

HOUSE BILL NO. HB0145

Possession of controlled substances-subsequent offenses.

Sponsored by: Representative(s) Pelkey, Barlow, Connolly,
Lindholm, Miller and Schwartz and Senator(s)
Case and Rothfuss

A BILL

for

1 AN ACT relating to controlled substances; amending
2 penalties for subsequent offenses under the Wyoming
3 Controlled Substance Act of 1971 as specified; providing
4 applicability; and providing for an effective date.

5

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

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8 **Section 1.** W.S. 35-7-1031(c)(i)(intro) is amended to
9 read:

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11 **35-7-1031. Unlawful manufacture or delivery;**
12 **counterfeit substance; unlawful possession.**

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14 (c) It is unlawful for any person knowingly or
15 intentionally to possess a controlled substance unless the

1 substance was obtained directly from, or pursuant to a
2 valid prescription or order of a practitioner while acting
3 in the course of his professional practice, or except as
4 otherwise authorized by this act. With the exception of
5 dronabinol as listed in W.S. 35-7-1018(h), and
6 notwithstanding any other provision of this act, no
7 practitioner shall dispense or prescribe marihuana,
8 tetrahydrocannabinol, or synthetic equivalents of marihuana
9 or tetrahydrocannabinol and no prescription or
10 practitioner's order for marihuana, tetrahydrocannabinol,
11 or synthetic equivalents of marihuana or
12 tetrahydrocannabinol shall be valid. Any person who
13 violates this subsection:

14

15 (i) And has in his possession a controlled
16 substance in the amount set forth in this paragraph is
17 guilty of a misdemeanor punishable by imprisonment for not
18 more than twelve (12) months, a fine of not more than one
19 thousand dollars (\$1,000.00), or both. Any person
20 convicted for a ~~third~~fourth or subsequent offense if the
21 offense occurred within five (5) years after a conviction
22 for a violation under this paragraph, including convictions
23 for violations of similar laws in other jurisdictions,

1 shall be imprisoned for a term not more than five (5)
2 years, fined not more than five thousand dollars
3 (\$5,000.00), or both. For purposes of this paragraph, the
4 amounts of a controlled substance are as follows:

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6 **Section 2.** This act shall apply to convictions in
7 which the fourth or subsequent offense leading to the
8 conviction occurred on or after July 1, 2017.

9

10 **Section 3.** This act is effective July 1, 2017.

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12

(END)