

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:

1

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

3

4 (a) As used in this chapter:

5

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;

15

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;

22

23 (vii) "THC" means:

1

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

5

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

8

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

11

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

15

16 **11-51-102. Hemp as agricultural crop; use of hemp.**

17

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

22

23 **11-51-103. Licensing; prohibited activities.**

1

2 (f) No person or licensee shall:

3

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.**

15

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.

9

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.**

16

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;

19

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

21

22 (b) As used in this section:

23

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;

7

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

10

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

13

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.

17

1 **Section 3.**

2

3 (a) Except as provided in subsection (b) of this
4 section, this act is effective immediately upon completion
5 of all acts necessary for a bill to become law as provided
6 by Article 4, Section 8 of the Wyoming Constitution.

7

8 (b) Section 1 of this act is effective July 1, 2024.

9

10

(END)