
SENATE BILL 5475

State of Washington

67th Legislature

2021 Regular Session

By Senators Mullet and Hobbs

1 AN ACT Relating to knowing possession of a controlled substance;
2 reenacting and amending RCW 69.50.4013; creating a new section;
3 providing an expiration date; and declaring an emergency.

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

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

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

12 (2) Except as provided in RCW 69.50.4014, any person who violates
13 this section is guilty of a class C felony punishable under chapter
14 9A.20 RCW.

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

20 (b) The possession of marijuana, useable marijuana, marijuana
21 concentrates, and marijuana-infused products being physically

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

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

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

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

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

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

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

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

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

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

30 (6) The possession by a qualifying patient or designated provider
31 of marijuana concentrates, useable marijuana, marijuana-infused
32 products, or plants in accordance with chapter 69.51A RCW is not a
33 violation of this section, this chapter, or any other provision of
34 Washington state law.

35 NEW SECTION. **Sec. 2.** (1) (a) A legislative work group on
36 possession of controlled substances is established, with members as
37 provided in this subsection.

38 (i) The president of the senate shall appoint one member from
39 each of the two largest caucuses of the senate.

1 (ii) The speaker of the house of representatives shall appoint
2 one member from each of the two largest caucuses of the house of
3 representatives.

4 (iii) The president of the senate and the speaker of the house of
5 representatives jointly shall appoint:

6 (A) One superior court judge;

7 (B) One drug court judge;

8 (C) One member representing a criminal defender association;

9 (D) One member representing a prosecutor association;

10 (E) One member representing law enforcement;

11 (F) One member representing cities; and

12 (G) One member representing counties.

13 (iv) Each legislative member shall appoint one community
14 representative for a total of four community representatives.

15 (b) The work group shall choose its chair from among its
16 legislative membership. The senior member of the largest caucus in
17 the senate shall convene the initial meeting of the work group.

18 (2) The work group shall hold a series of public meetings to
19 study the impact of *State v. Blake*, No. 96873-0, 2021 Wash. LEXIS 107
20 (February 25, 2021).

21 (3) Staff support for the work group must be provided by the
22 senate committee services and the house of representatives office of
23 program research.

24 (4) Legislative members of the work group are reimbursed for
25 travel expenses in accordance with RCW 44.04.120. Nonlegislative
26 members are not entitled to be reimbursed for travel expenses if they
27 are elected officials or are participating on behalf of an employer,
28 governmental entity, or other organization. Any reimbursement for
29 other nonlegislative members is subject to chapter 43.03 RCW.

30 (5) The expenses of the work group must be paid jointly by the
31 senate and the house of representatives. Work group expenditures are
32 subject to approval by the senate facilities and operations committee
33 and the house of representatives executive rules committee, or their
34 successor committees.

35 (6) The work group shall report its findings and recommendations
36 to the appropriate committees of the legislature by June 30, 2022.

37 NEW SECTION. **Sec. 3.** This act expires June 30, 2023.

1 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

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