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STATE OF WYOMING

A BALLOT INITIATIVE

for the

The Peggy A. Kelly Wyoming Cannabis Act of 2016.

9 AN ACT relating to medical marijuana and hemp; creating The Peggy A. Kelly Wyoming
10 Cannabis Act of 2016; providing for the lawful acquisition, growth, cultivation, extraction,
11 production, processing, manufacture, testing, distribution, retail sales, licensing and
12 taxation of medical marijuana and medical marijuana-infused products and the operations
13 of medical marijuana establishments; providing for the cultivation and production of hemp
14 and hemp products for commercial, research and development purposes; and, providing
15 for the Wyoming Department of Revenue Liquor Division as rulemaking authority for
16 medical marijuana and hemp.

17
18 Be it enacted by the People of the State of Wyoming that Title 12 of the Wyoming State
19 Statutes is hereby amended to add the following Chapter:

20
21 **Chapter 11 – Legalization, Regulation and Taxation of Medical and Personal Use of**
22 **Marijuana**

23
24 **§11-10-101. Summary.**

25 This chapter provides for the legalization of medical marijuana for use by persons with
26 debilitating medical conditions and for the legalization of medical marijuana and medical
27 marijuana-infused products. This chapter also authorizes and mandates the promulgation
28 of rules regulating the personal or recreational use of marijuana within two (2) years
29 following adoption of this chapter, subject to the provisions contained herein. This chapter
30 vests the Wyoming Department of Revenue Liquor Division (the “Liquor Division”) to
31 regulate the state’s marijuana industry in a manner similar to the state’s regulation of
32 alcohol. A Patient may obtain medical marijuana and medical marijuana-infused products
33 only after being issued a medical marijuana certification by a Wyoming-licensed
34 Physician, and only from state-regulated, medical marijuana dispensaries. Growth and
35 cultivation of medical marijuana to be sold within the state will occur only at site-specific,
36 state-regulated marijuana cultivation facilities. Extraction of medical marijuana and
37 production of medical marijuana-infused products will occur only by state-regulated
38 medical marijuana-infused products manufacturing facilities. No medical marijuana
39 establishment may be within 1,000 feet of a house of worship, a publicly-owned library,
40 playground, an elementary or secondary school, or a state-licensed child day-care center.
41 Medical marijuana establishments shall be subject to any state commercial activities tax,
42 including any applicable sales, use or excise tax as applied to businesses in general and all
43 other local taxes, assessments, fees and charges as applied to businesses in general, but

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1 shall not be subject to any special taxes, assessments, fees and charges, other than the
2 licensure fees set forth herein.

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4 **§11-10-102. Definitions.**

