
SENATE BILL 5598

State of Washington

62nd Legislature

2011 Regular Session

By Senators Prentice and Kline

Read first time 01/31/11. Referred to Committee on Judiciary.

1 AN ACT Relating to regulating the production, distribution, and
2 sale of cannabis; amending RCW 66.08.026, 66.08.030, 66.08.050,
3 66.16.010, 66.16.041, 66.16.060, 66.16.070, 66.16.090, 66.16.120,
4 66.20.150, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210,
5 66.36.010, 69.50.101, 69.50.201, 69.50.204, 69.50.4013, 69.50.410,
6 69.50.435, 66.44.010, 10.31.100, 66.44.040, 66.44.170, 66.44.240,
7 9.94A.518, 9A.16.120, 9.94A.650, 9.94A.660, 9.94A.734, 9.92.070,
8 13.04.155, 38.38.762, 36.27.020, 46.09.470, 46.61.5249, 69.50.102,
9 69.50.4121, 66.32.030, 66.32.040, 66.32.070, 66.32.090, 35A.66.020,
10 66.40.110, 28B.10.575, 43.19.19054, 81.04.530, 69.04.480, and
11 66.98.010; reenacting and amending RCW 66.04.010, 66.16.040,
12 13.40.0357, 69.50.505, and 69.50.505; adding a new section to chapter
13 43.23 RCW; adding new sections to chapter 66.12 RCW; adding a new
14 section to chapter 70.96A RCW; adding new sections to chapter 66.44
15 RCW; adding a new section to chapter 66.32 RCW; adding a new section to
16 chapter 35A.66 RCW; adding new sections to chapter 66.40 RCW; adding a
17 new chapter to Title 66 RCW; creating new sections; repealing RCW
18 69.50.4014; prescribing penalties; providing effective dates; and
19 declaring an emergency.

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

2 **PART I**
3 **INTENT**

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

5 (a) The regulation and taxation of cannabis will generate revenue
6 for health care programs, including effective drug education programs.
7 Producing, selling, and shipping cannabis within Washington will also
8 help create jobs in the agricultural sector;

9 (b) Regulating and selling cannabis will conserve state resources
10 during the current period of fiscal constraint and create significant
11 state revenue for health care and substance abuse treatment and
12 prevention. Each year millions of dollars are wasted on prosecution of
13 cannabis-related offenses. Regulation of cannabis will eliminate these
14 expenses in addition to generating revenue; and

15 (c) The state has an effective system for the regulation and
16 taxation of alcohol.

17 (2) Therefore, the legislature intends to promote commerce and
18 competition within Washington by eliminating penalties for the
19 possession and consumption of cannabis, regulating and taxing the sale
20 of cannabis by state government, and licensing cannabis growers.

21 **PART II**
22 **LIQUOR CONTROL BOARD**

23 **Sec. 2.** RCW 66.04.010 and 2009 c 373 s 1 and 2009 c 271 s 2 are
24 each reenacted and amended to read as follows:

25 In this title, unless the context otherwise requires:

26 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated
27 oxide of ethyl, or spirit of wine, which is commonly produced by the
28 fermentation or distillation of grain, starch, molasses, or sugar, or
29 other substances including all dilutions and mixtures of this
30 substance. The term "alcohol" does not include alcohol in the
31 possession of a manufacturer or distiller of alcohol fuel, as described
32 in RCW 66.12.130, which is intended to be denatured and used as a fuel
33 for use in motor vehicles, farm implements, and machines or implements
34 of husbandry.

1 (2) "Authorized representative" means a person who:
2 (a) Is required to have a federal basic permit issued pursuant to
3 the federal alcohol administration act, 27 U.S.C. Sec. 204;
4 (b) Has its business located in the United States outside of the
5 state of Washington;
6 (c) Acquires ownership of beer or wine for transportation into and
7 resale in the state of Washington; and which beer or wine is produced
8 by a brewery or winery in the United States outside of the state of
9 Washington; and
10 (d) Is appointed by the brewery or winery referenced in (c) of this
11 subsection as its authorized representative for marketing and selling
12 its products within the United States in accordance with a written
13 agreement between the authorized representative and such brewery or
14 winery pursuant to this title.

15 (3) "Beer" means any malt beverage, flavored malt beverage, or malt
16 liquor as these terms are defined in this chapter.

17 (4) "Beer distributor" means a person who buys beer from a domestic
18 brewery, microbrewery, beer certificate of approval holder, or beer
19 importers, or who acquires foreign produced beer from a source outside
20 of the United States, for the purpose of selling the same pursuant to
21 this title, or who represents such brewer or brewery as agent.

22 (5) "Beer importer" means a person or business within Washington
23 who purchases beer from a beer certificate of approval holder or who
24 acquires foreign produced beer from a source outside of the United
25 States for the purpose of selling the same pursuant to this title.

26 (6) "Board" means the liquor control board, constituted under this
27 title.

28 (7) "Brewer" or "brewery" means any person engaged in the business
29 of manufacturing beer and malt liquor. Brewer includes a brand owner
30 of malt beverages who holds a brewer's notice with the federal bureau
31 of alcohol, tobacco, and firearms at a location outside the state and
32 whose malt beverage is contract-produced by a licensed in-state
33 brewery, and who may exercise within the state, under a domestic
34 brewery license, only the privileges of storing, selling to licensed
35 beer distributors, and exporting beer from the state.

36 (8) "Cannabis" means all parts of the plant Cannabis, whether
37 growing or not; the seeds thereof; the resin extracted from any part of
38 the plant; and every compound, manufacture, salt, derivative, mixture,

1 or preparation of the plant, its seeds, or resin. The term does not
2 include the mature stalks of the plant, fiber produced from the stalks,
3 oil or cake made from the seeds of the plant, any other compound,
4 manufacture, salt, derivative, mixture, or preparation of the mature
5 stalks (except the resin extracted therefrom), fiber, oil, or cake, or
6 the sterilized seed of the plant which is incapable of germination.
7 For the purposes of this title, the term "cannabis" includes cannabis
8 products and does not include hemp or hemp products.

9 (9) "Cannabis farmer" means any person engaged in the agriculture
10 business, licensed with the department of agriculture, and who grows
11 cannabis for sale in state liquor stores on behalf of the board.

12 (10) "Cannabis labeling" means all labels and other written,
13 printed, or graphic matter (a) upon any cannabis, hemp, or hemp
14 product, or any of its containers or wrappers, or (b) accompanying such
15 cannabis and hemp.

16 (11) "Cannabis licensed producer" means a person licensed by the
17 department of agriculture to produce, process, package, and offer for
18 sale at wholesale cannabis, hemp, and hemp products in accordance with
19 rules adopted by the department of agriculture pursuant to the terms of
20 this title.

21 (12) "Cannabis licensed seller" means a person licensed by the
22 department of health to repackage and sell at retail cannabis and hemp
23 in accordance with rules adopted by the department of health pursuant
24 to the terms of this title.

25 (13) "Cannabis package" means any container or receptacle used for
26 holding cannabis or hemp.

27 (14) "Cannabis products" means products containing cannabis or
28 cannabis extracts that have a measurable THC concentration and are
29 intended for human consumption or application including, but not
30 limited to, edible products, tinctures, and lotions. The term
31 "cannabis products" does not include useable cannabis or products made
32 from hemp.

33 (15) "Club" means an organization of persons, incorporated or
34 unincorporated, operated solely for fraternal, benevolent, educational,
35 athletic or social purposes, and not for pecuniary gain.

36 ((+9+)) (16) "Confection" means a preparation of sugar, honey, or
37 other natural or artificial sweeteners in combination with chocolate,

1 fruits, nuts, dairy products, or flavorings, in the form of bars,
2 drops, or pieces.

3 ~~((+10+))~~ (17) "Consume" includes the putting of liquor or cannabis
4 to any use, whether by drinking or otherwise.

5 ~~((+11+))~~ (18) "Contract liquor store" means a business that sells
6 liquor or cannabis on behalf of the board through a contract with a
7 contract liquor store manager.

8 ~~((+12+))~~ (19) "Craft distillery" means a distillery that pays the
9 reduced licensing fee under RCW 66.24.140.

10 ~~((+13+))~~ (20) "Dentist" means a practitioner of dentistry duly and
11 regularly licensed and engaged in the practice of his or her profession
12 within the state pursuant to chapter 18.32 RCW.

13 ~~((+14+))~~ (21) "Distiller" means a person engaged in the business of
14 distilling spirits.

15 ~~((+15+))~~ (22) "Domestic brewery" means a place where beer and malt
16 liquor are manufactured or produced by a brewer within the state.

17 ~~((+16+))~~ (23) "Domestic winery" means a place where wines are
18 manufactured or produced within the state of Washington.

19 ~~((+17+))~~ (24) "Drug store" means a place whose principal business
20 is, the sale of drugs, medicines and pharmaceutical preparations and
21 maintains a regular prescription department and employs a registered
22 pharmacist during all hours the drug store is open.

23 ~~((+18+))~~ (25) "Druggist" means any person who holds a valid
24 certificate and is a registered pharmacist and is duly and regularly
25 engaged in carrying on the business of pharmaceutical chemistry
26 pursuant to chapter 18.64 RCW.

27 ~~((+19+))~~ (26) "Employee" means any person employed by the board.

28 ~~((+20+))~~ (27) "Flavored malt beverage" means:

29 (a) A malt beverage containing six percent or less alcohol by
30 volume to which flavoring or other added nonbeverage ingredients are
31 added that contain distilled spirits of not more than forty-nine
32 percent of the beverage's overall alcohol content; or

33 (b) A malt beverage containing more than six percent alcohol by
34 volume to which flavoring or other added nonbeverage ingredients are
35 added that contain distilled spirits of not more than one and one-half
36 percent of the beverage's overall alcohol content.

37 ~~((+21+))~~ (28) "Fund" means 'liquor revolving fund.'

1 ~~((+22))~~ (29) "Hemp" means varieties of the Cannabis plant that
2 have a THC concentration of less than three-tenths of one percent, the
3 mature stalks of the Cannabis plant, fiber produced from the stalks,
4 oil or cake made from the seeds of the plant, any other compound,
5 manufacture, salt, derivative, mixture, or preparation of the mature
6 stalks (except the resin extracted therefrom), fiber, oil, or cake, or
7 the sterilized seed of the plant which is incapable of germination.
8 For purposes of this title, the term "hemp" does not include hemp
9 products.

10 (30) "Hemp products" means products made from hemp and intended for
11 human consumption or industrial purposes that do not contain a
12 measurable THC concentration.

13 (31) "Hotel" means buildings, structures, and grounds, having
14 facilities for preparing, cooking, and serving food, that are kept,
15 used, maintained, advertised, or held out to the public to be a place
16 where food is served and sleeping accommodations are offered for pay to
17 transient guests, in which twenty or more rooms are used for the
18 sleeping accommodation of such transient guests. The buildings,
19 structures, and grounds must be located on adjacent property either
20 owned or leased by the same person or persons.

21 ~~((+23))~~ (32) "Importer" means a person who buys distilled spirits
22 from a distillery outside the state of Washington and imports such
23 spirituous liquor into the state for sale to the board or for export.

24 ~~((+24))~~ (33) "Imprisonment" means confinement in the county jail.

25 ~~((+25))~~ (34) "Liquor" includes the four varieties of liquor herein
26 defined (alcohol, spirits, wine and beer), and all fermented,
27 spirituous, vinous, or malt liquor, or combinations thereof, and mixed
28 liquor, a part of which is fermented, spirituous, vinous or malt
29 liquor, or otherwise intoxicating; and every liquid or solid or
30 semisolid or other substance, patented or not, containing alcohol,
31 spirits, wine or beer, and all drinks or drinkable liquids and all
32 preparations or mixtures capable of human consumption, and any liquid,
33 semisolid, solid, or other substance, which contains more than one
34 percent of alcohol by weight shall be conclusively deemed to be
35 intoxicating. Liquor does not include confections or food products
36 that contain one percent or less of alcohol by weight.

37 ~~((+26))~~ (35) "Malt beverage" or "malt liquor" means any beverage
38 such as beer, ale, lager beer, stout, and porter obtained by the

1 alcoholic fermentation of an infusion or decoction of pure hops, or
2 pure extract of hops and pure barley malt or other wholesome grain or
3 cereal in pure water containing not more than eight percent of alcohol
4 by weight, and not less than one-half of one percent of alcohol by
5 volume. For the purposes of this title, any such beverage containing
6 more than eight percent of alcohol by weight shall be referred to as
7 "strong beer."

8 ~~((+27))~~ (36) "Manufacturer" means a person engaged in the
9 preparation of liquor for sale, in any form whatsoever.

10 ~~((+28))~~ (37) "Nightclub" means an establishment that provides
11 entertainment and has as its primary source of revenue (a) the sale of
12 alcohol for consumption on the premises, (b) cover charges, or (c)
13 both, and has an occupancy load of one hundred or more.

14 ~~((+29))~~ (38) "Package" means any container or receptacle used for
15 holding liquor or cannabis.

16 ~~((+30))~~ (39) "Passenger vessel" means any boat, ship, vessel,
17 barge, or other floating craft of any kind carrying passengers for
18 compensation.

19 ~~((+31))~~ (40) "Permit" means a permit for the purchase of liquor or
20 cannabis under this title.

21 ~~((+32))~~ (41) "Person" means an individual, copartnership,
22 association, or corporation.

23 ~~((+33))~~ (42) "Physician" means a medical practitioner duly and
24 regularly licensed and engaged in the practice of his or her profession
25 within the state pursuant to chapter 18.71 RCW.

26 ~~((+34))~~ (43) "Prescription" means a memorandum signed by a
27 physician and given by him or her to a patient for the obtaining of
28 liquor pursuant to this title for medicinal purposes.

29 ~~((+35))~~ (44) "Public place" includes streets and alleys of
30 incorporated cities and towns; state or county or township highways or
31 roads; buildings and grounds used for school purposes; public dance
32 halls and grounds adjacent thereto; those parts of establishments where
33 beer may be sold under this title, soft drink establishments, public
34 buildings, public meeting halls, lobbies, halls and dining rooms of
35 hotels, restaurants, theatres, stores, garages and filling stations
36 which are open to and are generally used by the public and to which the
37 public is permitted to have unrestricted access; railroad trains,
38 stages, and other public conveyances of all kinds and character, and

1 the depots and waiting rooms used in conjunction therewith which are
2 open to unrestricted use and access by the public; publicly owned
3 bathing beaches, parks, and/or playgrounds; and all other places of
4 like or similar nature to which the general public has unrestricted
5 right of access, and which are generally used by the public.

6 ~~((+36+))~~ (45) "Regulations" means regulations made by the board
7 under the powers conferred by this title.

8 ~~((+37+))~~ (46) "Restaurant" means any establishment provided with
9 special space and accommodations where, in consideration of payment,
10 food, without lodgings, is habitually furnished to the public, not
11 including drug stores and soda fountains.

12 ~~((+38+))~~ (47) "Sale" and "sell" include exchange, barter, and
13 traffic; and also include the selling or supplying or distributing, by
14 any means whatsoever, of liquor, or of any liquid known or described as
15 beer or by any name whatever commonly used to describe malt or brewed
16 liquor or of wine, by any person to any person; and also include a sale
17 or selling within the state to a foreign consignee or his or her agent
18 in the state. "Sale" and "sell" shall not include the giving, at no
19 charge, of a reasonable amount of liquor by a person not licensed by
20 the board to a person not licensed by the board, for personal use only.
21 "Sale" and "sell" also does not include a raffle authorized under RCW
22 9.46.0315: PROVIDED, That the nonprofit organization conducting the
23 raffle has obtained the appropriate permit from the board.

24 ~~((+39+))~~ (48) "Soda fountain" means a place especially equipped
25 with apparatus for the purpose of dispensing soft drinks, whether mixed
26 or otherwise.

27 ~~((+40+))~~ (49) "Spirits" means any beverage which contains alcohol
28 obtained by distillation, except flavored malt beverages, but including
29 wines exceeding twenty-four percent of alcohol by volume.

30 ~~((+41+))~~ (50) "Store" means a state liquor store established under
31 this title.

32 ~~((+42+))~~ (51) "Tavern" means any establishment with special space
33 and accommodation for sale by the glass and for consumption on the
34 premises, of beer, as herein defined.

35 ~~((+43+))~~ (52) "THC concentration" means percent of
36 tetrahydrocannabinol content per weight or volume of useable cannabis,
37 cannabis product, hemp, or hemp product.

1 (53) "Useable cannabis" means the harvested dried leaves and
2 flowers of the Cannabis plant family Moraceae. Useable cannabis
3 excludes stems, stalks, seeds, and roots. For the purposes of this
4 title, the term "useable cannabis" does not include hemp.

5 (54)(a) "Wine" means any alcoholic beverage obtained by
6 fermentation of fruits (grapes, berries, apples, et cetera) or other
7 agricultural product containing sugar, to which any saccharine
8 substances may have been added before, during or after fermentation,
9 and containing not more than twenty-four percent of alcohol by volume,
10 including sweet wines fortified with wine spirits, such as port,
11 sherry, muscatel and angelica, not exceeding twenty-four percent of
12 alcohol by volume and not less than one-half of one percent of alcohol
13 by volume. For purposes of this title, any beverage containing no more
14 than fourteen percent of alcohol by volume when bottled or packaged by
15 the manufacturer shall be referred to as "table wine," and any beverage
16 containing alcohol in an amount more than fourteen percent by volume
17 when bottled or packaged by the manufacturer shall be referred to as
18 "fortified wine." However, "fortified wine" shall not include: (i)
19 Wines that are both sealed or capped by cork closure and aged two years
20 or more; and (ii) wines that contain more than fourteen percent alcohol
21 by volume solely as a result of the natural fermentation process and
22 that have not been produced with the addition of wine spirits, brandy,
23 or alcohol.

24 (b) This subsection shall not be interpreted to require that any
25 wine be labeled with the designation "table wine" or "fortified wine."

26 ~~((+44))~~ (55) "Wine distributor" means a person who buys wine from
27 a domestic winery, wine certificate of approval holder, or wine
28 importer, or who acquires foreign produced wine from a source outside
29 of the United States, for the purpose of selling the same not in
30 violation of this title, or who represents such vintner or winery as
31 agent.

32 ~~((+45))~~ (56) "Wine importer" means a person or business within
33 Washington who purchases wine from a wine certificate of approval
34 holder or who acquires foreign produced wine from a source outside of
35 the United States for the purpose of selling the same pursuant to this
36 title.

37 ~~((+46))~~ (57) "Winery" means a business conducted by any person for
38 the manufacture of wine for sale, other than a domestic winery.

1 **Sec. 3.** RCW 66.08.026 and 2008 c 67 s 1 are each amended to read
2 as follows:

3 Administrative expenses of the board shall be appropriated and paid
4 from the liquor revolving fund and the cannabis revolving fund. These
5 administrative expenses shall include, but not be limited to: The
6 salaries and expenses of the board and its employees, the cost of
7 opening additional state liquor stores and warehouses, legal services,
8 pilot projects, annual or other audits, and other general costs of
9 conducting the business of the board. The administrative expenses
10 shall not include costs of cannabis, hemp products, liquor, and lottery
11 tickets purchased, the cost of transportation and delivery to the point
12 of distribution, the cost of operating, maintaining, relocating, and
13 leasing state liquor stores and warehouses, other costs pertaining to
14 the acquisition and receipt of cannabis, hemp products, liquor, and
15 lottery tickets, agency commissions for contract liquor stores,
16 transaction fees associated with credit or debit card purchases for
17 cannabis, hemp products, or liquor in state liquor stores and in
18 contract liquor stores pursuant to RCW 66.16.040 and 66.16.041, sales
19 tax, and those amounts distributed pursuant to RCW 66.08.180,
20 66.08.190, 66.08.200, 66.08.210 and 66.08.220. Agency commissions for
21 contract liquor stores shall be established by the liquor control board
22 after consultation with and approval by the director of the office of
23 financial management. All expenditures and payment of obligations
24 authorized by this section are subject to the allotment requirements of
25 chapter 43.88 RCW.

26 **Sec. 4.** RCW 66.08.030 and 2002 c 119 s 2 are each amended to read
27 as follows:

28 (1) For the purpose of carrying into effect the provisions of this
29 title according to their true intent or of supplying any deficiency
30 therein, the board may make such regulations not inconsistent with the
31 spirit of this title as are deemed necessary or advisable. All
32 regulations so made shall be a public record and shall be filed in the
33 office of the code reviser, and thereupon shall have the same force and
34 effect as if incorporated in this title. Such regulations, together
35 with a copy of this title, shall be published in pamphlets and shall be
36 distributed as directed by the board.

1 (2) Without thereby limiting the generality of the provisions
2 contained in subsection (1) of this section, it is declared that the
3 power of the board to make regulations in the manner set out in that
4 subsection shall extend to:

5 (a) Regulating the equipment and management of stores and
6 warehouses in which state liquor and cannabis is sold or kept, and
7 prescribing the books and records to be kept therein and the reports to
8 be made thereon to the board;

9 (b) Prescribing the duties of the employees of the board, and
10 regulating their conduct in the discharge of their duties;

11 (c) Governing the purchase of liquor and cannabis by the state and
12 the furnishing of liquor and cannabis to stores established under this
13 title;

14 (d) Determining the classes, varieties, and brands of liquor and
15 cannabis to be kept for sale at any store;

16 (e) Prescribing, subject to RCW 66.16.080, the hours during which
17 the state liquor stores shall be kept open for the sale of liquor and
18 cannabis;

19 (f) Providing for the issuing and distributing of price lists
20 showing the price to be paid by purchasers for each variety of liquor
21 and cannabis kept for sale under this title;

22 (g) Prescribing an official seal and official labels and stamps and
23 determining the manner in which they shall be attached to every package
24 of liquor sold or sealed under this title, including the prescribing of
25 different official seals or different official labels for different
26 classes of liquor;

27 (h) Prescribing an official cannabis seal, official label, and
28 stamp, and determining the manner in which they shall be attached to
29 every package of cannabis sold or sealed under this title, including
30 the prescribing of different official seals or different official
31 labels for the different varieties of cannabis;

32 (i) Providing for the payment by the board in whole or in part of
33 the carrying charges on liquor and cannabis shipped by freight or
34 express;

35 ((+i)) (j) Prescribing forms to be used for purposes of this title
36 or the regulations, and the terms and conditions to be contained in
37 permits and licenses issued under this title, and the qualifications
38 for receiving a permit or license issued under this title, including a

1 criminal history record information check. The board may submit the
2 criminal history record information check to the Washington state
3 patrol and to the identification division of the federal bureau of
4 investigation in order that these agencies may search their records for
5 prior arrests and convictions of the individual or individuals who
6 filled out the forms. The board shall require fingerprinting of any
7 applicant whose criminal history record information check is submitted
8 to the federal bureau of investigation;

9 ~~((+j))~~ (k) Prescribing the fees payable in respect of permits and
10 licenses issued under this title for which no fees are prescribed in
11 this title, and prescribing the fees for anything done or permitted to
12 be done under the regulations;

13 ~~((+k))~~ (l) Prescribing the kinds and quantities of liquor which
14 may be kept on hand by the holder of a special permit for the purposes
15 named in the permit, regulating the manner in which the same shall be
16 kept and disposed of, and providing for the inspection of the same at
17 any time at the instance of the board;

18 ~~((+l))~~ (m) Regulating the sale of liquor kept by the holders of
19 licenses which entitle the holder to purchase and keep liquor for sale;

20 ~~((+m))~~ (n) Prescribing the records of purchases or sales of liquor
21 kept by the holders of licenses, and the reports to be made thereon to
22 the board, and providing for inspection of the records so kept;

23 ~~((+n))~~ (o) Prescribing the kinds and quantities of liquor and
24 cannabis for which a prescription may be given, and the number of
25 prescriptions which may be given to the same patient within a stated
26 period;

27 ~~((+o))~~ (p) Prescribing the manner of giving and serving notices
28 required by this title or the regulations, where not otherwise provided
29 for in this title;

30 ~~((+p))~~ (q) Regulating premises in which liquor is kept for export
31 from the state, or from which liquor is exported, prescribing the books
32 and records to be kept therein and the reports to be made thereon to
33 the board, and providing for the inspection of the premises and the
34 books, records and the liquor so kept;

35 ~~((+q))~~ (r) Prescribing the conditions and qualifications requisite
36 for the obtaining of club licenses and the books and records to be kept
37 and the returns to be made by clubs, prescribing the manner of

1 licensing clubs in any municipality or other locality, and providing
2 for the inspection of clubs;

3 ~~((r))~~ (s) Prescribing the conditions, accommodations and
4 qualifications requisite for the obtaining of licenses to sell beer and
5 wines, and regulating the sale of beer and wines thereunder;

6 ~~((s))~~ (t) Specifying and regulating the time and periods when,
7 and the manner, methods, and means by which manufacturers shall deliver
8 liquor within the state; and the time and periods when, and the manner,
9 methods, and means by which liquor may lawfully be conveyed or carried
10 within the state;

11 ~~((t))~~ (u) Specifying and regulating the time and periods when,
12 and the manner, methods, and means by which authorized cannabis farmers
13 and authorized transporters shall deliver cannabis within the state;
14 and the time and periods when, and the manner, methods, and means by
15 which cannabis may lawfully be conveyed or carried within the state;

16 (v) Providing for the making of returns by brewers of their sales
17 of beer shipped within the state, or from the state, showing the gross
18 amount of such sales and providing for the inspection of brewers' books
19 and records, and for the checking of the accuracy of any such returns;

20 ~~((u))~~ (w) Providing for the making of returns by the wholesalers
21 of beer whose breweries are located beyond the boundaries of the state;

22 ~~((v))~~ (x) Providing for the making of returns by any other liquor
23 manufacturers, showing the gross amount of liquor produced or
24 purchased, the amount sold within and exported from the state, and to
25 whom so sold or exported, and providing for the inspection of the
26 premises of any such liquor manufacturers, their books and records, and
27 for the checking of any such return;

28 ~~((w))~~ (y) Providing forms to be used for purposes of providing
29 for the inspection of the premises of any cannabis farmer, and his or
30 her books and records;

31 (z) Providing forms to be used by cannabis farmers for reporting
32 the gross amount of cannabis produced, sold, transferred, and
33 distributed to each state liquor store and contract liquor store;

34 (aa) Providing for the giving of fidelity bonds by any or all of
35 the employees of the board: PROVIDED, That the premiums therefor shall
36 be paid by the board;

37 ~~((x))~~ (bb) Providing for the shipment by mail or common carrier

1 of liquor to any person holding a permit and residing in any unit which
2 has, by election pursuant to this title, prohibited the sale of liquor
3 therein;

4 ~~((y))~~ (cc) Prescribing methods of manufacture, conditions of
5 sanitation, standards of ingredients, quality, and identity of
6 alcoholic beverages manufactured, sold, bottled, or handled by
7 licensees and the board; and conducting from time to time, in the
8 interest of the public health and general welfare, scientific studies
9 and research relating to alcoholic beverages and the use and effect
10 thereof;

11 ~~((z))~~ (dd) Working in conjunction with the department of
12 agriculture in prescribing methods of growing, conditions of
13 sanitation, standards of ingredients, quality, and identity of cannabis
14 produced, sold, packaged, or handled by licensed cannabis farmers and
15 the board;

16 (ee) Seizing, confiscating, and destroying all alcoholic beverages
17 manufactured, sold, or offered for sale within this state which do not
18 conform in all respects to the standards prescribed by this title or
19 the regulations of the board: PROVIDED, Nothing herein contained shall
20 be construed as authorizing the liquor board to prescribe, alter, limit
21 or in any way change the present law as to the quantity or percentage
22 of alcohol used in the manufacturing of wine or other alcoholic
23 beverages;

24 (ff) Seizing, confiscating, and destroying all illegal cannabis
25 produced, sold, or offered for sale within this state which do not
26 conform in all respect to the standards prescribed by this title or the
27 regulations of the board.

