

HOUSE BILL NO. HB0108

Sale of THC vaping devices and edibles to minors-prohibited.

Sponsored by: Representative(s) Sommers, Crago, Haroldson and Heiner and Senator(s) Baldwin and Steinmetz

A BILL

for

1 AN ACT relating to children; prohibiting the sale of edible
2 products and vaping products containing
3 tetrahydrocannabinol to persons under twenty-one (21) years
4 of age; providing definitions; specifying penalties,
5 exceptions and affirmative defenses; making conforming
6 amendments; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 14-3-310 is created to read:

11

12 **14-3-310. Prohibited sales or delivery of edible**
13 **products and vaping products.**

14

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

5

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

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10 (i) Two hundred fifty dollars (\$250.00) for a
11 first violation committed within a twenty-four (24) month
12 period;

13

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

16

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

20

21 (c) In lieu of a fine under subsection (b) of this
22 section, the court may allow the defendant to perform
23 community service and be granted credit against his fine

1 and court costs at the rate of ten dollars (\$10.00) for
2 each hour of work performed.

3

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

1 multiple, geographically separate establishments, the
2 injunction shall apply only to the establishment where the
3 violation occurred. The injunction shall prohibit all sales
4 of edible products or vaping products in the establishment
5 where the violation occurred, regardless of any change in
6 ownership or management of the establishment that is not a
7 bona fide, arms-length transaction while the injunction is
8 in effect.

9

10 (e) It is an affirmative defense to a prosecution
11 under subsection (a) this section that, in the case of a
12 sale, the person who sold the edible product or vaping
13 product was presented with, and reasonably relied upon, an
14 identification card which identified the person buying or
15 receiving the edible product or vaping product as being
16 over twenty-one (21) years of age.

17

18 (f) The prohibitions in this section shall not be
19 construed to apply to the sale or dispensing of cannabidiol
20 oil that has not more than three-tenths percent (0.3%) of
21 tetrahydrocannabinol to a parent or guardian for use by the
22 parent's or guardian's child who is less than twenty-one
23 (21) years of age.

1

2 **Section 2.** W.S. 11-51-102(b), 14-3-301(a) by creating
3 new paragraphs (viii) through (x) and 35-7-1063(a)(iii) are
4 amended to read:

5

6 **11-51-102. Hemp as agricultural crop; use of hemp.**

7

8 (b) Notwithstanding the requirements of this chapter,
9 the possession, purchase, sale, transportation and use of
10 hemp and hemp products by any person is allowable ~~without~~
11 ~~restriction~~ except as provided in W.S. 14-3-310.

12

13

ARTICLE 3

14

SALE OF NICOTINE AND THC PRODUCTS

15

16 **14-3-301. Definitions.**

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18 (a) As used in this article:

19

20 (viii) "Edible products" means any product
21 intended for consumption, including but not limited to
22 baked goods, candies, gummies and liquids, that contains

1 tetrahydrocannabinol or a controlled substance listed under
2 W.S. 35-7-1014(d)(xiii) or (xxi);

3
4 (ix) "Tetrahydrocannabinol" means:

5
6 (A) The psychoactive component of the
7 cannabis plant, with the scientific name trans-delta
8 9-tetrahydrocannabinol; or

9
10 (B) Delta 8-tetrahydrocannabinol.

11
12 (x) "Vaping products" mean any device that can
13 be used to deliver aerosolized or vaporized
14 tetrahydrocannabinol to the person using the device and
15 includes any component, part and accessory of the device
16 and any vapor material intended to be aerosolized or
17 vaporized during the use of the device. "Vaping products"
18 include, without limitation, any electronic cigar,
19 electronic cigarillo, electronic pipe, electronic hooka,
20 vapor pen and any similar product or device that uses or
21 contains tetrahydrocannabinol. "Vaping products" do not
22 include a battery or battery charger if sold separately
23 from the vaping product and do not include any product

1 regulated as a drug or device by the United States food and
2 drug administration under subchapter V of the Food, Drug
3 and Cosmetic Act.

4

5 **35-7-1063. Exceptions to provisions.**

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7 (a) The provisions and penalties of this chapter
8 shall not apply to:

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10 (iii) Hemp production, processing or testing in
11 accordance with the provisions of W.S. 11-51-101 through
12 11-51-107 and 14-3-310.

13

14 **Section 3.** This act is effective July 1, 2023.

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(END)