

SENATE FILE NO. SF0032

Hemp-limitations on psychoactive substances.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to hemp production and controlled  
2 substances; prohibiting the addition of synthetic  
3 substances or other additives to hemp; prohibiting the sale  
4 of hemp with THC or psychoactive substances as specified;  
5 providing and amending definitions; including naturally  
6 occurring THC as a scheduled substance in the Controlled  
7 Substances Act; making conforming amendments; requiring  
8 rulemaking; and providing for effective dates.

9

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

11

12 **Section 1.** W.S. 11-51-101(a)(iii), (vi), (vii) and by  
13 creating a new paragraph (viii), 11-51-102(b), 11-51-103 by  
14 creating a new subsection (f), 11-51-104(a)(intro), (iii),  
15 (b), (d) and by creating a new subsection (e),  
16 35-7-1014(d)(xxi) and 35-7-1063(b) are amended to read:

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2           **11-51-101. Definitions.**

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4           (a) As used in this chapter:

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6                   (iii) "Hemp" or "hemp product" means all parts,  
7 seeds and varieties of the plant *cannabis sativa* L.,  
8 whether growing or not, or a product, derivative, extract,  
9 cannabinoid, isomer, acid, salt or salt of isomer made from  
10 that plant with no synthetic substance and with a THC  
11 concentration of not more than three-tenths of one percent  
12 (0.3%) on a dry weight basis when using  
13 post-decarboxylation or another similarly reliable testing  
14 method;

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16                   (vi) "Process" means converting hemp into  
17 another product that contains no synthetic substance and  
18 that contains no more than three-tenths of one percent  
19 (0.3%) THC on a dry weight basis when using  
20 post-decarboxylation or another similarly reliable testing  
21 method;

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23                   (vii) "THC" means:

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2

(A) Tetrahydrocannabinol, the psychoactive component of the cannabis plant, with the scientific name trans-delta 9-tetrahydrocannabinol;

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6

(B) Psychoactive analogs of tetrahydrocannabinol as defined by W.S. 14-3-301(a)(xi);

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9

(C) Any psychoactive structural, optical or geometric isomers of tetrahydrocannabinol.

11

12

(viii) "Synthetic substance" means any synthetic THC, synthetic cannabinoid or any other drug or psychoactive substance.

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16

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

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(b) Notwithstanding the requirements of this chapter, the possession, purchase, sale, transportation and use of hemp and hemp products by any person is allowable except as provided in W.S. 11-51-103(f) and 14-3-310.

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**11-51-103. Licensing; prohibited activities.**

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2 (f) No person or licensee shall:

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4 (i) Produce, process or sell hemp or hemp  
5 products containing more than three-tenths of one percent  
6 (0.3%) THC on a dry weight basis when using  
7 post-decarboxylation or another similarly reliable testing  
8 method;

9

10 (ii) Add, alter, insert or otherwise include any  
11 synthetic substance into hemp or hemp products produced,  
12 processed or sold in accordance with this chapter.

13

14 **11-51-104. Enforcement; fees; penalties.**

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16 (a) The department shall perform inspections and  
17 provide chemical sampling and analysis of production or  
18 processing activities by licensees to determine compliance  
19 with this chapter. The department may require verification  
20 of effective disposal by licensees of hemp or hemp products  
21 that contain synthetic substances or that contain in excess  
22 of three-tenths of one percent (0.3%) THC on a dry weight  
23 basis. For any sample, analysis or verification conducted

1 under this subsection, the department shall assess the  
2 licensee fees as established by rule of the department, not  
3 to exceed the following:

4

5 (iii) Two hundred fifty dollars (\$250.00) for  
6 verification of effective disposal of hemp or hemp products  
7 that contain synthetic substances or that contain in excess  
8 of three-tenths of one percent (0.3%) THC on a dry weight  
9 basis.

10

11 (b) Except as provided in subsection (e) of this  
12 section, any licensee who violates any provision of this  
13 chapter or any regulation promulgated pursuant to this  
14 chapter shall be subject to a corrective action plan. The  
15 corrective action plan may include reporting requirements,  
16 additional inspections, suspension of a license, steps  
17 necessary to restore a license, requirements related to  
18 disposal of hemp or hemp products that contain in excess of  
19 three-tenths of one percent (0.3%) THC on a dry weight  
20 basis or providing notice of the violation to the  
21 licensee's known creditors. The plan may require rendering  
22 THC inaccessible by using hemp or hemp products as a soil

1 amendment material or by destruction of the hemp or hemp  
2 product as authorized by rule of the department.

3

4 (d) If any person has three (3) or more violations of  
5 this chapter or any regulation promulgated pursuant to this  
6 chapter within five (5) years, the department shall revoke  
7 the license and the person shall be ineligible for  
8 licensure under this ~~article~~chapter for five (5) years.

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10 (e) Any person who violates this chapter by  
11 producing, processing or selling hemp or hemp products  
12 containing any synthetic substance shall be ineligible for  
13 licensure under this chapter.

14

15 **35-7-1014. Substances included in Schedule I.**

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17 (d) Hallucinogenic substances.-Unless specifically  
18 excepted or unless listed in another schedule, any  
19 material, compound, mixture or preparation which contains  
20 any quantity of the following hallucinogenic substances,  
21 their salts, isomers and salts of isomers whenever the  
22 existence of these salts, isomers and salts of isomers is  
23 possible within the specific chemical designation (for

1 purposes of this paragraph only, the term "isomer" includes  
2 the optical, position and geometric isomers):

3  
4 (xxi) Tetrahydrocannabinols; naturally occurring  
5 or synthetic equivalents of the substances contained in the  
6 plant or in the resinous extractives of Cannabis, sp.  
7 and/or naturally occurring or synthetic substances,  
8 derivatives and their isomers with similar chemical  
9 structure and pharmacological activity such as the  
10 following: delta 1 cis or trans tetrahydrocannabinol and  
11 their optical isomers; delta 6 cis or trans  
12 tetrahydrocannabinol and their optical isomers; delta 8 cis  
13 or trans tetrahydrocannabinol and their optical isomers;  
14 delta to the 3, 4 cis or trans tetrahydrocannabinol and its  
15 optical isomers. Since nomenclature of these substances is  
16 not internationally standardized, compounds of these  
17 structures, regardless of numerical designation of atomic  
18 positions are covered;

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20 **35-7-1063. Exceptions to provisions.**

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22 (b) As used in this section:

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1           (i) "Hemp" or "hemp product" means all parts,  
2 seeds and varieties of the plant cannabis sativa l. or a  
3 product made from that plant with no synthetic substances  
4 and with a ~~trans-delta-9-tetrahydrocannabinol (THC)~~ THC  
5 concentration of not more than three-tenths of one percent  
6 (0.3%) on a dry weight basis;

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8           (ii) "Synthetic substance" means as defined by  
9 W.S. 11-51-101(a)(viii);

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11           (iii) "THC" means as defined by W.S.  
12 11-51-101(a)(vii).

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14           **Section 2.** The department of agriculture and the  
15 commissioner of drugs and substances control shall  
16 promulgate all rules necessary to implement this act.

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