

SENATE FILE NO. SF0090

Hemp prohibitions and requirements.

Sponsored by: Senator(s) Kost, Boner, Driskill and Gierau
and Representative(s) Flitner and Harshman

A BILL

for

1 AN ACT relating to hemp production; prohibiting the use of
2 smokable hemp in public; prohibiting the sale of smokable
3 hemp to those under age twenty-one; providing criminal and
4 other penalties; requiring labeling of edible hemp products
5 as specified; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 11-51-108 and 14-3-109 are created to
10 read:

11

12 **11-51-108. Prohibited uses of hemp; penalties.**

13

14 (a) No individual shall knowingly or intentionally
15 smoke any product containing hemp in a public place. An

1 individual who violates this subsection is guilty of a
2 misdemeanor punishable as follows:

3

4 (i) For a first offense, by a fine of not more
5 than fifty dollars (\$50.00);

6

7 (ii) For a second offense, by a fine of not more
8 than one hundred dollars (\$100.00);

9

10 (iii) For a third or subsequent offense, by a
11 fine of not more than five hundred dollars (\$500.00).

12

13 **14-3-109. Sale of smokable hemp products; penalty.**

14

15 (a) No person shall sell, offer for sale, give away
16 or deliver smokable hemp or smokable hemp products to any
17 person under the age of twenty-one (21) years.

18

19 (b) Any person violating subsection (a) of this
20 section is guilty of a misdemeanor punishable by a fine of
21 not more than:

22

1 (i) Two hundred fifty dollars (\$250.00) for a
2 first violation. The court may allow the defendant to
3 perform community service and be granted credit against his
4 fine and court costs at the rate of ten dollars (\$10.00)
5 for each hour of work performed;

6

7 (ii) Five hundred dollars (\$500.00) for a second
8 violation committed within a twenty-four (24) month period,
9 regardless of the locations where the violations occurred.
10 The court may allow the defendant to perform community
11 service and be granted credit against his fine and court
12 costs at the rate of ten dollars (\$10.00) for each hour of
13 work performed;

14

15 (iii) Seven hundred fifty dollars (\$750.00) for
16 a third or subsequent violation committed within a
17 twenty-four (24) month period, regardless of the locations
18 where the violations occurred. The court may allow the
19 defendant to perform community service and be granted
20 credit against his fine and court costs at the rate of five
21 dollars (\$5.00) for each hour of work performed.

22

1 (c) No retailer shall sell, permit the sale, offer
2 for sale, give away or deliver smokable hemp or smokable
3 hemp products to any person under the age of twenty-one
4 (21) years.

5

6 (d) Any person violating subsection (c) of this
7 section is guilty of a misdemeanor punishable by a fine of
8 not more than:

9

10 (i) Two hundred fifty dollars (\$250.00) for a
11 first violation;

12

13 (ii) Five hundred dollars (\$500.00) for a second
14 violation committed during a twenty-four (24) month period;

15

16 (iii) Seven hundred fifty dollars (\$750.00) for
17 a third or subsequent violation committed during a
18 twenty-four (24) month period.

19

20 (e) In addition to the penalties under paragraph
21 (d)(iii) of this section, any person violating subsection
22 (d) of this section by committing a third or subsequent
23 offense within a twenty-four (24) month period may be

1 subject to an injunction. The department of revenue or the
2 district attorney of the county in which the offense
3 occurred, may petition the district court for an injunction
4 to prohibit the sale of smokable hemp products in the
5 establishment where the violation occurred. If the court
6 finds that the respondent in the action has violated the
7 provisions of subsection (d) of this section for a third or
8 subsequent time within a two (2) year period and may
9 continue to violate such provisions, it may grant an
10 injunction prohibiting the respondent from selling smokable
11 hemp products in the establishment where the violation
12 occurred for a period of not more than one hundred eighty
13 (180) days. For the purposes of this subsection, multiple
14 violations occurring before the petition for the injunction
15 is filed shall be deemed part of the violation for which
16 the injunction is sought. If the person against whom the
17 injunction is sought operates multiple, geographically
18 separate establishments, the injunction shall apply only to
19 the establishment where the violation occurred. The
20 injunction shall prohibit all sales of smokable hemp
21 products in the establishment where the violation occurred,
22 regardless of any change in ownership or management of the

1 establishment that is not a bona fide, arms-length
2 transaction while the injunction is in effect.

3

4 (f) It is an affirmative defense to a prosecution
5 under subsections (b) and (d) of this section that, in the
6 case of a sale, the person who sold the smokable hemp
7 product was presented with, and reasonably relied upon, an
8 identification card which identified the person buying or
9 receiving the smokable hemp product as being over
10 twenty-one (21) years of age.

11

12 **Section 2.** W.S. 11-51-102(b) and by creating a new
13 subsection (c) and 35-7-1063(a)(iii) are amended to read:

14

15 **11-51-102. Hemp as agricultural crop; use of hemp.**

16

17 (b) Notwithstanding the requirements of this chapter,
18 the possession, purchase, sale, transportation and use of
19 hemp and hemp products by any person is allowable ~~without~~
20 ~~restriction~~—except as provided in W.S. 11-51-108 and
21 14-3-109.

22

1 (c) Any hemp product marketed or intended for
2 consumption as food or beverage shall include a label on
3 the packaging of the product that lists all active and
4 inactive ingredients in the food or beverage product that
5 contains hemp or cannabidiol. Nothing in this subsection
6 shall be construed to supersede any other applicable
7 federal or state labeling requirements.

8
9 **35-7-1063. Exceptions to provisions.**

10
11 (a) The provisions and penalties of this chapter
12 shall not apply to:

13
14 (iii) Hemp production, processing or testing in
15 accordance with the provisions of W.S. 11-51-101 through
16 ~~11-51-107~~ 11-51-108 and 14-3-109.

17
18 **Section 3.** This act is effective July 1, 2021.

19
20 (END)