

**State of Washington 62nd Legislature 2011 Regular Session**

By Representatives Dickerson, Goodman, Upthegrove, Pedersen, Appleton, Roberts, Cody, Moscoso, Eddy, Green, Darneille, Fitzgibbon, Kenney, and Billig

Read first time 01/25/11. Referred to Committee on Public Safety & Emergency Preparedness.

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.

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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.

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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  
16 malt

17 liquor as these terms are defined in this chapter.

18 (4) "Beer distributor" means a person who buys beer from a  
19 domestic

20 brewery, microbrewery, beer certificate of approval holder, or  
21 beer

22 importers, or who acquires foreign produced beer from a source  
23 outside

24 of the United States, for the purpose of selling the same pursuant  
25 to

26 this title, or who represents such brewer or brewery as agent.

27 (5) "Beer importer" means a person or business within Washington  
28 who purchases beer from a beer certificate of approval holder or

29 who

30 acquires foreign produced beer from a source outside of the United  
31 States for the purpose of selling the same pursuant to this title.

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

34 (7) "Brewer" or "brewery" means any person engaged in the business  
35 of manufacturing beer and malt liquor. Brewer includes a brand  
36 owner

37 of malt beverages who holds a brewer's notice with the federal  
38 bureau

39 of alcohol, tobacco, and firearms at a location outside the state  
40 and

41 whose malt beverage is contract-produced by a licensed in-state  
42 brewery, and who may exercise within the state, under a domestic  
43 brewery license, only the privileges of storing, selling to  
44 licensed

45 beer distributors, and exporting beer from the state.

46 (8) "Cannabis" means all parts of the plant *Cannabis*, whether  
47 growing or not; the seeds thereof; the resin extracted from any  
48 part of

49 the plant; and every compound, manufacture, salt, derivative,  
50 mixture,

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52 or preparation of the plant, its seeds, or resin. The term does not  
53 include the mature stalks of the plant, fiber produced from the  
54 stalks,

55 oil or cake made from the seeds of the plant, any other compound,  
56 manufacture, salt, derivative, mixture, or preparation of the  
57 mature

58 stalks (except the resin extracted therefrom), fiber, oil, or cake,  
59 or

60 the sterilized seed of the plant which is incapable of germination.

61 For the purposes of this title, the term "cannabis" includes  
62 cannabis

63 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,  
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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.'

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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  
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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  
12 sale of

13 alcohol for consumption on the premises, (b) cover charges, or (c)  
14 both, and has an occupancy load of one hundred or more.

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

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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.

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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.  
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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.

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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  
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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  
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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  
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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.

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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  
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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;

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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

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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

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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  
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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

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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:

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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.

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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;  
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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  
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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.

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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

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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  
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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.

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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

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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

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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.

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**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

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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  
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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  
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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;

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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,  
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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:

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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)

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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.

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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  
22 isomers,  
23 esters, and ethers, whenever the existence of the isomers, esters,  
24 ethers, and salts is possible within the specific chemical  
25 designation.  
26 (3) Poppy straw and concentrate of poppy straw.  
27 (4) Coca leaves, except coca leaves and extracts of coca leaves  
28 from which cocaine, ecgonine, and derivatives or ecgonine or their  
29 salts have been removed.  
30 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.  
31 (6) Cocaine base.  
32 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
33 thereof.  
34 (8) Any compound, mixture, or preparation containing any quantity  
35 of any substance referred to in subparagraphs (1) through (7).  
36 ((s)) (r) "Opiate" means any substance having an addiction-  
37 forming or addiction-sustaining liability similar to morphine or  
38 being  
39 capable of conversion into a drug having addiction-forming or  
40 addiction-sustaining liability. The term includes opium,  
41 substances  
42 derived from opium (opium derivatives), and synthetic opiates. The  
43 HB 1550 p. 40  
44 term does not include, unless specifically designated as controlled  
45 under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-  
46 methylmorphinan and its salts (dextromethorphan). The term includes  
47 the racemic and levorotatory forms of dextromethorphan.  
48 ((t)) (s) "Opium poppy" means the plant of the species *Papaver*  
49 *somniferum* L., except its seeds.  
50 ((u)) (t) "Person" means individual, corporation, business trust,  
51 estate, trust, partnership, association, joint venture, government,  
52 governmental subdivision or agency, or any other legal or  
53 commercial  
54 entity.  
55 ((v)) (u) "Poppy straw" means all parts, except the seeds, of  
56 the  
57 opium poppy, after mowing.  
58 ((w)) (v) "Practitioner" means:  
59 (1) A physician under chapter 18.71 RCW; a physician assistant  
60 under chapter 18.71A RCW; an osteopathic physician and surgeon  
61 under  
62 chapter 18.57 RCW; an osteopathic physician assistant under  
63 chapter  
64 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
65 limitations in RCW 18.57A.040; an optometrist licensed under  
66 chapter  
67 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 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 investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to 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 physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and p. 41 HB 1550

1 surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine in any state of

3 the United States.

4 (((x))) (w) "Prescription" means an order for controlled substances 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, cultivating, growing, or harvesting of a controlled substance.

