

HOUSE BILL NO. HB0030

Controlled Substances Act-possession amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to controlled substances; eliminating the
2 form of a controlled substance as an element of the
3 misdemeanor offense of unlawful possession of a controlled
4 substance; amending prohibitions on the possession of
5 controlled substances as specified; specifying and amending
6 penalties based on the amount of controlled substances;
7 repealing obsolete provisions; and providing for an
8 effective date.

9

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

11

12 **Section 1.** W.S. 35-7-1031(c)(intro) and by creating
13 new paragraphs (vi) through (xiv) is amended to read:

14

15 **35-7-1031. Unlawful manufacture or delivery;**
16 **counterfeit substance; unlawful possession.**

1

2 (c) It is unlawful for any person knowingly or
3 intentionally to possess a controlled substance unless the
4 substance was obtained directly from, or pursuant to a
5 valid prescription or order of a practitioner while acting
6 in the course of his professional practice, or except as
7 otherwise authorized by this act. With the exception of any
8 drug that has received final approval from the United
9 States food and drug administration, including dronabinol
10 as listed in W.S. 35-7-1018(h), and notwithstanding any
11 other provision of this act, no practitioner shall dispense
12 or prescribe marihuana, tetrahydrocannabinol, or synthetic
13 equivalents of marihuana or tetrahydrocannabinol. No
14 prescription or practitioner's order for marihuana,
15 tetrahydrocannabinol, or synthetic equivalents of marihuana
16 or tetrahydrocannabinol shall be valid, unless the
17 prescription is for a drug that has received final approval
18 from the United States food and drug administration,
19 including dronabinol. ~~Any person who violates~~ This
20 subsection shall be subject to the following:

21

22 (vi) Except as provided in this paragraph and
23 paragraphs (viii) through (xi) of this subsection, any

1 person who violates this subsection and has in his
2 possession a controlled substance classified in Schedule I,
3 II, III or IV in an amount of less than three (3) grams is:

4
5 (A) For a first or second offense of this
6 paragraph, including convictions for violations of similar
7 laws in other jurisdictions, guilty of a misdemeanor
8 punishable by imprisonment for not more than twelve (12)
9 months, a fine of not more than one thousand dollars
10 (\$1,000.00), or both;

11
12 (B) For a third or subsequent offense of
13 this paragraph, including convictions for violations of
14 similar laws in other jurisdictions, guilty of a felony
15 punishable by imprisonment for not more than five (5)
16 years, a fine of not more than five thousand dollars
17 (\$5,000.00), or both.

18
19 (vii) Except as provided in paragraphs (viii)
20 and (ix) of this subsection, any person who violates this
21 subsection and has in his possession methamphetamine or
22 another controlled substance classified in Schedule I or II
23 that is a narcotic drug in an amount of three (3) grams or

1 more is guilty of a felony punishable by imprisonment for
2 not more than seven (7) years, a fine of not more than
3 fifteen thousand dollars (\$15,000.00), or both;

4
5 (viii) Any person who violates this subsection
6 and has in his possession methamphetamine in liquid form,
7 heroin in liquid form, fentanyl in liquid form or LSD
8 (lysergic acid diethylamide) in an amount of less than
9 three-tenths (0.3) grams is:

10
11 (A) For a first or second offense of this
12 paragraph, including convictions for violations of similar
13 laws in other jurisdictions, guilty of a misdemeanor
14 punishable by imprisonment for not more than twelve (12)
15 months, a fine of not more than one thousand dollars
16 (\$1,000.00), or both;

17
18 (B) For a third or subsequent offense of
19 this paragraph, including convictions for violations of
20 similar laws in other jurisdictions, guilty of a felony
21 punishable by imprisonment for not more than five (5)
22 years, a fine of not more than five thousand dollars
23 (\$5,000.00), or both.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(ix) Any person who violates this subsection and has in his possession methamphetamine in liquid form, heroin in liquid form, fentanyl in liquid form or LSD (lysergic acid diethylamide) in an amount of three-tenths (0.3) grams or more is guilty of a felony punishable by imprisonment for not more than seven (7) years, a fine of not more than fifteen thousand dollars (\$15,000.00), or both;

(x) Any person who violates this subsection and has in his possession marihuana or tetrahydrocannabinol in an amount of less than three (3) ounces is:

(A) For a first or second offense of this paragraph, including convictions for violations of similar laws in other jurisdictions, guilty of a misdemeanor punishable by imprisonment for not more than twelve (12) months, a fine of not more than one thousand dollars (\$1,000.00), or both;

(B) For a third or subsequent offense of this paragraph, including convictions for violations of

1 similar laws in other jurisdictions, guilty of a felony
2 punishable by imprisonment for not more than five (5)
3 years, a fine of not more than five thousand dollars
4 (\$5,000.00), or both.

5
6 (xi) Any person who violates this subsection and
7 has in his possession marihuana or tetrahydrocannabinol in
8 an amount of three (3) ounces or more is guilty of a felony
9 punishable by imprisonment for not more than five (5)
10 years, a fine of not more than ten thousand dollars
11 (\$10,000.00), or both;

12
13 (xii) Any person who violates this subsection
14 and has in his possession any controlled substance
15 classified in Schedule I, II or III that is not otherwise
16 listed in this subsection in an amount of three (3) grams
17 or more is guilty of a felony punishable by imprisonment
18 for not more than five (5) years, a fine of not more than
19 ten thousand dollars (\$10,000.00), or both;

20
21 (xiii) Any person who violates this subsection
22 and has in his possession any controlled substance
23 classified in Schedule IV in an amount of three (3) grams

1 or more is guilty of a felony punishable by imprisonment
2 for not more than two (2) years, a fine of not more than
3 two thousand five hundred dollars (\$2,500.00), or both;

4
5 (xiv) Any person who violates this subsection
6 and has in his possession any controlled substance in
7 Schedule V in any amount is guilty of a misdemeanor
8 punishable by imprisonment for not more than twelve (12)
9 months, a fine of not more than one thousand dollars
10 (\$1,000.00), or both.

11
12 **Section 2.** W.S. 35-7-1031(c)(i) through (v) is
13 repealed.

14
15 **Section 3.** This act is effective July 1, 2024.

16
17 (END)