28 **Sec. 5.** RCW 66.08.050 and 2005 c 151 s 3 are each amended to read
29 as follows:

30 The board, subject to the provisions of this title and the rules,
31 shall:

32 (1) Determine the localities within which state liquor stores shall
33 be established throughout the state, and the number and situation of
34 the stores within each locality;

35 (2) Appoint in cities and towns and other communities, in which no
36 state liquor store is located, contract liquor stores.

1 In addition, the board may appoint, in its discretion, a
2 manufacturer that also manufactures liquor or cannabis products other
3 than wine under a license under this title, as a contract liquor store
4 for the purpose of sale of liquor or cannabis products of its own
5 manufacture on the licensed premises only.

6 ~~((Such))~~ (a) Contract liquor stores shall be (i) authorized to sell
7 liquor under the guidelines provided by law, rule, or contract, and
8 ~~((such contract liquor stores shall be))~~ (ii) subject to ~~((such))~~
9 additional rules and regulations consistent with this title as the
10 board may require.

11 (b) Contract liquor stores shall be (i) authorized to sell cannabis
12 under the guidelines provided by law, rules, or contract, and subject
13 to additional rules and regulations consistent with this title as the
14 board may require;

15 (3) Establish all necessary warehouses for the storing and
16 bottling, diluting, and rectifying of stocks of liquors for the
17 purposes of this title;

18 (4) Establish all necessary warehouses for the storing and
19 packaging of cannabis for the purposes of this title;

20 (5) Provide for the leasing for periods not to exceed ten years of
21 all premises required for the conduct of the business; and for
22 remodeling the same, and the procuring of their furnishings, fixtures,
23 and supplies; and for obtaining options of renewal of such leases by
24 the lessee. The terms of such leases in all other respects shall be
25 subject to the direction of the board;

26 ~~((+5))~~ (6) Determine the nature, form, and capacity of all
27 packages to be used for containing liquor and cannabis kept for sale
28 under this title;

29 ~~((+6))~~ (7) Execute or cause to be executed, all contracts, papers,
30 and documents in the name of the board, under such regulations as the
31 board may fix;

32 ~~((+7))~~ (8) Pay all customs, duties, excises, charges, and
33 obligations whatsoever relating to the business of the board;

34 ~~((+8))~~ (9) Require bonds from all employees in the discretion of
35 the board, and to determine the amount of fidelity bond of each such
36 employee;

37 ~~((+9))~~ (10) Perform services for the state lottery commission to

1 such extent, and for such compensation, as may be mutually agreed upon
2 between the board and the commission;

3 ~~((10))~~ (11) Accept and deposit into the general fund-local
4 account and disburse, subject to appropriation, federal grants or other
5 funds or donations from any source for the purpose of improving public
6 awareness of the health risks associated with alcohol consumption by
7 youth and the abuse of alcohol by adults in Washington state. The
8 board's alcohol awareness program shall cooperate with federal and
9 state agencies, interested organizations, and individuals to effect an
10 active public beverage alcohol awareness program;

11 ~~((11))~~ (12) Perform all other matters and things, whether similar
12 to the foregoing or not, to carry out the provisions of this title, and
13 shall have full power to do each and every act necessary to the conduct
14 of its business, including all buying, selling, preparation, and
15 approval of forms, and every other function of the business whatsoever,
16 subject only to audit by the state auditor: PROVIDED, That the board
17 shall have no authority to regulate the content of spoken language on
18 licensed premises where wine and other liquors are served and where
19 there is not a clear and present danger of disorderly conduct being
20 provoked by such language.

21 NEW SECTION. Sec. 6. The board shall adopt rules by December 31,
22 2011, that establishes the procedures and criteria necessary to
23 implement the following:

24 (1) Authorizing and implementing the sale of cannabis, cannabis
25 products, hemp, and hemp products in state liquor stores and state
26 contracted liquor stores;

27 (2) Establishing agency commissions for contract liquor stores to
28 purchase and sell cannabis after consultation with and approval by the
29 director of the office of financial management;

30 (3) Licensing cannabis farmers to grow cannabis crops and sell,
31 distribute, and transport such cannabis to state liquor stores and
32 state contracted liquor stores;

33 (4) Establishing rules, regulations, permits, and fees for
34 cannabis farmers;

35 (5) Determining the quantity of cannabis each cannabis farmer may
36 cultivate, grow, and store annually;

1 (6) Determining how cannabis and hemp products shall be packaged
2 and labeled with an official state seal prior to transporting and
3 distributing to each state liquor store;

4 (7) Working in conjunction with the department of agriculture in
5 prescribing methods of growing, conditions of sanitation, standards of
6 ingredients, quality, and identity of cannabis sold, packaged, or
7 handled by licensed cannabis farmers, the board, and liquor stores,
8 while providing for an exemption for persons cultivating cannabis for
9 personal home use which and would not be subject to the same rules,
10 regulations, permits, and fees as required for cannabis farmers.

11 NEW SECTION. **Sec. 7.** (1) Every order for the purchase of cannabis
12 shall be authorized by the board, and no order for cannabis shall be
13 valid or binding unless it is so authorized and signed by the board or
14 its authorized designee.

15 (2) A duplicate of every such order shall be kept on file in the
16 office of the board.

17 (3) All cancellations of such orders made by the board shall be
18 signed in the same manner and duplicates of such cancellations kept on
19 file in the office of the board. Nothing in this title shall be
20 construed as preventing the board from accepting cannabis on
21 consignment.

22 NEW SECTION. **Sec. 8.** Except as provided by chapter 42.52 RCW, no
23 member of the board and no employee of the board shall have any
24 interest, directly or indirectly, in the manufacture or growing of
25 cannabis, or in any cannabis sold under this title, or derive any
26 profit or remuneration from the sale of cannabis, other than the salary
27 or wages payable to him or her in respect of his or her office or
28 position, and shall receive no gratuity from any person in connection
29 with such business.

30 NEW SECTION. **Sec. 9.** No employee shall sell cannabis in any other
31 place, nor at any other time, nor otherwise than as authorized by the
32 board under this title and the regulations.

33 NEW SECTION. **Sec. 10.** The liquor control board may provide
34 cannabis at no charge, including cannabis forfeited under chapter 66.32

1 RCW, to recognized law enforcement agencies within the state when the
2 law enforcement agency will be using the cannabis for bona fide law
3 enforcement training or investigation purposes.

4 NEW SECTION. **Sec. 11.** (1) The board shall not advertise cannabis
5 in any form or through any medium whatsoever.

6 (2) In-store cannabis merchandising is not advertising for the
7 purposes of this section.

8 (3) The board shall have power to adopt any and all reasonable
9 rules as to the kind, character, and location of advertising of
10 cannabis.

11 NEW SECTION. **Sec. 12.** No municipality or county shall have power
12 to license the sale of, or impose an excise tax upon, cannabis as
13 defined in RCW 66.04.010, or to license the sale or distribution
14 thereof in any manner; and any power now conferred by law on any
15 municipality or county to license premises which may be licensed under
16 this section, or to impose an excise tax upon cannabis, or to license
17 the sale and distribution thereof, as defined in this title, shall be
18 suspended and shall be of no further effect: PROVIDED, That
19 municipalities and counties shall have power to adopt police ordinances
20 and regulations not in conflict with this title or with the regulations
21 made by the board.

22 NEW SECTION. **Sec. 13.** For the purpose of obtaining information
23 concerning any matter relating to the administration or enforcement of
24 this title, the board, or any person appointed by it in writing for the
25 purpose, may inspect the books and records of any cannabis farmer.

26 NEW SECTION. **Sec. 14.** (1) Every order for the purchase of
27 cannabis and hemp products shall be authorized by the board, and no
28 order for cannabis or hemp products shall be valid or binding unless it
29 is so authorized and signed by the board or its authorized designee.

30 (2) A duplicate of every such order shall be kept on file in the
31 office of the board.

32 (3) All cancellations of such orders made by the board shall be
33 signed in the same manner and duplicates thereof kept on file in the

1 office of the board. Nothing in this title shall be construed as
2 preventing the board from accepting liquor on consignment.

3 NEW SECTION. **Sec. 15.** No official or employee of the liquor
4 control board of the state of Washington shall, during his or her term
5 of office or employment, or for a period of two years immediately
6 following his or her termination thereof, represent directly or
7 indirectly any manufacturer or wholesaler of cannabis in the sale of
8 cannabis to the board.

9 NEW SECTION. **Sec. 16.** Nothing in this title shall apply to or
10 prevent the sale of cannabis by any person to the board.

11 **Sec. 17.** RCW 66.16.010 and 2005 c 518 s 935 are each amended to
12 read as follows:

13 (1) There shall be established at such places throughout the state
14 as the liquor control board, constituted under this title, shall deem
15 advisable, stores to be known as "state liquor stores," for the sale of
16 liquor and cannabis in accordance with the provisions of this title and
17 the regulations: PROVIDED, That the prices of all liquor and cannabis
18 shall be fixed by the board from time to time so that the net annual
19 revenue received by the board therefrom shall not exceed thirty-five
20 percent. (~~Effective no later than July 1, 2005, the liquor control~~
21 ~~board shall add an equivalent surcharge of \$0.42 per liter on all~~
22 ~~retail sales of spirits, excluding licensee, military, and tribal~~
23 ~~sales. The intent of this surcharge is to raise revenue for the~~
24 ~~general fund state for the 2003-2005 and 2005-2007 bienniums. The~~
25 ~~board shall remove the surcharge June 30, 2007.))~~)

26 (2) The liquor control board may, from time to time, fix the
27 special price at which pure ethyl alcohol may be sold to physicians and
28 dentists and institutions regularly conducted as hospitals, for use or
29 consumption only in such hospitals; and may also fix the special price
30 at which pure ethyl alcohol may be sold to schools, colleges and
31 universities within the state for use for scientific purposes.
32 Regularly conducted hospitals may have right to purchase pure ethyl
33 alcohol on a federal permit.

34 (3) The liquor control board may also fix the special price at
35 which pure ethyl alcohol may be sold to any department, branch or

1 institution of the state of Washington, federal government, or to any
2 person engaged in a manufacturing or industrial business or in
3 scientific pursuits requiring alcohol for use therein.

4 (4) The liquor control board may also fix a special price at which
5 pure ethyl alcohol may be sold to any private individual, and shall
6 make regulations governing such sale of alcohol to private individuals
7 as shall promote, as nearly as may be, the minimum purchase of such
8 alcohol by such persons.

9 **Sec. 18.** RCW 66.16.040 and 2005 c 206 s 1, 2005 c 151 s 5, and
10 2005 c 102 s 1 are each reenacted and amended to read as follows:

11 Except as otherwise provided by law, an employee in a state liquor
12 store or contract liquor store may sell liquor and cannabis to any
13 person of legal age to purchase alcoholic beverages and cannabis and
14 may also sell to holders of permits such liquor and cannabis as may be
15 purchased under such permits.

16 Where there may be a question of a person's right to purchase
17 liquor or cannabis by reason of age, such person shall be required to
18 present any one of the following officially issued cards of
19 identification which shows his/her correct age and bears his/her
20 signature and photograph:

21 (1) Driver's license, instruction permit or identification card of
22 any state or province of Canada, or "identocard" issued by the
23 Washington state department of licensing pursuant to RCW 46.20.117.

24 (2) United States armed forces identification card issued to active
25 duty, reserve, and retired personnel and the personnel's dependents,
26 which may include an imbedded, digital signature in lieu of a visible
27 signature.

28 (3) Passport.

29 (4) Merchant Marine identification card issued by the United States
30 Coast Guard.

31 (5) Enrollment card issued by the governing authority of a
32 federally recognized Indian tribe located in Washington, if the
33 enrollment card incorporates security features comparable to those
34 implemented by the department of licensing for Washington drivers'
35 licenses. At least ninety days prior to implementation of an
36 enrollment card under this subsection, the appropriate tribal authority

1 shall give notice to the board. The board shall publish and
2 communicate to licensees regarding the implementation of each new
3 enrollment card.

4 The board may adopt such regulations as it deems proper covering
5 the cards of identification listed in this section.

6 No liquor or cannabis sold under this section shall be delivered
7 until the purchaser has paid for the liquor or cannabis in cash, except
8 as allowed under RCW 66.16.041. The use of a personal credit card does
9 not rely upon the credit of the state as prohibited by Article VIII,
10 section 5 of the state Constitution.

11 **Sec. 19.** RCW 66.16.041 and 2005 c 151 s 6 are each amended to read
12 as follows:

13 (1) The state liquor control board shall accept bank credit card
14 and debit cards for purchases in state liquor stores, under such rules
15 as the board may adopt. The board shall authorize contract liquor
16 stores appointed under RCW 66.08.050 to accept bank credit cards and
17 debit cards for liquor and cannabis purchases under this title, under
18 such rules as the board may adopt.

19 (2) If a contract liquor store chooses to use credit or debit cards
20 for liquor and cannabis purchases, the board shall provide equipment
21 and installation and maintenance of the equipment necessary to
22 implement the use of credit and debit cards. Any equipment provided by
23 the board to a contract liquor store for this purpose may be used only
24 for the purchase of liquor and cannabis.

25 **Sec. 20.** RCW 66.16.060 and 1943 c 216 s 1 are each amended to read
26 as follows:

27 (1) The board may in its discretion by regulation prescribe that
28 any or all liquors other than malt liquor shall be delivered to any
29 purchaser at a state liquor store only in a package sealed with the
30 official seal.

31 (2) The board may in its discretion by rule prescribe that all
32 cannabis shall be delivered to any purchaser at a state liquor store in
33 a packaged sealed with the official cannabis label or seal.

34 **Sec. 21.** RCW 66.16.070 and 1933 ex.s. c 62 s 10 are each amended
35 to read as follows:

1 No employee in a state liquor store shall open or consume, or allow
2 to be opened or consumed any liquor or cannabis on the store premises.

3 **Sec. 22.** RCW 66.16.090 and 1933 ex.s. c 62 s 89 are each amended
4 to read as follows:

5 All records whatsoever of the board showing purchases by any
6 individual of liquor or cannabis shall be deemed confidential, and,
7 except subject to audit by the state auditor, shall not be permitted to
8 be inspected by any person whatsoever, except by employees of the board
9 to the extent permitted by the regulations; and no member of the board
10 and no employee whatsoever shall give out any information concerning
11 such records and neither such records nor any information relative
12 thereto which shall make known the name of any individual purchaser
13 shall be competent to be admitted as evidence in any court or courts
14 except in prosecutions for illegal possession of and/or sale of liquor
15 or cannabis. Any person violating the provisions of this section shall
16 be guilty of a misdemeanor.

17 **Sec. 23.** RCW 66.16.120 and 2005 c 231 s 5 are each amended to read
18 as follows:

19 Employees in state liquor stores, including agency vendor liquor
20 stores, may not be required to work on their Sabbath for the purpose of
21 selling liquor or cannabis if doing so would violate their religious
22 beliefs.

23 **PART III**
24 **LICENSE PROCEDURES**

25 NEW SECTION. **Sec. 24.** Pursuant to section 25 of this act, there
26 shall be a license for farmers of cannabis and manufacturers of hemp
27 products. The license shall provide authorization for cannabis farmers
28 and manufacturers to produce, manufacture, grow, cultivate, transport,
29 and sell cannabis and hemp products within the state of Washington.
30 The annual fee for a cannabis farmer's license shall be five thousand
31 dollars. For the purposes of chapter 66.28 RCW, a grower licensee
32 shall be deemed a manufacturer.

1 NEW SECTION. **Sec. 25.** (1) There shall be a license for persons to
2 produce cannabis, cannabis products, hemp, and hemp products regulated
3 by the board.

4 (2) Every producer's license shall be issued in the name of the
5 applicant, and the holder thereof shall not allow any other person to
6 use the license.

7 (3) For the purpose of considering any application for a producer's
8 license, or the renewal of a license, the board may cause an inspection
9 of the applicant's or licensee's production facilities to be made, and
10 may inquire into all matters in connection with the construction and
11 operation of the facilities. For the purpose of reviewing any
12 application for a license and for considering the denial, suspension,
13 revocation, or renewal or denial thereof, the board may consider any
14 prior criminal conduct of the applicant including an administrative
15 violation history record with the board and a criminal history record
16 information check. The board may submit the criminal history record
17 information check to the Washington state patrol and to the
18 identification division of the federal bureau of investigation in order
19 that these agencies may search their records for prior arrests and
20 convictions of the individual or individuals who filled out the forms.
21 The board shall require fingerprinting of any applicant whose criminal
22 history record information check is submitted to the federal bureau of
23 investigation. The provisions of RCW 9.95.240, 9.94A.640, and chapter
24 9.96A RCW shall not apply to such cases. Subject to the provisions of
25 this section, the board may, in its discretion, grant or deny the
26 renewal or license applied for. Denial may be based on, without
27 limitation, the existence of chronic illegal activity documented in
28 objections submitted pursuant to subsections (9)(c) and (12) of this
29 section. The board may grant authority to approve an uncontested or
30 unopposed license to any staff member the department designates in
31 writing. Conditions for granting such authority shall be adopted by
32 rule. No license to produce cannabis, cannabis products, hemp, and
33 hemp products may be issued to:

34 (a) A person doing business as a sole proprietor who has not
35 resided in the state for at least one month prior to receiving a
36 license;

37 (b) A partnership, unless all of the members thereof are qualified
38 to obtain a license, as provided in this section;

1 (c) A person whose place of business is conducted by a manager or
2 agent, unless such manager or agent possesses the same qualifications
3 required of the licensee; or

4 (d) A corporation or a limited liability company, unless it was
5 created under the laws of the state of Washington or holds a
6 certificate of authority to transact business in the state of
7 Washington.

8 (4)(a) The board may, in its discretion, suspend or cancel any
9 license to produce cannabis, hemp, and hemp products; and all rights of
10 the licensee to produce, process, package, or offer for sale at
11 wholesale cannabis, hemp, and hemp products thereunder shall be
12 suspended or terminated, as the case may be. The decision to suspend
13 or cancel the license shall be an adjudicative proceeding and subject
14 to the applicable provisions of chapter 34.05 RCW.

15 (b) The board shall immediately suspend the license of a person who
16 has been certified pursuant to RCW 74.20A.320 by the department of
17 social and health services as a person who is not in compliance with a
18 support order. If the person has continued to meet all other
19 requirements for reinstatement during the suspension, reissuance of the
20 license shall be automatic upon the board's receipt of a release issued
21 by the department of social and health services stating that the
22 licensee is in compliance with the order.

23 (c) The board may request the appointment of administrative law
24 judges under chapter 34.12 RCW who shall have power to administer
25 oaths, issue subpoenas for the attendance of witnesses and the
26 production of papers, books, accounts, documents, and testimony,
27 examine witnesses, and to receive testimony in any inquiry,
28 investigation, hearing, or proceeding in any part of the state, under
29 such rules and regulations as the board may adopt.

30 (d) Witnesses shall be allowed fees and mileage each way to and
31 from any such inquiry, investigation, hearing, or proceeding at the
32 rate authorized by RCW 34.05.446. Fees need not be paid in advance of
33 appearance of witnesses to testify or to produce books, records, or
34 other legal evidence.

35 (e) In case of disobedience of any person to comply with the order
36 of the liquor control board or a subpoena issued by the board, or any
37 of its members, or administrative law judges, or on the refusal of a
38 witness to testify to any matter regarding which he or she may be

1 lawfully interrogated, the judge of the superior court of the county in
2 which the person resides, on application of any member of the board or
3 administrative law judge, shall compel obedience by contempt
4 proceedings, as in the case of disobedience of the requirements of a
5 subpoena issued from said court or a refusal to testify therein.

6 (5) Upon receipt of notice of the suspension or cancellation of a
7 license to produce cannabis, cannabis products, hemp, and hemp products
8 the licensee shall forthwith deliver up the license to the board.
9 Where the license has been suspended only, the board shall return the
10 license to the licensee at the expiration or termination of the period
11 of suspension. The board shall notify the department of health, and
12 the department of health shall notify all licensed sellers of cannabis
13 and hemp in the state of the suspension or cancellation of the license;
14 and no employee or agent of any licensed seller may allow or cause any
15 cannabis or hemp to be delivered to the premises of a licensed seller's
16 shop from or on behalf of the producer whose license has been suspended
17 or canceled.

18 (6)(a) At the time of the original issuance of a license to produce
19 cannabis, cannabis products, hemp, and hemp products, the board shall
20 prorate the license fee charged to the new licensee according to the
21 number of calendar quarters, or portion thereof, remaining until the
22 first renewal of that license is required.

23 (b) Unless sooner canceled, every license to produce cannabis,
24 cannabis products, hemp, and hemp products issued by the board shall
25 expire at midnight of the thirtieth day of June of the fiscal year for
26 which it was issued. However, if the board deems it feasible and
27 desirable to do so, it may establish, by rule pursuant to chapter 34.05
28 RCW, a system for staggering the annual renewal dates for licenses to
29 cannabis, cannabis products, hemp, and hemp products. If such a system
30 of staggered annual renewal dates is established by the board, the
31 license fees provided by this chapter shall be appropriately prorated
32 during the first year that the system is in effect.

33 (7) Every license issued under this section shall be subject to all
34 conditions and restrictions imposed by this title or by rules adopted
35 by the board. All conditions and restrictions imposed by the board in
36 the issuance of an individual license shall be listed on the face of
37 the individual license along with the trade name, address, and
38 expiration date.

1 (8) Every licensed cannabis producer shall post and keep posted its
2 license, or licenses, in a conspicuous place on the premises of its
3 production facility or facilities.

4 (9)(a) Before the board issues a new or renewal license to produce
5 cannabis, hemp, and hemp products to an applicant it shall give notice
6 of such application to the chief executive officer of the incorporated
7 city or town, if the application is for a license within an
8 incorporated city or town, or to the county legislative authority, if
9 the application is for a license outside the boundaries of incorporated
10 cities or towns.

11 (b) The incorporated city or town through the official or employee
12 selected by it, or the county legislative authority or the official or
13 employee selected by it, shall have the right to file with the board
14 within twenty days after the date of transmittal of such notice for
15 applications, or at least thirty days prior to the expiration date for
16 renewals, written objections against the applicant or against the
17 premises for which the new or renewal license is asked. The board may
18 extend the time period for submitting written objections.

19 (c) The written objections shall include a statement of all facts
20 upon which such objections are based, and in case written objections
21 are filed, the city or town or county legislative authority may request
22 and the board may in its discretion hold a hearing subject to the
23 applicable provisions of Title 34 RCW. If the board makes an initial
24 decision to deny a license or renewal based on the written objections
25 of an incorporated city or town or county legislative authority, the
26 applicant may request a hearing subject to the applicable provisions of
27 Title 34 RCW. If such a hearing is held at the request of the
28 applicant, board representatives shall present and defend the board's
29 initial decision to deny a license or renewal.

30 (d) Upon the granting of a license to produce cannabis, hemp, and
31 hemp products under this title the board shall send written
32 notification to the chief executive officer of the incorporated city or
33 town in which the license is granted, or to the county legislative
34 authority if the license is granted outside the boundaries of
35 incorporated cities or towns.

36 (10)(a) Before the board issues a license to produce cannabis,
37 hemp, and hemp products to any applicant, it shall give (i) due
38 consideration to the location of the business to be conducted under

1 such license with respect to the proximity of churches, schools, and
2 public institutions and (ii) written notice, with receipt verification,
3 of the application to public institutions identified by the board as
4 appropriate to receive such notice, churches, and schools within five
5 hundred feet of the premises to be licensed. The board shall not issue
6 a license to produce cannabis, hemp, and hemp products covering any
7 premises within five hundred feet of the premises of any tax supported
8 public elementary or secondary school measured along the most direct
9 route over or across established public walks, streets, or other public
10 passageway from the main entrance of the school to the nearest public
11 entrance of the premises proposed for license if, after receipt by the
12 school of the notice as provided in this subsection, the board receives
13 written objection, within twenty days after receiving such notice, from
14 an official representative or representatives of the school indicating
15 to the board that there is an objection to the issuance of such license
16 because of proximity to the school. The board may extend the time
17 period for submitting objections. For the purpose of this subsection,
18 "church" means a building erected for and used exclusively for
19 religious worship and schooling or other activity in connection
20 therewith and "public institution" means institutions of higher
21 education, parks, community centers, libraries, and transit centers.

22 (b) It is the intent under this subsection (10) that a license to
23 produce cannabis, hemp, and hemp products shall not be issued by the
24 board where doing so would, in the judgment of the board, adversely
25 affect a private school meeting the requirements for private schools
26 under Title 28A RCW, which is within five hundred feet of the proposed
27 licensee. The board shall fully consider and give substantial weight
28 to objections filed by private schools. If a license to produce
29 cannabis, hemp, and hemp products is issued despite the proximity of a
30 private school, the board shall state in a letter addressed to the
31 private school the board's reasons for issuing the license.

32 (11)(a) Nothing in this section prohibits the board, in its
33 discretion, from issuing a temporary license to produce cannabis, hemp,
34 and hemp products to an applicant to operate a production facility
35 during the period the application for the license is pending. The
36 board may establish a fee for a temporary license by rule.

37 (b) A temporary license issued by the board under this section
38 shall be for a period not to exceed one hundred twenty days. A

1 temporary license may be extended at the discretion of the board for
2 additional periods of sixty days upon payment of an additional fee and
3 upon compliance with all conditions required in this section.

4 (c) Refusal by the board to issue or extend a temporary license
5 shall not entitle the applicant to request a hearing. A temporary
6 license may be canceled or suspended summarily at any time if the board
7 determines that good cause for cancellation or suspension exists. For
8 the purpose of obtaining information relating to the issuance of a
9 temporary license, the board, or any person appointed by it in writing
10 for the purpose, may inspect the books and records of the holder of the
11 temporary license.

12 (d) Application for a temporary license shall be on such form as
13 the board shall prescribe. If an application for a temporary license
14 is withdrawn before issuance or is refused by the board, the fee that
15 accompanied such application shall be refunded in full.

16 (12) In determining whether to grant or deny a license to produce
17 cannabis, hemp, and hemp products or renewal of any license to produce
18 cannabis, hemp, and hemp products the board shall give substantial
19 weight to objections from an incorporated city or town or county
20 legislative authority based upon chronic illegal activity associated
21 with the applicant's operation of the premises proposed to be licensed
22 or the applicant's operation of any other licensed premises, or the
23 conduct of the applicant's employees, agents, or business contacts
24 inside or outside the licensed premises. "Chronic illegal activity"
25 means a pervasive pattern of activity that threatens the public health,
26 safety, and welfare of the city, town, or county including, but not
27 limited to, assaults, robberies, disturbances, disorderly conduct, or
28 other criminal law violations, or as documented in crime statistics,
29 police reports, emergency medical response data, calls for service,
30 field data, or similar records of a law enforcement agency for the
31 city, town, county, or any other municipal corporation or any state
32 agency.