5 As used in this chapter, unless the context otherwise requires,

- 6
- 7 a. “Cannabinoids” means the chemical compounds in marijuana having a
8 variety of pharmacologic properties.
9
 - 10 b. “Caregiver” means an individual licensed by the Liquor Division, other than
11 the Patient and Patient’s Physician, who is 21 years of age or older and is
12 the person responsible for managing the well-being of a Patient with a
13 debilitating medical condition for whom a medical marijuana certification
14 has been issued under this chapter. To qualify as a Caregiver, this
15 individual’s responsibilities to the Patient must include, at a minimum,
16 provision of services in addition to provision of medical marijuana.
17
 - 18 c. “Debilitating medical condition” means cancer, glaucoma, positive status
19 for human immunodeficiency virus, or acquired immune deficiency
20 syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, sickle-
21 cell anemia, ulcerative colitis, dementia, Alzheimer’s disease, or treatment
22 for such conditions, which produces, for a specific Patient, one or more of
23 the following, and which, in the professional opinion of the Patient’s
24 Physician, foreseeably may be alleviated by the use of medical marijuana:
25 cachexia, post-traumatic stress disorder, severe pain, severe nausea,
26 seizures, including those that are characteristic of epilepsy, or persistent
27 muscle spasms, including those that are characteristic of multiple sclerosis.
28 The Liquor Division shall establish and update the list of debilitating
29 medical conditions for which medical marijuana certifications may be
30 issued on an annual basis, consistent with current, peer-reviewed medical
31 research.
32
 - 33 d. “Dispense” means the provision of medical marijuana by an MMD to a
34 Patient or Caregiver for remuneration.
35
 - 36 e. “Hemp” means the plant *Cannabis sativa* L., and any part of the plant,
37 whether growing or not, with a delta-9 tetrahydrocannabinol concentration
38 of not more than 0.3 percent on a dry weight basis.
39
 - 40 f. “Hemp products” means all products made from hemp, including cloth,
41 cordage, fiber, food, fuel, paint, paper, construction materials, plastics seed,
42 seed meal, seed oil and certified seed for cultivation.
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- 1 g. “Marijuana” and “marihuana” mean all parts of the plant of the genus
2 cannabis whether growing or not, the seeds thereof, the resin extracted from
3 any part of the plant, and every compound, salt derivative, mixture, or
4 preparation of the plant, its seeds, or its resin. “Marijuana” includes hashish,
5 fiber produced from the stalks, oil or cake made from the seeks of the plant,
6 sterilized seed of the plant which is incapable of germination, or the weight
7 of any other ingredient combined with marijuana to prepare topical or oral
8 administrations, food, drink or other product.
- 9
10 h. “Marijuana accessories” means any equipment, products, or material of any
11 kind which are used, intended, or designed for vaporizing, ingesting,
12 inhaling, or otherwise introducing, medical marijuana into the human body.
- 13
14 i. “Medical marijuana” means marijuana used to treat a debilitating medical
15 condition, and includes medical marijuana-infused products used to treat
16 debilitating medical conditions.
- 17
18 j. “Medical marijuana certification” means a written certification issued on a
19 form prescribed by the Liquor Division by a Patient’s treating Physician
20 acting in the usual course of his or her professional practice.
- 21
22 k. “Medical marijuana cultivation facility” or “MCF facility” means one or
23 more structures in which, or the real property on which, the growth,
24 cultivation, harvesting, processing, packaging, preparation and labeling of
25 all medical marijuana available for sale or medical use within the state is
26 lawful.
- 27
28 l. “Medical marijuana establishment” means a MCF facility, a MIPS facility,
29 a MTF facility or a MMD facility. A medical marijuana establishment’s
30 actions, and the actions of that establishment’s employees and agents, are
31 lawful and are not subject to civil or criminal penalties so long as such
32 actions are in compliance with this chapter and with any rules and
33 regulations promulgated by the Liquor Division.
- 34
35 m. “Medical marijuana-infused product” means concentrated marijuana
36 products that are composed of medical marijuana and other lawful
37 ingredients and are intended for use or consumption, such as, but not limited
38 to, edible products, marijuana concentrates, sprays, ointments, and
39 tinctures.
- 40
41 n. “Medical marijuana-infused product manufacturing facility” or “MIPS
42 facility” means a facility licensed by the Liquor Division to extract
43 cannabinoids from marijuana plants for use in medical marijuana-infused
44 products available for sale or medical use within the state and to develop,

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1 manufacture, prepare, and/or package medical marijuana-infused products
2 and/or marijuana accessories.

3
4 o. “Medical marijuana testing facility” or “MTF facility” means a facility or
5 laboratory licensed by the Liquor Division to acquire, possess, store,
6 transfer, grow, cultivate, harvest, and process medical marijuana and
7 medical marijuana-infused products for the explicit and limited purposes of
8 engaging in research related to, and/or certifying the safety and potency of,
9 medical marijuana and medical marijuana-infused products. Such facilities
10 are prohibited from selling medical marijuana and medical marijuana-
11 infused products to medical marijuana establishments and consumers, and
12 may transfer medical marijuana and medical marijuana-infused products
13 only to a medical marijuana establishment that has engaged the facility to
14 perform quality control testing on those products or in connection with a
15 safety and potency certification process developed by the Liquor Division.

16
17 p. “Medical marijuana dispensary,” “dispensary” or “MMD facility” means a
18 facility licensed by the Liquor Division to purchase medical marijuana from
19 MCF facilities, and marijuana accessories and medical marijuana-infused
20 products from MIPS facilities, and to sell medical marijuana, medical
21 marijuana-infused products and marijuana accessories to Patients and
22 Caregivers who present valid medical marijuana certifications pursuant to
23 rules adopted by the Liquor Division.

