

HOUSE BILL NO. HB0265

Plant derived pain medication.

Sponsored by: Representative(s) Zwonitzer and Pelkey and
Senator(s) Case

A BILL

for

1 AN ACT relating to public health; allowing supervised use
2 of plant derived pain medication as specified; providing an
3 exemption from prosecution for possession or use of plant
4 derived pain medication; authorizing a fee for
5 registration; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 35-7-2101 through 35-7-2103 are
10 created to read:

11

12 ARTICLE 21

13 SUPERVISED MEDICAL USE OF PLANT DERIVED PAIN MEDICATION

14

15 **35-7-2101. Definitions.**

1

2 (a) As used in this article:

3

4 (i) "Department" means the state department of
5 health;

6

7 (ii) "Parent" means a parent or legal guardian
8 of a minor or adult dependent who is responsible for the
9 person's medical care;

10

11 (iii) "Plant derived pain medication" means a
12 preparation containing cannabis plant material that:

13

14 (A) Is composed of less than five percent
15 (5%) tetrahydrocannabinol by weight;

16

17 (B) Is composed of at least fifteen percent
18 (15%) cannabidiol by weight;

19

20 (C) Contains no other psychoactive
21 substance; and

22

1 (D) Does not consist only of cannabis plant
2 material in its untreated form.

3

4 (iv) "Prescribing physician" means a person who
5 is licensed under the laws of this state to practice
6 medicine and who is certified by a nationally recognized
7 professional organization as a neurosurgeon, neurologist,
8 pain management specialist, psychiatrist, oncologist or
9 ophthalmologist;

10

11 (v) "Registrant" means the person who holds a
12 registration card issued by the department pursuant to this
13 article.

14

15 **35-7-2102. Plant derived pain medication registration**
16 **cards.**

17

18 (a) The department shall issue a plant derived pain
19 medication registration card to a person who:

20

21 (i) Is at least eighteen (18) years of age;

22

23 (ii) Is a resident of Wyoming;

1

2 (iii) Provides a statement to the department
3 which is signed by a prescribing physician and specifies
4 that the person suffers from long term pain, glaucoma,
5 migraine or another disorder that the physician determines
6 may benefit from treatment with plant derived pain
7 medication;

8

9 (iv) Pays a fee to the department as authorized
10 by subsection (e) of this section; and

11

12 (v) Submits an application to the department on
13 a form created by the department that contains:

14

15 (A) The individual's name and address;

16

17 (B) A copy of the individual's valid photo
18 identification; and

19

20 (C) Any other information the department
21 considers necessary to implement this article.

22

1 (b) The department shall issue a registration card to
2 a parent who:

3
4 (i) Is at least eighteen (18) years of age;

5
6 (ii) Is a Wyoming resident;

7
8 (iii) Provides the department with a statement
9 signed by a prescribing physician that the minor or adult
10 dependent in the parent's care suffers from long term pain,
11 glaucoma, migraine or another disorder that the physician
12 determines may benefit from treatment with plant derived
13 pain medication;

14
15 (iv) Pays the department a fee as authorized by
16 subsection (e) of this section; and

17
18 (v) Submits an application to the department on
19 a form created by the department that contains:

20
21 (A) The parent's name and address;

22

1 (B) The name of the minor or adult
2 dependent;

3

4 (C) A copy of the parent's valid photo
5 identification; and

6

7 (D) Any other information the department
8 considers necessary to implement this article.

9

10 (c) The department shall maintain a registry of:

11

12 (i) The names of each applicant to whom the
13 department issues a registration card under subsection (a)
14 of this section; and

15

16 (ii) The names of each minor or adult dependent
17 receiving care from a parent who is issued a registration
18 card under subsection (b) of this section.

19

20 (d) The department shall promulgate rules and
21 regulations to establish:

22

1 (i) The information an applicant is required to
2 provide to the department under this article; and

3
4 (ii) The form of the registration card issued
5 under this article.

6
7 (e) The department shall establish a fee for
8 maintaining the registry in an amount to ensure that, to
9 the extent practicable, the total revenue generated from
10 the fees collected approximates, but does not exceed, the
11 direct and indirect costs of administering the registry.

12
13 (f) A registration card issued under subsection (a)
14 or (b) of this section is valid for one (1) year and is
15 renewable if, at the time of renewal, the registrant meets
16 the requirements of subsection (a) or (b) of this section.
17 A card issued on behalf of a minor pursuant to subsection
18 (b) of this section remains valid after the minor reaches
19 the age of majority until the card expires or is replaced
20 by a card issued pursuant to subsection (a) of this
21 section.

22

1 (g) The prescribing physician who signs a statement
2 as provided in this section shall:

3

4 (i) Keep a record of every evaluation and
5 observation of a patient who is a registrant or a person
6 under a registrant's care including the patient's response
7 to plant derived pain medication; and

8

9 (ii) Transmit a copy of the records to the
10 department.

11

12 (h) The department shall maintain a database of
13 records received under subsection (g) of this section. The
14 department shall treat the records as confidential,
15 provided that the department, with the consent of the
16 registrant, may share the records with a higher education
17 institution for the purpose of studying plant derived pain
18 medication if the records are redacted so that the patient
19 cannot be identified individually.

20

21 **35-7-2103. Exemption from criminal and civil**
22 **penalties for the medical use of plant derived pain**
23 **medication.**

1

2 (a) Notwithstanding any other provision of this
3 chapter, an individual who possesses or uses plant derived
4 pain medication is not subject to the penalties described
5 in this chapter for possession or use of the medication if
6 the individual:

7

8 (i) Possesses or uses the plant derived pain
9 medication for the treatment of a registrant or a minor or
10 adult dependent under a registrant's care as provided in
11 this article;

12

13 (ii) Is a holder of a valid registration card
14 issued by the department under W.S. 35-7-2102; and

15

16 (iii) Can provide, through a certificate of
17 analysis or otherwise, evidence that the medication meets
18 the percentages for tetrahydrocannabinol and cannabidiol
19 provided in W.S. 35-7-2101(a)(iii).

20

21 **Section 2.** W.S. 35-7-1063(a) by creating a new
22 paragraph (iii) is amended to read:

23

1 **35-7-1063. Exceptions to provisions.**

2

3 (a) The provisions and penalties of this chapter
4 shall not apply to:

5

6 (iii) The medical use of plant derived pain
7 medication when used in accordance with the provisions of
8 W.S. 35-7-2101 through 35-7-2103.

9

10 **Section 3.** This act is effective July 1, 2017.

11

12

(END)