33 NEW SECTION. **Sec. 26.** The action, order, or decision of the board
34 as to any denial of an application for the issuance or reissuance of a
35 producer's license or as to any revocation, suspension, or modification
36 of any producer's license shall be an adjudicative proceeding and
37 subject to the applicable provisions of chapter 34.05 RCW.

1 (1) An opportunity for a hearing may be provided an applicant for
2 the issuance or reissuance of a producer's license prior to the
3 disposition of the application, and if no such opportunity for a prior
4 hearing is provided then an opportunity for a hearing to reconsider the
5 application must be provided the applicant.

6 (2) An opportunity for a hearing must be provided a licensed
7 producer prior to a cancellation or modification of any producer's
8 license and, except as provided in subsection (4) of this section,
9 prior to the suspension of any producer's license.

10 (3) No hearing shall be required until demanded by the applicant or
11 licensed producer.

12 (4) The board may summarily suspend a producer's license for a
13 period of up to one hundred eighty days without a prior hearing if it
14 finds that public health, safety, or welfare imperatively require
15 emergency action, and it incorporates a finding to that effect in its
16 order. Proceedings for cancellation or other action must be promptly
17 instituted and determined. An administrative law judge may extend the
18 summary suspension period for up to one calendar year in the event the
19 proceedings for cancellation or other action cannot be completed during
20 the initial one hundred eighty day period due to actions by the
21 licensed producer. The board's enforcement division shall complete a
22 preliminary staff investigation of the violation before requesting an
23 emergency suspension by the board.

24 NEW SECTION. **Sec. 27.** The director of the board, and every
25 employee authorized by the director to issue licenses under this title
26 may administer any oath and take and receive any affidavit or
27 declaration required under this title or the regulations.

28 NEW SECTION. **Sec. 28.** (1) For the purpose of carrying into effect
29 the provisions of this title according to their true intent or of
30 supplying any deficiency therein, the board may make such regulations
31 not inconsistent with this title as are deemed necessary or advisable.
32 The adoption of such rules shall be undertaken in accordance with the
33 procedures set forth in chapter 34.05 RCW.

34 (2) Without thereby limiting the generality of the provisions
35 contained in subsection (1) of this section, the board is directed to

1 work in conjunction with the department of health and the department of
2 agriculture to adopt rules by December 31, 2012:

3 (a) Prescribing and regulating the necessary equipment, containers,
4 sanitary conditions, safety and security measures, production methods,
5 processing methods, and management of production facilities in which
6 cannabis, hemp, or hemp products are planted, grown, harvested,
7 processed, or packaged, prescribing the books and records to be kept
8 therein and the reports to be made thereon to the board, and providing
9 for inspection of production facilities and the books and records kept
10 therein;

11 (b) Prescribing the kinds, quantities, and forms of cannabis, hemp,
12 and hemp products which may be produced and offered for sale at
13 wholesale by licensed producers, regulating the manner in which the
14 same shall be produced, processed, packaged, sold, and disposed of, and
15 providing for the inspection, sampling, and testing of the same at any
16 time at the instance of the board;

17 (c) Prescribing labeling requirements and determining the manner in
18 which labeling shall be attached to every package of cannabis, hemp, or
19 hemp product packaged and offered for sale at wholesale by a licensed
20 producer under this title, including the prescribing of different
21 labels for different grades, strains, and THC concentrations of
22 cannabis;

23 (d) Specifying and regulating the time and periods when, and the
24 manner, methods, and means by which, licensed producers shall deliver
25 cannabis, hemp, and hemp products within the state; and the time and
26 periods when, and the manner, methods, and means by which, cannabis,
27 hemp, and hemp products may lawfully be conveyed or carried within the
28 state;

29 (e) Seizing, confiscating, and destroying all cannabis, hemp, and
30 hemp products produced, processed, packaged, or offered for sale at
31 wholesale within this state which do not conform in all respects to the
32 standards prescribed by this title or the regulations of the board;

33 (f) Prescribing forms to be used for purposes of this title or
34 regulations adopted to carry out its purposes, and the terms and
35 conditions to be contained in producers' licenses issued under this
36 title, and the qualifications for receiving a producer's license issued
37 under this title, including a criminal history record information
38 check. The board may submit the criminal history record information

1 check to the Washington state patrol and to the identification division
2 of the federal bureau of investigation in order that these agencies may
3 search their records for prior arrests and convictions of the
4 individual or individuals who filled out the forms. The board shall
5 require fingerprinting of any applicant whose criminal history record
6 information check is submitted to the federal bureau of investigation;

7 (g) Prescribing application and renewal fees for producers'
8 licenses adequate to recapture the cost to the state of implementing,
9 maintaining, and enforcing those provisions of this title and related
10 regulations regarding producers' licenses, and prescribing the fees for
11 anything done or permitted to be done under the regulations;

12 (h) Prescribing the manner of giving and serving notices required
13 by this title or the regulations, where not otherwise provided for in
14 this title; and

15 (i) Prescribing the duties of the employees of the board regarding
16 implementation and enforcement of this title and regulations adopted to
17 carry out its purposes, and regulating their conduct in the discharge
18 of their duties.

19 NEW SECTION. **Sec. 29.** A licensed cannabis farmer who wishes to
20 produce, process, or package cannabis products intended for human
21 consumption must, in addition to complying with all requirements set
22 forth in this act and rules adopted to enforce and carry out its
23 purposes, comply with the requirements of the Washington food
24 processing act, chapter 69.07 RCW, and all rules adopted to enforce and
25 carry out that act's purposes.

26 **CANNABIS REPACKAGING**

27 NEW SECTION. **Sec. 30.** A state or contracted liquor store who
28 wishes to repackage cannabis products intended for human consumption
29 must, in addition to complying with all requirements set forth in this
30 act and rules adopted to enforce and carry out its purposes, comply
31 with the requirements of the Washington food processing act, chapter
32 69.07 RCW, and all rules adopted to enforce and carry out that act's
33 purposes.

1 **CANNABIS PERMITS, LICENSES, AND ID'S**

2 **Sec. 31.** RCW 66.20.150 and 1933 ex.s. c 62 s 41 are each amended
3 to read as follows:

4 No person shall purchase or attempt to purchase liquor or cannabis
5 under a permit which is suspended, or which has been canceled, or of
6 which he or she is not the holder.

7 **Sec. 32.** RCW 66.20.170 and 1973 1st ex.s. c 209 s 5 are each
8 amended to read as follows:

9 A card of identification may for the purpose of this title and for
10 the purpose of procuring liquor or cannabis, be accepted as an
11 identification card by any licensee or store employee and as evidence
12 of legal age of the person presenting such card, provided the licensee
13 or store employee complies with the conditions and procedures
14 prescribed herein and such regulations as may be made by the board.

15 **Sec. 33.** RCW 66.20.180 and 2005 c 151 s 9 are each amended to read
16 as follows:

17 A card of identification shall be presented by the holder thereof
18 upon request of any licensee, store employee, contract liquor store
19 manager, contract liquor store employee, peace officer, or enforcement
20 officer of the board for the purpose of aiding the licensee, store
21 employee, contract liquor store manager, contract liquor store
22 employee, peace officer, or enforcement officer of the board to
23 determine whether or not such person is of legal age to purchase liquor
24 or cannabis when such person desires to procure liquor or cannabis from
25 a licensed establishment or state liquor store or contract liquor
26 store.

27 **Sec. 34.** RCW 66.20.190 and 1981 1st ex.s. c 5 s 9 are each amended
28 to read as follows:

29 In addition to the presentation by the holder and verification by
30 the licensee or store employee of such card of identification, the
31 licensee or store employee who is still in doubt about the true age of
32 the holder shall require the person whose age may be in question to
33 sign a certification card and record an accurate description and serial
34 number of his or her card of identification thereon. Such statement
35 shall be upon a five-inch by eight-inch file card, which card shall be

1 filed alphabetically by the licensee or store employee at or before the
2 close of business on the day on which the statement is executed, in the
3 file box containing a suitable alphabetical index and the card shall be
4 subject to examination by any peace officer or agent or employee of the
5 board at all times. The certification card shall also contain in bold-
6 face type a statement stating that the signer understands that
7 conviction for unlawful purchase of alcoholic beverages and cannabis or
8 misuse of the certification card may result in criminal penalties
9 including imprisonment or fine or both.

10 **Sec. 35.** RCW 66.20.200 and 2003 c 53 s 295 are each amended to
11 read as follows:

12 (1) It shall be unlawful for the owner of a card of identification
13 to transfer the card to any other person for the purpose of aiding such
14 person to procure alcoholic beverages or cannabis from any licensee or
15 store employee. Any person who shall permit his or her card of
16 identification to be used by another or transfer such card to another
17 for the purpose of aiding such transferee to obtain alcoholic beverages
18 or cannabis from a licensee or store employee or gain admission to a
19 premises or portion of a premises classified by the board as off-limits
20 to persons under twenty-one years of age, shall be guilty of a
21 misdemeanor punishable as provided by RCW 9A.20.021, except that a
22 minimum fine of two hundred fifty dollars shall be imposed and any
23 sentence requiring community restitution shall require not fewer than
24 twenty-five hours of community restitution.

25 (2) Any person not entitled thereto who unlawfully procures or has
26 issued or transferred to him or her a card of identification, and any
27 person who possesses a card of identification not issued to him or her,
28 and any person who makes any false statement on any certification card
29 required by RCW 66.20.190, to be signed by him or her, shall be guilty
30 of a misdemeanor punishable as provided by RCW 9A.20.021, except that
31 a minimum fine of two hundred fifty dollars shall be imposed and any
32 sentence requiring community restitution shall require not fewer than
33 twenty-five hours of community restitution.

34 **Sec. 36.** RCW 66.20.210 and 1973 1st ex.s. c 209 s 9 are each
35 amended to read as follows:

36 No licensee or the agent or employee of the licensee, or store

1 employee, shall be prosecuted criminally or be sued in any civil action
2 for serving liquor or distributing cannabis to a person under legal age
3 to purchase liquor or cannabis if such person has presented a card of
4 identification in accordance with RCW 66.20.180, and has signed a
5 certification card as provided in RCW 66.20.190.

6 Such card in the possession of a licensee may be offered as a
7 defense in any hearing held by the board for serving liquor or
8 providing cannabis to the person who signed the card and may be
9 considered by the board as evidence that the licensee acted in good
10 faith.

11 **PART IV**
12 **PUBLIC NUISANCE**

13 **Sec. 37.** RCW 66.36.010 and 1939 c 172 s 9 are each amended to read
14 as follows:

15 Any ground, farm, room, house, building, boat, vehicle, structure,
16 or place, except premises licensed under this title, where liquor or
17 cannabis, as defined in this title, is manufactured, kept, sold,
18 bartered, exchanged, given away, furnished, or otherwise disposed of in
19 violation of the provisions of this title or of the laws of this state
20 relating to the growing, manufacture, importation, transportation,
21 possession, distribution, and sale of liquor or cannabis, and all
22 property kept in and used in maintaining such a place, are hereby
23 declared to be a common nuisance. The prosecuting attorney of the
24 county in which such nuisance is situated shall institute and maintain
25 an action in the superior court of such county in the name of the state
26 of Washington to abate and perpetually enjoin such nuisance. The
27 plaintiff shall not be required to give bond in such action, and
28 restraining orders, temporary injunctions and permanent injunctions may
29 be granted in said cause as in other injunction proceedings, and upon
30 final judgment against the defendant, such court may also order that
31 said ground, farm, room, house, building, boat, vehicle, structure, or
32 place, shall be closed for a period of one year; or until the owner,
33 lessee, tenant, or occupant thereof shall give bond with sufficient
34 surety, to be approved by the court making the order, in the penal sum
35 of not less than one thousand dollars payable to the state of
36 Washington, and conditioned that liquor or cannabis will not thereafter

1 be grown, manufactured, kept, sold, bartered, exchanged, given away,
2 furnished, or otherwise disposed of thereon or therein in violation of
3 the provisions of this title or of the laws of this state relating to
4 the growing, manufacture, importation, transportation, possession,
5 distribution, and sale of liquor and cannabis, and that he or she will
6 pay all fines, costs, and damages assessed against him or her for any
7 violation of this title or of the laws of this state relating to the
8 growing, manufacture, importation, transportation, possession,
9 distribution, and sale of liquor or cannabis. If any condition of such
10 bond be violated, the whole amount may be recovered as a penalty for
11 the use of the county wherein the premises are situated.

12 In all cases where any person has been convicted of a violation of
13 this title or the laws of this state relating to the growing,
14 manufacture, importation, transportation, possession, distribution, and
15 sale of liquor or cannabis an action may be brought in the superior
16 court of the county in which the premises are situated, to abate as a
17 nuisance any real estate or other property involved in the commission
18 of said offense, and in any such action a certified copy of the record
19 of such conviction shall be admissible in evidence and prima facie
20 evidence that the ground, farm, room, house, building, boat, vehicle,
21 structure, or place against which such action is brought is a public
22 nuisance.

23 **DEPARTMENT OF AGRICULTURE**

24 NEW SECTION. **Sec. 38.** A new section is added to chapter 43.23 RCW
25 to read as follows:

26 The department shall work in conjunction with the liquor control
27 board:

28 (1) In prescribing methods of growing, conditions of sanitation,
29 standards of ingredients, quality, and identity of cannabis sold,
30 packaged, or handled by licensed cannabis farmers, the board, and
31 liquor stores;

32 (2) To license farmers to grow cannabis crops and sell, distribute,
33 and transport such cannabis to state liquor stores and state contracted
34 liquor stores;

35 (3) In establishing rules, regulations, permits, licenses, and fees
36 for cannabis farmers;

1 (4) In determining the quantity of cannabis and hemp products each
2 cannabis farmer may cultivate, grow, and store annually;

3 (5) In establishing rules and regulations for the cultivation of
4 cannabis for personal home use and industrial hemp.

5 **CANNABIS STORAGE**

6 NEW SECTION. **Sec. 39.** A new section is added to chapter 66.12 RCW
7 to read as follows:

8 Nothing in this title shall prevent any person licensed to grow
9 cannabis from keeping cannabis in his or her warehouse or place of
10 business.

11 **PART V**

12 **FUNDING**

13 NEW SECTION. **Sec. 40.** (1) In addition to any required local sales
14 tax, there is hereby a state tax imposed on the sale of cannabis. The
15 state tax shall be set at a rate of fifteen percent per gram of
16 cannabis sold within Washington to any member of the public over the
17 age of twenty-one and to the Washington state liquor control board.

18 (2) All revenues collected from the state tax imposed under this
19 section shall be deposited in the cannabis revolving fund with the
20 state treasurer.

21 NEW SECTION. **Sec. 41.** A new section is added to chapter 70.96A
22 RCW to read as follows:

23 To be eligible to receive its share of cannabis taxes and profits,
24 each city and county shall devote no less than two percent of its share
25 of cannabis taxes and profits to the support of an approved treatment
26 program for chemical dependency treatment authorized by RCW 70.96A.300
27 and the secretary.

28 **CANNABIS REVOLVING FUND**

29 NEW SECTION. **Sec. 42.** (1) There shall be a fund, known as the
30 "cannabis revolving fund" which shall consist of all license fees,

1 permit fees, penalties, forfeitures, taxes, and all other moneys,
2 income, or revenue received by the board from cannabis. The state
3 treasurer shall be custodian of the fund.

4 (2) Moneys in the cannabis revolving fund shall be distributed by
5 the board every three months. Seventy-seven percent of the funds shall
6 be transferred to the department of health, twenty percent of the funds
7 shall be transferred to the division of alcohol and substance abuse of
8 the department of social and health services for evidence-based
9 substance abuse treatment and prevention programs, two percent to the
10 department of agriculture for administration, and the remaining one
11 percent shall be retained by the board for administration.

12 PART VI

13 CRIMES, ENFORCEMENT, AND PENALTIES

14 **Sec. 43.** RCW 69.50.101 and 2010 c 177 s 1 are each amended to read
15 as follows:

16 Unless the context clearly requires otherwise, definitions of terms
17 shall be as indicated where used in this chapter:

18 (a) "Administer" means to apply a controlled substance, whether by
19 injection, inhalation, ingestion, or any other means, directly to the
20 body of a patient or research subject by:

21 (1) a practitioner authorized to prescribe (or, by the
22 practitioner's authorized agent); or

23 (2) the patient or research subject at the direction and in the
24 presence of the practitioner.

25 (b) "Agent" means an authorized person who acts on behalf of or at
26 the direction of a manufacturer, distributor, or dispenser. It does
27 not include a common or contract carrier, public warehouseperson, or
28 employee of the carrier or warehouseperson.

29 (c) "Board" means the state board of pharmacy.

30 (d) "Controlled substance" means a drug, substance, or immediate
31 precursor included in Schedules I through V as set forth in federal or
32 state laws, or federal or board rules, except the Cannabis plant and
33 all of its parts and derivatives.

34 (e)(1) "Controlled substance analog" means a substance the chemical
35 structure of which is substantially similar to the chemical structure
36 of a controlled substance in Schedule I or II and:

1 (i) that has a stimulant, depressant, or hallucinogenic effect on
2 the central nervous system substantially similar to the stimulant,
3 depressant, or hallucinogenic effect on the central nervous system of
4 a controlled substance included in Schedule I or II; or

5 (ii) with respect to a particular individual, that the individual
6 represents or intends to have a stimulant, depressant, or
7 hallucinogenic effect on the central nervous system substantially
8 similar to the stimulant, depressant, or hallucinogenic effect on the
9 central nervous system of a controlled substance included in Schedule
10 I or II.

11 (2) The term does not include:

12 (i) a controlled substance;

13 (ii) a substance for which there is an approved new drug
14 application;

15 (iii) a substance with respect to which an exemption is in effect
16 for investigational use by a particular person under Section 505 of the
17 federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent
18 conduct with respect to the substance is pursuant to the exemption; or

19 (iv) any substance to the extent not intended for human consumption
20 before an exemption takes effect with respect to the substance.

21 (f) "Deliver" or "delivery," means the actual or constructive
22 transfer from one person to another of a substance, whether or not
23 there is an agency relationship.

24 (g) "Department" means the department of health.

25 (h) "Dispense" means the interpretation of a prescription or order
26 for a controlled substance and, pursuant to that prescription or order,
27 the proper selection, measuring, compounding, labeling, or packaging
28 necessary to prepare that prescription or order for delivery.

29 (i) "Dispenser" means a practitioner who dispenses.

30 (j) "Distribute" means to deliver other than by administering or
31 dispensing a controlled substance.

32 (k) "Distributor" means a person who distributes.

33 (l) "Drug" means (1) a controlled substance recognized as a drug in
34 the official United States pharmacopoeia/national formulary or the
35 official homeopathic pharmacopoeia of the United States, or any
36 supplement to them; (2) controlled substances intended for use in the
37 diagnosis, cure, mitigation, treatment, or prevention of disease in
38 individuals or animals; (3) controlled substances (other than food)

1 intended to affect the structure or any function of the body of
2 individuals or animals; and (4) controlled substances intended for use
3 as a component of any article specified in (1), (2), or (3) of this
4 subsection. The term does not include devices or their components,
5 parts, or accessories.

6 (m) "Drug enforcement administration" means the drug enforcement
7 administration in the United States Department of Justice, or its
8 successor agency.

9 (n) "Immediate precursor" means a substance:

10 (1) that the state board of pharmacy has found to be and by rule
11 designates as being the principal compound commonly used, or produced
12 primarily for use, in the manufacture of a controlled substance;

13 (2) that is an immediate chemical intermediary used or likely to be
14 used in the manufacture of a controlled substance; and

15 (3) the control of which is necessary to prevent, curtail, or limit
16 the manufacture of the controlled substance.

17 (o) "Isomer" means an optical isomer, but in RCW 69.50.101(~~(+r)~~)
18 (q)(5), 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term
19 includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and
20 69.50.210(c) the term includes any positional isomer; and in RCW
21 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any
22 positional or geometric isomer.

23 (p) "Manufacture" means the production, preparation, propagation,
24 compounding, conversion, or processing of a controlled substance,
25 either directly or indirectly or by extraction from substances of
26 natural origin, or independently by means of chemical synthesis, or by
27 a combination of extraction and chemical synthesis, and includes any
28 packaging or repackaging of the substance or labeling or relabeling of
29 its container. The term does not include the preparation, compounding,
30 packaging, repackaging, labeling, or relabeling of a controlled
31 substance:

32 (1) by a practitioner as an incident to the practitioner's
33 administering or dispensing of a controlled substance in the course of
34 the practitioner's professional practice; or

35 (2) by a practitioner, or by the practitioner's authorized agent
36 under the practitioner's supervision, for the purpose of, or as an
37 incident to, research, teaching, or chemical analysis and not for sale.

1 (q) (~~"Marijuana" or "marihuana" means all parts of the plant~~
2 ~~Cannabis, whether growing or not; the seeds thereof; the resin~~
3 ~~extracted from any part of the plant; and every compound, manufacture,~~
4 ~~salt, derivative, mixture, or preparation of the plant, its seeds or~~
5 ~~resin. The term does not include the mature stalks of the plant, fiber~~
6 ~~produced from the stalks, oil or cake made from the seeds of the plant,~~
7 ~~any other compound, manufacture, salt, derivative, mixture, or~~
8 ~~preparation of the mature stalks (except the resin extracted~~
9 ~~therefrom), fiber, oil, or cake, or the sterilized seed of the plant~~
10 ~~which is incapable of germination.~~

11 (~~r~~)) "Narcotic drug" means any of the following, whether produced
12 directly or indirectly by extraction from substances of vegetable
13 origin, or independently by means of chemical synthesis, or by a
14 combination of extraction and chemical synthesis:

15 (1) Opium, opium derivative, and any derivative of opium or opium
16 derivative, including their salts, isomers, and salts of isomers,
17 whenever the existence of the salts, isomers, and salts of isomers is
18 possible within the specific chemical designation. The term does not
19 include the isoquinoline alkaloids of opium.

20 (2) Synthetic opiate and any derivative of synthetic opiate,
21 including their isomers, esters, ethers, salts, and salts of isomers,
22 esters, and ethers, whenever the existence of the isomers, esters,
23 ethers, and salts is possible within the specific chemical designation.

24 (3) Poppy straw and concentrate of poppy straw.

25 (4) Coca leaves, except coca leaves and extracts of coca leaves
26 from which cocaine, ecgonine, and derivatives or ecgonine or their
27 salts have been removed.

28 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

29 (6) Cocaine base.

30 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
31 thereof.

32 (8) Any compound, mixture, or preparation containing any quantity
33 of any substance referred to in subparagraphs (1) through (7).

34 (~~s~~)) (r) "Opiate" means any substance having an addiction-
35 forming or addiction-sustaining liability similar to morphine or being
36 capable of conversion into a drug having addiction-forming or
37 addiction-sustaining liability. The term includes opium, substances
38 derived from opium (opium derivatives), and synthetic opiates. The

1 term does not include, unless specifically designated as controlled
2 under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-
3 methylmorphinan and its salts (dextromethorphan). The term includes
4 the racemic and levorotatory forms of dextromethorphan.

5 ~~((+t))~~ (s) "Opium poppy" means the plant of the species *Papaver*
6 *somniferum* L., except its seeds.

7 ~~((+u))~~ (t) "Person" means individual, corporation, business trust,
8 estate, trust, partnership, association, joint venture, government,
9 governmental subdivision or agency, or any other legal or commercial
10 entity.

11 ~~((+v))~~ (u) "Poppy straw" means all parts, except the seeds, of the
12 opium poppy, after mowing.

13 ~~((+w))~~ (v) "Practitioner" means:

14 (1) A physician under chapter 18.71 RCW; a physician assistant
15 under chapter 18.71A RCW; an osteopathic physician and surgeon under
16 chapter 18.57 RCW; an osteopathic physician assistant under chapter
17 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
18 limitations in RCW 18.57A.040; an optometrist licensed under chapter
19 18.53 RCW who is certified by the optometry board under RCW 18.53.010
20 subject to any limitations in RCW 18.53.010; a dentist under chapter
21 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
22 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
23 registered nurse practitioner, or licensed practical nurse under
24 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
25 who is licensed under RCW 18.36A.030 subject to any limitations in RCW
26 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
27 investigator under this chapter, licensed, registered or otherwise
28 permitted insofar as is consistent with those licensing laws to
29 distribute, dispense, conduct research with respect to or administer a
30 controlled substance in the course of their professional practice or
31 research in this state.

32 (2) A pharmacy, hospital or other institution licensed, registered,
33 or otherwise permitted to distribute, dispense, conduct research with
34 respect to or to administer a controlled substance in the course of
35 professional practice or research in this state.

36 (3) A physician licensed to practice medicine and surgery, a
37 physician licensed to practice osteopathic medicine and surgery, a
38 dentist licensed to practice dentistry, a podiatric physician and

1 surgeon licensed to practice podiatric medicine and surgery, or a
2 veterinarian licensed to practice veterinary medicine in any state of
3 the United States.

4 ~~((+x+))~~ (w) "Prescription" means an order for controlled substances
5 issued by a practitioner duly authorized by law or rule in the state of
6 Washington to prescribe controlled substances within the scope of his
7 or her professional practice for a legitimate medical purpose.

8 ~~((+y+))~~ (x) "Production" includes the manufacturing, planting,
9 cultivating, growing, or harvesting of a controlled substance.

10 ~~((+z+))~~ (y) "Secretary" means the secretary of health or the
11 secretary's designee.

12 ~~((+aa+))~~ (z) "State," unless the context otherwise requires, means
13 a state of the United States, the District of Columbia, the
14 Commonwealth of Puerto Rico, or a territory or insular possession
15 subject to the jurisdiction of the United States.

16 ~~((+bb+))~~ (aa) "Ultimate user" means an individual who lawfully
17 possesses a controlled substance for the individual's own use or for
18 the use of a member of the individual's household or for administering
19 to an animal owned by the individual or by a member of the individual's
20 household.

21 ~~((+cc+))~~ (bb) "Electronic communication of prescription
22 information" means the communication of prescription information by
23 computer, or the transmission of an exact visual image of a
24 prescription by facsimile, or other electronic means for original
25 prescription information or prescription refill information for a
26 Schedule III-V controlled substance between an authorized practitioner
27 and a pharmacy or the transfer of prescription information for a
28 controlled substance from one pharmacy to another pharmacy.

29 **Sec. 44.** RCW 69.50.201 and 1998 c 245 s 108 are each amended to
30 read as follows:

31 (a) The state board of pharmacy shall enforce this chapter and may
32 add substances to or delete or reschedule substances listed in RCW
33 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to
34 the procedures of chapter 34.05 RCW.

35 (1) In making a determination regarding a substance, the board
36 shall consider the following:

37 (i) the actual or relative potential for abuse;

1 (ii) the scientific evidence of its pharmacological effect, if
2 known;

3 (iii) the state of current scientific knowledge regarding the
4 substance;

5 (iv) the history and current pattern of abuse;

6 (v) the scope, duration, and significance of abuse;

7 (vi) the risk to the public health;

8 (vii) the potential of the substance to produce psychic or
9 physiological dependence liability; and

10 (viii) whether the substance is an immediate precursor of a
11 controlled substance.

