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HOUSE BILL 2559

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Blake and Condotta

1 AN ACT Relating to home cultivation of marijuana; and amending  
2 RCW 69.50.4013.

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

4 **Sec. 1.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to  
5 read as follows:

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

11 (2) Except as provided in RCW 69.50.4014, any person who violates  
12 this section is guilty of a class C felony punishable under chapter  
13 9A.20 RCW.

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

19 (b) The possession of marijuana, useable marijuana, marijuana  
20 concentrates, and marijuana-infused products being physically  
21 transported or delivered within the state, in amounts not exceeding

1 those that may be established under RCW 69.50.385(3), by a licensed  
2 employee of a common carrier when performing the duties authorized in  
3 accordance with RCW 69.50.382 and 69.50.385, is not a violation of  
4 this section, this chapter, or any other provision of Washington  
5 state law.

6 (4)(a) The delivery by a person twenty-one years of age or older  
7 to one or more persons twenty-one years of age or older, during a  
8 single twenty-four hour period, for noncommercial purposes and not  
9 conditioned upon or done in connection with the provision or receipt  
10 of financial consideration, of any of the following marijuana  
11 products, is not a violation of this section, this chapter, or any  
12 other provisions of Washington state law:

13 (i) One-half ounce of useable marijuana;

14 (ii) Eight ounces of marijuana-infused product in solid form;

15 (iii) Thirty-six ounces of marijuana-infused product in liquid  
16 form; or

17 (iv) Three and one-half grams of marijuana concentrates.

18 (b) The act of delivering marijuana or a marijuana product as  
19 authorized under this subsection (4) must meet one of the following  
20 requirements:

21 (i) The delivery must be done in a location outside of the view  
22 of general public and in a nonpublic place; or

23 (ii) The marijuana or marijuana product must be in the original  
24 packaging as purchased from the marijuana retailer.

25 (5)(a) It is not a violation of this section, this chapter, or  
26 any provision of Washington state law for a person age twenty-one or  
27 over to possess no more than six marijuana plants and up to twenty-  
28 four ounces of useable marijuana harvested from plants lawfully grown  
29 on the premises of the housing unit occupied by the person in  
30 possession of the marijuana plants and useable marijuana. No more  
31 than six plants may be grown or possessed on the premises of a single  
32 housing unit pursuant to this subsection, regardless of the number of  
33 residents living on the premises.

34 (b) This subsection does not apply to marijuana plants or useable  
35 marijuana possessed or seized at a location other than the premises  
36 of the housing unit in which the marijuana plants were grown.

37 (c) Nothing in this subsection may be construed to prevent or  
38 restrict a property owner from prohibiting the cultivation of  
39 marijuana plants by a renter or lessee upon or within the property  
40 under the terms of a rental agreement, lease, or other contract.

1        (d) For the purposes of this subsection, "housing unit" has the  
2 meaning provided in RCW 69.51A.010.

3        (6) No person under twenty-one years of age may possess,  
4 manufacture, sell, or distribute marijuana, marijuana-infused  
5 products, or marijuana concentrates, regardless of THC concentration.  
6 This does not include qualifying patients with a valid authorization.

7        ~~((6))~~ (7) The possession by a qualifying patient or designated  
8 provider of marijuana concentrates, useable marijuana, marijuana-  
9 infused products, or plants in accordance with chapter 69.51A RCW is  
10 not a violation of this section, this chapter, or any other provision  
11 of Washington state law.

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