviction of the offense, the offender has at any time
20 been convicted under this act or under any statute of the
21 United States or of any state relating to narcotic drugs,
22 ~~marijuana,~~ depressant, stimulant or hallucinogenic drugs _

1 excluding any conviction related to the possession or use
2 of marijuana by the offender.

3

4 **35-7-1039. Person using or under influence of**
5 **controlled substance.**

6

7 Any person who knowingly or intentionally uses or is under
8 the influence of a controlled substance listed in Schedules
9 I, except marijuana, II or III and except when administered
10 or prescribed by or under the direction of a licensed
11 practitioner, shall be guilty of a misdemeanor and shall be
12 punished by imprisonment in the county jail not to exceed
13 six (6) months or a fine not to exceed seven hundred fifty
14 dollars (\$750.00), or by both.

15

16 **35-7-1040. Planting, cultivating or processing peyote**
17 **or opium poppy.**

18

19 Any person who knowingly or intentionally plants,
20 cultivates, harvests, dries, or processes marijuana in
21 amounts that exceed the amounts listed in W.S.
22 35-7-1031(c)(vi) or any marihuana, peyote, or opium poppy
23 except as otherwise provided by law shall be guilty of a

1 misdemeanor and shall be punished by imprisonment not to
2 exceed six (6) months in the county jail or by a fine not
3 to exceed one thousand dollars (\$1,000.00), or both.

4

5 **Section 2.** W.S. 35-7-1002(a)(xxvii)(C) is repealed.

6

7 **Section 3.** The attorney general, as commissioner of
8 drugs and substances control, shall adopt rules necessary
9 to implement this act not later than July 1, 2024.

10

11 Section 4.

12

13 (a) Except as otherwise provided in subsection (b) of
14 this section, this act is effective immediately upon
15 completion of all acts necessary for a bill to become law
16 as provided by Article 4, Section 8 of the Wyoming
17 Constitution.

18

19 (b) Sections 1 and 2 of this act are effective July
20 1, 2024.

21

(END)

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2013 Wyoming Statutes

TITLE 35 - PUBLIC HEALTH AND SAFETY

CHAPTER 7 - FOOD AND DRUGS

ARTICLE 10 - CONTROLLED SUBSTANCES

35-7-1036. Distribution to person under 18; drug free school zones.

Universal Citation: WY Stat § 35-7-1036 (2013)

35-7-1036. Distribution to person under 18; drug free school zones.

(a) Any person eighteen (18) years of age or over who violates W.S. 35-7-1031(a) by distributing methamphetamine or a controlled substance listed in Schedules I or II which is a narcotic drug to a person under eighteen (18) years of age who is at least three (3) years his junior is punishable by the fine authorized by W.S. 35-7-1031(a)(i), by a term of imprisonment of up to twice that authorized by W.S. 35-7-1031(a)(i), or both. Any person eighteen (18) years of age or over who violates W.S. 35-7-1031(a) by distributing any other controlled substance listed in Schedules I, II, III, to a person under eighteen (18) years of age who is at least three (3) years his junior is punishable by the fine authorized by W.S. 35-7-1031(a)(ii), by a term of imprisonment up to twice that authorized by W.S. 35-7-1031(a)(ii), or both. Any person eighteen (18) years of age or over who violates W.S. 35-7-1031(a) by distributing any controlled substance listed in Schedule IV to a person under eighteen (18) years of age who is at least three (3) years his junior is punishable by the fine authorized by W.S. 35-7-1031(a)(iii), by a term of imprisonment up to twice that authorized by W.S. 35-7-1031(a)(iii), or both. Any person eighteen (18) years of age or over who violates W.S. 35-7-1031(a) by distributing any controlled substance listed in Schedule V to a person under eighteen (18) years of age who is at least three (3) years his junior is punishable by the fine authorized by W.S. 35-7-1031(a)(iv), by a term of imprisonment up to twice that authorized by W.S. 35-7-1031(a)(iv), or both.

(b) Any person who is convicted of any of the following listed offenses with regard to a controlled substance listed in Schedules I through IV shall have the penalties specified in this subsection imposed as part of the sentence and in addition to any other penalties authorized by law, if that offense was committed within any school bus as defined in W.S. 31-7-102(a)(xix) or within the boundaries of or within five hundred (500) feet of the boundaries of real property used by a school district primarily for the education of any student in any grade from kindergarten through twelfth grade:

(i) If an adult:

(A) For manufacture, delivery or possession with intent to manufacture or deliver in violation of W.S. 35-7-1031(a) or subsection (a) of this section:

(I) Imprisonment for a minimum of two (2) years; and

(II) An additional fine of one thousand dollars (\$1,000.00).

(B) For possession in violation of W.S. 35-7-1031(c) an additional fine of five hundred dollars (\$500.00).

(ii) If a minor and if not sentenced to a term of imprisonment which is unsuspended:

(A) For manufacture, delivery or possession with intent to manufacture or deliver in violation of W.S. 35-7-1031(a):

(I) Successful completion of a drug education or rehabilitation program specified by the court;

(II) Not less than twenty-five (25) nor more than two hundred (200) hours of community service specified by the court; and

(III) Submission to monthly drug testing for one (1) year.