12 (2) The board may consider findings of the federal Food and Drug
13 Administration or the Drug Enforcement Administration as prima facie
14 evidence relating to one or more of the determinative factors.

15 (b) After considering the factors enumerated in subsection (a) of
16 this section, the board shall make findings with respect thereto and
17 adopt and cause to be published a rule controlling the substance upon
18 finding the substance has a potential for abuse.

19 (c) The board, without regard to the findings required by
20 subsection (a) of this section or RCW 69.50.203, 69.50.205, 69.50.207,
21 69.50.209, and 69.50.211 or the procedures prescribed by subsections
22 (a) and (b) of this section, may place an immediate precursor in the
23 same schedule in which the controlled substance of which it is an
24 immediate precursor is placed or in any other schedule. If the board
25 designates a substance as an immediate precursor, substances that are
26 precursors of the controlled precursor are not subject to control
27 solely because they are precursors of the controlled precursor.

28 (d) If a substance other than the Cannabis plant or any of its
29 parts or derivatives is designated, rescheduled, or deleted as a
30 controlled substance under federal law, the board shall similarly
31 control the substance under this chapter after the expiration of thirty
32 days from the date of publication in the federal register of a final
33 order designating the substance as a controlled substance or
34 rescheduling or deleting the substance or from the date of issuance of
35 an order of temporary scheduling under Section 508 of the federal
36 Dangerous Drug Diversion Control Act of 1984, 21 U.S.C. Sec. 811(h),
37 unless within that thirty-day period, the board or an interested party
38 objects to inclusion, rescheduling, temporary scheduling, or deletion.

1 If no objection is made, the board shall adopt and cause to be
2 published, without the necessity of making determinations or findings
3 as required by subsection (a) of this section or RCW 69.50.203,
4 69.50.205, 69.50.207, 69.50.209, and 69.50.211, a final rule, for which
5 notice of proposed rule making is omitted, designating, rescheduling,
6 temporarily scheduling, or deleting the substance. If an objection is
7 made, the board shall make a determination with respect to the
8 designation, rescheduling, or deletion of the substance as provided by
9 subsection (a) of this section. Upon receipt of an objection to
10 inclusion, rescheduling, or deletion under this chapter by the board,
11 the board shall publish notice of the receipt of the objection, and
12 control under this chapter is stayed until the board adopts a rule as
13 provided by subsection (a) of this section.

14 (e) The board, by rule and without regard to the requirements of
15 subsection (a) of this section, may schedule a substance other than the
16 Cannabis plant or any of its parts or derivatives in Schedule I
17 regardless of whether the substance is substantially similar to a
18 controlled substance in Schedule I or II if the board finds that
19 scheduling of the substance on an emergency basis is necessary to avoid
20 an imminent hazard to the public safety and the substance is not
21 included in any other schedule or no exemption or approval is in effect
22 for the substance under Section 505 of the federal Food, Drug, and
23 Cosmetic Act, 21 U.S.C. Sec. 355. Upon receipt of notice under RCW
24 69.50.214, the board shall initiate scheduling of the controlled
25 substance analog on an emergency basis pursuant to this subsection.
26 The scheduling of a substance under this subsection expires one year
27 after the adoption of the scheduling rule. With respect to the finding
28 of an imminent hazard to the public safety, the board shall consider
29 whether the substance has been scheduled on a temporary basis under
30 federal law or factors set forth in subsection (a)(1)(iv), (v), and
31 (vi) of this section, and may also consider clandestine importation,
32 manufacture, or distribution, and, if available, information concerning
33 the other factors set forth in subsection (a)(1) of this section. A
34 rule may not be adopted under this subsection until the board initiates
35 a rule-making proceeding under subsection (a) of this section with
36 respect to the substance. A rule adopted under this subsection must be
37 vacated upon the conclusion of the rule-making proceeding initiated
38 under subsection (a) of this section with respect to the substance.

1 (~~(g)~~[(f)]) (f) Authority to control under this section does not
2 extend to distilled spirits, wine, malt beverages, cannabis, or tobacco
3 as those terms are defined or used in Titles 66 and 26 RCW and in this
4 act.

5 **Sec. 45.** RCW 69.50.204 and 2010 c 177 s 2 are each amended to read
6 as follows:

7 Unless specifically excepted by state or federal law or regulation
8 or more specifically included in another schedule, the following
9 controlled substances are listed in Schedule I:

10 (a) Any of the following opiates, including their isomers, esters,
11 ethers, salts, and salts of isomers, esters, and ethers whenever the
12 existence of these isomers, esters, ethers, and salts is possible
13 within the specific chemical designation:

14 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
15 piperidinyl]-N-phenylacetamide);

16 (2) Acetylmethadol;

17 (3) Allylprodine;

18 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also known
19 as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

20 (5) Alphameprodine;

21 (6) Alphamethadol;

22 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-
23 4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
24 propanilido) piperidine);

25 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
26 piperidinyl]-N-phenylpropanamide);

27 (9) Benzethidine;

28 (10) Betacetylmethadol;

29 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
30 piperidinyl]-N-phenylpropanamide);

31 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names: N-
32 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;

33 (13) Betameprodine;

34 (14) Betamethadol;

35 (15) Betaprodine;

36 (16) Clonitazene;

37 (17) Dextromoramide;

1 (18) Diampromide;
2 (19) Diethylthiambutene;
3 (20) Difenoxin;
4 (21) Dimenoxadol;
5 (22) Dimepheptanol;
6 (23) Dimethylthiambutene;
7 (24) Dioxaphetyl butyrate;
8 (25) Dipipanone;
9 (26) Ethylmethylthiambutene;
10 (27) Etonitazene;
11 (28) Etoxeridine;
12 (29) Furethidine;
13 (30) Hydroxypethidine;
14 (31) Ketobemidone;
15 (32) Levomoramide;
16 (33) Levophenacylmorphan;
17 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-
18 N-phenylprop anamide);
19 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
20 piperidinyl]-N-phenylpropanamide);
21 (36) Morpheridine;
22 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
23 (38) Noracymethadol;
24 (39) Norlevorphanol;
25 (40) Normethadone;
26 (41) Norpipanone;
27 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
28 piperidinyl] propanamide);
29 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
30 (44) Phenadoxone;
31 (45) Phenampromide;
32 (46) Phenomorphan;
33 (47) Phenoperidine;
34 (48) Piritramide;
35 (49) Proheptazine;
36 (50) Properidine;
37 (51) Propiram;
38 (52) Racemoramide;

1 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
2 propanamide);

3 (54) Tilidine;

4 (55) Trimeperidine.

5 (b) Opium derivatives. Unless specifically excepted or unless
6 listed in another schedule, any of the following opium derivatives,
7 including their salts, isomers, and salts of isomers whenever the
8 existence of those salts, isomers, and salts of isomers is possible
9 within the specific chemical designation:

10 (1) Acetorphine;

11 (2) Acetyldihydrocodeine;

12 (3) Benzylmorphine;

13 (4) Codeine methylbromide;

14 (5) Codeine-N-Oxide;

15 (6) Cyprenorphine;

16 (7) Desomorphine;

17 (8) Dihydromorphine;

18 (9) Drotebanol;

19 (10) Etorphine, except hydrochloride salt;

20 (11) Heroin;

21 (12) Hydromorphenol;

22 (13) Methyldesorphine;

23 (14) Methyldihydromorphine;

24 (15) Morphine methylbromide;

25 (16) Morphine methylsulfonate;

26 (17) Morphine-N-Oxide;

27 (18) Myrophine;

28 (19) Nicocodeine;

29 (20) Nicomorphine;

30 (21) Normorphine;

31 (22) Pholcodine;

32 (23) Thebacon.

33 (c) Hallucinogenic substances. Unless specifically excepted or
34 unless listed in another schedule, any material, compound, mixture, or
35 preparation which contains any quantity of the following hallucinogenic
36 substances, including their salts, isomers, and salts of isomers
37 whenever the existence of those salts, isomers, and salts of isomers is

1 possible within the specific chemical designation. For the purposes of
2 this subsection only, the term "isomer" includes the optical, position,
3 and geometric isomers:

4 (1) Alpha-ethyltryptamine: Some trade or other names:
5 Etryptamine; monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
6 indole; α -ET; and AET;

7 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
8 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;

9 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other
10 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
11 DOB; 2C-B, nexus;

12 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
13 dimethoxy- α -methylphenethylamine; 2,5-DMA;

14 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

15 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
16 2C-T-7;

17 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy- α -
18 methylphenethylamine; paramethoxyamphetamine, PMA;

19 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

20 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
21 names: 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and
22 "STP";

23 (10) 3,4-methylenedioxy amphetamine;

24 (11) 3,4-methylenedioxymethamphetamine (MDMA);

25 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-
26 alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;

27 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
28 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy MDA;

29 (14) 3,4,5-trimethoxy amphetamine;

30 (15) Alpha-methyltryptamine: Other name: AMT;

31 (16) Bufotenine: Some trade or other names: 3-(beta-
32 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol;
33 N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

34 (17) Diethyltryptamine: Some trade or other names: N,N-
35 Diethyltryptamine; DET;

36 (18) Dimethyltryptamine: Some trade or other names: DMT;

37 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;

1 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6
2 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyrido (1',2'
3 1,2) azepino (5,4-b) indole; Tabernanthe iboga;
4 (21) Lysergic acid diethylamide;
5 (22) (~~Marihuana or marijuana;~~
6 ~~(23))~~) Mescaline;
7 (~~(24))~~) (23) Parahexyl-7374: Some trade or other names: 3-Hexyl-
8 1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
9 dibenzo[b,d]pyran; synhexyl;
10 (~~(25))~~) (24) Peyote, meaning all parts of the plant presently
11 classified botanically as Lophophora Williamsii Lemaire, whether
12 growing or not, the seeds thereof, any extract from any part of such
13 plant, and every compound, manufacture, salts, derivative, mixture, or
14 preparation of such plant, its seeds, or extracts; (interprets 21
15 U.S.C. Sec. 812 (c), Schedule I (c)(12));
16 (~~(26))~~) (25) N-ethyl-3-piperidyl benzilate;
17 (~~(27))~~) (26) N-methyl-3-piperidyl benzilate;
18 (~~(28))~~) (27) Psilocybin;
19 (~~(29))~~) (28) Psilocyn;
20 (~~(30)~~—Tetrahydrocannabinols, —meaning—tetrahydrocannabinols
21 naturally contained in a plant of the genus Cannabis (cannabis plant),
22 as well as synthetic equivalents of the substances contained in the
23 plant, or in the resinous extractives of Cannabis, species, and/or
24 synthetic substances, derivatives, and their isomers with similar
25 chemical structure and pharmacological activity such as the following:
26 (i) 1 — cis — or trans tetrahydrocannabinol, and their optical
27 isomers, excluding tetrahydrocannabinol in sesame oil and encapsulated
28 in a soft gelatin capsule in a drug product approved by the United
29 States Food and Drug Administration;
30 (ii) 6 — cis — or trans tetrahydrocannabinol, and their optical
31 isomers;
32 (iii) 3,4 — cis — or trans tetrahydrocannabinol, and its optical
33 isomers;
34 (~~Since nomenclature of these substances is not internationally~~
35 ~~standardized, compounds of these structures, regardless of numerical~~
36 ~~designation of atomic positions covered.~~)
37 ~~(31))~~) (29) Ethylamine analog of phencyclidine: Some trade or

1 other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
2 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

3 ~~((+32))~~ (30) Pyrrolidine analog of phencyclidine: Some trade or
4 other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

5 ~~((+33))~~ (31) Thiophene analog of phencyclidine: Some trade or
6 other names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
7 phencyclidine; TPCP; TCP;

8 ~~((+34))~~ (32) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or
9 other name is TCPy.

10 (d) Depressants. Unless specifically excepted or unless listed in
11 another schedule, any material, compound, mixture, or preparation which
12 contains any quantity of the following substances having a depressant
13 effect on the central nervous system, including its salts, isomers, and
14 salts of isomers whenever the existence of such salts, isomers, and
15 salts of isomers is possible within the specific chemical designation.

16 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
17 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
18 sodium oxybate; sodium oxybutyrate;

19 (2) Mecloqualone;

20 (3) Methaqualone.

21 (e) Stimulants. Unless specifically excepted or unless listed in
22 another schedule, any material, compound, mixture, or preparation which
23 contains any quantity of the following substances having a stimulant
24 effect on the central nervous system, including its salts, isomers, and
25 salts of isomers:

26 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-
27 oxazoline; or 4, 5-dihydro-5-phenyl-2-oxazolamine;

28 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

29 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,
30 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

31 (4) Fenethylline;

32 (5) Methcathinone: Some other names: 2-(methylamino)-
33 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-
34 phenylpropan-1-one; alpha-N-methylaminopropiophenone;
35 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-
36 464; AL-422; AL-463 and UR1432, its salts, optical isomers, and salts
37 of optical isomers;

1 (6) (+-)cis-4-methylaminorex ((-)cis-4,5-dihydro-4-methyl-5-
2 phenyl-2-oxazoline);

3 (7) N-ethylamphetamine;

4 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-
5 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

6 The controlled substances in this section may be added,
7 rescheduled, or deleted as provided for in RCW 69.50.201.

8 **Sec. 46.** RCW 69.50.4013 and 2003 c 53 s 334 are each amended to
9 read as follows:

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

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

18 **Sec. 47.** RCW 69.50.410 and 2003 c 53 s 342 are each amended to
19 read as follows:

20 (1) Except as authorized by this chapter it is a class C felony for
21 any person to sell for profit any controlled substance or counterfeit
22 substance classified in Schedule I, RCW 69.50.204(~~, except leaves and~~
23 ~~flowering tops of marijuana~~)).

24 For the purposes of this section only, the following words and
25 phrases shall have the following meanings:

26 (a) "To sell" means the passing of title and possession of a
27 controlled substance from the seller to the buyer for a price whether
28 or not the price is paid immediately or at a future date.

29 (b) "For profit" means the obtaining of anything of value in
30 exchange for a controlled substance.

31 (c) "Price" means anything of value.

32 (2)(a) Any person convicted of a violation of subsection (1) of
33 this section shall receive a sentence of not more than five years in a
34 correctional facility of the department of social and health services
35 for the first offense.

1 (b) Any person convicted on a second or subsequent cause, the sale
2 having transpired after prosecution and conviction on the first cause,
3 of subsection (1) of this section shall receive a mandatory sentence of
4 five years in a correctional facility of the department of social and
5 health services and no judge of any court shall suspend or defer the
6 sentence imposed for the second or subsequent violation of subsection
7 (1) of this section.

8 (3)(a) Any person convicted of a violation of subsection (1) of
9 this section by selling heroin shall receive a mandatory sentence of
10 two years in a correctional facility of the department of social and
11 health services and no judge of any court shall suspend or defer the
12 sentence imposed for such violation.

13 (b) Any person convicted on a second or subsequent sale of heroin,
14 the sale having transpired after prosecution and conviction on the
15 first cause of the sale of heroin shall receive a mandatory sentence of
16 ten years in a correctional facility of the department of social and
17 health services and no judge of any court shall suspend or defer the
18 sentence imposed for this second or subsequent violation: PROVIDED,
19 That the indeterminate sentence review board under RCW 9.95.040 shall
20 not reduce the minimum term imposed for a violation under this
21 subsection.

22 (4) Whether or not a mandatory minimum term has expired, an
23 offender serving a sentence under this section may be granted an
24 extraordinary medical placement when authorized under RCW
25 9.94A.728(~~(+4)~~) (3).

26 (5) In addition to the sentences provided in subsection (2) of this
27 section, any person convicted of a violation of subsection (1) of this
28 section shall be fined in an amount calculated to at least eliminate
29 any and all proceeds or profits directly or indirectly gained by such
30 person as a result of sales of controlled substances in violation of
31 the laws of this or other states, or the United States, up to the
32 amount of five hundred thousand dollars on each count.

33 (6) Any person, addicted to the use of controlled substances, who
34 voluntarily applies to the department of social and health services for
35 the purpose of participating in a rehabilitation program approved by
36 the department for addicts of controlled substances shall be immune
37 from prosecution for subsection (1) offenses unless a filing of an
38 information or indictment against such person for a violation of

1 subsection (1) of this section is made prior to his or her voluntary
2 participation in the program of the department of social and health
3 services. All applications for immunity under this section shall be
4 sent to the department of social and health services in Olympia. It
5 shall be the duty of the department to stamp each application received
6 pursuant to this section with the date and time of receipt.

7 (7) This section shall not apply to offenses defined and punishable
8 under the provisions of RCW 69.50.401 through 69.50.4015.

9 **Sec. 48.** RCW 69.50.435 and 2003 c 53 s 346 are each amended to
10 read as follows:

11 (1) Any person who violates RCW 69.50.401 by manufacturing,
12 selling, delivering, or possessing with the intent to manufacture,
13 sell, or deliver a controlled substance listed under RCW 69.50.401 or
14 who violates RCW 69.50.410 by selling for profit any controlled
15 substance or counterfeit substance classified in schedule I, RCW
16 69.50.204(~~(, except leaves and flowering tops of marijuana to a~~
17 ~~person))):~~

- 18 (a) In a school;
- 19 (b) On a school bus;
- 20 (c) Within one thousand feet of a school bus route stop designated
21 by the school district;
- 22 (d) Within one thousand feet of the perimeter of the school
23 grounds;
- 24 (e) In a public park;
- 25 (f) In a public housing project designated by a local governing
26 authority as a drug-free zone;
- 27 (g) On a public transit vehicle;
- 28 (h) In a public transit stop shelter;
- 29 (i) At a civic center designated as a drug-free zone by the local
30 governing authority; or
- 31 (j) Within one thousand feet of the perimeter of a facility
32 designated under (i) of this subsection, if the local governing
33 authority specifically designates the one thousand foot perimeter
34 may be punished by a fine of up to twice the fine otherwise authorized
35 by this chapter, but not including twice the fine authorized by RCW
36 69.50.406, or by imprisonment of up to twice the imprisonment otherwise
37 authorized by this chapter, but not including twice the imprisonment

1 authorized by RCW 69.50.406, or by both such fine and imprisonment.
2 The provisions of this section shall not operate to more than double
3 the fine or imprisonment otherwise authorized by this chapter for an
4 offense.

5 (2) It is not a defense to a prosecution for a violation of this
6 section that the person was unaware that the prohibited conduct took
7 place while in a school or school bus or within one thousand feet of
8 the school or school bus route stop, in a public park, in a public
9 housing project designated by a local governing authority as a drug-
10 free zone, on a public transit vehicle, in a public transit stop
11 shelter, at a civic center designated as a drug-free zone by the local
12 governing authority, or within one thousand feet of the perimeter of a
13 facility designated under subsection (1)(i) of this section, if the
14 local governing authority specifically designates the one thousand foot
15 perimeter.

16 (3) It is not a defense to a prosecution for a violation of this
17 section or any other prosecution under this chapter that persons under
18 the age of eighteen were not present in the school, the school bus, the
19 public park, the public housing project designated by a local governing
20 authority as a drug-free zone, or the public transit vehicle, or at the
21 school bus route stop, the public transit vehicle stop shelter, at a
22 civic center designated as a drug-free zone by the local governing
23 authority, or within one thousand feet of the perimeter of a facility
24 designated under subsection (1)(i) of this section, if the local
25 governing authority specifically designates the one thousand foot
26 perimeter at the time of the offense or that school was not in session.

27 (4) It is an affirmative defense to a prosecution for a violation
28 of this section that the prohibited conduct took place entirely within
29 a private residence, that no person under eighteen years of age or
30 younger was present in such private residence at any time during the
31 commission of the offense, and that the prohibited conduct did not
32 involve delivering, manufacturing, selling, or possessing with the
33 intent to manufacture, sell, or deliver any controlled substance in RCW
34 69.50.401 for profit. The affirmative defense established in this
35 section shall be proved by the defendant by a preponderance of the
36 evidence. This section shall not be construed to establish an
37 affirmative defense with respect to a prosecution for an offense
38 defined in any other section of this chapter.

1 (5) In a prosecution under this section, a map produced or
2 reproduced by any municipality, school district, county, transit
3 authority engineer, or public housing authority for the purpose of
4 depicting the location and boundaries of the area on or within one
5 thousand feet of any property used for a school, school bus route stop,
6 public park, public housing project designated by a local governing
7 authority as a drug-free zone, public transit vehicle stop shelter, or
8 a civic center designated as a drug-free zone by a local governing
9 authority, or a true copy of such a map, shall under proper
10 authentication, be admissible and shall constitute prima facie evidence
11 of the location and boundaries of those areas if the governing body of
12 the municipality, school district, county, or transit authority has
13 adopted a resolution or ordinance approving the map as the official
14 location and record of the location and boundaries of the area on or
15 within one thousand feet of the school, school bus route stop, public
16 park, public housing project designated by a local governing authority
17 as a drug-free zone, public transit vehicle stop shelter, or civic
18 center designated as a drug-free zone by a local governing authority.
19 Any map approved under this section or a true copy of the map shall be
20 filed with the clerk of the municipality or county, and shall be
21 maintained as an official record of the municipality or county. This
22 section shall not be construed as precluding the prosecution from
23 introducing or relying upon any other evidence or testimony to
24 establish any element of the offense. This section shall not be
25 construed as precluding the use or admissibility of any map or diagram
26 other than the one which has been approved by the governing body of a
27 municipality, school district, county, transit authority, or public
28 housing authority if the map or diagram is otherwise admissible under
29 court rule.

30 (6) As used in this section the following terms have the meanings
31 indicated unless the context clearly requires otherwise:

32 (a) "School" has the meaning under RCW 28A.150.010 or 28A.150.020.
33 The term "school" also includes a private school approved under RCW
34 28A.195.010;

35 (b) "School bus" means a school bus as defined by the
36 superintendent of public instruction by rule which is owned and
37 operated by any school district and all school buses which are
38 privately owned and operated under contract or otherwise with any

1 school district in the state for the transportation of students. The
2 term does not include buses operated by common carriers in the urban
3 transportation of students such as transportation of students through
4 a municipal transportation system;

5 (c) "School bus route stop" means a school bus stop as designated
6 by a school district;

7 (d) "Public park" means land, including any facilities or
8 improvements on the land, that is operated as a park by the state or a
9 local government;

10 (e) "Public transit vehicle" means any motor vehicle, streetcar,
11 train, trolley vehicle, or any other device, vessel, or vehicle which
12 is owned or operated by a transit authority and which is used for the
13 purpose of carrying passengers on a regular schedule;

14 (f) "Transit authority" means a city, county, or state
15 transportation system, transportation authority, public transportation
16 benefit area, public transit authority, or metropolitan municipal
17 corporation within the state that operates public transit vehicles;

18 (g) "Stop shelter" means a passenger shelter designated by a
19 transit authority;

20 (h) "Civic center" means a publicly owned or publicly operated
21 place or facility used for recreational, educational, or cultural
22 activities;

23 (i) "Public housing project" means the same as "housing project" as
24 defined in RCW 35.82.020.

25 **Sec. 49.** RCW 66.44.010 and 1998 c 18 s 1 are each amended to read
26 as follows:

27 (1) All county and municipal peace officers are hereby charged with
28 the duty of investigating and prosecuting all violations of this title,
29 and the penal laws of this state relating to (a) the manufacture,
30 importation, transportation, possession, distribution, and sale of
31 liquor, and (b) the cultivation, transportation, possession,
32 distribution, importation, and sale of cannabis. All fines imposed for
33 violations of this title and the penal laws of this state relating to
34 the manufacture, importation, transportation, possession, distribution,
35 and sale of liquor and the cultivation, transportation, possession,
36 distribution, importation, and sale of cannabis shall belong to the
37 county, city, or town wherein the court imposing the fine is located,

1 and shall be placed in the general fund for payment of the salaries of
2 those engaged in the enforcement of the provisions of this title and
3 the penal laws of this state relating to the cultivation,
4 transportation, possession, distribution, importation, and sale of
5 cannabis, or the manufacture, importation, transportation, possession,
6 distribution, and sale of liquor: PROVIDED, That all fees, fines,
7 forfeitures, and penalties collected or assessed by a district court
8 because of the violation of a state law shall be remitted as provided
9 in chapter 3.62 RCW as now exists or is later amended.

10 (2) In addition to any and all other powers granted, the board
11 shall have the power to enforce the penal provisions of this title and
12 the penal laws of this state relating to the manufacture, importation,
13 transportation, possession, distribution, and sale of liquor and the
14 cultivation, transportation, possession, distribution, importation, and
15 sale of cannabis.

16 (3) In addition to the other duties under this section, the board
17 shall enforce chapters 82.24 and 82.26 RCW.

18 (4) The board may appoint and employ, assign to duty and fix the
19 compensation of, officers to be designated as liquor enforcement
20 officers. Such liquor enforcement officers shall have the power, under
21 the supervision of the board, to enforce the penal provisions of this
22 title and the penal laws of this state relating to the manufacture,
23 importation, transportation, possession, distribution, and sale of
24 liquor and the cultivation, transportation, possession, distribution,
25 importation, and sale of cannabis. They shall have the power and
26 authority to serve and execute all warrants and process of law issued
27 by the courts in enforcing the penal provisions of this title or of any
28 penal law of this state relating to the manufacture, importation,
29 transportation, possession, distribution, and sale of liquor and the
30 cultivation, transportation, possession, distribution, importation, and
31 sale of cannabis, and the provisions of chapters 82.24 and 82.26 RCW.
32 They shall have the power to arrest without a warrant any person or
33 persons found in the act of violating any of the penal provisions of
34 this title or of any penal law of this state relating to the
35 manufacture, importation, transportation, possession, distribution, and
36 sale of liquor, the cultivation, transportation, possession,
37 distribution, importation, and sale of cannabis, and the provisions of
38 chapters 82.24 and 82.26 RCW.

1 **Sec. 50.** RCW 10.31.100 and 2010 c 274 s 201 are each amended to
2 read as follows:

3 A police officer having probable cause to believe that a person has
4 committed or is committing a felony shall have the authority to arrest
5 the person without a warrant. A police officer may arrest a person
6 without a warrant for committing a misdemeanor or gross misdemeanor
7 only when the offense is committed in the presence of the officer,
8 except as provided in subsections (1) through (10) of this section.

9 (1) Any police officer having probable cause to believe that a
10 person has committed or is committing a misdemeanor or gross
11 misdemeanor, involving physical harm or threats of harm to any person
12 or property or the unlawful taking of property (~~or involving the use~~
13 ~~or possession of cannabis~~), or involving the acquisition, possession,
14 or consumption of alcohol by a person under the age of twenty-one years
15 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
16 or 9A.52.080, shall have the authority to arrest the person.