24
25 q. “Patient” means a Wyoming resident who has a debilitating medical
26 condition.

27
28 r. “Physician” means an individual who maintains, in good standing, a license
29 to practice medicine issued by the State of Wyoming.

30
31 s. “Transfer” means the provision, without remuneration, of medical
32 marijuana by a person possessing a valid medical marijuana certification to
33 another person possessing a valid medical marijuana certification, pursuant
34 the §12-10-104(c).

35
36 t. “Unreasonably impracticable” means that the measure necessary to comply
37 with the regulations require such a high investment of risk, money, time, or
38 any other resource or asset that the operation of a medical marijuana
39 establishment is not worthy of being carried out in practice by a reasonably
40 prudent businessperson.

41
42 u. “Wyoming Department of Revenue Liquor Division” or “Liquor Division”
43 means the agency whose authority is vested herein to regulate the marijuana
44 industry, including, but not limited to, regulating, researching and reporting

1 on the growth, cultivation, production, processing, manufacture, testing,
2 distribution, transportation, retail sales, licensing, and taxation of medical
3 marijuana and medical marijuana-infused products.
4

5 **§11-10-103. Use of Medical Marijuana for Debilitating Medical Conditions.**

6 It is lawful for Patients with debilitating medical conditions to acquire, administer,
7 purchase, possess, transport, and use, and for their licensed Caregivers to acquire,
8 administer, purchase, possess, transport and transfer, medical marijuana pursuant to a valid
9 medical marijuana certification. The state shall regulate the conduct of Physicians in
10 issuing medical marijuana certifications in a manner similar to its regulation of medical
11 prescriptions. A treating Physician who has examined a Patient and determined that he or
12 she has a debilitating medical condition may issue a medical marijuana certification if: (1)
13 a bona fide Physician-Patient relationship exists; (2) the Physician determines the risk of
14 the Patient's use of medical marijuana is reasonable in light of the potential benefit; and,
15 (3) the Physician has explained the risks and benefits of using medical marijuana to the
16 Patient. If the Patient is younger than 18 years of age, treatment involving medical
17 marijuana may not be provided without consent by at least one custodial parent, guardian,
18 conservator, or other person with lawful authority to consent to the Patient's medical
19 treatment.
20

21 No agency, including a law enforcement agency, of this state or of a political subdivision
22 of this state may initiate an administrative, civil or criminal investigation of a Physician,
23 nor shall a Physician be denied any right or privilege or be subject to any disciplinary
24 action, solely on the ground that the Physician: (1) discussed with a Patient the use of
25 medical marijuana as a treatment option; or (2) issued a medical marijuana certification
26 under this chapter, or otherwise made a written or oral statement that, in the Physician's
27 professional opinion, the potential benefits of the Patient using medical marijuana would
28 likely outweigh the health risks.
29

30 **§11-10-104. Use of Medical Marijuana.**

31 Notwithstanding any other provision of law, it is lawful, and shall not be an offense under
32 Wyoming law or the law of any locality within Wyoming or be a basis for seizure or
33 forfeiture of assets under Wyoming law, for persons with a valid medical marijuana
34 certification to:
35

- 36 (a) Purchase, use, display, or transport marijuana accessories or three (3) ounces of
37 medical marijuana or its equivalent in medical marijuana-infused products;
38
39 (b) Possess, grow, process, or transport no more than six (6) medical marijuana
40 plants, with three or fewer being mature, flowering plants, and possession of
41 the marijuana or its equivalent in medical marijuana-infused products produced
42 by the plants on the premises where the plants were grown, provided that the

1 growing takes place in an enclosed, locked space, is not conducted openly or
2 publicly, and is not made available for sale;

3
4 (c) Transfer of three (3) ounces or less of medical marijuana, or its equivalent in
5 medical marijuana-infused products, without remuneration to another person
6 with a valid medical marijuana certification;

7
8 (d) Consume medical marijuana or medical marijuana-infused products, provided
9 that nothing in this section shall permit consumption that is conducted openly
10 and publicly or in a manner that endangers others; and,

11
12 (e) Assist another person with a valid medical marijuana certification in any of the
13 acts described in paragraphs (a) through (e) of this subsection.