(B) For possession in violation of W.S. 35-7-1031(c):

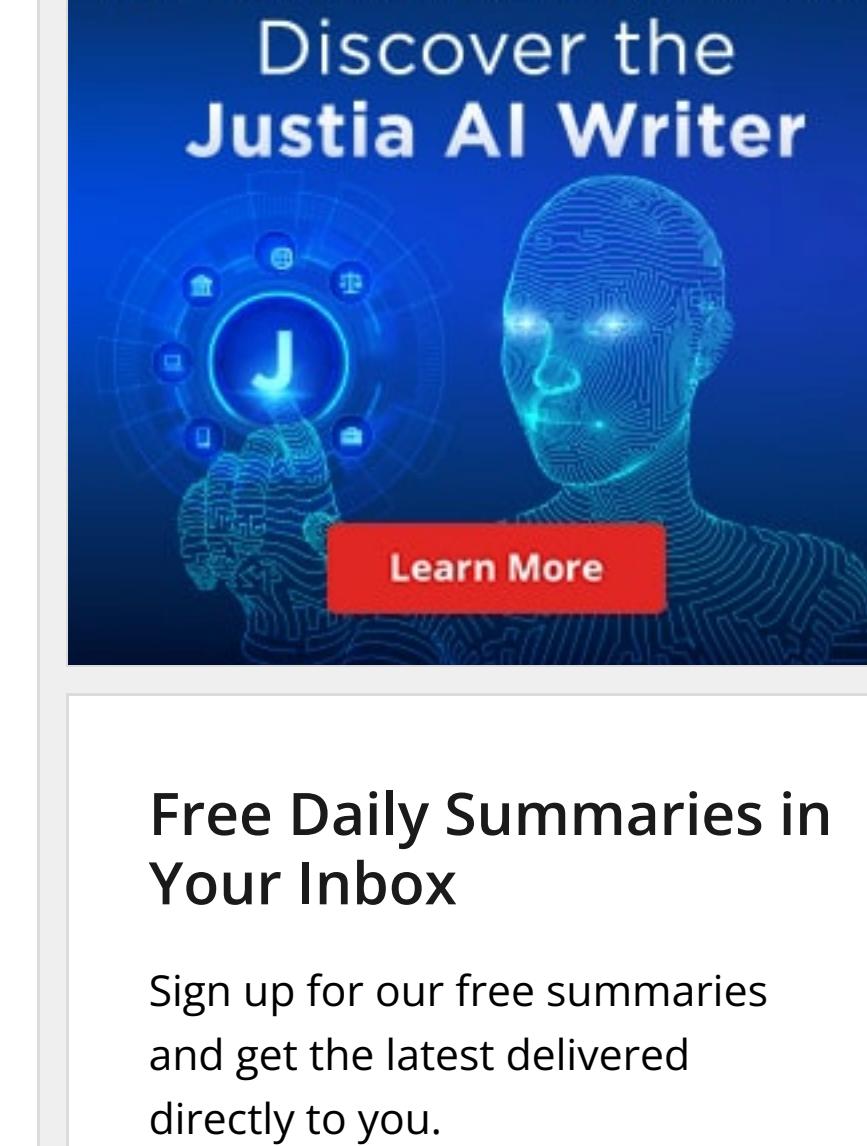
(I) Successful completion of a drug education or rehabilitation program specified by the court;

(II) Not less than twenty-five (25) nor more than one hundred (100) hours of community service specified by the court; and

(III) Submission to monthly drug testing for six (6) months.

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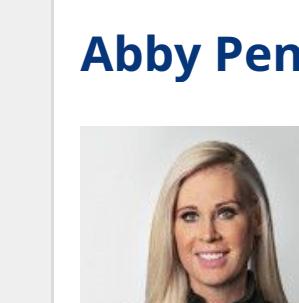
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2022 Wyoming Statutes

Title 35 - Public Health and Safety

Chapter 7 - Food and Drugs

Article 10 - Controlled Substances

Section 35-7-1057 - Delivery of Drug Paraphernalia to a Minor.

Universal Citation: WY Stat § 35-7-1057 (2022)[◀ Previous](#)[Next ▶](#)**35-7-1057. Delivery of drug paraphernalia to a minor.**

Any adult who violates W.S. 35-7-1056 by delivering drug paraphernalia to a minor is guilty of a crime and, upon conviction, may be imprisoned for not more than five (5) years, fined not more than two thousand five hundred dollars (\$2,500.00), or both.

Article IX

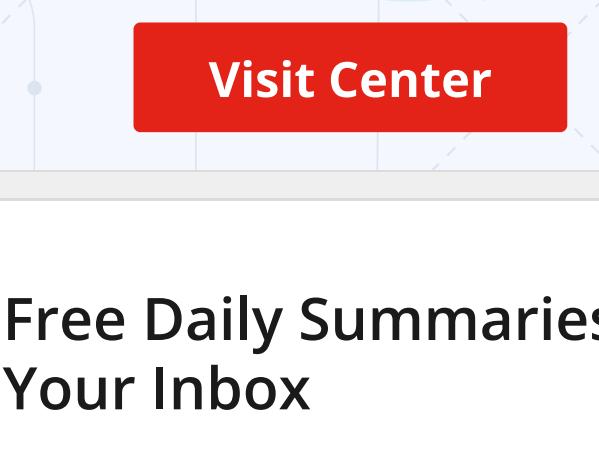
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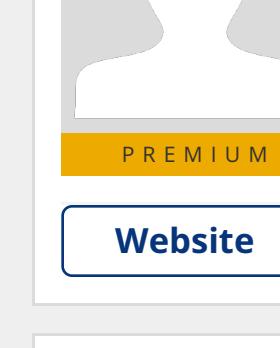
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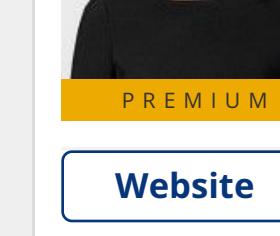
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2020 Wyoming Statutes

Title 35 - Public Health and Safety

Chapter 7 - Food and Drugs

Article 10 - Controlled Substances

Section 35-7-1056 - Delivery Of, or Possession With Intent to Deliver, Drug Paraphernalia.