17 (2) A police officer shall arrest and take into custody, pending
18 release on bail, personal recognizance, or court order, a person
19 without a warrant when the officer has probable cause to believe that:

20 (a) An order has been issued of which the person has knowledge
21 under RCW 26.44.063, or chapter 7.90, 10.99, 26.09, 26.10, 26.26,
22 26.50, or 74.34 RCW restraining the person and the person has violated
23 the terms of the order restraining the person from acts or threats of
24 violence, or restraining the person from going onto the grounds of or
25 entering a residence, workplace, school, or day care, or prohibiting
26 the person from knowingly coming within, or knowingly remaining within,
27 a specified distance of a location or, in the case of an order issued
28 under RCW 26.44.063, imposing any other restrictions or conditions upon
29 the person; or

30 (b) A foreign protection order, as defined in RCW 26.52.010, has
31 been issued of which the person under restraint has knowledge and the
32 person under restraint has violated a provision of the foreign
33 protection order prohibiting the person under restraint from contacting
34 or communicating with another person, or excluding the person under
35 restraint from a residence, workplace, school, or day care, or
36 prohibiting the person from knowingly coming within, or knowingly
37 remaining within, a specified distance of a location, or a violation of

1 any provision for which the foreign protection order specifically
2 indicates that a violation will be a crime; or

3 (c) The person is sixteen years or older and within the preceding
4 four hours has assaulted a family or household member as defined in RCW
5 10.99.020 and the officer believes: (i) A felonious assault has
6 occurred; (ii) an assault has occurred which has resulted in bodily
7 injury to the victim, whether the injury is observable by the
8 responding officer or not; or (iii) that any physical action has
9 occurred which was intended to cause another person reasonably to fear
10 imminent serious bodily injury or death. Bodily injury means physical
11 pain, illness, or an impairment of physical condition. When the
12 officer has probable cause to believe that family or household members
13 have assaulted each other, the officer is not required to arrest both
14 persons. The officer shall arrest the person whom the officer believes
15 to be the primary physical aggressor. In making this determination,
16 the officer shall make every reasonable effort to consider: (i) The
17 intent to protect victims of domestic violence under RCW 10.99.010;
18 (ii) the comparative extent of injuries inflicted or serious threats
19 creating fear of physical injury; and (iii) the history of domestic
20 violence of each person involved, including whether the conduct was
21 part of an ongoing pattern of abuse.

22 (3) Any police officer having probable cause to believe that a
23 person has committed or is committing a violation of any of the
24 following traffic laws shall have the authority to arrest the person:

25 (a) RCW 46.52.010, relating to duty on striking an unattended car
26 or other property;

27 (b) RCW 46.52.020, relating to duty in case of injury to or death
28 of a person or damage to an attended vehicle;

29 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
30 racing of vehicles;

31 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
32 influence of intoxicating liquor or drugs;

33 (e) RCW 46.20.342, relating to driving a motor vehicle while
34 operator's license is suspended or revoked;

35 (f) RCW 46.61.5249, relating to operating a motor vehicle in a
36 negligent manner.

37 (4) A law enforcement officer investigating at the scene of a motor
38 vehicle accident may arrest the driver of a motor vehicle involved in

1 the accident if the officer has probable cause to believe that the
2 driver has committed in connection with the accident a violation of any
3 traffic law or regulation.

4 (5) Any police officer having probable cause to believe that a
5 person has committed or is committing a violation of RCW 79A.60.040
6 shall have the authority to arrest the person.

7 (6) An officer may act upon the request of a law enforcement
8 officer in whose presence a traffic infraction was committed, to stop,
9 detain, arrest, or issue a notice of traffic infraction to the driver
10 who is believed to have committed the infraction. The request by the
11 witnessing officer shall give an officer the authority to take
12 appropriate action under the laws of the state of Washington.

13 (7) Any police officer having probable cause to believe that a
14 person has committed or is committing any act of indecent exposure, as
15 defined in RCW 9A.88.010, may arrest the person.

16 (8) A police officer may arrest and take into custody, pending
17 release on bail, personal recognizance, or court order, a person
18 without a warrant when the officer has probable cause to believe that
19 an order has been issued of which the person has knowledge under
20 chapter 10.14 RCW and the person has violated the terms of that order.

21 (9) Any police officer having probable cause to believe that a
22 person has, within twenty-four hours of the alleged violation,
23 committed a violation of RCW 9A.50.020 may arrest such person.

24 (10) A police officer having probable cause to believe that a
25 person illegally possesses or illegally has possessed a firearm or
26 other dangerous weapon on private or public elementary or secondary
27 school premises shall have the authority to arrest the person.

28 For purposes of this subsection, the term "firearm" has the meaning
29 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
30 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

31 (11) Except as specifically provided in subsections (2), (3), (4),
32 and (6) of this section, nothing in this section extends or otherwise
33 affects the powers of arrest prescribed in Title 46 RCW.

34 (12) No police officer may be held criminally or civilly liable for
35 making an arrest pursuant to subsection (2) or (8) of this section if
36 the police officer acts in good faith and without malice.

1 hundred dollars and confined in the county jail not less than six
2 months, and upon second and subsequent conviction shall be fined not
3 less than one thousand dollars and confined in the county jail not less
4 than one year.

5 NEW SECTION. **Sec. 55.** Any person that buys cannabis from any
6 person other than the board, a state or contract liquor store, or some
7 person authorized by the board to sell cannabis is guilty of a
8 misdemeanor.

9 **Sec. 56.** RCW 66.44.170 and 1955 c 289 s 7 are each amended to read
10 as follows:

11 Any person who keeps or possesses liquor or cannabis upon his or
12 her person or in any place, or on premises conducted or maintained by
13 him or her as principal or agent with the intent to sell it contrary to
14 provisions of this title, shall be guilty of a violation of this title.
15 The possession of liquor or cannabis by the principal or agent on
16 premises conducted or maintained, under federal authority, as a retail
17 dealer in liquors or cannabis, shall be prima facie evidence of the
18 intent to sell liquor.

19 NEW SECTION. **Sec. 57.** Except in the case of cannabis administered
20 by a physician or dentist or sold upon a prescription in accordance
21 with the provisions of this title, no person shall procure or supply,
22 or assist directly or indirectly in procuring or supplying, cannabis
23 for or to anyone whose permit or license is suspended or has been
24 canceled.

25 **Sec. 58.** RCW 66.44.240 and 1983 c 165 s 29 are each amended to
26 read as follows:

27 Every person engaged wholly or in part in the business of carrying
28 passengers for hire, and every agent, servant, or employee of such
29 person, who knowingly permits any person to smoke or consume cannabis
30 or drink any intoxicating liquor in any public conveyance, except in
31 the compartment where such liquor is sold or served under the authority
32 of a license lawfully issued, is guilty of a misdemeanor. This section
33 does not apply to a public conveyance that is commercially chartered

1 for group use or a for-hire vehicle licensed under city, county, or
2 state law.

3 NEW SECTION. **Sec. 59.** Every person who smokes or consumes
4 cannabis in any public conveyance is guilty of a misdemeanor.

5 NEW SECTION. **Sec. 60.** (1) It is unlawful for any person to sell,
6 give, or otherwise supply cannabis to any person under the age of
7 twenty-one years or permit any person under that age to consume liquor
8 or to consume or smoke cannabis on his or her premises or on any
9 premises under his or her control. For the purposes of this
10 subsection, "premises" includes real property, houses, buildings, and
11 other structures, and motor vehicles and watercraft. A violation of
12 this subsection is a gross misdemeanor punishable as provided for in
13 chapter 9A.20 RCW.

14 (2) It is unlawful for any person under the age of twenty-one years
15 to possess, consume, or otherwise acquire any cannabis.

16 (a) A violation of this subsection is a class I civil infraction
17 punishable as provided for in chapter 7.80 RCW if the violation
18 involves less than fifteen plants or less than one pound of cannabis.

19 (b) A violation of this subsection is a gross misdemeanor
20 punishable under RCW 9A.20.021 if the violation involves fifteen or
21 more plants or one pound or more of cannabis.

22 (c) In addition to the penalties set forth in (a) and (b) of this
23 subsection, the court shall require each person under the age of
24 twenty-one years to participate in alcohol and drug information school.

25 (3) This section does not apply to cannabis given for medicinal
26 purposes to a person under the age of twenty-one years by a parent,
27 guardian, physician, or dentist.

28 (4) This section does not apply to cannabis given to a person under
29 the age of twenty-one years when such cannabis is being used in
30 connection with religious services and the amount consumed is the
31 minimal amount necessary for the religious service.

32 (5) Conviction or forfeiture of bail for a violation of this
33 section by a person under the age of twenty-one years at the time of
34 such conviction or forfeiture shall not be a disqualification of that
35 person to acquire a license to cultivate or sell cannabis after that
36 person has attained the age of twenty-one years.

1 (b) The cannabis is produced in the home or yard that is not
2 visible from any public place, excluding air space;

3 (c) The person possesses no more than one cannabis garden;

4 (d) The homegrown cannabis garden or the square footage of the
5 total combined plant canopy area does not exceed fifty square feet in
6 size;

7 (e) The cannabis or hemp is produced on property owned or lawfully
8 leased by the person producing it;

9 (f) Any useable cannabis gratuitously transferred from the person
10 who owns, leases, or otherwise exerts control over the real property on
11 which the cannabis or hemp is being produced does not exceed one ounce
12 in weight; and

13 (g) The cannabis or hemp plants are not produced in a manner or
14 place that a reasonable person would know to be open to the view of a
15 member of the general public positioned in or moving through a public
16 place.

17 (2) A violation of this subsection is a gross misdemeanor offense.

18 **INTRASTATE TRANSPORTING**

19 NEW SECTION. **Sec. 66.** A new section is added to chapter 66.44 RCW
20 to read as follows:

21 A person is guilty of intrastate transporting of cannabis if he or
22 she transports illegal cannabis within the state that involves fifteen
23 or more plants or one pound or more of cannabis. A violation of this
24 section is a class C felony.

25 **INTERSTATE TRANSPORTING**

26 NEW SECTION. **Sec. 67.** A new section is added to chapter 66.44 RCW
27 to read as follows:

28 A person is guilty of interstate transporting of cannabis if he or
29 she imports cannabis into Washington from any other state or country.
30 A violation of this section is a class C felony and is subject to a
31 fine of no less than five thousand dollars.

32 **INVOLVING A MINOR IN DRUG DEALING**

1 NEW SECTION. **Sec. 68.** (1) It is unlawful to compensate, threaten,
2 solicit, or in any other manner involve a person under the age of
3 twenty-one years in a transaction unlawfully to produce, sell, or
4 otherwise supply cannabis.

5 (2) A violation of this section is a class C felony punishable
6 according to chapter 9A.20 RCW.

7 **Sec. 69.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to read
8 as follows:

9

10

TABLE 4

11

DRUG OFFENSES

12

INCLUDED WITHIN EACH

13

SERIOUSNESS LEVEL

14

III Any felony offense under chapter 69.50

15

RCW with a deadly weapon

16

special verdict under RCW

17

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

18

Controlled Substance Homicide (RCW

19

69.50.415)

20

Delivery of imitation controlled

21

substance by person eighteen or

22

over to person under eighteen

23

(RCW 69.52.030(2))

24

Involving a minor in drug dealing

25

(RCW 69.50.4015 and section 68

26

of this act)

27

Manufacture of methamphetamine

28

(RCW 69.50.401(2)(b))

29

Over 18 and deliver heroin,

30

methamphetamine, a narcotic from

31

Schedule I or II, or flunitrazepam

32

from Schedule IV to someone

33

under 18 (RCW 69.50.406)

1 Over 18 and deliver narcotic from
2 Schedule III, IV, or V or a
3 nonnarcotic, except flunitrazepam
4 or methamphetamine, from
5 Schedule I-V to someone under 18
6 and 3 years junior (RCW
7 69.50.406)

8 Possession of Ephedrine,
9 Pseudoephedrine, or Anhydrous
10 Ammonia with intent to
11 manufacture
12 methamphetamine (RCW
13 69.50.440)

14 Selling for profit (controlled or
15 counterfeit) any controlled
16 substance (RCW 69.50.410)

17 II Create, deliver, or possess a counterfeit
18 controlled substance (RCW
19 69.50.4011)

20 Deliver or possess with intent to deliver
21 methamphetamine (RCW
22 69.50.401(2)(b))

23 Delivery of a material in lieu of a
24 controlled substance (RCW
25 69.50.4012)

26 Maintaining a Dwelling or Place for
27 Controlled Substances (RCW
28 69.50.402(1)(f))

29 Manufacture, deliver, or possess with
30 intent to deliver amphetamine
31 (RCW 69.50.401(2)(b))

32 Manufacture, deliver, or possess with
33 intent to deliver narcotics from
34 Schedule I or II or flunitrazepam
35 from Schedule IV (RCW
36 69.50.401(2)(a))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule III, IV, or V or
4 nonnarcotics from Schedule I-V
5 (except ((marijuana;))
6 amphetamine, methamphetamines,
7 or flunitrazepam) (RCW
8 69.50.401(2) (c) through (e))

9 Manufacture, distribute, or possess with
10 intent to distribute an imitation
11 controlled substance (RCW
12 69.52.030(1))

13 I Forged Prescription (RCW 69.41.020)
14 Forged Prescription for a Controlled
15 Substance (RCW 69.50.403)
16 (~~Manufacture, deliver, or possess with~~
17 ~~intent to deliver marijuana (RCW~~
18 ~~69.50.401(2)(e))~~) Interstate
19 Transporting of Cannabis (section
20 67 of this act)

21 Possess Controlled Substance that is a
22 Narcotic from Schedule III, IV, or
23 V or Nonnarcotic from Schedule I-
24 V (RCW 69.50.4013)

25 Possession of Controlled Substance
26 that is either heroin or narcotics
27 from Schedule I or II (RCW
28 69.50.4013)

29 Unlawful Use of Building for Drug
30 Purposes (RCW 69.53.010)

31 **Sec. 70.** RCW 9A.16.120 and 2003 c 219 s 1 are each amended to read
32 as follows:

33 (1) In a criminal action brought against the detainer by reason of
34 a person having been detained on or in the immediate vicinity of the
35 premises of an outdoor music festival or related campground for the
36 purpose of pursuing an investigation or questioning by a law
37 enforcement officer as to the lawfulness of the consumption or

1 possession of alcohol, cannabis, or illegal drugs, it is a defense that
2 the detained person was detained in a reasonable manner and for not
3 more than a reasonable time to permit the investigation or questioning
4 by a law enforcement officer, and that a peace officer, owner,
5 operator, employee, or agent of the outdoor music festival had
6 reasonable grounds to believe that the person so detained was
7 unlawfully consuming or attempting to unlawfully consume or possess,
8 alcohol, cannabis, or illegal drugs on the premises.

9 (2) For the purposes of this section:

10 (a) "Illegal drug" means a controlled substance under chapter 69.50
11 RCW for which the person detained does not have a valid prescription or
12 that is not being consumed in accordance with the prescription
13 directions and warnings, or a legend drug under chapter 69.41 RCW for
14 which the person does not have a valid prescription or that is not
15 being consumed in accordance with the prescription directions and
16 warnings.

17 (b) "Outdoor music festival" has the same meaning as in RCW
18 70.108.020, except that no minimum time limit is required.

19 (c) "Reasonable grounds" include, but are not limited to:

20 (i) Exhibiting the effects of having consumed liquor or cannabis,
21 which means that a person has the odor of liquor or cannabis on his or
22 her breath or person, or that by speech, manner, appearance, behavior,
23 lack of coordination, or otherwise exhibits that he or she has consumed
24 liquor or cannabis, and either:

25 (A) Is in possession of or in close proximity to a container that
26 has or recently had liquor or cannabis in it; or

27 (B) Is shown by other evidence to have recently consumed liquor or
28 cannabis; or

29 (ii) Exhibiting the effects of having consumed an illegal drug,
30 which means that a person by speech, manner, appearance, behavior, lack
31 of coordination, or otherwise exhibits that he or she has consumed an
32 illegal drug, and either:

33 (A) Is in possession of an illegal drug; or

34 (B) Is shown by other evidence to have recently consumed an illegal
35 drug.

36 (d) "Reasonable time" means the time necessary to permit the person
37 detained to make a statement or to refuse to make a statement, and the

1 time necessary to allow a law enforcement officer to determine the
2 lawfulness of the consumption or possession of alcohol, cannabis, or
3 illegal drugs. "Reasonable time" may not exceed one hour.

4 **Sec. 71.** RCW 9.94A.650 and 2008 c 231 s 29 are each amended to
5 read as follows:

6 (1) This section applies to offenders who have never been
7 previously convicted of a felony in this state, federal court, or
8 another state, and who have never participated in a program of deferred
9 prosecution for a felony, and who are convicted of a felony that is
10 not:

11 (a) Classified as a violent offense or a sex offense under this
12 chapter;

13 (b) Manufacture, delivery, or possession with intent to manufacture
14 or deliver a controlled substance classified in Schedule I or II that
15 is a narcotic drug or flunitrazepam classified in Schedule IV;

16 (c) Manufacture, delivery, or possession with intent to deliver a
17 methamphetamine, its salts, isomers, and salts of its isomers as
18 defined in RCW 69.50.206(d)(2);

19 (d) The selling for profit of any controlled substance or
20 counterfeit substance classified in Schedule I, RCW 69.50.204(~~(, except~~
21 ~~leaves and flowering tops of marihuana))~~); or

22 (e) Felony driving while under the influence of intoxicating liquor
23 or any drug or felony physical control of a vehicle while under the
24 influence of intoxicating liquor or any drug.

25 (2) In sentencing a first-time offender the court may waive the
26 imposition of a sentence within the standard sentence range and impose
27 a sentence which may include up to ninety days of confinement in a
28 facility operated or utilized under contract by the county and a
29 requirement that the offender refrain from committing new offenses.

30 (3) The court may impose up to one year of community custody unless
31 treatment is ordered, in which case the period of community custody may
32 include up to the period of treatment, but shall not exceed two years.

33 (4) As a condition of community custody, in addition to any
34 conditions authorized in RCW 9.94A.703, the court may order the
35 offender to pay all court-ordered legal financial obligations and/or
36 perform community restitution work.

1 **Sec. 72.** RCW 9.94A.660 and 2009 c 389 s 3 are each amended to read
2 as follows:

3 (1) An offender is eligible for the special drug offender
4 sentencing alternative if:

5 (a) The offender is convicted of a felony that is not a violent
6 offense or sex offense and the violation does not involve a sentence
7 enhancement under RCW 9.94A.533 (3) or (4);

8 (b) The offender is convicted of a felony that is not a felony
9 driving while under the influence of intoxicating liquor or any drug
10 under RCW 46.61.502(6) or felony physical control of a vehicle while
11 under the influence of intoxicating liquor or any drug under RCW
12 46.61.504(6);

13 (c) The offender has no current or prior convictions for a sex
14 offense at any time or violent offense within ten years before
15 conviction of the current offense, in this state, another state, or the
16 United States;

17 (d) For a violation of the Uniform Controlled Substances Act under
18 chapter 69.50 RCW or a cannabis violation, or a criminal solicitation
19 to commit such a violation under chapter 9A.28 RCW, the offense
20 involved only a small quantity of the particular controlled substance
21 or cannabis as determined by the judge upon consideration of such
22 factors as the weight, purity, packaging, sale price, and street value
23 of the controlled substance or cannabis;

24 (e) The offender has not been found by the United States attorney
25 general to be subject to a deportation detainer or order and does not
26 become subject to a deportation order during the period of the
27 sentence;

28 (f) The end of the standard sentence range for the current offense
29 is greater than one year; and

30 (g) The offender has not received a drug offender sentencing
31 alternative more than once in the prior ten years before the current
32 offense.

33 (2) A motion for a special drug offender sentencing alternative may
34 be made by the court, the offender, or the state.

35 (3) If the sentencing court determines that the offender is
36 eligible for an alternative sentence under this section and that the
37 alternative sentence is appropriate, the court shall waive imposition
38 of a sentence within the standard sentence range and impose a sentence

1 consisting of either a prison-based alternative under RCW 9.94A.662 or
2 a residential chemical dependency treatment-based alternative under RCW
3 9.94A.664. The residential chemical dependency treatment-based
4 alternative is only available if the midpoint of the standard range is
5 twenty-four months or less.

6 (4) To assist the court in making its determination, the court may
7 order the department to complete either or both a risk assessment
8 report and a chemical dependency screening report as provided in RCW
9 9.94A.500.

10 (5)(a) If the court is considering imposing a sentence under the
11 residential chemical dependency treatment-based alternative, the court
12 may order an examination of the offender by the department. The
13 examination shall, at a minimum, address the following issues:

14 (i) Whether the offender suffers from drug addiction;

15 (ii) Whether the addiction is such that there is a probability that
16 criminal behavior will occur in the future;

17 (iii) Whether effective treatment for the offender's addiction is
18 available from a provider that has been licensed or certified by the
19 division of alcohol and substance abuse of the department of social and
20 health services; and

21 (iv) Whether the offender and the community will benefit from the
22 use of the alternative.

23 (b) The examination report must contain:

24 (i) A proposed monitoring plan, including any requirements
25 regarding living conditions, lifestyle requirements, and monitoring by
26 family members and others; and

27 (ii) Recommended crime-related prohibitions and affirmative
28 conditions.

29 (6) When a court imposes a sentence of community custody under this
30 section:

31 (a) The court may impose conditions as provided in RCW 9.94A.703
32 and may impose other affirmative conditions as the court considers
33 appropriate. In addition, an offender may be required to pay thirty
34 dollars per month while on community custody to offset the cost of
35 monitoring for alcohol or controlled substances.

36 (b) The department may impose conditions and sanctions as
37 authorized in RCW 9.94A.704 and RCW 9.94A.737.

1 (7)(a) The court may bring any offender sentenced under this
2 section back into court at any time on its own initiative to evaluate
3 the offender's progress in treatment or to determine if any violations
4 of the conditions of the sentence have occurred.

5 (b) If the offender is brought back to court, the court may modify
6 the conditions of the community custody or impose sanctions under (c)
7 of this subsection.

8 (c) The court may order the offender to serve a term of total
9 confinement within the standard range of the offender's current offense
10 at any time during the period of community custody if the offender
11 violates the conditions or requirements of the sentence or if the
12 offender is failing to make satisfactory progress in treatment.

13 (d) An offender ordered to serve a term of total confinement under
14 (c) of this subsection shall receive credit for any time previously
15 served under this section.

16 (8) In serving a term of community custody imposed upon failure to
17 complete, or administrative termination from, the special drug offender
18 sentencing alternative program, the offender shall receive no credit
19 for time served in community custody prior to termination of the
20 offender's participation in the program.

21 (9) An offender sentenced under this section shall be subject to
22 all rules relating to earned release time with respect to any period
23 served in total confinement.

24 (10) Costs of examinations and preparing treatment plans under a
25 special drug offender sentencing alternative may be paid, at the option
26 of the county, from funds provided to the county from the criminal
27 justice treatment account under RCW 70.96A.350.

28 **Sec. 73.** RCW 9.94A.734 and 2010 c 224 s 9 are each amended to read
29 as follows:

30 (1) Home detention may not be imposed for offenders convicted of
31 the following offenses, unless imposed as partial confinement in the
32 department's parenting program under RCW 9.94A.6551:

33 (a) A violent offense;

34 (b) Any sex offense;

35 (c) Any drug offense;

36 (d) Reckless burning in the first or second degree as defined in
37 RCW 9A.48.040 or 9A.48.050;

- 1 (e) Assault in the third degree as defined in RCW 9A.36.031;
- 2 (f) Assault of a child in the third degree;
- 3 (g) Unlawful imprisonment as defined in RCW 9A.40.040; or
- 4 (h) Harassment as defined in RCW 9A.46.020.

5 Home detention may be imposed for offenders convicted of possession of
6 a controlled substance under RCW 69.50.4013 (~~(e)~~), possession of a
7 forged prescription for a controlled substance under RCW 69.50.403, or
8 possession of cannabis if the offender fulfills the participation
9 conditions set forth in this section and is monitored for drug use by
10 a treatment alternatives to street crime program or a comparable court
11 or agency-referred program.

12 (2) Home detention may be imposed for offenders convicted of
13 burglary in the second degree as defined in RCW 9A.52.030 or
14 residential burglary conditioned upon the offender:

15 (a) Successfully completing twenty-one days in a work release
16 program;

17 (b) Having no convictions for burglary in the second degree or
18 residential burglary during the preceding two years and not more than
19 two prior convictions for burglary or residential burglary;

20 (c) Having no convictions for a violent felony offense during the
21 preceding two years and not more than two prior convictions for a
22 violent felony offense;

23 (d) Having no prior charges of escape; and

24 (e) Fulfilling the other conditions of the home detention program.

25 (3) Home detention may be imposed for offenders convicted of taking
26 a motor vehicle without permission in the second degree as defined in
27 RCW 9A.56.075, theft of a motor vehicle as defined under RCW 9A.56.065,
28 or possession of a stolen motor vehicle as defined under RCW 9A.56.068
29 conditioned upon the offender:

30 (a) Having no convictions for taking a motor vehicle without
31 permission, theft of a motor vehicle or possession of a stolen motor
32 vehicle during the preceding five years and not more than two prior
33 convictions for taking a motor vehicle without permission, theft of a
34 motor vehicle or possession of a stolen motor vehicle;

35 (b) Having no convictions for a violent felony offense during the
36 preceding two years and not more than two prior convictions for a
37 violent felony offense;

38 (c) Having no prior charges of escape; and

1 (d) Fulfilling the other conditions of the home detention program.

2 (4) Participation in a home detention program shall be conditioned
3 upon:

4 (a) The offender obtaining or maintaining current employment or
5 attending a regular course of school study at regularly defined hours,
6 or the offender performing parental duties to offspring or minors
7 normally in the custody of the offender;

8 (b) Abiding by the rules of the home detention program; and

9 (c) Compliance with court-ordered legal financial obligations. The
10 home detention program may also be made available to offenders whose
11 charges and convictions do not otherwise disqualify them if medical or
12 health-related conditions, concerns or treatment would be better
13 addressed under the home detention program, or where the health and
14 welfare of the offender, other inmates, or staff would be jeopardized
15 by the offender's incarceration. Participation in the home detention
16 program for medical or health-related reasons is conditioned on the
17 offender abiding by the rules of the home detention program and
18 complying with court-ordered restitution.

19 **Sec. 74.** RCW 9.92.070 and 1987 c 3 s 4 are each amended to read as
20 follows:

21 ((Hereafter)) Whenever any judge of any superior court or a
22 district or municipal judge shall sentence any person to pay any fine
23 and costs, the judge may, in the judge's discretion, provide that such
24 fine and costs may be paid in certain designated installments, or
25 within certain designated period or periods; and if such fine and costs
26 shall be paid by the defendant in accordance with such order no
27 commitment or imprisonment of the defendant shall be made for failure
28 to pay such fine or costs. ((PROVIDED, that)) The provisions of this
29 section shall not apply to any sentence given for the violation of any
30 of the liquor or cannabis laws of this state.

31 **Sec. 75.** RCW 13.04.155 and 2000 c 27 s 1 are each amended to read
32 as follows:

33 (1) Whenever a minor enrolled in any common school is convicted in
34 adult criminal court, or adjudicated or entered into a diversion
35 agreement with the juvenile court on any of the following offenses, the

1 court must notify the principal of the student's school of the
2 disposition of the case, after first notifying the parent or legal
3 guardian that such notification will be made:

- 4 (a) A violent offense as defined in RCW 9.94A.030;
- 5 (b) A sex offense as defined in RCW 9.94A.030;
- 6 (c) Inhaling toxic fumes under chapter 9.47A RCW;
- 7 (d) A controlled substances violation under chapter 69.50 RCW;
- 8 (e) A liquor violation under RCW 66.44.270; (~~and~~)
- 9 (f) A cannabis violation under RCW 66.44.270; and
- 10 (g) Any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48
11 RCW.