14
15 **§11-10-105. Taxation of Marijuana Revenue.**

16 The state shall not levy and collect any special tax on all gross revenue of each medical
17 marijuana establishment. Each medical marijuana establishment shall be subject to, and
18 pay, any state commercial activities tax, including any applicable sales, use or excise taxes
19 as apply to businesses in general, and all other local taxes, assessments, fees and charges
20 as apply to businesses in general. No additional taxes, assessments, fees or charges shall
21 be levied on the operations, revenue, or distributed income of a medical marijuana
22 establishment, other than the license fees authorized under this chapter.

23
24 **§11-10-106. Establishment of Medical Marijuana Dispensaries (MMD).**

25 Medical marijuana shall only be dispensed and sold for remuneration to Patients and
26 Caregivers by medical marijuana dispensaries licensed under this chapter, in accordance
27 with a medical marijuana certification issued by the Patient's current treating Physician,
28 who shall exercise the same professional care, ethics and judgment in doing so as is
29 required in issuing medical prescriptions.

30
31 The Liquor Division shall issue licenses to, and shall promulgate and enforce regulations
32 governing the operations of, medical marijuana dispensaries. Such regulations shall include
33 rules regarding the number of licenses within any political subdivision of the state. The
34 Liquor Division shall promulgate the initial regulatory rules for such dispensaries by May
35 31 of the year following adoption of this chapter.

36
37 If the Liquor Division determines as part of its annual audit that a MMD is in material
38 noncompliance with applicable laws or regulations, the Liquor Division may order
39 remedial action; and, to the extent such MMD fails to materially comply with the Liquor
40 Division's remediation order within the reasonable time period set forth by the order, the
41 Liquor Division may suspend or revoke the MMD's license.

1 **§12-10-107. Establishment of Medical Marijuana Cultivation Facilities (MCF).**

2 The growth and cultivation of medical marijuana, for medical use within this state, shall
3 be lawful only at licensed medical marijuana cultivation facilities (MCF), except as
4 otherwise provided herein in §12-10-104(b).

5
6 The Liquor Board shall promulgate the initial regulatory rules for the operation of MCF
7 facilities by May 31 of the year following adoption of this chapter.

8
9 If the Liquor Division determines as part of its annual audit that a MCF facility is in
10 material noncompliance with applicable laws or regulations, the Liquor Division may order
11 remedial action; and, to the extent such MCF facility fails to materially comply with the
12 Liquor Division’s remediation order within the reasonable time period set forth by the
13 order, the Liquor Division may suspend or revoke the MCF facility’s license.

14
15 **§11-10-108. Establishment of Medical Marijuana-Infused Product**
16 **Manufacturing Facilities (MIPS).**

17 The extraction of cannabinoids, and the manufacturing, processing and packaging of
18 medical marijuana-infused products shall be lawful only at licensed medical marijuana-
19 infused product manufacturing facilities (MIPS) pursuant to a licensing and regulatory
20 framework established by the Liquor Division by May 31 of the year following adoption
21 of this chapter. MIPS facilities may also manufacture, process and package marijuana
22 accessories. Such facilities may sell medical marijuana-infused products made only from
23 medical marijuana purchased from licensed MIPS facilities.

24
25 The Liquor Division shall establish rules regulating the chemical content and/or potency
26 of medical marijuana-infused products and shall ensure they are prominently displayed on
27 the products’ packaging.

28
29 If the Liquor Division determines as part of its annual audit that a MIPS facility is in
30 material noncompliance with applicable laws or regulations, the Liquor Division may order
31 remedial action; and, to the extent such MIPS facility fails to materially comply with the
32 Liquor Division’s remediation order within the reasonable time period set forth by the
33 order, the Liquor Division may suspend or revoke the MIPS facility’s license.

34
35 **§11-10-109. Establishment of Medical Marijuana Testing Facilities (MTF).**

36 The testing of medical marijuana, for medical use within this state, shall be lawful only at
37 licensed medical marijuana testing facilities (MTF) pursuant to a licensing and regulatory
38 framework established by the Liquor Division by May 31 of the year following adoption
39 of this chapter. MTF facilities may engage in research related to, and/or certifying the
40 safety and potency of, medical marijuana and medical marijuana-infused products and
41 perform quality control testing on those products or in connection with a safety and potency
42 certification process developed by the Liquor Division.