Universal Citation: WY Stat § 35-7-1056 (2020)[◀ Previous](#)[Next ▶](#)**35-7-1056. Delivery of, or possession with intent to deliver, drug paraphernalia.**

It is unlawful for any person to deliver, or possess with intent to deliver, drug paraphernalia. Any person who violates this section is guilty of a crime and, upon conviction, may be imprisoned for not more than six (6) months, fined not more than seven hundred fifty dollars (\$750.00), or both.

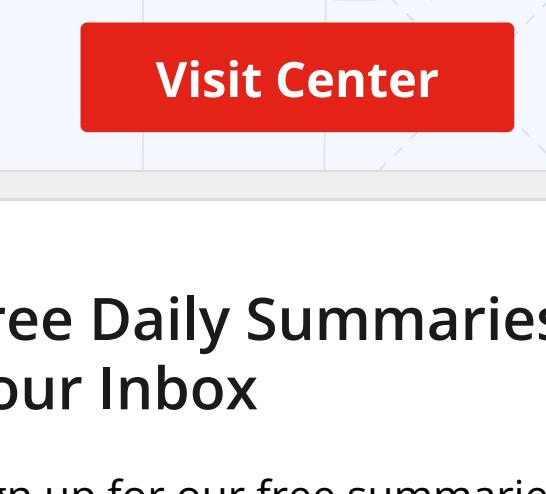
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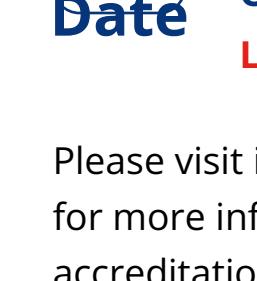
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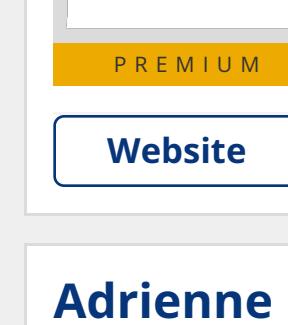
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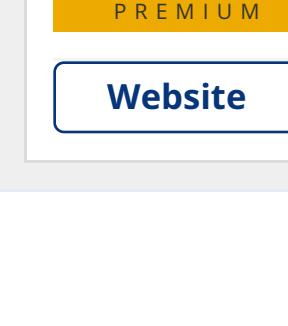
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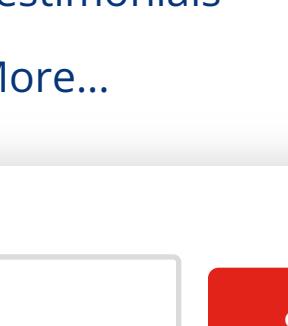
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2011 Wyoming Statutes

TITLE 35 - PUBLIC HEALTH AND SAFETY

CHAPTER 7 - FOOD AND DRUGS

35-7-1002. Definitions.

Universal Citation: WY Stat § 35-7-1002 (1997 through Reg Sess)

(a) As used in this act:

(i) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(A) A practitioner (or by his authorized agent); or

(B) The patient or research subject at the direction of the practitioner.

(ii) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman;

(iii) Repealed By Laws 2011, Ch. 45, 2.

(iv) "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V of article III;

(v) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;

(vi) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship;

(vii) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery;

(viii) "Dispenser" means a practitioner who dispenses, or his authorized agent;

(ix) "Distribute" means to deliver other than by administering or dispensing a controlled substance;

(x) "Distributor" means a person who distributes;

(xi) "Drug" means:

(A) Substances recognized as drugs in official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;

(B) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(C) Substances (other than food) intended to affect the structure or any function of the body of man or animals; and

(D) Substances intended for use as a component of any article specified in subparagraph (A), (B), or (C) of this paragraph. It does not include devices or their components, parts or accessories.

(xii) "Immediate precursor" means a substance which the commissioner has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture;

(xiii) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extractions and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging or labeling of a controlled substance;

(A) By a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

(B) By a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(xiv) "Marijuana" means all parts of the plant of the genus Cannabis, whether growing or not; the seed thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;

(xv) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(A) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(B) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (A) of this paragraph, but not including the isoquinoline alkaloids of opium;

(C) Opium poppy and poppy straw;

(D) Coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(xvi) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under W.S. 35-7-1011, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextro-methorphan). It does include its racemic and levorotatory forms;

(xvii) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds;

(xviii) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;

(xix) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;

(xx) "Practitioner" means:

(A) A physician, dentist, veterinarian, podiatrist, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state;

(B) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

(xxi) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance;

(xxii) "State" means the state of Wyoming;

(xxiii) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household;