12 (2) The principal must provide the information received under
13 subsection (1) of this section to every teacher of any student who
14 qualifies under subsection (1) of this section and any other personnel
15 who, in the judgment of the principal, supervises the student or for
16 security purposes should be aware of the student's record. The
17 principal must provide the information to teachers and other personnel
18 based on any written records that the principal maintains or receives
19 from a juvenile court administrator or a law enforcement agency
20 regarding the student.

21 (3) Any information received by a principal or school personnel
22 under this section is confidential and may not be further disseminated
23 except as provided in RCW 28A.225.330, other statutes or case law, and
24 the family and educational and privacy rights act of 1994, 20 U.S.C.
25 Sec. 1232g et seq.

26 **Sec. 76.** RCW 13.40.0357 and 2008 c 230 s 3 and 2008 c 158 s 1 are
27 each reenacted and amended to read as follows:
28

29 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION
.....		

36 **Arson and Malicious Mischief**

1	A	Arson 1 (9A.48.020)	B+
2	B	Arson 2 (9A.48.030)	C
3	C	Reckless Burning 1 (9A.48.040)	D
4	D	Reckless Burning 2 (9A.48.050)	E
5	B	Malicious Mischief 1 (9A.48.070)	C
6	C	Malicious Mischief 2 (9A.48.080)	D
7	D	Malicious Mischief 3 (9A.48.090(2) (a) and	
8		(c))	E
9	E	Malicious Mischief 3 (9A.48.090(2)(b))	E
10	E	Tampering with Fire Alarm Apparatus	
11		(9.40.100)	E
12	E	Tampering with Fire Alarm Apparatus with	
13		Intent to Commit Arson (9.40.105)	E
14	A	Possession of Incendiary Device (9.40.120)	B+
15		Assault and Other Crimes Involving	
16		Physical Harm	
17	A	Assault 1 (9A.36.011)	B+
18	B+	Assault 2 (9A.36.021)	C+
19	C+	Assault 3 (9A.36.031)	D+
20	D+	Assault 4 (9A.36.041)	E
21	B+	Drive-By Shooting (9A.36.045)	C+
22	D+	Reckless Endangerment (9A.36.050)	E
23	C+	Promoting Suicide Attempt (9A.36.060)	D+
24	D+	Coercion (9A.36.070)	E
25	C+	Custodial Assault (9A.36.100)	D+
26		Burglary and Trespass	
27	B+	Burglary 1 (9A.52.020)	C+
28	B	Residential Burglary (9A.52.025)	C
29	B	Burglary 2 (9A.52.030)	C
30	D	Burglary Tools (Possession of) (9A.52.060)	E
31	D	Criminal Trespass 1 (9A.52.070)	E
32	E	Criminal Trespass 2 (9A.52.080)	E
33	C	Mineral Trespass (78.44.330)	C
34	C	Vehicle Prowling 1 (9A.52.095)	D
35	D	Vehicle Prowling 2 (9A.52.100)	E
36		Drugs	

1	E	Possession/Consumption of Alcohol	
2		(66.44.270)	E
3	C	Illegally Obtaining Legend Drug	
4		(69.41.020)	D
5	C+	Sale, Delivery, Possession of Legend Drug	
6		with Intent to Sell (69.41.030(2)(a))	D+
7	E	Possession of Legend Drug	
8		(69.41.030(2)(b))	E
9	B+	Violation of Uniform Controlled Substances	
10		Act - Narcotic, Methamphetamine, or	
11		Flunitrazepam Sale (69.50.401(2) (a) or	
12		(b))	B+
13	C	Violation of Uniform Controlled Substances	
14		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
15	(E)	Possession of Marijuana <40 grams	
16		(69.50.4014)	E))
17	C	Fraudulently Obtaining Controlled	
18		Substance (69.50.403)	C
19	C+	Sale of Controlled Substance for Profit	
20		(69.50.410)	C+
21	E	Unlawful Inhalation (9.47A.020)	E
22	B	Violation of Uniform Controlled Substances	
23		Act - Narcotic, Methamphetamine, or	
24		Flunitrazepam Counterfeit Substances	
25		(69.50.4011(2) (a) or (b))	B
26	C	Violation of Uniform Controlled Substances	
27		Act - Nonnarcotic Counterfeit Substances	
28		(69.50.4011(2) (c), (d), or (e))	C
29	C	Violation of Uniform Controlled Substances	
30		Act - Possession of a Controlled Substance	
31		(69.50.4013)	C
32	C	Violation of Uniform Controlled Substances	
33		Act - Possession of a Controlled Substance	
34		(69.50.4012)	C
35		Firearms and Weapons	
36	B	Theft of Firearm (9A.56.300)	C
37	B	Possession of Stolen Firearm (9A.56.310)	C

1	E	Carrying Loaded Pistol Without Permit (9.41.050)	E
2			
3	C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(iii))	C
4			
5	D+	Possession of Dangerous Weapon (9.41.250)	E
6			
7	D	Intimidating Another Person by use of Weapon (9.41.270)	E
8			
9		Homicide	
10	A+	Murder 1 (9A.32.030)	A
11	A+	Murder 2 (9A.32.050)	B+
12	B+	Manslaughter 1 (9A.32.060)	C+
13	C+	Manslaughter 2 (9A.32.070)	D+
14	B+	Vehicular Homicide (46.61.520)	C+
15		Kidnapping	
16	A	Kidnap 1 (9A.40.020)	B+
17	B+	Kidnap 2 (9A.40.030)	C+
18	C+	Unlawful Imprisonment (9A.40.040)	D+
19		Obstructing Governmental Operation	
20	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
21			
22	E	Resisting Arrest (9A.76.040)	E
23	B	Introducing Contraband 1 (9A.76.140)	C
24	C	Introducing Contraband 2 (9A.76.150)	D
25	E	Introducing Contraband 3 (9A.76.160)	E
26	B+	Intimidating a Public Servant (9A.76.180)	C+
27	B+	Intimidating a Witness (9A.72.110)	C+
28		Public Disturbance	
29	C+	Riot with Weapon (9A.84.010(2)(b))	D+
30	D+	Riot Without Weapon (9A.84.010(2)(a))	E
31	E	Failure to Disperse (9A.84.020)	E
32	E	Disorderly Conduct (9A.84.030)	E
33		Sex Crimes	
34	A	Rape 1 (9A.44.040)	B+
35	A-	Rape 2 (9A.44.050)	B+
36	C+	Rape 3 (9A.44.060)	D+

1	A-	Rape of a Child 1 (9A.44.073)	B+
2	B+	Rape of a Child 2 (9A.44.076)	C+
3	B	Incest 1 (9A.64.020(1))	C
4	C	Incest 2 (9A.64.020(2))	D
5	D+	Indecent Exposure (Victim <14)	
6		(9A.88.010)	E
7	E	Indecent Exposure (Victim 14 or over)	
8		(9A.88.010)	E
9	B+	Promoting Prostitution 1 (9A.88.070)	C+
10	C+	Promoting Prostitution 2 (9A.88.080)	D+
11	E	O & A (Prostitution) (9A.88.030)	E
12	B+	Indecent Liberties (9A.44.100)	C+
13	A-	Child Molestation 1 (9A.44.083)	B+
14	B	Child Molestation 2 (9A.44.086)	C+
15	C	Failure to Register as a Sex Offender	
16		(9A.44.130)	D
17		Theft, Robbery, Extortion, and Forgery	
18	B	Theft 1 (9A.56.030)	C
19	C	Theft 2 (9A.56.040)	D
20	D	Theft 3 (9A.56.050)	E
21	B	Theft of Livestock 1 and 2 (9A.56.080 and	
22		9A.56.083)	C
23	C	Forgery (9A.60.020)	D
24	A	Robbery 1 (9A.56.200)	B+
25	B+	Robbery 2 (9A.56.210)	C+
26	B+	Extortion 1 (9A.56.120)	C+
27	C+	Extortion 2 (9A.56.130)	D+
28	C	Identity Theft 1 (9.35.020(2))	D
29	D	Identity Theft 2 (9.35.020(3))	E
30	D	Improperly Obtaining Financial Information	
31		(9.35.010)	E
32	B	Possession of a Stolen Vehicle (9A.56.068)	C
33	B	Possession of Stolen Property 1	
34		(9A.56.150)	C
35	C	Possession of Stolen Property 2	
36		(9A.56.160)	D

1	D	Possession of Stolen Property 3	
2		(9A.56.170)	E
3	B	Taking Motor Vehicle Without Permission	
4		1 (9A.56.070)	C
5	C	Taking Motor Vehicle Without Permission	
6		2 (9A.56.075)	D
7	B	Theft of a Motor Vehicle (9A.56.065)	C
8		Motor Vehicle Related Crimes	
9	E	Driving Without a License (46.20.005)	E
10	B+	Hit and Run - Death (46.52.020(4)(a))	C+
11	C	Hit and Run - Injury (46.52.020(4)(b))	D
12	D	Hit and Run-Attended (46.52.020(5))	E
13	E	Hit and Run-Unattended (46.52.010)	E
14	C	Vehicular Assault (46.61.522)	D
15	C	Attempting to Elude Pursuing Police	
16		Vehicle (46.61.024)	D
17	E	Reckless Driving (46.61.500)	E
18	D	Driving While Under the Influence	
19		(46.61.502 and 46.61.504)	E
20	B+	Felony Driving While Under the Influence	
21		(46.61.502(6))	B
22	B+	Felony Physical Control of a Vehicle While	
23		Under the Influence (46.61.504(6))	B
24		Other	
25	B	Animal Cruelty 1 (16.52.205)	C
26	B	Bomb Threat (9.61.160)	C
27	C	Escape 1 ¹ (9A.76.110)	C
28	C	Escape 2 ¹ (9A.76.120)	C
29	D	Escape 3 (9A.76.130)	E
30	E	Obscene, Harassing, Etc., Phone Calls	
31		(9.61.230)	E
32	A	Other Offense Equivalent to an Adult Class	
33		A Felony	B+
34	B	Other Offense Equivalent to an Adult Class	
35		B Felony	C

- 1 C Other Offense Equivalent to an Adult Class
- 2 C Felony D
- 3 D Other Offense Equivalent to an Adult Gross
- 4 Misdemeanor E
- 5 E Other Offense Equivalent to an Adult
- 6 Misdemeanor E
- 7 V Violation of Order of Restitution,
- 8 Community Supervision, or Confinement
- 9 (13.40.200)² V

10 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
 11 and the standard range is established as follows:

12 1st escape or attempted escape during 12-month period - 4 weeks
 13 confinement

14 2nd escape or attempted escape during 12-month period - 8 weeks
 15 confinement

16 3rd and subsequent escape or attempted escape during 12-month
 17 period - 12 weeks confinement

18 ²If the court finds that a respondent has violated terms of an order,
 19 it may impose a penalty of up to 30 days of confinement.

20 **JUVENILE SENTENCING STANDARDS**

21 This schedule must be used for juvenile offenders. The court may
 22 select sentencing option A, B, C, D, or RCW 13.40.167.

23 **OPTION A**

24 **JUVENILE OFFENDER SENTENCING GRID**

25 **STANDARD RANGE**

26 A+ 180 WEEKS TO AGE 21 YEARS

27

28 A 103 WEEKS TO 129 WEEKS

29

30 A-	15-36	52-65	80-100	103-129
31	WEEKS	WEEKS	WEEKS	WEEKS
32	EXCEPT			
33	30-40			
34	WEEKS FOR			

1		15-17				
2		YEAR OLDS				
3						
4	Current	B+	15-36	52-65	80-100	103-129
5	Offense		WEEKS	WEEKS	WEEKS	WEEKS
6	Category					
7		B	LOCAL			52-65
8			SANCTIONS (LS)	15-36 WEEKS		WEEKS
9						
10		C+	LS			
11					15-36 WEEKS	
12						
13		C	LS			15-36 WEEKS
14			Local Sanctions:			
15			0 to 30 Days			
16		D+	LS	0 to 12 Months Community Supervision		
17				0 to 150 Hours Community Restitution		
18		D	LS	\$0 to \$500 Fine		
19						
20		E	LS			
21						
22				0	1	2
23						3
24						4
						or more
				PRIOR ADJUDICATIONS		

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an

1 offense category of E. However, a disposition for a violation shall
2 not include confinement.

3 OR

4 **OPTION B**

5 **SUSPENDED DISPOSITION ALTERNATIVE**

6 (1) If the offender is subject to a standard range disposition
7 involving confinement by the department, the court may impose the
8 standard range and suspend the disposition on condition that the
9 offender comply with one or more local sanctions and any educational or
10 treatment requirement. The treatment programs provided to the offender
11 must be either research-based best practice programs as identified by
12 the Washington state institute for public policy or the joint
13 legislative audit and review committee, or for chemical dependency
14 treatment programs or services, they must be evidence-based or
15 research-based best practice programs. For the purposes of this
16 subsection:

17 (a) "Evidence-based" means a program or practice that has had
18 multiple site random controlled trials across heterogeneous populations
19 demonstrating that the program or practice is effective for the
20 population; and

21 (b) "Research-based" means a program or practice that has some
22 research demonstrating effectiveness, but that does not yet meet the
23 standard of evidence-based practices.

24 (2) If the offender fails to comply with the suspended disposition,
25 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke
26 the suspended disposition and order the disposition's execution.

27 (3) An offender is ineligible for the suspended disposition option
28 under this section if the offender is:

29 (a) Adjudicated of an A+ offense;

30 (b) Fourteen years of age or older and is adjudicated of one or
31 more of the following offenses:

32 (i) A class A offense, or an attempt, conspiracy, or solicitation
33 to commit a class A offense;

34 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

35 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
36 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
37 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential

1 burglary (RCW 9A.52.025), burglary in the second degree (RCW
2 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
3 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
4 witness (RCW 9A.72.110), violation of the uniform controlled substances
5 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
6 when the offense includes infliction of bodily harm upon another or
7 when during the commission or immediate withdrawal from the offense the
8 respondent was armed with a deadly weapon;

9 (c) Ordered to serve a disposition for a firearm violation under
10 RCW 13.40.193; or

11 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

12 OR

13 **OPTION C**

14 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

15 If the juvenile offender is subject to a standard range disposition
16 of local sanctions or 15 to 36 weeks of confinement and has not
17 committed an A- or B+ offense, the court may impose a disposition under
18 RCW 13.40.160(4) and 13.40.165.

19 OR

20 **OPTION D**

21 **MANIFEST INJUSTICE**

22 If the court determines that a disposition under option A, B, or C
23 would effectuate a manifest injustice, the court shall impose a
24 disposition outside the standard range under RCW 13.40.160(2).

25 **COURT MARTIAL**

26 **Sec. 77.** RCW 38.38.762 and 2009 c 378 s 25 are each amended to
27 read as follows:

28 (1) Any person subject to this code who wrongfully uses, possesses,
29 distributes, or introduces into an installation, vessel, vehicle, or
30 aircraft used by or under the control of the armed forces or organized
31 militia a substance described in subsection (2) of this section shall
32 be punished as a court-martial may direct.

33 (2) The substances referred to in subsection (1) of this section
34 are the following:

1 (a) Opium, heroin, cocaine, amphetamine, lysergic acid
2 diethylamide, methamphetamine, phencyclidine, barbituric acid, and
3 (~~marijuana~~ and) any compound or derivative of any such substance;

4 (b) Any substance not specified in (a) of this subsection that is
5 listed on a schedule of controlled substances prohibited by the United
6 States army; or

7 (c) Any other substance not specified in this subsection that is
8 listed in Schedules I through V of section 202 of the federal
9 controlled substances act, 21 U.S.C. Sec. 812, as amended, except the
10 Cannabis plant or any of its parts or derivatives.

11 **Sec. 78.** RCW 36.27.020 and 1995 c 194 s 4 are each amended to read
12 as follows:

13 The prosecuting attorney shall:

14 (1) Be legal adviser of the legislative authority, giving (~~them~~
15 ~~fit~~) it his or her written opinion when required by the legislative
16 authority or the chairperson thereof touching any subject which the
17 legislative authority may be called or required to act upon relating to
18 the management of county affairs;

19 (2) Be legal adviser to all county and precinct officers and school
20 directors in all matters relating to their official business, and when
21 required draw up all instruments of an official nature for the use of
22 said officers;

23 (3) Appear for and represent the state, county, and all school
24 districts subject to the supervisory control and direction of the
25 attorney general in all criminal and civil proceedings in which the
26 state or the county or any school district in the county may be a
27 party;

28 (4) Prosecute all criminal and civil actions in which the state or
29 the county may be a party, defend all suits brought against the state
30 or the county, and prosecute actions upon forfeited recognizances and
31 bonds and actions for the recovery of debts, fines, penalties, and
32 forfeitures accruing to the state or the county;

33 (5) Attend and appear before and give advice to the grand jury when
34 cases are presented to it for consideration and draw all indictments
35 when required by the grand jury;

36 (6) Institute and prosecute proceedings before magistrates for the
37 arrest of persons charged with or reasonably suspected of felonies when

1 the prosecuting attorney has information that any such offense has been
2 committed and the prosecuting attorney shall for that purpose attend
3 when required by them if the prosecuting attorney is not then in
4 attendance upon the superior court;

5 (7) Carefully tax all cost bills in criminal cases and take care
6 that no useless witness fees are taxed as part of the costs and that
7 the officers authorized to execute process tax no other or greater fees
8 than the fees allowed by law;

9 (8) Receive all cost bills in criminal cases before district judges
10 at the trial of which the prosecuting attorney was not present, before
11 they are lodged with the legislative authority for payment, whereupon
12 the prosecuting attorney may retax the same and the prosecuting
13 attorney must do so if the legislative authority deems any bill
14 exorbitant or improperly taxed;

15 (9) Present all violations of the election laws which may come to
16 the prosecuting attorney's knowledge to the special consideration of
17 the proper jury;

18 (10) Examine once in each year the official bonds of all county and
19 precinct officers and report to the legislative authority any defect in
20 the bonds of any such officer;

21 (11) Make an annual report to the governor as of the 31st of
22 December of each year setting forth the amount and nature of business
23 transacted by the prosecuting attorney in that year with such other
24 statements and suggestions as the prosecuting attorney may deem useful;

25 (12) Send to the state liquor control board at the end of each year
26 a written report of all prosecutions brought under the state liquor and
27 cannabis laws pursuant to Title 66 RCW in the county during the
28 preceding year, showing in each case, the date of trial, name of
29 accused, nature of charges, disposition of case, and the name of the
30 judge presiding;

31 (13) Seek to reform and improve the administration of criminal
32 justice and stimulate efforts to remedy inadequacies or injustice in
33 substantive or procedural law.

34 **Sec. 79.** RCW 46.09.470 and 2006 c 212 s 3 are each amended to read
35 as follows:

36 (1) Except as provided in subsection (4) of this section, it is a
37 traffic infraction for any person to operate any nonhighway vehicle:

- 1 (a) In such a manner as to endanger the property of another;
- 2 (b) On lands not owned by the operator or owner of the nonhighway
3 vehicle without a lighted headlight and taillight between the hours of
4 dusk and dawn, or when otherwise required for the safety of others
5 regardless of ownership;
- 6 (c) On lands not owned by the operator or owner of the nonhighway
7 vehicle without an adequate braking device or when otherwise required
8 for the safety of others regardless of ownership;
- 9 (d) Without a spark arrester approved by the department of natural
10 resources;
- 11 (e) Without an adequate, and operating, muffling device which
12 effectively limits vehicle noise to no more than eighty-six decibels on
13 the "A" scale at fifty feet as measured by the Society of Automotive
14 Engineers (SAE) test procedure J 331a, except that a maximum noise
15 level of one hundred and five decibels on the "A" scale at a distance
16 of twenty inches from the exhaust outlet shall be an acceptable
17 substitute in lieu of the Society of Automotive Engineers test
18 procedure J 331a when measured:
- 19 (i) At a forty-five degree angle at a distance of twenty inches
20 from the exhaust outlet;
- 21 (ii) With the vehicle stationary and the engine running at a steady
22 speed equal to one-half of the manufacturer's maximum allowable ("red
23 line") engine speed or where the manufacturer's maximum allowable
24 engine speed is not known the test speed in revolutions per minute
25 calculated as sixty percent of the speed at which maximum horsepower is
26 developed; and
- 27 (iii) With the microphone placed ten inches from the side of the
28 vehicle, one-half way between the lowest part of the vehicle body and
29 the ground plane, and in the same lateral plane as the rearmost exhaust
30 outlet where the outlet of the exhaust pipe is under the vehicle;
- 31 (f) On lands not owned by the operator or owner of the nonhighway
32 vehicle upon the shoulder or inside bank or slope of any nonhighway
33 road or highway, or upon the median of any divided highway;
- 34 (g) On lands not owned by the operator or owner of the nonhighway
35 vehicle in any area or in such a manner so as to unreasonably expose
36 the underlying soil, or to create an erosion condition, or to injure,
37 damage, or destroy trees, growing crops, or other vegetation;

1 (h) On lands not owned by the operator or owner of the nonhighway
2 vehicle or on any nonhighway road or trail, when these are restricted
3 to pedestrian or animal travel;

4 (i) On any public lands in violation of rules and regulations of
5 the agency administering such lands; and

6 (j) On a private nonhighway road in violation of RCW
7 (~~46.09.115(3)~~) 46.09.450.

8 (2) It is a misdemeanor for any person to operate any nonhighway
9 vehicle while under the influence of any intoxicating liquor or other
10 intoxicating substance, including a controlled substance.

11 (3)(a) Except for an off-road vehicle equipped with seat belts and
12 roll bars or an enclosed passenger compartment, it is a traffic
13 infraction for any person to operate or ride an off-road vehicle on a
14 nonhighway road without wearing upon his or her head a motorcycle
15 helmet fastened securely while in motion. For purposes of this
16 section, "motorcycle helmet" has the same meaning as provided in RCW
17 46.37.530.

18 (b) Subsection (3)(a) of this section does not apply to an off-road
19 vehicle operator operating on his or her own land.

20 (c) Subsection (3)(a) of this section does not apply to an off-road
21 vehicle operator operating on agricultural lands owned or leased by the
22 off-road vehicle operator or the operator's employer.

23 (4) It is not a traffic infraction to operate an off-road vehicle
24 on a street, road, or highway as authorized under RCW (~~46.09.180~~)
25 46.09.360.

26 **Sec. 80.** RCW 46.61.5249 and 1997 c 66 s 4 are each amended to read
27 as follows:

28 (1)(a) A person is guilty of negligent driving in the first degree
29 if he or she operates a motor vehicle in a manner that is both
30 negligent and endangers or is likely to endanger any person or
31 property, and exhibits the effects of having consumed liquor, cannabis,
32 or an illegal drug.

33 (b) It is an affirmative defense to negligent driving in the first
34 degree by means of exhibiting the effects of having consumed an illegal
35 drug that must be proved by the defendant by a preponderance of the
36 evidence, that the driver has a valid prescription for the drug

1 consumed, and has been consuming it according to the prescription
2 directions and warnings.

3 (c) Negligent driving in the first degree is a misdemeanor.

4 (2) For the purposes of this section:

5 (a) "Negligent" means the failure to exercise ordinary care, and is
6 the doing of some act that a reasonably careful person would not do
7 under the same or similar circumstances or the failure to do something
8 that a reasonably careful person would do under the same or similar
9 circumstances.

10 (b) "Exhibiting the effects of having consumed liquor or cannabis"
11 means that a person has the odor of liquor or cannabis on his or her
12 breath or person, or that by speech, manner, appearance, behavior, lack
13 of coordination, or otherwise exhibits that he or she has consumed
14 liquor or cannabis, and either:

15 (i) Is in possession of or in close proximity to a container that
16 has or recently had liquor or cannabis in it; or

17 (ii) Is shown by other evidence to have recently consumed liquor or
18 cannabis.

19 (c) "Exhibiting the effects of having consumed an illegal drug"
20 means that a person by speech, manner, appearance, behavior, lack of
21 coordination, or otherwise exhibits that he or she has consumed an
22 illegal drug and either:

23 (i) Is in possession of an illegal drug; or

24 (ii) Is shown by other evidence to have recently consumed an
25 illegal drug.

26 (d) "Illegal drug" means a controlled substance under chapter 69.50
27 RCW for which the driver does not have a valid prescription or that is
28 not being consumed in accordance with the prescription directions and
29 warnings, or a legend drug under chapter 69.41 RCW for which the driver
30 does not have a valid prescription or that is not being consumed in
31 accordance with the prescription directions and warnings.

32 (3) Any act prohibited by this section that also constitutes a
33 crime under any other law of this state may be the basis of prosecution
34 under such other law notwithstanding that it may also be the basis for
35 prosecution under this section.