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If the Liquor Division determines as part of its annual audit that a MTF facility is in material noncompliance with applicable laws or regulations, the Liquor Division may order remedial action; and, to the extent such MTF facility fails to materially comply with the Liquor Division’s remediation order within the reasonable time period set forth by the order, the Liquor Division may suspend or revoke the MTF facility’s license.

§11-10-110. Wyoming Department of Revenue Liquor Division.

It is hereby established that the Wyoming Department of Revenue Liquor Division shall regulate the acquisition, growth, cultivation, extraction, production, processing, manufacture, testing, distribution, retail sales, licensing and taxation of medical marijuana and medical marijuana-infused products and the operations of medical marijuana establishments.

The Liquor Division shall adopt rules to facilitate this chapter’s implementation and continuing operation. The initial regulatory rules required to be adopted herein by specific dates shall be adopted by the Liquor Division notwithstanding any other provision of law regarding promulgation of administrative rules, provided that the Liquor Division shall offer an opportunity for public input. Regulatory rules shall not prohibit the operation of medical marijuana establishments, either expressly or through regulations that make their operations unreasonably impracticable. Such regulations shall include, but not be limited to: procedures for the application for, and the issuance, renewal, transfer, suspension, and revocation of, a license to operate a medical marijuana establishment or medical marijuana testing facility or qualify as a Caregiver; a schedule of application, licensing and renewal fees to be paid to the Liquor Division; qualifications for licensure that are directly and demonstrably related to medical marijuana establishment operations; qualifications for occupational licensure for individuals to be employed by, manage or otherwise operate medical marijuana establishments; regulations regarding debilitating medical conditions, medical marijuana certifications, Caregiver qualifications; requirements to prevent the sale and diversion of medical marijuana and medical marijuana-infused products to persons without valid medical marijuana certifications; requirements for testing the safety and potency of medical marijuana and medical marijuana-infused products; labeling requirements for medical marijuana and medical marijuana-infused products sold or distributed by a medical marijuana establishment; health and safety regulations for the acquisition, growth, cultivation, harvesting, processing, packaging, preparation, extraction, handling, distribution, transportation, manufacture, and production of medical marijuana and/or medical marijuana-infused products; restrictions on the advertising and display of medical marijuana and medical marijuana-infused products to persons without valid medical marijuana certifications; and, civil penalties for failure to comply with regulations made pursuant to this chapter, including enhanced civil penalties for repeat violations. The Liquor Division shall also establish and implement a system for real-time tracking and

1 monitoring of all medical marijuana and medical marijuana-infused products from the
2 initial germination and/or extraction through the final consumer transaction.

3
4 Beginning in the second year following the adoption of this chapter, the Liquor Division
5 shall conduct an annual audit of each medical marijuana establishment to certify, at a
6 minimum, that such medical marijuana establishment is in compliance with all applicable
7 rules and regulations. To the extent it determines that a medical marijuana establishment is
8 in material noncompliance with applicable rules and regulations, the Liquor Division may
9 order remedial action; and, to the extent that establishment fails to comply with the Liquor
10 Division's order within the reasonable time period set forth by that order, the Liquor
11 Division may suspend or revoke the medical marijuana establishment's license.

12
13 The Liquor Division shall issue annual licenses to medical marijuana establishment
14 applicants no later than 90 days after receipt of the completed application unless the Liquor
15 Division finds the applicant is not eligible for a license under applicable laws and
16 regulations. Thereafter, licensees shall be entitled to have their licenses renewed pursuant
17 to the Liquor Division's rules, unless the Liquor Division determines that the licensee has
18 repeatedly failed to comply with its remedial orders. Such renewal shall be issued or denied
19 prior to expiration of the current license. Wyoming's administrative procedure statutes
20 generally applicable to other licensing bodies not in conflict with this chapter shall apply
21 to rulemaking, license denials, suspensions and revocations by the Liquor Division.