(xxiv) "Law enforcement officer" means any sheriff, undersheriff or sheriff's deputy of any county of this state, any duly authorized municipal policeman of any city or town of this state, any member of the Wyoming highway patrol, any police officer of the University of Wyoming or any Wyoming community college who is a peace officer, any superintendent, assistant superintendent or full-time park ranger of a state park, state recreation area, state archeological site or state historic site who has qualified pursuant to W.S. 9-1-701 through 9-1-707, when acting within the boundaries of the state park, state recreation area, state archeological site or state historic site or when responding to a request to assist other law enforcement officers acting within the scope of their official duties in their own jurisdiction, or any special agent employed by the commissioner under this act;

(xxv) "Board" means the Wyoming state board of pharmacy;

(xxvi) "Commissioner" means the commissioner of drugs and substances control;

(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:

(A) Isomerization devices when used, advertised for use, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

(B) Quinine hydrochloride, mannitol and mannite when used, advertised for use, intended for use or designed for use in diluting controlled substances;

(C) Separation gins and sifters when used or advertised for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;

(D) Objects when used, advertised for use, intended for use or designed for use in injecting controlled substances into the human body;

(E) The following objects when used, advertised for use, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil or any other controlled substance into the human body;

(I) Metal, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(II) Carburetion tubes;

(III) Carburetion masks;

(IV) Chamber pipes;

(V) Carburetor pipes;

(VI) Electric pipes;

(VII) Air-driven pipes;

(VIII) Chillums;

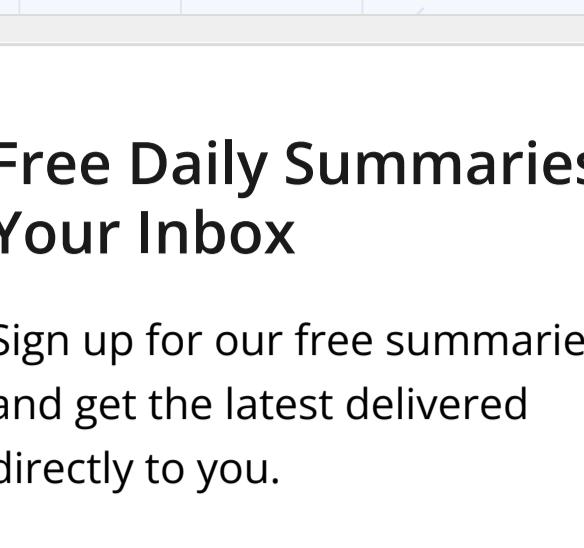
(IX) Bongs;

(X) Ice pipes or chillers.

(xxviii) "This act" means W.S. 35-7-1001 through 35-7-1060.

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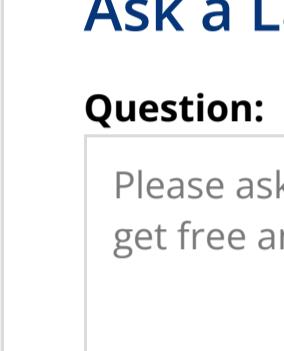
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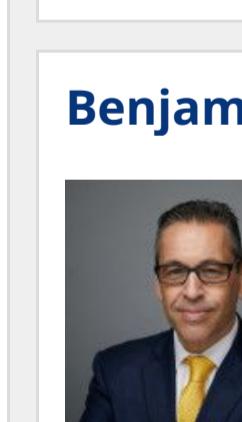
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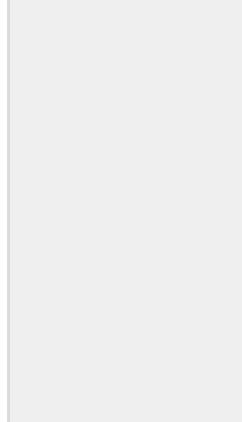
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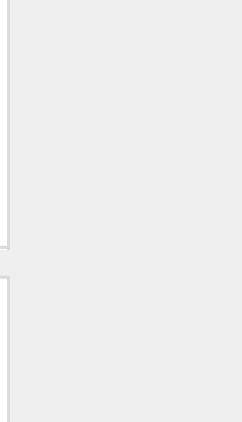
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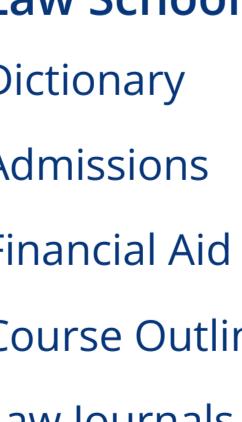
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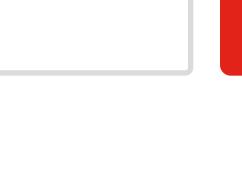
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2022 Wyoming Statutes

Title 35 - Public Health and Safety

Chapter 7 - Food and Drugs

Article 10 - Controlled Substances

Section 35-7-1040 - Planting, Cultivating or Processing Marihuana, Peyote or Opium Poppy.

