

S.F. No. 0096

Marihuana edibles.

Sponsored By: Senator(s) Wasserburger and Representative(s)
Harshman and Piiparinen

AN ACT relating to controlled substances; specifying components of marihuana and tetrahydrocannabinols subject to prosecution; specifying the weight for prosecution of edibles and drinkables containing marihuana or tetrahydrocannabinols; specifying the weight for prosecution of controlled substances in other forms; specifying penalties; and providing for an effective date.

2/10/2016 Bill Number Assigned
2/11/2016 S Received for Introduction
2/12/2016 S Introduced and Referred to S01 - Judiciary 25-5-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Burns, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas, P., Pappas, Perkins, Peterson, Ross, Scott, Wasserburger

Nays: Senator(s) Case, Craft, Hastert, Rothfuss, Von Flatern

Ayes 25 **Nays** 5 **Excused** 0 **Absent** 0 **Conflicts** 0

2/15/2016 S01 - Judiciary:Recommend Amend and Do Pass 4-1-0-0-0

ROLL CALL

Ayes: Senator(s) Christensen, Esquibel, F., Hicks, Kinskey

Nays: Senator Von Flatern

Ayes 4 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/15/2016 S Placed on General File

SF0096SS001/ADOPTED

Page 3-line 11 Delete "one (1) pound" insert "three (3) ounces". CHRISTENSEN, CHAIRMAN

SF0096SW001/WITHDRAWN

2/18/2016 S COW:Passed
2/19/2016 S 2nd Reading:Laid Back

SF0096S2001/FAILED

Page 3-line 11 Before ";" insert ". It is an affirmative defense to this subparagraph that, as shown through credible evidence, the total amount of marihuana or tetrahydrocannabinols in a compound, mixture or substance is not more than the amount contained in plant material as specified in subparagraph (A) of this paragraph". CASE

SF0096S2002/ADOPTED

Delete the First Senate Standing Committee Amendment (SF0096SS001/A) and the Case Second Reading Amendment (SF0096S2001/A) entirely and further amend as follows:

Page 1-line 4 After "forms;" insert "specifying penalties;".
Page 1-line 9 After "W.S." delete balance of line and insert
"35-7-1031(c) by creating a new paragraph
(vi)".

Page 1-line 10 Delete "subparagraphs (G) and (H)".

Page 2-after line 15 Insert:

"(vi) And has in his possession the specified controlled substance in the amount set forth in subparagraph (A) or (B) of this paragraph may be imprisoned for not more than eight (8) days in the county jail, fined not more than three hundred dollars (\$300.00), or both. A second conviction under this paragraph within three (3) years from the date of the first conviction is punishable by imprisonment of not more than thirty (30) days in the county jail, a fine of not more than one thousand dollars (\$1,000.00), or both. A third or subsequent conviction under this paragraph within three (3) years from the date of the first conviction is punishable by imprisonment of not more than one hundred twenty (120) days in the county jail, a fine of not more than three thousand dollars (\$3,000.00), or both. In addition to or in lieu of, as applicable, the punishment the court may impose under this paragraph, the court may require substance abuse treatment or probation not to exceed one (1) year. For purposes of this paragraph, the amounts of a controlled substance are as follows:

(A) For preparations, compounds, mixtures or substances including but not limited to baked goods, candies, drinks, edibles or any other similar form containing marihuana or tetrahydrocannabinols, not more than three (3) ounces;

(B) Except as otherwise provided in paragraph (c) (i) of this section, for a controlled substance in any other form, not more than three (3) grams."

Page 2-lines 17 through 23 Delete.

Page 3-lines 1 through 15 Delete. MEIER

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Boner, Burns, Case, Coe, Craft, Esquibel, F., Hastert, Hicks, Johnson, Landen, Meier, Nicholas, P., Pappas, Ross, Rothfuss, Scott

Nays: Senator(s) Bebout, Christensen, Cooper, Dockstader, Driskill, Emerich, Geis, Kinskey, Perkins, Peterson, Von Flatern, Wasserburger

Ayes 18 **Nays** 12 **Excused** 0 **Absent** 0 **Conflicts** 0

2/22/2016 S 2nd Reading:Passed

SF0096S3001/FAILED

Page 2-after line 15 In the Meier Second Reading Amendment (SF0096S2002/AC) to this line in subparagraph (A) created by that amendment before ";" insert "It is an affirmative defense to this subparagraph that, as shown through credible evidence, the total amount of marihuana or tetrahydrocannabinols in a compound, mixture or substance is not more than the amount contained in plant material as specified in subparagraph (i)(A) of this subsection". CASE