36 **DRUG PARAPHERNALIA**

1 **Sec. 81.** RCW 69.50.102 and 1981 c 48 s 1 are each amended to read
2 as follows:

3 (a) As used in this chapter, "drug paraphernalia" means all
4 equipment, products, and materials of any kind which are used, intended
5 for use, or designed for use in planting, propagating, cultivating,
6 growing, harvesting, manufacturing, compounding, converting, producing,
7 processing, preparing, testing, analyzing, packaging, repackaging,
8 storing, containing, concealing, injecting, ingesting, inhaling, or
9 otherwise introducing into the human body a controlled substance. It
10 includes, but is not limited to:

11 (1) Kits used, intended for use, or designed for use in planting,
12 propagating, cultivating, growing, or harvesting of any species of
13 plant which is a controlled substance or from which a controlled
14 substance can be derived;

15 (2) Kits used, intended for use, or designed for use in
16 manufacturing, compounding, converting, producing, processing, or
17 preparing controlled substances;

18 (3) Isomerization devices used, intended for use, or designed for
19 use in increasing the potency of any species of plant which is a
20 controlled substance;

21 (4) Testing equipment used, intended for use, or designed for use
22 in identifying or in analyzing the strength, effectiveness, or purity
23 of controlled substances;

24 (5) Scales and balances used, intended for use, or designed for use
25 in weighing or measuring controlled substances;

26 (6) Diluents and adulterants, such as quinine hydrochloride,
27 mannitol, mannite, dextrose, and lactose, used, intended for use, or
28 designed for use in cutting controlled substances;

29 (7) ~~((Separation gins and sifters used, intended for use, or
30 designed for use in removing twigs and seeds from, or in otherwise
31 cleaning or refining, marihuana;~~

32 ~~(8))~~ Blenders, bowls, containers, spoons, and mixing devices used,
33 intended for use, or designed for use in compounding controlled
34 substances;

35 ~~((9))~~ (8) Capsules, balloons, envelopes, and other containers
36 used, intended for use, or designed for use in packaging small
37 quantities of controlled substances;

1 ~~((+10+))~~ (9) Containers and other objects used, intended for use,
2 or designed for use in storing or concealing controlled substances;
3 ~~((+11+))~~ (10) Hypodermic syringes, needles, and other objects used,
4 intended for use, or designed for use in parenterally injecting
5 controlled substances into the human body;
6 ~~((+12+))~~ (11) Objects used, intended for use, or designed for use
7 in ingesting, inhaling, or otherwise introducing ~~((marihuana,))~~
8 cocaine~~((, hashish, or hashish oil))~~ into the human body, such as:
9 (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes
10 with or without screens, permanent screens, ~~((hashish heads,))~~ or
11 punctured metal bowls;
12 (ii) Water pipes;
13 (iii) Carburetion tubes and devices;
14 (iv) Smoking and carburetion masks;
15 (v) ~~((Roach clips: Meaning objects used to hold burning material,~~
16 ~~such as a marihuana cigarette, that has become too small or too short~~
17 ~~to be held in the hand;~~
18 ~~(vi))~~ Miniature cocaine spoons, and cocaine vials;
19 ~~((+vii+))~~ (vi) Chamber pipes;
20 ~~((+viii+))~~ (vii) Carburetor pipes;
21 ~~((+ix+))~~ (viii) Electric pipes;
22 ~~((+x+))~~ (ix) Air-driven pipes;
23 ~~((+xi+))~~ (x) Chillums; and
24 ~~((+xii+))~~ ~~Bongs; and~~
25 ~~(+xiii+))~~ (xi) Ice pipes or chillers.
26 (b) In determining whether an object is drug paraphernalia under
27 this section, a court or other authority should consider, in addition
28 to all other logically relevant factors, the following:
29 (1) Statements by an owner or by anyone in control of the object
30 concerning its use;
31 (2) Prior convictions, if any, of an owner, or of anyone in control
32 of the object, under any state or federal law relating to any
33 controlled substance;
34 (3) The proximity of the object, in time and space, to a direct
35 violation of this chapter;
36 (4) The proximity of the object to controlled substances;
37 (5) The existence of any residue of controlled substances on the
38 object;

1 (6) Direct or circumstantial evidence of the intent of an owner, or
2 of anyone in control of the object, to deliver it to persons whom he
3 knows, or should reasonably know, intend to use the object to
4 facilitate a violation of this chapter; the innocence of an owner, or
5 of anyone in control of the object, as to a direct violation of this
6 chapter shall not prevent a finding that the object is intended or
7 designed for use as drug paraphernalia;

8 (7) Instructions, oral or written, provided with the object
9 concerning its use;

10 (8) Descriptive materials accompanying the object which explain or
11 depict its use;

12 (9) National and local advertising concerning its use;

13 (10) The manner in which the object is displayed for sale;

14 (11) Whether the owner, or anyone in control of the object, is a
15 legitimate supplier of like or related items to the community, such as
16 a licensed distributor or dealer of tobacco products;

17 (12) Direct or circumstantial evidence of the ratio of sales of the
18 object(s) to the total sales of the business enterprise;

19 (13) The existence and scope of legitimate uses for the object in
20 the community; and

21 (14) Expert testimony concerning its use.

22 **Sec. 82.** RCW 69.50.4121 and 2002 c 213 s 2 are each amended to
23 read as follows:

24 (1) Every person who sells or gives, or permits to be sold or given
25 to any person any drug paraphernalia in any form commits a class I
26 civil infraction under chapter 7.80 RCW. For purposes of this
27 subsection, "drug paraphernalia" means all equipment, products, and
28 materials of any kind which are used, intended for use, or designed for
29 use in planting, propagating, cultivating, growing, harvesting,
30 manufacturing, compounding, converting, producing, processing,
31 preparing, testing, analyzing, packaging, repackaging, storing,
32 containing, concealing, injecting, ingesting, inhaling, or otherwise
33 introducing into the human body a controlled substance. Drug
34 paraphernalia includes, but is not limited to objects used, intended
35 for use, or designed for use in ingesting, inhaling, or otherwise
36 introducing ((marihuana,)) cocaine((, hashish, or hashish oil)) into
37 the human body, such as:

1 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes
2 with or without screens, permanent screens, hashish heads, or punctured
3 metal bowls;

4 (b) Water pipes;

5 (c) Carburetion tubes and devices;

6 (d) Smoking and carburetion masks;

7 (e) ~~((Roach clips: Meaning objects used to hold burning material,
8 such as a marihuana cigarette, that has become too small or too short
9 to be held in the hand;~~

10 ~~(f))~~ Miniature cocaine spoons and cocaine vials;

11 ~~((g))~~ (f) Chamber pipes;

12 ~~((h))~~ (g) Carburetor pipes;

13 ~~((i))~~ (h) Electric pipes;

14 ~~((j))~~ (i) Air-driven pipes;

15 ~~((k))~~ (j) Chillums; and

16 ~~((l) Bongos; and~~

17 ~~(m))~~ (k) Ice pipes or chillers.

18 (2) It shall be no defense to a prosecution for a violation of this
19 section that the person acted, or was believed by the defendant to act,
20 as agent or representative of another.

21 (3) Nothing in subsection (1) of this section prohibits legal
22 distribution of injection syringe equipment through public health and
23 community based HIV prevention programs, and pharmacies.

24 **Sec. 83.** RCW 69.50.505 and 2009 c 479 s 46 and 2009 c 364 s 1 are
25 each reenacted and amended to read as follows:

26 (1) The following are subject to seizure and forfeiture and no
27 property right exists in them:

28 (a) All controlled substances which have been manufactured,
29 distributed, dispensed, acquired, or possessed in violation of this
30 chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as
31 defined in RCW 64.44.010, used or intended to be used in the
32 manufacture of controlled substances;

33 (b) All raw materials, products, and equipment of any kind which
34 are used, or intended for use, in manufacturing, compounding,
35 processing, delivering, importing, or exporting any controlled
36 substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

1 (c) All property which is used, or intended for use, as a container
2 for property described in (a) or (b) of this subsection;

3 (d) All conveyances, including aircraft, vehicles, or vessels,
4 which are used, or intended for use, in any manner to facilitate the
5 sale, delivery, or receipt of property described in (a) or (b) of this
6 subsection, except that:

7 (i) No conveyance used by any person as a common carrier in the
8 transaction of business as a common carrier is subject to forfeiture
9 under this section unless it appears that the owner or other person in
10 charge of the conveyance is a consenting party or privy to a violation
11 of this chapter or chapter 69.41 or 69.52 RCW;

12 (ii) No conveyance is subject to forfeiture under this section by
13 reason of any act or omission established by the owner thereof to have
14 been committed or omitted without the owner's knowledge or consent;

15 (iii) No conveyance is subject to forfeiture under this section if
16 used in the receipt of only an amount of (~~marijuana~~) cannabis for
17 which possession constitutes a civil infraction or misdemeanor under
18 (~~RCW 69.50.4014~~) this act;

19 (iv) A forfeiture of a conveyance encumbered by a bona fide
20 security interest is subject to the interest of the secured party if
21 the secured party neither had knowledge of nor consented to the act or
22 omission; and

23 (v) When the owner of a conveyance has been arrested under this
24 chapter or chapter 69.41 or 69.52 RCW the conveyance in which the
25 person is arrested may not be subject to forfeiture unless it is seized
26 or process is issued for its seizure within ten days of the owner's
27 arrest;

28 (e) All books, records, and research products and materials,
29 including formulas, microfilm, tapes, and data which are used, or
30 intended for use, in violation of this chapter or chapter 69.41 or
31 69.52 RCW;

32 (f) All drug paraphernalia used in conjunction or found to have the
33 residue of a controlled substance;

34 (g) All moneys, negotiable instruments, securities, or other
35 tangible or intangible property of value furnished or intended to be
36 furnished by any person in exchange for a controlled substance in
37 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible
38 or intangible personal property, proceeds, or assets acquired in whole

1 or in part with proceeds traceable to an exchange or series of
2 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
3 and all moneys, negotiable instruments, and securities used or intended
4 to be used to facilitate any violation of this chapter or chapter 69.41
5 or 69.52 RCW. A forfeiture of money, negotiable instruments,
6 securities, or other tangible or intangible property encumbered by a
7 bona fide security interest is subject to the interest of the secured
8 party if, at the time the security interest was created, the secured
9 party neither had knowledge of nor consented to the act or omission.
10 No personal property may be forfeited under this subsection (1)(g), to
11 the extent of the interest of an owner, by reason of any act or
12 omission which that owner establishes was committed or omitted without
13 the owner's knowledge or consent; and

14 (h) All real property, including any right, title, and interest in
15 the whole of any lot or tract of land, and any appurtenances or
16 improvements which are being used with the knowledge of the owner for
17 the manufacturing, compounding, processing, delivery, importing, or
18 exporting of any controlled substance, or which have been acquired in
19 whole or in part with proceeds traceable to an exchange or series of
20 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
21 if such activity is not less than a class C felony and a substantial
22 nexus exists between the commercial production or sale of the
23 controlled substance and the real property. However:

24 (i) No property may be forfeited pursuant to this subsection
25 (1)(h), to the extent of the interest of an owner, by reason of any act
26 or omission committed or omitted without the owner's knowledge or
27 consent;

28 (ii) The bona fide gift of a controlled substance, legend drug, or
29 imitation controlled substance shall not result in the forfeiture of
30 real property;

31 (iii) The possession of ((~~marijuana~~)) cannabis shall not result in
32 the forfeiture of real property unless the ((~~marijuana~~)) cannabis is
33 possessed for illegal commercial purposes, the amount possessed is
34 ((~~five~~)) fifteen or more plants or one pound or more of ((~~marijuana~~))
35 cannabis, and a substantial nexus exists between the possession of
36 ((~~marijuana~~)) cannabis and the real property. In such a case, the
37 intent of the offender shall be determined by the preponderance of the
38 evidence, including the offender's prior criminal history, the amount

1 of ((~~marijuana~~)) cannabis possessed by the offender, the sophistication
2 of the activity or equipment used by the offender, and other evidence
3 which demonstrates the offender's intent to engage in illegal
4 commercial activity;

5 (iv) The unlawful sale of ((~~marijuana~~)) cannabis or a legend drug
6 shall not result in the forfeiture of real property unless the sale
7 (~~((was forty grams or more in the case))~~) involved the illegal selling of
8 fifteen or more plants or one pound or more of ((~~marijuana~~)) cannabis,
9 or one hundred dollars or more in the case of a legend drug, and a
10 substantial nexus exists between the unlawful sale and the real
11 property; and

12 (v) A forfeiture of real property encumbered by a bona fide
13 security interest is subject to the interest of the secured party if
14 the secured party, at the time the security interest was created,
15 neither had knowledge of nor consented to the act or omission.

16 (2) Real or personal property subject to forfeiture under this
17 chapter may be seized by any board inspector or law enforcement officer
18 of this state upon process issued by any superior court having
19 jurisdiction over the property. Seizure of real property shall include
20 the filing of a lis pendens by the seizing agency. Real property
21 seized under this section shall not be transferred or otherwise
22 conveyed until ninety days after seizure or until a judgment of
23 forfeiture is entered, whichever is later: PROVIDED, That real
24 property seized under this section may be transferred or conveyed to
25 any person or entity who acquires title by foreclosure or deed in lieu
26 of foreclosure of a security interest. Seizure of personal property
27 without process may be made if:

28 (a) The seizure is incident to an arrest or a search under a search
29 warrant or an inspection under an administrative inspection warrant;

30 (b) The property subject to seizure has been the subject of a prior
31 judgment in favor of the state in a criminal injunction or forfeiture
32 proceeding based upon this chapter;

33 (c) A board inspector or law enforcement officer has probable cause
34 to believe that the property is directly or indirectly dangerous to
35 health or safety; or

36 (d) The board inspector or law enforcement officer has probable
37 cause to believe that the property was used or is intended to be used
38 in violation of this chapter.

1 (3) In the event of seizure pursuant to subsection (2) of this
2 section, proceedings for forfeiture shall be deemed commenced by the
3 seizure. The law enforcement agency under whose authority the seizure
4 was made shall cause notice to be served within fifteen days following
5 the seizure on the owner of the property seized and the person in
6 charge thereof and any person having any known right or interest
7 therein, including any community property interest, of the seizure and
8 intended forfeiture of the seized property. Service of notice of
9 seizure of real property shall be made according to the rules of civil
10 procedure. However, the state may not obtain a default judgment with
11 respect to real property against a party who is served by substituted
12 service absent an affidavit stating that a good faith effort has been
13 made to ascertain if the defaulted party is incarcerated within the
14 state, and that there is no present basis to believe that the party is
15 incarcerated within the state. Notice of seizure in the case of
16 property subject to a security interest that has been perfected by
17 filing a financing statement in accordance with chapter 62A.9A RCW, or
18 a certificate of title, shall be made by service upon the secured party
19 or the secured party's assignee at the address shown on the financing
20 statement or the certificate of title. The notice of seizure in other
21 cases may be served by any method authorized by law or court rule
22 including but not limited to service by certified mail with return
23 receipt requested. Service by mail shall be deemed complete upon
24 mailing within the fifteen day period following the seizure.

25 (4) If no person notifies the seizing law enforcement agency in
26 writing of the person's claim of ownership or right to possession of
27 items specified in subsection (1)(d), (g), or (h) of this section
28 within forty-five days of the service of notice from the seizing agency
29 in the case of personal property and ninety days in the case of real
30 property, the item seized shall be deemed forfeited. The community
31 property interest in real property of a person whose spouse or domestic
32 partner committed a violation giving rise to seizure of the real
33 property may not be forfeited if the person did not participate in the
34 violation.

35 (5) If any person notifies the seizing law enforcement agency in
36 writing of the person's claim of ownership or right to possession of
37 items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h)
38 of this section within forty-five days of the service of notice from

1 the seizing agency in the case of personal property and ninety days in
2 the case of real property, the person or persons shall be afforded a
3 reasonable opportunity to be heard as to the claim or right. The
4 notice of claim may be served by any method authorized by law or court
5 rule including, but not limited to, service by first-class mail.
6 Service by mail shall be deemed complete upon mailing within the forty-
7 five day period following service of the notice of seizure in the case
8 of personal property and within the ninety-day period following service
9 of the notice of seizure in the case of real property. The hearing
10 shall be before the chief law enforcement officer of the seizing agency
11 or the chief law enforcement officer's designee, except where the
12 seizing agency is a state agency as defined in RCW 34.12.020(4), the
13 hearing shall be before the chief law enforcement officer of the
14 seizing agency or an administrative law judge appointed under chapter
15 34.12 RCW, except that any person asserting a claim or right may remove
16 the matter to a court of competent jurisdiction. Removal of any matter
17 involving personal property may only be accomplished according to the
18 rules of civil procedure. The person seeking removal of the matter
19 must serve process against the state, county, political subdivision, or
20 municipality that operates the seizing agency, and any other party of
21 interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-
22 five days after the person seeking removal has notified the seizing law
23 enforcement agency of the person's claim of ownership or right to
24 possession. The court to which the matter is to be removed shall be
25 the district court when the aggregate value of personal property is
26 within the jurisdictional limit set forth in RCW 3.66.020. A hearing
27 before the seizing agency and any appeal therefrom shall be under Title
28 34 RCW. In all cases, the burden of proof is upon the law enforcement
29 agency to establish, by a preponderance of the evidence, that the
30 property is subject to forfeiture.

31 The seizing law enforcement agency shall promptly return the
32 article or articles to the claimant upon a determination by the
33 administrative law judge or court that the claimant is the present
34 lawful owner or is lawfully entitled to possession thereof of items
35 specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of this
36 section.

37 (6) In any proceeding to forfeit property under this title, where
38 the claimant substantially prevails, the claimant is entitled to

1 reasonable attorneys' fees reasonably incurred by the claimant. In
2 addition, in a court hearing between two or more claimants to the
3 article or articles involved, the prevailing party is entitled to a
4 judgment for costs and reasonable attorneys' fees.

5 (7) When property is forfeited under this chapter the board or
6 seizing law enforcement agency may:

7 (a) Retain it for official use or upon application by any law
8 enforcement agency of this state release such property to such agency
9 for the exclusive use of enforcing the provisions of this chapter;

10 (b) Sell that which is not required to be destroyed by law and
11 which is not harmful to the public;

12 (c) Request the appropriate sheriff or director of public safety to
13 take custody of the property and remove it for disposition in
14 accordance with law; or

15 (d) Forward it to the drug enforcement administration for
16 disposition.

17 (8)(a) When property is forfeited, the seizing agency shall keep a
18 record indicating the identity of the prior owner, if known, a
19 description of the property, the disposition of the property, the value
20 of the property at the time of seizure, and the amount of proceeds
21 realized from disposition of the property.

22 (b) Each seizing agency shall retain records of forfeited property
23 for at least seven years.

24 (c) Each seizing agency shall file a report including a copy of the
25 records of forfeited property with the state treasurer each calendar
26 quarter.

27 (d) The quarterly report need not include a record of forfeited
28 property that is still being held for use as evidence during the
29 investigation or prosecution of a case or during the appeal from a
30 conviction.

31 (9)(a) By January 31st of each year, each seizing agency shall
32 remit to the state treasurer an amount equal to ten percent of the net
33 proceeds of any property forfeited during the preceding calendar year.
34 Money remitted shall be deposited in the state general fund.

35 (b) The net proceeds of forfeited property is the value of the
36 forfeitable interest in the property after deducting the cost of
37 satisfying any bona fide security interest to which the property is
38 subject at the time of seizure; and in the case of sold property, after

1 deducting the cost of sale, including reasonable fees or commissions
2 paid to independent selling agents, and the cost of any valid
3 landlord's claim for damages under subsection (15) of this section.

4 (c) The value of sold forfeited property is the sale price. The
5 value of retained forfeited property is the fair market value of the
6 property at the time of seizure, determined when possible by reference
7 to an applicable commonly used index, such as the index used by the
8 department of licensing for valuation of motor vehicles. A seizing
9 agency may use, but need not use, an independent qualified appraiser to
10 determine the value of retained property. If an appraiser is used, the
11 value of the property appraised is net of the cost of the appraisal.
12 The value of destroyed property and retained firearms or illegal
13 property is zero.

14 (10) Forfeited property and net proceeds not required to be paid to
15 the state treasurer shall be retained by the seizing law enforcement
16 agency exclusively for the expansion and improvement of controlled
17 substances related law enforcement activity. Money retained under this
18 section may not be used to supplant preexisting funding sources.

19 (11) Controlled substances listed in Schedule I, II, III, IV, and
20 V that are possessed, transferred, sold, or offered for sale in
21 violation of this chapter are contraband and shall be seized and
22 summarily forfeited to the state. Controlled substances listed in
23 Schedule I, II, III, IV, and V, which are seized or come into the
24 possession of the board, the owners of which are unknown, are
25 contraband and shall be summarily forfeited to the board.

26 (12) Species of plants from which controlled substances in
27 Schedules I and II may be derived which have been planted or cultivated
28 in violation of this chapter, or of which the owners or cultivators are
29 unknown, or which are wild growths, may be seized and summarily
30 forfeited to the board.

31 (13) The failure, upon demand by a board inspector or law
32 enforcement officer, of the person in occupancy or in control of land
33 or premises upon which the species of plants are growing or being
34 stored to produce an appropriate registration or proof that he or she
35 is the holder thereof constitutes authority for the seizure and
36 forfeiture of the plants.

37 (14) Upon the entry of an order of forfeiture of real property, the
38 court shall forward a copy of the order to the assessor of the county

1 in which the property is located. Orders for the forfeiture of real
2 property shall be entered by the superior court, subject to court
3 rules. Such an order shall be filed by the seizing agency in the
4 county auditor's records in the county in which the real property is
5 located.

6 (15) A landlord may assert a claim against proceeds from the sale
7 of assets seized and forfeited under subsection (7)(b) of this section,
8 only if:

9 (a) A law enforcement officer, while acting in his or her official
10 capacity, directly caused damage to the complaining landlord's property
11 while executing a search of a tenant's residence; and

12 (b) The landlord has applied any funds remaining in the tenant's
13 deposit, to which the landlord has a right under chapter 59.18 RCW, to
14 cover the damage directly caused by a law enforcement officer prior to
15 asserting a claim under the provisions of this section;

16 (i) Only if the funds applied under (b) of this subsection are
17 insufficient to satisfy the damage directly caused by a law enforcement
18 officer, may the landlord seek compensation for the damage by filing a
19 claim against the governmental entity under whose authority the law
20 enforcement agency operates within thirty days after the search;

21 (ii) Only if the governmental entity denies or fails to respond to
22 the landlord's claim within sixty days of the date of filing, may the
23 landlord collect damages under this subsection by filing within thirty
24 days of denial or the expiration of the sixty-day period, whichever
25 occurs first, a claim with the seizing law enforcement agency. The
26 seizing law enforcement agency must notify the landlord of the status
27 of the claim by the end of the thirty-day period. Nothing in this
28 section requires the claim to be paid by the end of the sixty-day or
29 thirty-day period.

30 (c) For any claim filed under (b) of this subsection, the law
31 enforcement agency shall pay the claim unless the agency provides
32 substantial proof that the landlord either:

33 (i) Knew or consented to actions of the tenant in violation of this
34 chapter or chapter 69.41 or 69.52 RCW; or

35 (ii) Failed to respond to a notification of the illegal activity,
36 provided by a law enforcement agency under RCW 59.18.075, within seven
37 days of receipt of notification of the illegal activity.

1 (16) The landlord's claim for damages under subsection (15) of this
2 section may not include a claim for loss of business and is limited to:

3 (a) Damage to tangible property and clean-up costs;

4 (b) The lesser of the cost of repair or fair market value of the
5 damage directly caused by a law enforcement officer;

6 (c) The proceeds from the sale of the specific tenant's property
7 seized and forfeited under subsection (7)(b) of this section; and

8 (d) The proceeds available after the seizing law enforcement agency
9 satisfies any bona fide security interest in the tenant's property and
10 costs related to sale of the tenant's property as provided by
11 subsection (9)(b) of this section.

12 (17) Subsections (15) and (16) of this section do not limit any
13 other rights a landlord may have against a tenant to collect for
14 damages. However, if a law enforcement agency satisfies a landlord's
15 claim under subsection (15) of this section, the rights the landlord
16 has against the tenant for damages directly caused by a law enforcement
17 officer under the terms of the landlord and tenant's contract are
18 subrogated to the law enforcement agency.

19 NEW SECTION. **Sec. 84.** A new section is added to chapter 66.32 RCW
20 to read as follows:

21 Except as permitted by the board, no purchased cannabis shall be
22 kept or had by any person within this state unless the package in which
23 the purchased cannabis was contained had, while containing that
24 purchased cannabis, been sealed with the official seal adopted by the
25 board, except in the case of cannabis acquired in accordance with the
26 provisions of law, which has been transferred to another container in
27 order to maintain freshness and preservation, and so long as the person
28 has retained proof of purchase for such cannabis.

29 **Sec. 85.** RCW 66.32.030 and 1955 c 39 s 5 are each amended to read
30 as follows:

31 A copy of the warrant, together with a detailed receipt for the
32 property taken shall be served upon the person found in possession of
33 any intoxicating liquor or cannabis, furniture, or fixtures so seized,
34 and if no person is found in possession thereof, a copy of the warrant
35 and receipt shall be left in a conspicuous place upon the premises
36 wherein they are found.

1 **Sec. 86.** RCW 66.32.040 and 1993 c 26 s 1 are each amended to read
2 as follows:

3 All liquor or cannabis seized pursuant to the authority of a search
4 warrant or an arrest shall, upon adjudication that it was kept in
5 violation of this title, be forfeited and upon forfeiture be disposed
6 of by the agency seizing the liquor or cannabis.

7 **Sec. 87.** RCW 66.32.070 and 1987 c 202 s 222 are each amended to
8 read as follows:

9 If, upon the hearing, the evidence warrants, or, if no person
10 appears as claimant, the judge shall thereupon enter a judgment of
11 forfeiture, and order such articles destroyed forthwith: PROVIDED,
12 That if, in the opinion of the judge, any of the forfeited articles
13 other than intoxicating liquors or cannabis are of value and adapted to
14 any lawful use, the judge shall, as a part of the order and judgment,
15 direct that the articles other than intoxicating liquor or cannabis be
16 sold as upon execution by the officer having them in custody, and the
17 proceeds of the sale after payment of all costs of the proceedings
18 shall be paid into the respective liquor revolving fund or cannabis
19 revolving fund.

20 **Sec. 88.** RCW 66.32.090 and 1993 c 26 s 2 are each amended to read
21 as follows:

22 In every case in which liquor or cannabis is seized by a sheriff or
23 deputy of any county or by a police officer of any municipality or by
24 a member of the Washington state patrol, or any other authorized peace
25 officer or inspector, it shall be the duty of the sheriff or deputy of
26 any county, or chief of police of the municipality, or the chief of the
27 Washington state patrol, as the case may be, to (~~forthwith~~) report in
28 writing to the board of particulars of such seizure.

29 **Sec. 89.** RCW 69.50.505 and 2009 c 479 s 46 and 2009 c 364 s 1 are
30 each reenacted and amended to read as follows:

31 (1) The following are subject to seizure and forfeiture and no
32 property right exists in them:

33 (a) All controlled substances which have been manufactured,
34 distributed, dispensed, acquired, or possessed in violation of this

1 chapter (~~(~~or~~)~~), chapter 69.41 or 69.52 RCW, or this act, and all
2 hazardous chemicals, as defined in RCW 64.44.010, used or intended to
3 be used in the manufacture of controlled substances;

4 (b) All raw materials, products, and equipment of any kind which
5 are used, or intended for use, in manufacturing, compounding,
6 processing, delivering, importing, or exporting any controlled
7 substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

8 (c) All property which is used, or intended for use, as a container
9 for property described in (a) or (b) of this subsection;

10 (d) All conveyances, including aircraft, vehicles, or vessels,
11 which are used, or intended for use, in any manner to facilitate the
12 sale, delivery, or receipt of property described in (a) or (b) of this
13 subsection, except that:

14 (i) No conveyance used by any person as a common carrier in the
15 transaction of business as a common carrier is subject to forfeiture
16 under this section unless it appears that the owner or other person in
17 charge of the conveyance is a consenting party or privy to a violation
18 of this chapter (~~(~~or~~)~~), chapter 69.41 or 69.52 RCW, or this act;

19 (ii) No conveyance is subject to forfeiture under this section by
20 reason of any act or omission established by the owner thereof to have
21 been committed or omitted without the owner's knowledge or consent;

22 (iii) No conveyance is subject to forfeiture under this section if
23 used in the receipt of only an amount of (~~(~~marijuana~~)~~) cannabis for
24 which possession constitutes a misdemeanor or civil infraction under
25 (~~(~~RCW 69.50.4014~~)~~) this act;

26 (iv) A forfeiture of a conveyance encumbered by a bona fide
27 security interest is subject to the interest of the secured party if
28 the secured party neither had knowledge of nor consented to the act or
29 omission; and

30 (v) When the owner of a conveyance has been arrested under this
31 chapter or chapter 69.41 or 69.52 RCW the conveyance in which the
32 person is arrested may not be subject to forfeiture unless it is seized
33 or process is issued for its seizure within ten days of the owner's
34 arrest;

35 (e) All books, records, and research products and materials,
36 including formulas, microfilm, tapes, and data which are used, or
37 intended for use, in violation of this chapter or chapter 69.41 or
38 69.52 RCW;

1 (f) All illegal drug paraphernalia under chapter 69.50 RCW;

2 (g) All moneys, negotiable instruments, securities, or other
3 tangible or intangible property of value furnished or intended to be
4 furnished by any person in exchange for a controlled substance in
5 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible
6 or intangible personal property, proceeds, or assets acquired in whole
7 or in part with proceeds traceable to an exchange or series of
8 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
9 and all moneys, negotiable instruments, and securities used or intended
10 to be used to facilitate any violation of this chapter or chapter 69.41
11 or 69.52 RCW. A forfeiture of money, negotiable instruments,
12 securities, or other tangible or intangible property encumbered by a
13 bona fide security interest is subject to the interest of the secured
14 party if, at the time the security interest was created, the secured
15 party neither had knowledge of nor consented to the act or omission.
16 No personal property may be forfeited under this subsection (1)(g), to
17 the extent of the interest of an owner, by reason of any act or
18 omission which that owner establishes was committed or omitted without
19 the owner's knowledge or consent; and

20 (h) All real property, including any right, title, and interest in
21 the whole of any lot or tract of land, and any appurtenances or
22 improvements which are being used with the knowledge of the owner for
23 the manufacturing, compounding, processing, delivery, importing, or
24 exporting of any controlled substance, or which have been acquired in
25 whole or in part with proceeds traceable to an exchange or series of
26 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
27 if such activity is not less than a class C felony and a substantial
28 nexus exists between the commercial production or sale of the
29 controlled substance and the real property. However:

30 (i) No property may be forfeited pursuant to this subsection
31 (1)(h), to the extent of the interest of an owner, by reason of any act
32 or omission committed or omitted without the owner's knowledge or
33 consent;

34 (ii) The bona fide gift of a controlled substance, legend drug, or
35 imitation controlled substance shall not result in the forfeiture of
36 real property;

37 (iii) The possession of (~~marijuana~~) cannabis shall not result in
38 the forfeiture of real property unless the (~~marijuana~~) cannabis is

1 possessed for illegal commercial purposes, the amount possessed is
2 ((~~five~~)) fifteen or more plants or one pound or more of ((~~marijuana~~))
3 cannabis, and a substantial nexus exists between the possession of
4 ((~~marijuana~~)) cannabis and the real property. In such a case, the
5 intent of the offender shall be determined by the preponderance of the
6 evidence, including the offender's prior criminal history, the amount
7 of ((~~marijuana~~)) cannabis possessed by the offender, the sophistication
8 of the activity or equipment used by the offender, and other evidence
9 which demonstrates the offender's intent to engage in commercial
10 activity;

11 (iv) The unlawful sale of ((~~marijuana~~)) cannabis or a legend drug
12 shall not result in the forfeiture of real property unless the sale was
13 ((~~forty grams~~)) one pound or more in the case of ((~~marijuana~~)) cannabis
14 or one hundred dollars or more in the case of a legend drug, and a
15 substantial nexus exists between the unlawful sale and the real
16 property; and

17 (v) A forfeiture of real property encumbered by a bona fide
18 security interest is subject to the interest of the secured party if
19 the secured party, at the time the security interest was created,
20 neither had knowledge of nor consented to the act or omission.

