

HOUSE BILL NO. HB0078

Plant derived pain medication.

Sponsored by: Representative(s) Gay and Byrd and Senator(s)
Case

A BILL

for

1 AN ACT relating to public health; allowing supervised use
2 of plant derived pain medication as specified; providing an
3 exemption from prosecution for possession or use of plant
4 derived pain medication as specified; authorizing a fee for
5 registration; providing definitions; and providing for an
6 effective date.

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

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10 **Section 1.** W.S. 35-7-1063 and 35-7-1801 through
11 35-7-1803 are created to read:

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13 **35-7-1063. Exception to provisions.**

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1 The provisions and penalties of this chapter shall not
2 apply to the medical use of plant derived pain medication
3 when used in accordance with the provisions of W.S.
4 35-7-1801 through 35-7-1803.

5

6

ARTICLE 18

7

SUPERVISED MEDICAL USE OF PLANT DERIVED PAIN MEDICATION

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35-7-1801. Definitions.

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11 (a) As used in this article:

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13 (i) "Department" means the state department of
14 health;

15

16 (ii) "Parent" means a parent or legal guardian
17 of a minor who is responsible for the minor's medical care;

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19 (iii) "Plant derived pain medication" means a
20 preparation containing cannabis plant material that:

21

22 (A) Is composed of less than five percent
23 (5%) tetrahydrocannabinol by weight;

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2 (B) Is composed of at least fifteen percent
3 (15%) cannabidiol by weight;

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5 (C) Contains no other psychoactive
6 substance;

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8 (D) Does not consist only of cannabis plant
9 material in its untreated form; and

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11 (E) Is not intended for ingestion by
12 smoking.

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14 (iv) "Prescribing physician" means a person who
15 is licensed to practice medicine pursuant to W.S. 33-26-301
16 et seq. and who certified by a nationally recognized
17 professional organization as a neurosurgeon, neurologist,
18 pain management specialist, psychiatrist, oncologist or
19 ophthalmologist;

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21 (v) "Registrant" means the person who holds a
22 registration card issued by the department pursuant to this
23 article;

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(vi) "Registration card" means a card issued by the department under W.S. 35-7-1802.

35-7-1802. Plant derived pain medication registration cards.

(a) The department shall issue a plant derived pain medication registration card to a person who:

(i) Is at least eighteen (18) years of age;

(ii) Is a resident of Wyoming;

(iii) Provides a statement to the department which is signed by a prescribing physician and specifies that the person suffers from long term pain, glaucoma or migraine and may benefit from treatment with plant derived pain medication;

(iv) Pays a fee to the department as specified in subsection (e) of this section; and

1 (v) Submits an application to the department on
2 a form created by the department that contains:

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4 (A) The individual's name and address;

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6 (B) A copy of the individual's valid photo
7 identification; and

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9 (C) Any other information the department
10 considers necessary to implement this article.

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12 (b) The department shall issue a registration card to
13 a parent who:

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15 (i) Is at least eighteen (18) years of age;

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17 (ii) Is a Wyoming resident;

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19 (iii) Provides the department with a statement
20 signed by a prescribing physician that the minor in the
21 parent's care suffers from long term pain, glaucoma or
22 migraine and may benefit from treatment plant derived pain
23 medication;

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2 (iv) Pays the department a fee as provided in
3 subsection (e) of this section; and

4

5 (v) Submits an application to the department on
6 a form created by the department, which contains:

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8 (A) The parent's name and address;

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10 (B) The minor's name;

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12 (C) A copy of the parent's valid photo
13 identification; and

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15 (D) Any other information the department
16 considers necessary to implement this article.

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18 (c) The department shall maintain a registry of:

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20 (i) The names of each applicant to whom the
21 department issues a registration card under subsection (a)
22 of this section; and

23

1 (ii) The names of each minor receiving care from
2 a parent who is issued a registration card under subsection
3 (b) of this section.

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5 (d) The department shall promulgate rules and
6 regulations to establish:

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8 (i) The information an applicant is required to
9 provide to the department under this article; and

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11 (ii) The form of the registration card issued
12 under this article.

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14 (e) The department shall establish a fee for
15 maintaining the registry in an amount to ensure that, to
16 the extent practicable, the total revenue generated from
17 the fees collected approximates, but does not exceed, the
18 direct and indirect costs of administering the registry.

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20 (f) A registration card issued under subsection (a)
21 or (b) of this section is valid for one (1) year and is
22 renewable if, at the time of renewal, the registrant meets
23 the requirements of subsection (a) or (b) of this section.

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2 (g) The prescribing physician who signs a statement
3 as provided in this section shall:

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5 (i) Keep a record of his evaluation and
6 observation of a patient who is a registrant or a minor
7 under a registrant's care including the patient's response
8 to plant derived pain medication; and

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10 (ii) Transmit a copy of the records to the
11 department.

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13 (h) The department shall maintain a database of
14 records received under subsection (g) of this section. The
15 department shall treat the records as confidential,
16 provided that the department may share the records with a
17 higher education institution for the purpose of studying
18 plant derived pain medication if the records are redacted
19 so that the patient cannot be identified individually.

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21 **35-7-1803. Exemption from criminal and civil**
22 **penalties for the medical use of plant derived pain**
23 **medication.**

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2 (a) Notwithstanding any other provision of this
3 chapter, an individual who possesses or uses plant derived
4 pain medication is not subject to the penalties described
5 in this chapter for possession or use of the medication if
6 the individual:

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8 (i) Possesses or uses the plant derived pain
9 medication pursuant to the direction of his prescribing
10 physician;

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12 (ii) Obtains a registration card issued by the
13 department under W.S. 35-7-1802; and

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15 (iii) Can provide, through a certificate of
16 analysis or otherwise, evidence that the medication meets
17 the percentages for tetrahydrocannabinol and cannabidiol
18 provided in W.S. 37-7-1801(a)(iii).

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20 (b) Notwithstanding any other provision of this
21 chapter, an individual who possesses plant derived pain
22 medication lawfully under subsection (a) of this section
23 and administers the pain medication to a minor is not

1 subject to the penalties described in this chapter for
2 administering the medication to the minor if:

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4 (i) The individual is the minor's parent or
5 legal guardian; and

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7 (ii) The individual obtains a registration card
8 issued by the department under W.S. 35-7-1802(b).

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10 **Section 2.** W.S. 35-7-1002(a)(xxviii) is amended to
11 read:

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13 **35-7-1002. Definitions.**

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15 (a) As used in this act:

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17 (xxviii) "This act" means W.S. 35-7-1001 through
18 ~~35-7-1060~~ 35-7-1063.

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20 **Section 3.** This act is effective July 1, 2015.

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(END)