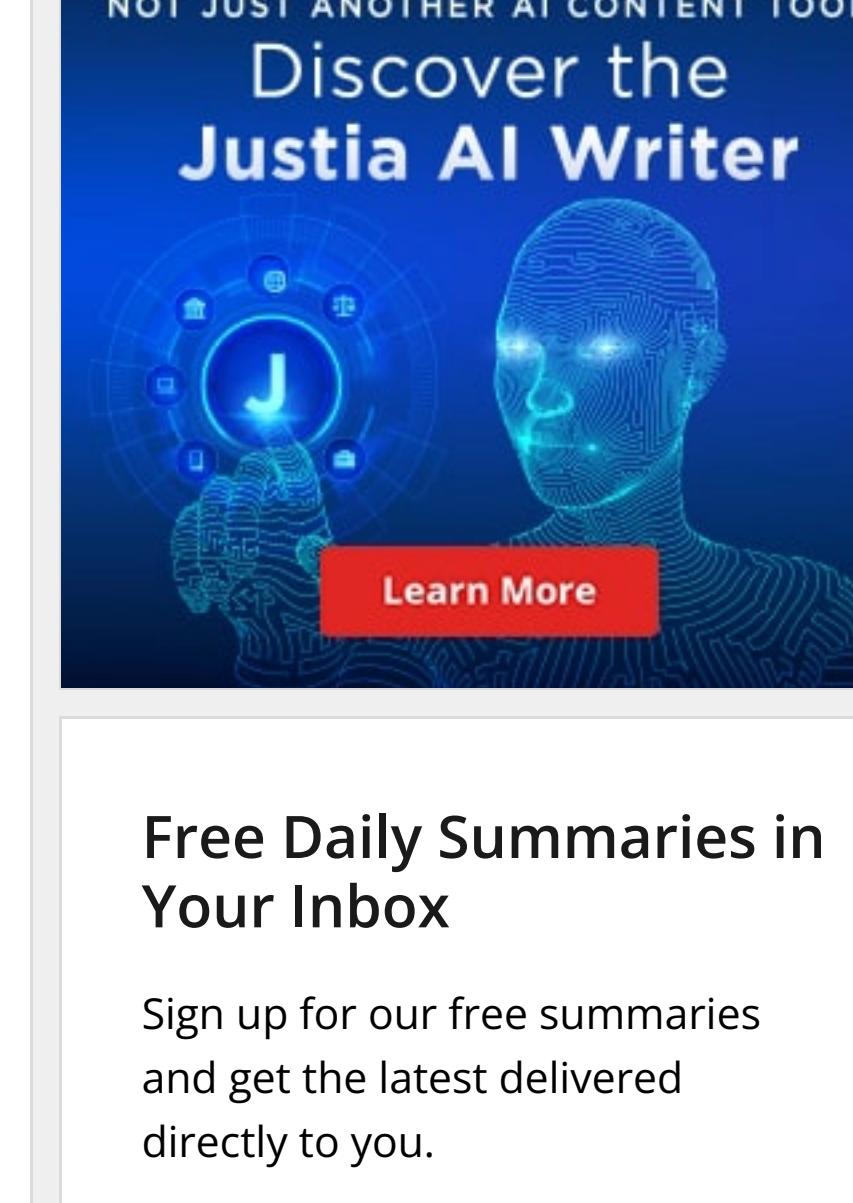
Universal Citation: WY Stat § 35-7-1040 (2022)[◀ Previous](#)[Next ▶](#)**35-7-1040. Planting, cultivating or processing marihuana, peyote or opium poppy.**

Any person who knowingly or intentionally plants, cultivates, harvests, dries, or processes any marihuana, 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.

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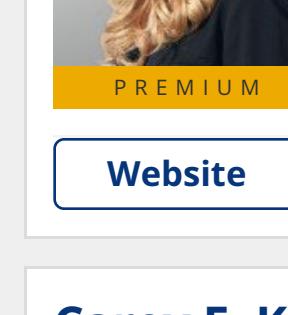
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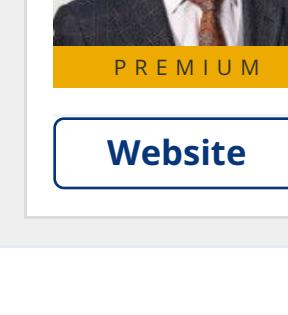
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FINDLAW / CODES / WYOMING / TITLE 35. PUBLIC HEALTH AND SAFETY / § 35-7-1031

Wyoming Statutes Title 35. Public Health and Safety § 35-7-1031. Unlawful manufacture or delivery; counterfeit substance; unlawful possession

Current as of December 01, 2021 | Updated by [FindLaw Staff](#)

- (a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. Any person who violates this subsection with respect to:
- (i) Methamphetamine or a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than twenty (20) years, or fined not more than twenty-five thousand dollars (\$25,000.00), or both;
 - (ii) Any other controlled substance classified in Schedule I, II or III, is guilty of a crime and upon conviction may be imprisoned for not more than ten (10) years, fined not more than ten thousand dollars (\$10,000.00), or both;
 - (iii) A substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than two (2) years, fined not more than two thousand five hundred dollars (\$2,500.00), or both;
 - (iv) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one (1) year, fined not more than one thousand dollars (\$1,000.00), or both.
- (b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance. Any person who violates this subsection with respect to:
- (i) A counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than twenty (20) years, fined not more than twenty-five thousand dollars (\$25,000.00), or both;
 - (ii) Any other counterfeit substance classified in Schedule I, II or III, is guilty of a crime and upon conviction may be imprisoned for not more than ten (10) years, fined not more than ten thousand dollars (\$10,000.00), or both;
 - (iii) A counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than two (2) years, fined not more than two thousand five hundred dollars (\$2,500.00), or both;
 - (iv) A counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one (1) year, fined not more than one thousand dollars (\$1,000.00), or both.
- (c) 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 any drug that has received final approval from the United States food and drug administration, including 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. No prescription or practitioner's order for marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol shall be valid, unless the prescription is for a drug that has received final approval from the United States food and drug administration, including dronabinol. Any person who violates this subsection:
- (i) And has in his possession a controlled substance in the amount set forth in this paragraph is guilty of a misdemeanor punishable by imprisonment for not more than twelve (12) months, a fine of not more than one thousand dollars (\$1,000.00), or both. Any person convicted for a third or subsequent offense under this paragraph, including convictions for violations of similar laws in other jurisdictions, shall be imprisoned for a term not more than five (5) years, fined not more than five thousand dollars (\$5,000.00), or both. For purposes of this paragraph, the amounts of a controlled substance are as follows:
 - (A) For a controlled substance in plant form, no more than three (3) ounces;
 - (B) For a controlled substance in liquid form, no more than three-tenths (3/10) of a gram;
 - (C) For a controlled substance in powder or crystalline form, no more than three (3) grams;
 - (D) For a controlled substance in pill or capsule form, no more than three (3) grams;
 - (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 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;
 - (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.
- (d) For purposes of determining the weights to be given the controlled substances under this section, the weights designated in this section shall include the weight of the controlled substance and the weight of any carrier element, cutting agent, diluting agent or any other substance excluding packaging material.