21 (2) Real or personal property subject to forfeiture under this
22 chapter may be seized by any board inspector or law enforcement officer
23 of this state upon process issued by any superior court having
24 jurisdiction over the property. Seizure of real property shall include
25 the filing of a lis pendens by the seizing agency. Real property
26 seized under this section shall not be transferred or otherwise
27 conveyed until ninety days after seizure or until a judgment of
28 forfeiture is entered, whichever is later: PROVIDED, That real
29 property seized under this section may be transferred or conveyed to
30 any person or entity who acquires title by foreclosure or deed in lieu
31 of foreclosure of a security interest. Seizure of personal property
32 without process may be made if:

33 (a) The seizure is incident to an arrest or a search under a search
34 warrant or an inspection under an administrative inspection warrant;

35 (b) The property subject to seizure has been the subject of a prior
36 judgment in favor of the state in a criminal injunction or forfeiture
37 proceeding based upon this chapter;

1 (c) A board inspector or law enforcement officer has probable cause
2 to believe that the property is directly or indirectly dangerous to
3 health or safety; or

4 (d) The board inspector or law enforcement officer has probable
5 cause to believe that the property was used or is intended to be used
6 in violation of this chapter.

7 (3) In the event of seizure pursuant to subsection (2) of this
8 section, proceedings for forfeiture shall be deemed commenced by the
9 seizure. The law enforcement agency under whose authority the seizure
10 was made shall cause notice to be served within fifteen days following
11 the seizure on the owner of the property seized and the person in
12 charge thereof and any person having any known right or interest
13 therein, including any community property interest, of the seizure and
14 intended forfeiture of the seized property. Service of notice of
15 seizure of real property shall be made according to the rules of civil
16 procedure. However, the state may not obtain a default judgment with
17 respect to real property against a party who is served by substituted
18 service absent an affidavit stating that a good faith effort has been
19 made to ascertain if the defaulted party is incarcerated within the
20 state, and that there is no present basis to believe that the party is
21 incarcerated within the state. Notice of seizure in the case of
22 property subject to a security interest that has been perfected by
23 filing a financing statement in accordance with chapter 62A.9A RCW, or
24 a certificate of title, shall be made by service upon the secured party
25 or the secured party's assignee at the address shown on the financing
26 statement or the certificate of title. The notice of seizure in other
27 cases may be served by any method authorized by law or court rule
28 including but not limited to service by certified mail with return
29 receipt requested. Service by mail shall be deemed complete upon
30 mailing within the fifteen day period following the seizure.

31 (4) If no person notifies the seizing law enforcement agency in
32 writing of the person's claim of ownership or right to possession of
33 items specified in subsection (1)(d), (g), or (h) of this section
34 within forty-five days of the service of notice from the seizing agency
35 in the case of personal property and ninety days in the case of real
36 property, the item seized shall be deemed forfeited. The community
37 property interest in real property of a person whose spouse or domestic

1 partner committed a violation giving rise to seizure of the real
2 property may not be forfeited if the person did not participate in the
3 violation.

4 (5) If any person notifies the seizing law enforcement agency in
5 writing of the person's claim of ownership or right to possession of
6 items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h)
7 of this section within forty-five days of the service of notice from
8 the seizing agency in the case of personal property and ninety days in
9 the case of real property, the person or persons shall be afforded a
10 reasonable opportunity to be heard as to the claim or right. The
11 notice of claim may be served by any method authorized by law or court
12 rule including, but not limited to, service by first-class mail.
13 Service by mail shall be deemed complete upon mailing within the forty-
14 five day period following service of the notice of seizure in the case
15 of personal property and within the ninety-day period following service
16 of the notice of seizure in the case of real property. The hearing
17 shall be before the chief law enforcement officer of the seizing agency
18 or the chief law enforcement officer's designee, except where the
19 seizing agency is a state agency as defined in RCW 34.12.020(4), the
20 hearing shall be before the chief law enforcement officer of the
21 seizing agency or an administrative law judge appointed under chapter
22 34.12 RCW, except that any person asserting a claim or right may remove
23 the matter to a court of competent jurisdiction. Removal of any matter
24 involving personal property may only be accomplished according to the
25 rules of civil procedure. The person seeking removal of the matter
26 must serve process against the state, county, political subdivision, or
27 municipality that operates the seizing agency, and any other party of
28 interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-
29 five days after the person seeking removal has notified the seizing law
30 enforcement agency of the person's claim of ownership or right to
31 possession. The court to which the matter is to be removed shall be
32 the district court when the aggregate value of personal property is
33 within the jurisdictional limit set forth in RCW 3.66.020. A hearing
34 before the seizing agency and any appeal therefrom shall be under Title
35 34 RCW. In all cases, the burden of proof is upon the law enforcement
36 agency to establish, by a preponderance of the evidence, that the
37 property is subject to forfeiture.

1 The seizing law enforcement agency shall promptly return the
2 article or articles to the claimant upon a determination by the
3 administrative law judge or court that the claimant is the present
4 lawful owner or is lawfully entitled to possession thereof of items
5 specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of this
6 section.

7 (6) In any proceeding to forfeit property under this title, where
8 the claimant substantially prevails, the claimant is entitled to
9 reasonable attorneys' fees reasonably incurred by the claimant. In
10 addition, in a court hearing between two or more claimants to the
11 article or articles involved, the prevailing party is entitled to a
12 judgment for costs and reasonable attorneys' fees.

13 (7) When property is forfeited under this chapter the board or
14 seizing law enforcement agency may:

15 (a) Retain it for official use or upon application by any law
16 enforcement agency of this state release such property to such agency
17 for the exclusive use of enforcing the provisions of this chapter;

18 (b) Sell that which is not required to be destroyed by law and
19 which is not harmful to the public;

20 (c) Request the appropriate sheriff or director of public safety to
21 take custody of the property and remove it for disposition in
22 accordance with law; or

23 (d) Forward it to the drug enforcement administration for
24 disposition.

25 (8)(a) When property is forfeited, the seizing agency shall keep a
26 record indicating the identity of the prior owner, if known, a
27 description of the property, the disposition of the property, the value
28 of the property at the time of seizure, and the amount of proceeds
29 realized from disposition of the property.

30 (b) Each seizing agency shall retain records of forfeited property
31 for at least seven years.

32 (c) Each seizing agency shall file a report including a copy of the
33 records of forfeited property with the state treasurer each calendar
34 quarter.

35 (d) The quarterly report need not include a record of forfeited
36 property that is still being held for use as evidence during the
37 investigation or prosecution of a case or during the appeal from a
38 conviction.

1 (9)(a) By January 31st of each year, each seizing agency shall
2 remit to the state treasurer an amount equal to ten percent of the net
3 proceeds of any property forfeited during the preceding calendar year.
4 Money remitted shall be deposited in the state general fund.

5 (b) The net proceeds of forfeited property is the value of the
6 forfeitable interest in the property after deducting the cost of
7 satisfying any bona fide security interest to which the property is
8 subject at the time of seizure; and in the case of sold property, after
9 deducting the cost of sale, including reasonable fees or commissions
10 paid to independent selling agents, and the cost of any valid
11 landlord's claim for damages under subsection (15) of this section.

12 (c) The value of sold forfeited property is the sale price. The
13 value of retained forfeited property is the fair market value of the
14 property at the time of seizure, determined when possible by reference
15 to an applicable commonly used index, such as the index used by the
16 department of licensing for valuation of motor vehicles. A seizing
17 agency may use, but need not use, an independent qualified appraiser to
18 determine the value of retained property. If an appraiser is used, the
19 value of the property appraised is net of the cost of the appraisal.
20 The value of destroyed property and retained firearms or illegal
21 property is zero.

22 (10) Forfeited property and net proceeds not required to be paid to
23 the state treasurer shall be retained by the seizing law enforcement
24 agency exclusively for the expansion and improvement of controlled
25 substances related law enforcement activity. Money retained under this
26 section may not be used to supplant preexisting funding sources.

27 (11) Controlled substances listed in Schedule I, II, III, IV, and
28 V that are possessed, transferred, sold, or offered for sale in
29 violation of this chapter are contraband and shall be seized and
30 summarily forfeited to the state. Controlled substances listed in
31 Schedule I, II, III, IV, and V, which are seized or come into the
32 possession of the board, the owners of which are unknown, are
33 contraband and shall be summarily forfeited to the board.

34 (12) Cannabis and species of plants from which controlled
35 substances in Schedules I and II may be derived which have been planted
36 or cultivated in violation of this chapter, or of which the owners or
37 cultivators are unknown, or which are wild growths, may be seized and
38 summarily forfeited to the board.

1 (13) The failure, upon demand by a board inspector or law
2 enforcement officer, of the person in occupancy or in control of land
3 or premises upon which the species of plants are growing or being
4 stored to produce an appropriate registration or proof that he or she
5 is the holder thereof constitutes authority for the seizure and
6 forfeiture of the plants.

7 (14) Upon the entry of an order of forfeiture of real property, the
8 court shall forward a copy of the order to the assessor of the county
9 in which the property is located. Orders for the forfeiture of real
10 property shall be entered by the superior court, subject to court
11 rules. Such an order shall be filed by the seizing agency in the
12 county auditor's records in the county in which the real property is
13 located.

14 (15) A landlord may assert a claim against proceeds from the sale
15 of assets seized and forfeited under subsection (7)(b) of this section,
16 only if:

17 (a) A law enforcement officer, while acting in his or her official
18 capacity, directly caused damage to the complaining landlord's property
19 while executing a search of a tenant's residence; and

20 (b) The landlord has applied any funds remaining in the tenant's
21 deposit, to which the landlord has a right under chapter 59.18 RCW, to
22 cover the damage directly caused by a law enforcement officer prior to
23 asserting a claim under the provisions of this section;

24 (i) Only if the funds applied under (b) of this subsection are
25 insufficient to satisfy the damage directly caused by a law enforcement
26 officer, may the landlord seek compensation for the damage by filing a
27 claim against the governmental entity under whose authority the law
28 enforcement agency operates within thirty days after the search;

29 (ii) Only if the governmental entity denies or fails to respond to
30 the landlord's claim within sixty days of the date of filing, may the
31 landlord collect damages under this subsection by filing within thirty
32 days of denial or the expiration of the sixty-day period, whichever
33 occurs first, a claim with the seizing law enforcement agency. The
34 seizing law enforcement agency must notify the landlord of the status
35 of the claim by the end of the thirty-day period. Nothing in this
36 section requires the claim to be paid by the end of the sixty-day or
37 thirty-day period.

1 (c) For any claim filed under (b) of this subsection, the law
2 enforcement agency shall pay the claim unless the agency provides
3 substantial proof that the landlord either:

4 (i) Knew or consented to actions of the tenant in violation of this
5 chapter or chapter 69.41 or 69.52 RCW; or

6 (ii) Failed to respond to a notification of the illegal activity,
7 provided by a law enforcement agency under RCW 59.18.075, within seven
8 days of receipt of notification of the illegal activity.

9 (16) The landlord's claim for damages under subsection (15) of this
10 section may not include a claim for loss of business and is limited to:

11 (a) Damage to tangible property and clean-up costs;

12 (b) The lesser of the cost of repair or fair market value of the
13 damage directly caused by a law enforcement officer;

14 (c) The proceeds from the sale of the specific tenant's property
15 seized and forfeited under subsection (7)(b) of this section; and

16 (d) The proceeds available after the seizing law enforcement agency
17 satisfies any bona fide security interest in the tenant's property and
18 costs related to sale of the tenant's property as provided by
19 subsection (9)(b) of this section.

20 (17) Subsections (15) and (16) of this section do not limit any
21 other rights a landlord may have against a tenant to collect for
22 damages. However, if a law enforcement agency satisfies a landlord's
23 claim under subsection (15) of this section, the rights the landlord
24 has against the tenant for damages directly caused by a law enforcement
25 officer under the terms of the landlord and tenant's contract are
26 subrogated to the law enforcement agency.

27 PART VII

28 LOCAL PREEMPTION

29 **Sec. 90.** RCW 35A.66.020 and 1967 ex.s. c 119 s 35A.66.020 are each
30 amended to read as follows:

31 The qualified electors of any code city may petition for an
32 election upon the question of whether the sale of liquor or cannabis
33 and hemp shall be permitted within the boundaries of such city as
34 provided by chapter 66.40 RCW, and shall be governed by the procedure
35 therein, and may regulate music, dancing and entertainment as
36 authorized by RCW 66.28.080 and this act: PROVIDED, That every code

1 city shall enforce state laws relating to the investigation and
2 prosecution of all violations of Title 66 RCW relating to control of
3 alcoholic beverages and this act relating to the regulation and control
4 of cannabis and hemp and shall be entitled to retain the fines
5 collected therefrom as therein provided. Every code city shall also
6 share in the allocation and distribution of liquor and cannabis profits
7 and excise as provided in RCW 82.08.170, 66.08.190, and 66.08.210, and
8 make reports of seizure as required by RCW 66.32.090, and otherwise
9 regulate by ordinances not in conflict with state law or liquor board
10 regulations.

11 NEW SECTION. **Sec. 91.** For the purpose of an election upon the
12 question of whether the sale of cannabis and hemp shall be permitted,
13 the election unit shall be any incorporated city or town, or all that
14 portion of any county not included within the limits of incorporated
15 cities and towns.

16 NEW SECTION. **Sec. 92.** A new section is added to chapter 35A.66
17 RCW to read as follows:

18 Within any unit referred to in RCW 66.40.010, upon compliance with
19 the conditions hereinafter prescribed, there may be held, at the time
20 and as a part of any general election, an election upon the question of
21 whether the sale of cannabis and hemp shall be permitted within such
22 unit; and in the event that any such election is held in any such unit,
23 no other election under this section shall be held prior to the next
24 succeeding general election.

25 NEW SECTION. **Sec. 93.** Any unit referred to in RCW 66.40.010 may
26 hold such election upon the question of whether the sale of cannabis
27 and hemp shall be permitted within the boundaries of such unit, upon
28 the filing with the county auditor of the county within which such unit
29 is located, of a petition subscribed by qualified electors of the unit
30 equal in number to at least thirty percent of the electors voting at
31 the last general election within such unit. Such petition shall
32 designate the unit in which the election is desired to be had, the date
33 upon which the election is desired to be held, and the question that is
34 desired to be submitted. The persons signing such a petition shall
35 state their post office address, the name or number of the precinct in

1 which they reside, and in case the subscriber be a resident of a city,
2 the street and house number, if any, of his or her residence, and the
3 date of signature. Said petition shall be filed not less than sixty
4 days nor more than ninety days prior to the date upon which the
5 election is to be held. No signature shall be valid unless the above
6 requirements are complied with, and unless the date of signing the same
7 is less than ninety days preceding the date of filing. No signature
8 shall be withdrawn after the filing of such petition. Such petition
9 may consist of one or more sheets and shall be fastened together as one
10 document, filed as a whole, and when filed shall not be withdrawn or
11 added to. Such petition shall be a public document and shall be
12 subject to the inspection of the public. Upon the request of anyone
13 filing such a petition and paying, or tendering to the county auditor
14 one dollar for each hundred names, or fraction thereof, signed thereto,
15 together with a copy thereof, said county auditor shall immediately
16 compare the original and copy and attach to such copy and deliver to
17 such person his or her official certificate that such copy is a true
18 copy of the original, stating the date when such original was filed in
19 his or her office; and said officer shall furnish, upon the demand of
20 any person, a copy of said petition, upon payment of the same fee
21 required for the filing of original petitions.

22 **Sec. 94.** RCW 66.40.110 and 1933 ex.s. c 62 s 86 are each amended
23 to read as follows:

24 In respect to the sale of liquor, upon the ballot to be used at
25 such general election the question shall be submitted in the following
26 form:

27 "Shall the sale of liquor be permitted within (here
28 specify the unit in which election is to be held)." Immediately below
29 said question shall be placed the alternative answers, as follows:

- 30 "For sale of liquor.....()
31 Against sale of liquor.....()"

32 Each person desiring to vote in favor of permitting the sale of
33 liquor within the unit in which the election is to be held shall
34 designate his or her choice beside the words "For sale of liquor", and

1 those desiring to vote against the permitting of the sale of liquor
2 within such unit shall designate their choice beside the words "Against
3 sale of liquor", and the ballot shall be counted accordingly.

4 NEW SECTION. **Sec. 95.** In respect to the sale of cannabis and
5 hemp products, upon the ballot to be used at such general election the
6 question shall be submitted in the following form:

7 "Shall the sale of cannabis and hemp products be permitted within
8 (here specify the unit in which election is to be held)."

9 "For sale of cannabis and hemp products..... ()
10 Against sale of cannabis and hemp products..... ()."

11 Each person desiring to vote in favor of permitting the sale of
12 cannabis and hemp products within the unit in which the election is to
13 be held shall designate his or her choice beside the words "For sale of
14 cannabis and hemp products", and those desiring to vote against the
15 permitting of the sale of cannabis and hemp products within such unit
16 shall designate their choice beside the words "Against sale of cannabis
17 and hemp products", and the ballot shall be counted accordingly.

18 NEW SECTION. **Sec. 96.** The returns of any such election shall be
19 canvassed in the manner provided by law. If the majority of qualified
20 electors voting upon said question at said election shall have voted
21 "For sale of cannabis and hemp" within the unit in which the election
22 is held, the sale of cannabis and hemp may be continued in accordance
23 with the provisions of this title. If the majority of the qualified
24 electors voting on such question at any such election shall vote
25 "Against sale of cannabis and hemp", then, within thirty days following
26 and not including the date of after such canvass, no sale or purchase
27 of cannabis and hemp, except as otherwise provided under this title,
28 shall be made within such unit unless and until permission is
29 subsequently granted.

30 NEW SECTION. **Sec. 97.** (1) Whenever a majority of qualified voters
31 voting upon said question in any such unit shall have voted "Against
32 sale of cannabis and hemp", the county auditor shall file with the

1 department of health a certificate showing the result of the canvass at
2 such election. The secretary of the department of health shall
3 immediately cause notice to be served on any licensed sellers operating
4 shops within such unit, as indicated by the address of record on file
5 for the licensee. Thereafter, it shall not be lawful for licensed
6 sellers either to sell cannabis or hemp or to maintain and operate
7 licensed shops within such unit: EXCEPT, THAT, As to any shops already
8 licensed to operate within any such unit at the time of the election,
9 the licensed seller shall have a period of sixty days following and not
10 including the date of the canvass of the vote upon such election in
11 which to discontinue operation of his or her shop or shops therein.

12 (2) Nothing in this section shall prevent any licensed producer
13 from selling at wholesale cannabis, hemp, or hemp products produced
14 within such unit, outside the boundaries thereof.

15 (3) Nothing in this section shall prevent any person residing
16 within such unit from transporting into or receiving within the unit
17 cannabis or hemp lawfully purchased by him or her outside the
18 boundaries of such unit.

19 NEW SECTION. **Sec. 98.** No election in any unit referred to in this
20 act, upon the question of whether the sale of cannabis and hemp
21 products shall be permitted within the boundaries of such unit, shall
22 be held at the same time as an election is held in the same unit upon
23 the question of whether the sale of cannabis and hemp products under
24 the provisions of this chapter shall be permitted. In the event valid
25 and sufficient petitions are filed which would otherwise place both
26 questions on the same ballot, that question upon which the petition was
27 filed with the county auditor first shall be placed on the ballot to
28 the exclusion of the other.

29 **PART VIII**
30 **HIGHER EDUCATION POLICIES**

31 **Sec. 99.** RCW 28B.10.575 and 1996 c 17 s 2 are each amended to read
32 as follows:

33 (1) Each public institution of higher education shall notify all
34 students applying for college or university-owned student housing of

1 the availability of housing in an area in which all liquor and cannabis
2 use is prohibited.

3 (2) Each public institution of higher education, upon request,
4 shall provide students access to student housing on a residence hall
5 floor, designated area, or in a building where liquor and cannabis use
6 is prohibited.

7 (3) Each public institution shall have in place, and distribute to
8 students in college or university-owned student housing, a process for
9 reporting violations and complaints of liquor, cannabis, and illegal
10 drug use.

11 (4) Each public institution shall have in place, distribute to
12 students, and vigorously enforce policies and procedures for
13 investigating complaints regarding liquor, cannabis, and illegal drug
14 use in college or university-owned student housing, including the
15 sanctions that may be applied for violations of the institution's
16 liquor, cannabis, and illegal drug use policies.

17 (5) Students who violate the institution's liquor, cannabis, and
18 illegal drug use policies are subject to disciplinary action.
19 Sanctions that may be applied for violations of the institution's
20 liquor, cannabis, or illegal drug use policies include warnings,
21 restitution for property damage, probation, expulsion from college or
22 university-owned housing, and suspension from the institution.

23 (6) As used in this section:

24 (a) "Liquor" has the meaning in RCW 66.04.010; (~~and~~)

25 (b) "Cannabis" has the meaning in RCW 66.04.010; and

26 (c) "Illegal drug use" refers to the unlawful use of controlled
27 substances under chapter 69.50 RCW or legend drugs under chapter 69.41
28 RCW.

29 **PART IX**
30 **STATE GOVERNMENT**

31 **Sec. 100.** RCW 43.19.19054 and 1975-'76 2nd ex.s. c 21 s 7 are each
32 amended to read as follows:

33 The provisions of RCW 43.19.1905 shall not apply to materials,
34 supplies, and equipment purchased for resale to other than public
35 agencies by state agencies, including educational institutions. In

1 addition, RCW 43.19.1905 shall not apply to liquor, cannabis, cannabis
2 products, or hemp products purchased by the state for resale under the
3 provisions of Title 66 RCW.

4 **Sec. 101.** RCW 81.04.530 and 1999 c 351 s 6 are each amended to
5 read as follows:

6 A person or employer operating as a motor carrier shall comply with
7 the requirements of the United States department of transportation
8 federal motor carrier safety regulations as contained in Title 49
9 C.F.R. Part 382, controlled substances and alcohol use and testing. A
10 person or employer who begins or conducts commercial motor vehicle
11 operations without having a controlled substance and alcohol testing
12 program that is in compliance with the requirements of Title 49 C.F.R.
13 Part 382 is subject to a penalty, under the process set forth in RCW
14 81.04.405, of up to one thousand five hundred dollars and up to an
15 additional five hundred dollars for each motor vehicle driver employed
16 by the person or employer who is not in compliance with the motor
17 vehicle driver testing requirements. A person or employer having
18 actual knowledge that a driver has tested positive for controlled
19 substances, cannabis, or alcohol who allows a positively tested person
20 to continue to perform a safety-sensitive function is subject to a
21 penalty, under the process set forth in RCW 81.04.405, of one thousand
22 five hundred dollars.

23 **PART X**

24 **MISCELLANEOUS**

25 **Sec. 102.** RCW 69.04.480 and 2009 c 549 s 1023 are each amended to
26 read as follows:

27 A drug or device shall be deemed to be misbranded if it is for use
28 by human beings and contains any quantity of the narcotic or hypnotic
29 substance alpha eucaine, barbituric acid, beta eucaine, bromal,
30 (~~cannabis~~) carbromal, chloral, coca, cocaine, codeine, heroin,
31 (~~marijuana~~) morphine, opium, paraldehyde, peyote, or sulphomethane;
32 or any chemical derivative of such substance, which derivative has been
33 designated as habit forming by regulations promulgated under section
34 502(d) of the federal act; unless its label bears the name and quantity

1 or proportion of such substance or derivative and in juxtaposition
2 therewith the statement "Warning--May be habit forming."

3 NEW SECTION. **Sec. 103.** RCW 69.50.4014 (Possession of forty grams
4 or less of marihuana--Penalty) and 2003 c 53 s 335 are each repealed.

5 **Sec. 104.** RCW 66.98.010 and 1933 ex.s. c 62 s 1 are each amended
6 to read as follows:

7 This act may be cited as the "Washington State Liquor and Cannabis
8 Act."

9 NEW SECTION. **Sec. 105.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 106.** Sections 6 through 16, 24 through 30, 40,
14 52 through 55, 57, 59, 60, and 62 through 64 of this act constitute a
15 new chapter in Title 66 RCW.

16 NEW SECTION. **Sec. 107.** Sections 91, 93, and 95 of this act are
17 each added to chapter 66.40 RCW.

18 NEW SECTION. **Sec. 108.** Sections 2 through 5 and 7 through 104 of
19 this act take effect July 1, 2013.

20 NEW SECTION. **Sec. 109.** Section 6 of this act is necessary for the
21 immediate preservation of the public peace, health, or safety, or
22 support of the state government and its existing public institutions,
23 and takes effect July 1, 2011.

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