

---

HOUSE BILL 2116

---

State of Washington

63rd Legislature

2014 Regular Session

By Representative Appleton

Prefiled 12/10/13.

1 AN ACT Relating to reducing the penalty for possession of  
2 controlled substances; amending RCW 9.94A.518 and 69.50.4013; and  
3 repealing RCW 69.50.4014.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to read  
6 as follows:

7

8 TABLE 4

9 DRUG OFFENSES

10 INCLUDED WITHIN EACH

11 SERIOUSNESS LEVEL

12 III Any felony offense under chapter 69.50

13 RCW with a deadly weapon

14 special verdict under RCW

15 ~~((9.94A.602))~~ 9.94A.825

1 Controlled Substance Homicide (RCW  
2 69.50.415)  
3 Delivery of imitation controlled  
4 substance by person eighteen or  
5 over to person under eighteen  
6 (RCW 69.52.030(2))  
7 Involving a minor in drug dealing  
8 (RCW 69.50.4015)  
9 Manufacture of methamphetamine  
10 (RCW 69.50.401(2)(b))  
11 Over 18 and deliver heroin,  
12 methamphetamine, a narcotic from  
13 Schedule I or II, or flunitrazepam  
14 from Schedule IV to someone  
15 under 18 (RCW 69.50.406)  
16 Over 18 and deliver narcotic from  
17 Schedule III, IV, or V or a  
18 nonnarcotic, except flunitrazepam  
19 or methamphetamine, from  
20 Schedule I-V to someone under 18  
21 and 3 years junior (RCW  
22 69.50.406)  
23 Possession of Ephedrine,  
24 Pseudoephedrine, or Anhydrous  
25 Ammonia with intent to  
26 manufacture  
27 methamphetamine (RCW  
28 69.50.440)  
29 Selling for profit (controlled or  
30 counterfeit) any controlled  
31 substance (RCW 69.50.410)  
32 II Create, deliver, or possess a counterfeit  
33 controlled substance (RCW  
34 69.50.4011)  
35 Deliver or possess with intent to deliver  
36 methamphetamine (RCW  
37 69.50.401(2)(b))

1 Delivery of a material in lieu of a  
2 controlled substance (RCW  
3 69.50.4012)  
4 Maintaining a Dwelling or Place for  
5 Controlled Substances (RCW  
6 69.50.402(1)(f))  
7 Manufacture, deliver, or possess with  
8 intent to deliver amphetamine  
9 (RCW 69.50.401(2)(b))  
10 Manufacture, deliver, or possess with  
11 intent to deliver narcotics from  
12 Schedule I or II or flunitrazepam  
13 from Schedule IV (RCW  
14 69.50.401(2)(a))  
15 Manufacture, deliver, or possess with  
16 intent to deliver narcotics from  
17 Schedule III, IV, or V or  
18 nonnarcotics from Schedule I-V  
19 (except marijuana, amphetamine,  
20 methamphetamines, or  
21 flunitrazepam) (RCW  
22 69.50.401(2) (c) through (e))  
23 Manufacture, distribute, or possess with  
24 intent to distribute an imitation  
25 controlled substance (RCW  
26 69.52.030(1))  
27 I Forged Prescription (RCW 69.41.020)  
28 Forged Prescription for a Controlled  
29 Substance (RCW 69.50.403)  
30 Manufacture, deliver, or possess with  
31 intent to deliver marijuana (RCW  
32 69.50.401(2)(c))  
33 ~~((Possess Controlled Substance that is a~~  
34 ~~Narcotic from Schedule III, IV, or~~  
35 ~~V or Nonnarcotic from Schedule I-V (RCW 69.50.4013)~~  
36

1 Possession of Controlled Substance

2 that is either heroin or narcotics

3 from Schedule I or II (RCW

4 69.50.4013)))

5 Unlawful Use of Building for Drug

6 Purposes (RCW 69.53.010)

7 **Sec. 2.** RCW 69.50.4013 and 2013 c 3 s 20 (Initiative Measure No.  
8 502) are each amended to read as follows:

9 (1) It is unlawful for any person to possess a controlled substance  
10 unless the substance was obtained directly from, or pursuant to, a  
11 valid prescription or order of a practitioner while acting in the  
12 course of his or her professional practice, or except as otherwise  
13 authorized by this chapter.

14 (2) (~~Except as provided in RCW 69.50.4014,~~) Any person who  
15 violates this section is guilty of a (~~class C felony~~) misdemeanor  
16 punishable under chapter 9A.20 RCW.

17 (3) The possession, by a person twenty-one years of age or older,  
18 of useable marijuana or marijuana-infused products in amounts that do  
19 not exceed those set forth in RCW 69.50.360(3) is not a violation of  
20 this section, this chapter, or any other provision of Washington state  
21 law.

22 NEW SECTION. **Sec. 3.** RCW 69.50.4014 (Possession of forty grams or  
23 less of marihuana--Penalty) and 2003 c 53 s 335 are each repealed.

--- END ---