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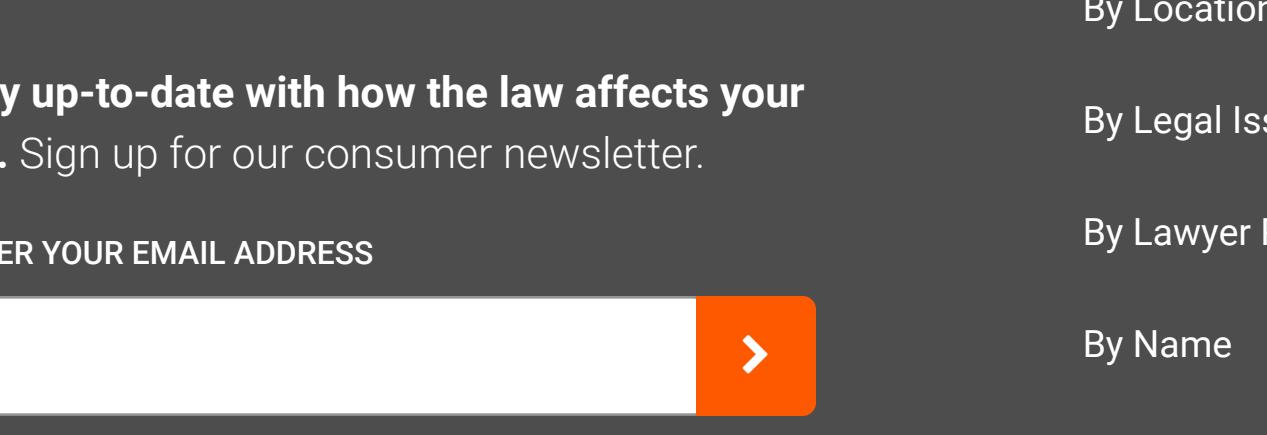
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2022 Wyoming Statutes

Title 35 - Public Health and Safety

Chapter 7 - Food and Drugs

Article 10 - Controlled Substances

Section 35-7-1039 - Person Using or Under Influence of Controlled Substance.

Universal Citation: WY Stat § 35-7-1039 (2022)[◀ Previous](#)[Next ▶](#)**35-7-1039. Person using or under influence of controlled substance.**

Any person who knowingly or intentionally uses or is under the influence of a controlled substance listed in Schedules I, II or III 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 in the county jail not to exceed six (6) months or a fine not to exceed seven hundred fifty dollars (\$750.00), or by both.

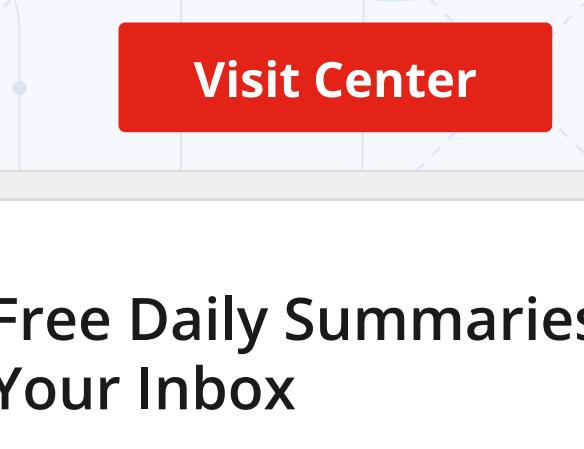
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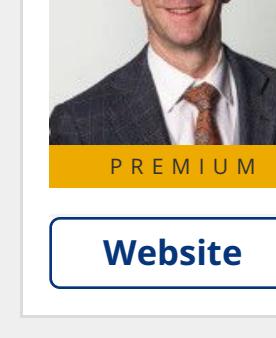
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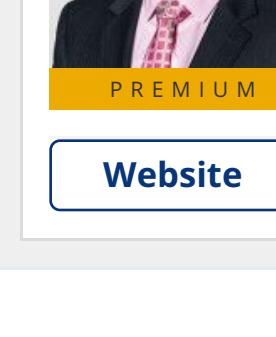
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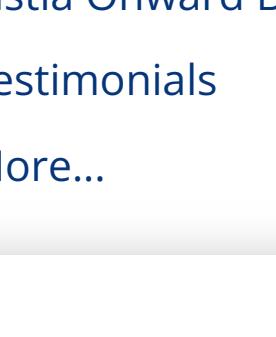
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2022 Wyoming Statutes

Title 35 - Public Health and Safety

Chapter 7 - Food and Drugs

Article 10 - Controlled Substances

Section 35-7-1037 - Probation and Discharge of First Offenders.