22
23 The Liquor Division shall employ necessary and qualified persons, including enforcement
24 agents, and shall retain services of qualified third parties, including experts, to perform its
25 duties.

26
27 **§12-10-111. Funding; Fiscal Impact.**

28 The Liquor Division shall establish a registration fee and appropriate renewal fee to be paid
29 by to cover the actual costs of implementing, administrating, and enforcing the provisions
30 of this chapter. All operating costs and expenses of the Liquor Division and of their staff
31 related to this chapter shall be funded by the reasonable fees and fines based upon the
32 necessary operations of the activities authorized by this chapter.

33
34 **§11-10-112. General Provisions and Specific Limitations.**

- 35
36 a. No medical marijuana establishment shall be located within 1,000 feet of
37 the primary building structure used for any of the following: a house of
38 worship exempt from taxation under Wyoming Statutes; a publicly-owned
39 library; a public or chartered non-public elementary or secondary school; or
40 a state licensed child day-care center, or within 1,000 feet of any public
41 playgrounds or playground adjacent to any of the foregoing primary
42 building structures, so long as such house of worship, library, playground

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1 or day-care center was in existence within the 1,000 foot zone on or before
2 the date of an applicant's first application for a license in the case of a MCF
3 facility, MIPS facility, MTF facility, or MMD facility.

4
5 b. In no event shall a person consume medical marijuana or medical
6 marijuana-infused products in any public place, or in, or on the grounds of,
7 a public or chartered non-public elementary or secondary school, a state
8 licensed child day-care center, a correctional facility or community
9 corrections, or in a vehicle, aircraft, train or motorboat. No person shall
10 operate, navigate, or be in actual physical control of any vehicle, aircraft,
11 train or motorboat while under the influence of medical marijuana or
12 medical marijuana-infused products. The foregoing provisions, other than
13 operating or being in in physical control of a vehicle, aircraft, train or
14 motorboat, do not prohibit a patient from possessing or using medical
15 marijuana in accordance with a medical marijuana certification.

16
17 c. Other than for medical marijuana transferred or sold by a dispensary to a
18 Patient or Caregiver, and for transfers between a Patient and Caregiver
19 consistent with Liquor Division regulations, it shall be unlawful for any
20 person to knowingly sell or transfer medical marijuana or medical
21 marijuana-infused products to a person without a valid medical marijuana
22 certification.

23
24 d. Nothing in this chapter is intended to require an employer to permit or
25 accommodate the use, consumption, possession, transfer, display, or
26 transportation of medical marijuana, medical marijuana-infused products or
27 marijuana accessories in the workplace or to affect employers' ability to
28 restrict use of such products by employees, except that a Patient with a
29 medical marijuana certification may self-administer the medical marijuana
30 subject to the same conditions applied to administration of prescribed
31 medications.

32
33 e. No person shall have an ownership interest in, or be an officer or director
34 of, a medical marijuana establishment who is under the age of 21 or who
35 has been convicted of a felony offense within the prior five years. No person
36 shall continue to an ownership interest in, or an officer or director position
37 with, a medical marijuana establishment upon conviction of a felony and
38 exhaustion of any appeals.

39
40 f. No person under the age of 21 shall be permitted on the premises of a
41 medical marijuana establishment, except that a Patient 18 to 20 years of age
42 may be on a dispensary's premises for the purpose of obtaining medical

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1 marijuana pursuant to a medical marijuana certification issued for such
2 Patient.

3
4 g. It shall be lawful for persons with valid medical marijuana certifications to
5 purchase, possess, transfer, transport, use and share marijuana accessories
6 within this state with other persons with valid medical marijuana
7 certifications marijuana.

8
9 h. It shall not be unlawful for a licensed MCF facility, or its designated
10 employees or agents, to handle, sell, store, deliver, transport or transfer
11 medical marijuana to a licensed MIPS facility, a licensed MMT facility or
12 a licensed MMD facility. It shall not be unlawful for a licensed MIPS
13 facility, or its designated employees or agents, to handle, sell, store, deliver,
14 transport or transfer marijuana accessories or medical marijuana-infused
15 products to another licensed MIPS facility, a licensed MMT facility or a
16 licensed MMD facility. It shall not be unlawful for licensed MMD facilities
17 and licensed MMT facilities, or their designated employees or agents, to
18 purchase, obtain, handle, store, receive, deliver, transport or transfer
19 marijuana accessories, medical marijuana or medical marijuana-infused
20 products from licensed MCF and MIPS facilities and other licensed MMD
21 facilities and licensed MMT facilities.

