

**HB0209HW001**

1 Page 1-above line 1 In the catch title, delete "Regulation"  
2 and insert "Decriminalization".  
3  
4 Page 1-lines 1 through 13 Delete entirely.  
5  
6 Page 2-lines 1 and 2 Delete entirely and insert:  
7  
8 "AN ACT relating to marihuana possession; amending penalties for  
9 marihuana possession as specified; providing for automatic  
10 expungement of records of violation as specified; prohibiting law  
11 enforcement actions as specified; and providing for an effective  
12 date."  
13  
14 Page 2-lines 6 through 23 Delete entirely.  
15  
16 Pages 3 through 121 Delete entirely.  
17  
18 Page 122-lines 1 through 4 Delete entirely and insert:  
19  
20 **Section 1.** W.S. 7-13-1501 by creating a new subsection (n)  
21 and 35-7-1031(c)(i)(A), by creating a new subparagraph (G), by  
22 creating a new paragraph (vi) and by creating a new subsection (e)  
23 are amended to read:  
24  
25 **7-13-1501. Petition for expungement of records of conviction**  
26 **of certain misdemeanors; filing fee; notice; objections; hearing;**  
27 **definitions; exceptions; marihuana possession.**  
28  
29 (n) A court shall expunge any record of violation for a  
30 violation of W.S. 35-7-1031(c)(vi) upon payment of the civil  
31 penalty imposed by that paragraph. No petition shall be required  
32 under this section for such expungements.  
33  
34 **35-7-1031. Unlawful manufacture or delivery; counterfeit**  
35 **substance; unlawful possession.**  
36  
37 (c) It is unlawful for any person knowingly or intentionally  
38 to possess a controlled substance unless the substance was obtained  
39 directly from, or pursuant to a valid prescription or order of a  
40 practitioner while acting in the course of his professional  
41 practice, or except as otherwise authorized by this act. With the  
42 exception of any drug that has received final approval from the  
43 United States food and drug administration, including dronabinol  
44 as listed in W.S. 35-7-1018(h), and notwithstanding any other

1 provision of this act, no practitioner shall dispense or prescribe  
2 marihuana, tetrahydrocannabinol, or synthetic equivalents of  
3 marihuana or tetrahydrocannabinol. No prescription or  
4 practitioner's order for marihuana, tetrahydrocannabinol, or  
5 synthetic equivalents of marihuana or tetrahydrocannabinol shall  
6 be valid, unless the prescription is for a drug that has received  
7 final approval from the United States food and drug administration,  
8 including dronabinol. Any person who violates this subsection:

9  
10 (i) And has in his possession a controlled substance in  
11 the amount set forth in this paragraph is guilty of a misdemeanor  
12 punishable by imprisonment for not more than twelve (12) months,  
13 a fine of not more than one thousand dollars (\$1,000.00), or both.  
14 Any person convicted for a third or subsequent offense under this  
15 paragraph, including convictions for violations of similar laws in  
16 other jurisdictions, shall be imprisoned for a term not more than  
17 five (5) years, fined not more than five thousand dollars  
18 (\$5,000.00), or both. For purposes of this paragraph, the amounts  
19 of a controlled substance are as follows:

20  
21 (A) Except as provided in subparagraph (G), for a  
22 controlled substance in plant form, no more than three (3) ounces;  
23

24 (G) For marihuana, no more than three (3) ounces  
25 but greater than one (1) ounce.  
26

27 (vi) And has in his possession marihuana in an amount no  
28 more than one (1) ounce shall be subject to a civil penalty of  
29 fifty dollars (\$50.00).  
30

31 (e) No peace officer shall search, detain or arrest a person  
32 solely due to the person violating paragraph (c)(vi) of this  
33 section.  
34

35 **Section 2.** This act is effective July 1, 2021.". WESTERN