Universal Citation: WY Stat § 35-7-1037 (2022)[◀ Previous](#)[Next ▶](#)**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, 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), or pleads guilty to or is found guilty of using or being under the influence of a controlled substance under W.S. 35-7-1039, 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. Any term of probation imposed under this section for a felony offense shall not exceed the maximum term of probation authorized under W.S. 7-13-302(b). 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.

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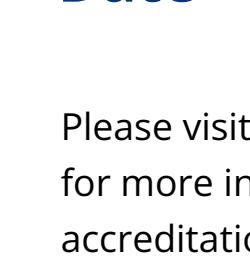
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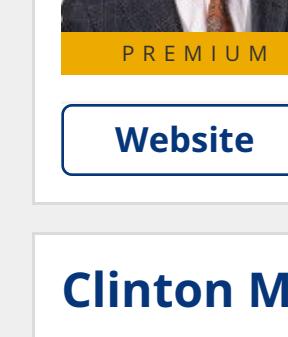
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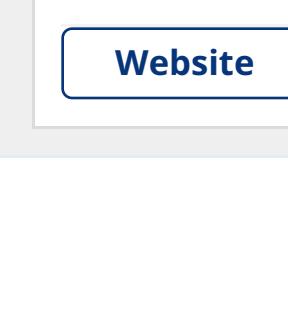
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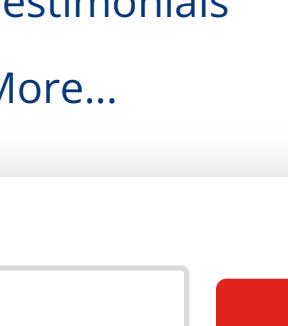
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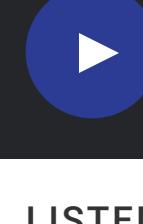
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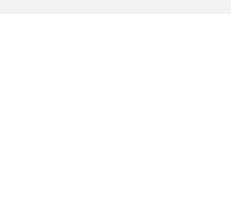
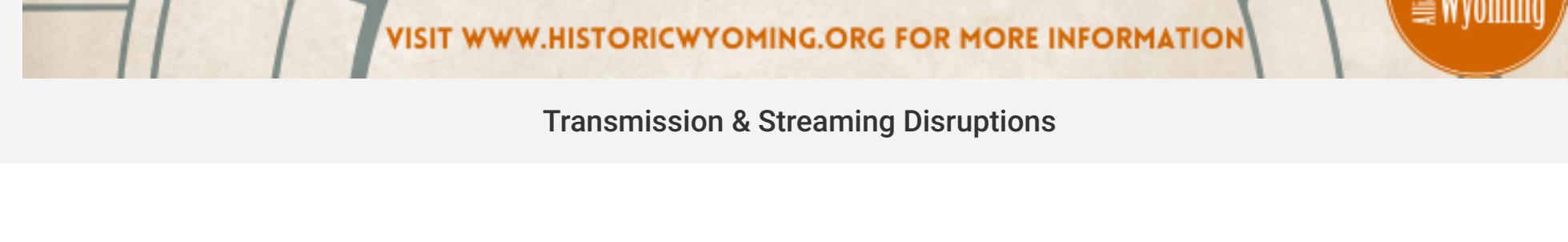
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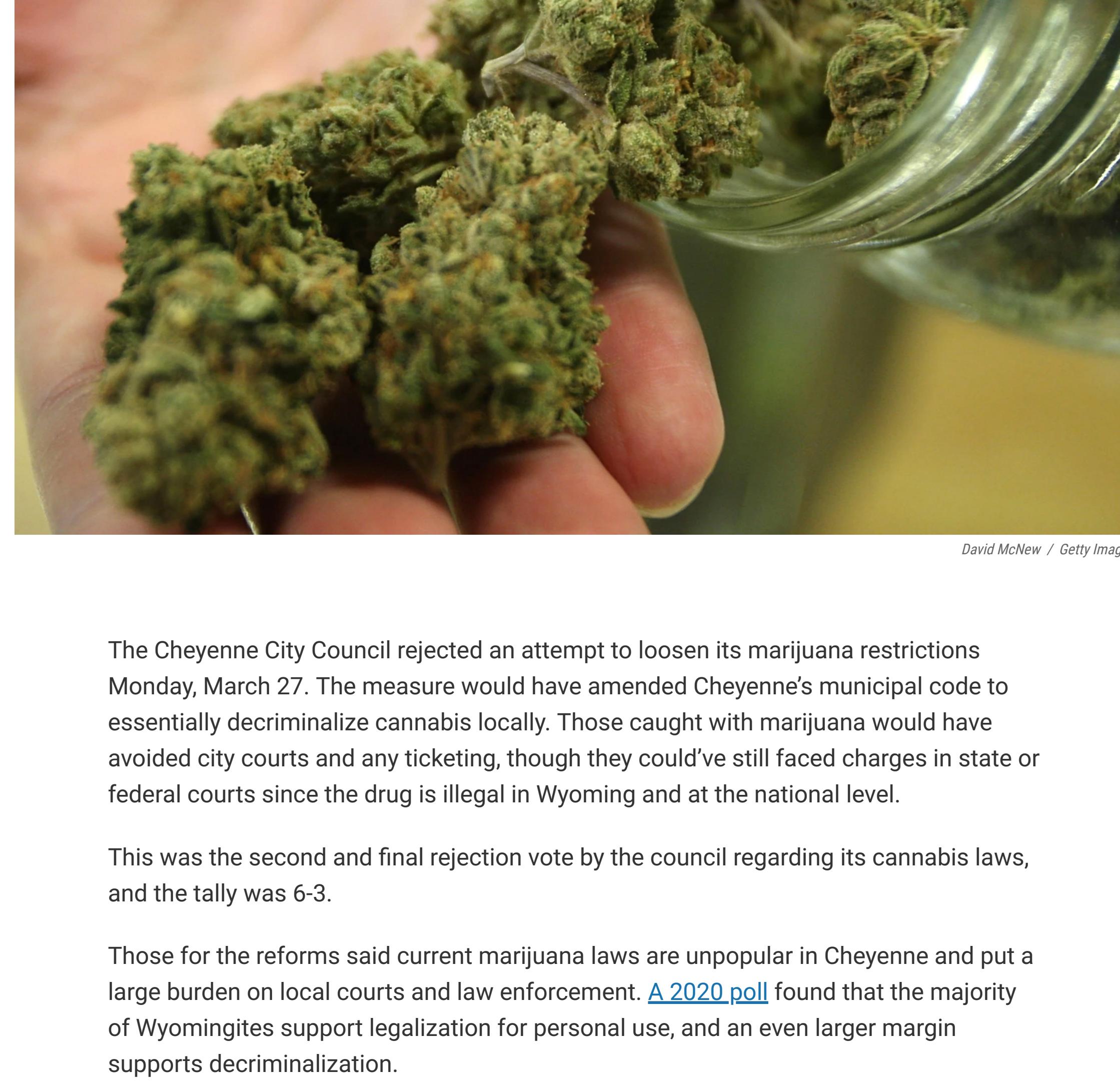
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Politics & Government