22
23 i. MCF facilities and MIPS facilities are prohibited from selling, delivering,
24 transporting or transferring medical marijuana, medical marijuana-infused
25 products and marijuana accessories directly to Patients.

26
27 j. Medical marijuana establishments shall be subject to all applicable state and
28 local laws and regulations related to health, safety and building codes,
29 including signage. Notwithstanding the foregoing, no local zoning, land use
30 laws, agricultural regulations, subdivision regulations or similar provisions
31 shall prohibit the development or operation of medical marijuana
32 establishments, provided that no such medical marijuana establishment
33 shall be located in a district zoned exclusively residential as of the date that
34 an application for a license is first filed by a MCF facility, MIPS facility
35 MTF facility or MMD facility.

36
37 k. All provisions of this chapter shall apply in equal force to all localities
38 within the State of Wyoming, whereby medical marijuana establishments
39 may be established in each locality within the State of Wyoming pursuant
40 to this chapter and regulations set by Liquor Division.

41
42 **§11-10-113. Hemp.**

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1 Residents of the State of Wyoming shall have the right to produce hemp and hemp
2 products. With this right, industrial hemp is hereby removed from any schedule or
3 classification system in the State of Wyoming wherein it is listed as a drug. Hemp may be
4 grown as a crop, produced, processed, possessed and commercially traded in Wyoming
5 pursuant to the provisions of this chapter, including those following, for both (a)
6 commercial and (b) research and development purposes:

7
8 (a) A person who intends to grow hemp for either (a) commercial and (b)
9 research and development purposes shall register with the Liquor Division
10 and submit on a form provided by the Liquor Division the following:

- 11
12 1. The name, physical address and mailing address of the person in
13 addition to the fee(s) set forth below in (d) of this subsection;
14 2. A statement that the seeds obtained for planting are of a type and
15 variety that do not exceed the maximum concentration of
16 tetrahydrocannabinol set forth in §12-10-102 of this chapter; and,
17
18 3. The location and acreage of all parcels sown and other field
19 reference information as may be required by the Liquor Division.
20

21 (b) The form provided by the Liquor Division pursuant to subsection (a) of
22 this section shall include a notice statement that, until current federal law
23 is amended to provide otherwise:

- 24
25 1. Cultivation and possession of hemp in Wyoming is a violation of
26 the federal Controlled Substances Act; and,
27
28 2. Federal prosecution for growing hemp in violation of federal law
29 may include criminal penalties, forfeiture of property, and loss of
30 access to federal agricultural benefits, including agricultural loans,
31 conservation programs, and insurance programs.
32

33 (c) A person registered with the Liquor Division pursuant to this section shall
34 allow hemp crops, throughout sowing, growing season, harvest, storage,
35 and processing, to be inspected and tested by and at the discretion of the
36 Liquor Division or its designee.
37

38 (d) The Liquor Division shall establish a registration fee and appropriate
39 renewal fee to be paid by to cover the actual costs of implementing,
40 administrating, and enforcing the provisions of this chapter.
41

1 (e) Hemp and hemp products shall be subject to any state commercial
2 activities tax, including any applicable sales, use or excise tax as applied
3 to businesses in general and all other local taxes, assessments, fees and
4 charges as applied to businesses in general, but shall not be subject to any
5 special taxes, assessments, fees and charges, other than the registration fees
6 set forth herein.
7

8 **§11-10-113. Self-Executing, Severability, Conflicting Provisions, and Enactment**
9 **of Laws.**

10 All provisions of this chapter are self-executing, except as specified herein, are severable,
11 and, except where otherwise indicated in the text, shall supersede all conflicting state and
12 local laws, charters and regulations or other provisions of Wyoming Statutes. The
13 legislature may pass laws implementing the provisions of this chapter that are not in
14 conflict with its provisions. Nothing in this chapter requires the violation of federal law or
15 purports to give immunity under federal law.