ROLL CALL

Ayes: Senator(s) Burns, Case, Craft, Esquibel, F., Hastert, Meier, Rothfuss, Scott, Von Flatern

Nays: Senator(s) Anderson, Barnard, Bebout, Boner, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Geis, Hicks, Johnson, Kinskey, Landen, Nicholas, P., Pappas, Perkins, Peterson, Ross, Wasserburger
Ayes 9 **Nays** 21 **Excused** 0 **Absent** 0 **Conflicts** 0

SF0096S3002/FAILED

Page 2-after line 15 In the Meier Second Reading Amendment (SF0096S2001/A) to this line in subparagraph (A) created by that amendment after "containing" insert "any amount of"; delete "three (3) ounces" insert "fifteen (15) grams of tetrahydrocannabinol". ROTHFUSS

ROLL CALL

Ayes: Senator(s) Burns, Case, Craft, Esquibel, F., Hastert, Johnson, Landen, Meier, Rothfuss, Scott, Von Flatern
Nays: Senator(s) Anderson, Barnard, Bebout, Boner, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Geis, Hicks, Kinskey, Nicholas, P., Pappas, Perkins, Peterson, Ross, Wasserburger
Ayes 11 **Nays** 19 **Excused** 0 **Absent** 0 **Conflicts** 0

SF0096S3003/ADOPTED

Page 1-line 1 After "substances;" insert "specifying components of marihuana and tetrahydrocannabinols subject to prosecution;"

Page 1-lines 9 and 10 Delete including the Meier Second Reading Amendment (SF0096S2002/AC) to these lines and insert:

"**Section 1.** W.S. 35-7-1002(a)(xiv), 35-7-1004(d)(xxi) and 35-7-1031(c)(i) by creating a new subparagraph (G), (iii) and by creating a new paragraph (vi) are amended to read:"

Page 1-after line 10 Insert:

"35-7-1002. Definitions.

(a) As used in this act:

(xiv) "Marihuana" 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 or any other nonpsychoactive derivative, extractive, compound or other component of any part of the plant;

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) 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. This paragraph shall not include any nonpsychoactive derivative, extractive, compound or other component of any substance listed therein;".

Page 2-after line 15 In the Meier Second Reading Amendment (SF0096S2002/AC) to this line, in paragraph (vi) created by that amendment delete "subparagraph (A) or (B) of"; delete "as follows:"; in subparagraph (vi)(A) created by that amendment delete "(A)"; after "tetrahydrocannabinols" insert "excluding any nonpsychoactive derivative, extractive, compound or other component thereof"; delete ";" insert "."; in paragraph (vi) created by that amendment delete subparagraph (B).

Page 2-lines 17-23 Delete the Meier Second Reading Amendment (SF0096S2002/AC) to these lines.

Page 3-lines 1 through 15 Delete the Meier Second Reading Amendment (SF0096S2002/AC) to these lines and further amend as follows:

Page 3-lines 7 through 15 Delete including the First Senate Standing Committee Amendment (SF0096SS001/A) to these lines and insert:

"(G) Except as otherwise provided in this paragraph, for a controlled substance in any other form, no more than three (3) grams."

Page 3-after line 15 Insert:

"(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) or (vi) 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;"

MEIER

2/23/2016 S 3rd Reading:Passed 23-7-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Geis, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas, P., Pappas, Perkins, Peterson, Ross, Scott, Wasserburger

Nays: Senator(s) Burns, Case, Craft, Esquibel, F., Hastert, Rothfuss, Von Flatern

Ayes 23 **Nays** 7 **Excused** 0 **Absent** 0 **Conflicts** 0

2/24/2016 H Received for Introduction

2/25/2016 H Introduced and Referred to H01 - Judiciary

2/25/2016 H01 - Judiciary:Recommend Amend and Do Pass 5-4-0-0-0

ROLL CALL

Ayes: Representative(s) Esquibel, K., Krone, Pelkey, Pownall, Winters
Nays: Representative(s) Baker, Halverson, Kroeker, Miller
Ayes 5 **Nays** 4 **Excused** 0 **Absent** 0 **Conflicts** 0

2/25/2016 H Placed on General File
2/29/2016 H Did Not Consider in COW