Cheyenne City Council rejects marijuana reforms

Wyoming Public Radio | By [Will Walkey](#)

Published March 28, 2023 at 4:37 PM MDT



David McNew / Getty Images

The Cheyenne City Council rejected an attempt to loosen its marijuana restrictions Monday, March 27. The measure would have amended Cheyenne's municipal code to essentially decriminalize cannabis locally. Those caught with marijuana would have avoided city courts and any ticketing, though they could've still faced charges in state or federal courts since the drug is illegal in Wyoming and at the national level.

This was the second and final rejection vote by the council regarding its cannabis laws, and the tally was 6-3.

Those for the reforms said current marijuana laws are unpopular in Cheyenne and put a large burden on local courts and law enforcement. [A 2020 poll](#) found that the majority of Wyomingites support legalization for personal use, and an even larger margin supports decriminalization.

"If the state believes that this should be illegal, despite what the overwhelming majority of citizens want, let them pay for it," said local resident Max Eadsdale. "Let them bear as much of the burden as possible or change the law to reflect the popular will."

Those against the ordinance, however, argued that it was unconstitutional and mostly an unhelpful symbolic message.

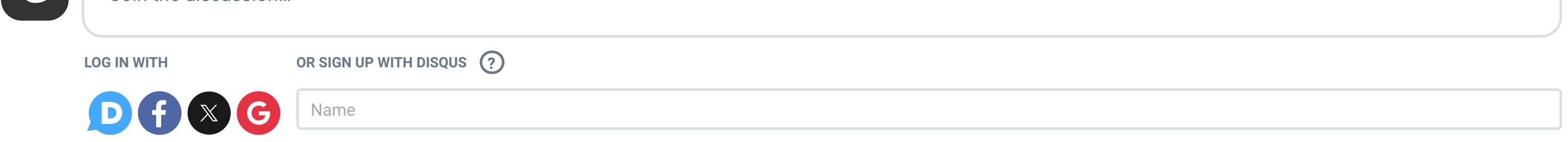
"Marijuana remains a schedule one drug and is illegal on a state and federal level," said Rhea Parsons with the Wyoming Association of Sheriffs and Chiefs of Police. "An ordinance that runs contrary to that would probably put you in the weeds more than you would care for."

Wyoming [has some of the strictest marijuana laws](#) in the Mountain West – cannabis is outlawed even for medical use. Two petitions that would've put different forms of legalization on the 2024 ballot [both failed](#) to get enough signatures from state residents.

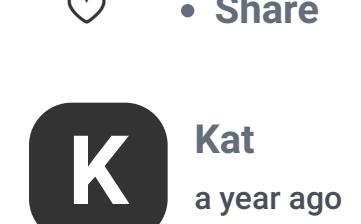
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Will Walkey

Will Walkey is currently a reporter for Wyoming Public Radio. Through 2023, Will was WPR's regional reporter with the Mountain West News Bureau. He first arrived in Wyoming in 2020, where he covered Teton County for KHOL 89.1 FM in Jackson. His work has aired on NPR and numerous member stations throughout the Rockies, and his story on elk feedgrounds in Western Wyoming won a regional Murrow award in 2021.

[See stories by Will Walkey](#)

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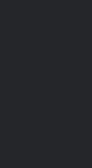
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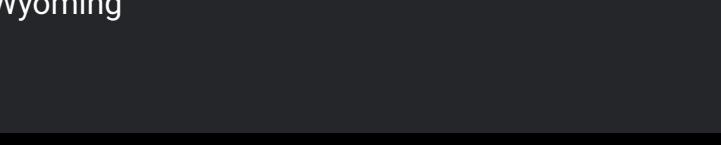
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