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

12 (((aa))) (z) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession 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;

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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.

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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.

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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;

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1 (18) Diampromide;

2 (19) Diethylthiambutene;

3 (20) Difenoazin;

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) Levophenacymorphan;
- 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;

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- 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

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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; a-ethyl-1H-indole-3-ethanamine; 3-(2-  
aminobutyl)

6 indole; a-ET; and AET;

7 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:

8 4-bromo-2,5-dimethoxy-a-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-a-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-a-

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-a-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;  
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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-pyndo  
(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  
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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; TCP; TCP;  
8 (((34))) (32) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or  
9 other name is TCP.  
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-phenly-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) Fenethylamine;

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;

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

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.

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

38 (6) Any person, addicted to the use of controlled substances, who  
39 voluntarily applies to the department of social and health  
40 services for  
41 the purpose of participating in a rehabilitation program approved  
42 by  
43 the department for addicts of controlled substances shall be  
44 immune  
45 from prosecution for subsection (1) offenses unless a filing of an  
46 information or indictment against such person for a violation of  
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48 subsection (1) of this section is made prior to his or her  
49 voluntary  
50 participation in the program of the department of social and health  
51 services. All applications for immunity under this section shall be  
52 sent to the department of social and health services in Olympia. It  
53 shall be the duty of the department to stamp each application  
54 received

55 pursuant to this section with the date and time of receipt.

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

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

60 (1) Any person who violates RCW 69.50.401 by manufacturing,  
61 selling, delivering, or possessing with the intent to manufacture,  
62 sell, or deliver a controlled substance listed under RCW 69.50.401  
63 or

64 who violates RCW 69.50.410 by selling for profit any controlled  
65 substance or counterfeit substance classified in schedule I, RCW  
66 69.50.204((, except leaves and flowering tops of marihuana to a  
67 person)):

68 (a) In a school;

69 (b) On a school bus;

70 (c) Within one thousand feet of a school bus route stop designated  
71 by the school district;

72 (d) Within one thousand feet of the perimeter of the school  
73 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

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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.

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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  
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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,

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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.

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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

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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

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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.

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1 **Sec. 51.** RCW 66.44.040 and 1933 ex.s. c 62 s 57 are each amended  
2 to read as follows:

3 In describing the offense respecting the sale, or keeping for sale  
4 or other disposal, of liquor or cannabis, or the having, keeping,  
5 giving, purchasing, or consumption of liquor or cannabis in any  
6 information, summons, conviction, warrant, or proceeding under this  
7 title, it shall be sufficient to simply state the sale, or keeping  
for

8 sale or disposal, having, keeping, giving, purchasing, or  
consumption

9 of liquor or cannabis, without stating the name or kind of such  
liquor

10 or cannabis or the price thereof, or to whom it was sold or  
disposed

11 of, or by whom consumed, or from whom it was purchased or  
received; and

12 it shall not be necessary to state the quantity of liquor so sold,  
kept

13 for sale, disposed of, had, kept, given, purchased, or consumed,  
except

14 in the case of offenses where the quantity is essential, and then  
it

15 shall be sufficient to allege the sale or disposal of more or less  
than

16 such quantity.

17 NEW SECTION. **Sec. 52.** No licensed seller or employee or agent of  
18 a licensed seller shall consume cannabis, or allow any person to  
open

19 a package containing cannabis or consume any cannabis, on shop  
20 premises. A violation of this section is a class 3 civil  
infraction as

21 provided for in chapter 7.80 RCW.

22 NEW SECTION. **Sec. 53.** (1) It is unlawful to open a package  
23 containing cannabis or consume cannabis in a public place in a  
manner  
24 that presents a reasonably foreseeable risk that another person  
would  
25 see and be able to identify the substance contained in the package  
or  
26 being consumed as cannabis.

27 (2) A violation of this section is a class 3 civil infraction  
28 punishable according to chapter 7.80 RCW.

29 **SELLING AND PURCHASING OF CANNABIS**

30 NEW SECTION. **Sec. 54.** Every person who shall sell or offer for  
31 sale cannabis, without an official government stamp or seal  
attached

32 thereto, or who shall operate a cannabis business without a valid  
33 license is guilty of a gross misdemeanor and upon conviction  
thereof

34 shall upon his or her first conviction be fined not less than five  
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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

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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.

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1 NEW SECTION. **Sec. 61.** A new section is added to chapter 66.44 RCW  
2 to read as follows:

3 Every person under the age of twenty-one years who purchases or  
4 attempts to purchase cannabis shall be guilty of a class I civil  
5 infraction.

6 NEW SECTION. **Sec. 62.** The Washington state liquor control board  
7 shall furnish notification of any hearing or hearings held, wherein  
any

8 licensee or his or her employee is found to have sold cannabis to a  
9 minor, to the prosecuting attorney of the county in which the sale  
took

10 place, upon which the prosecuting attorney may formulate charges  
11 against said minor or minors for such cannabis violation of  
section 60

12 of this act as may appear.

13 NEW SECTION. **Sec. 63.** Every person under the age of twenty-one  
14 years who represents his or her age as being twenty-one or more  
years

15 for the purpose of purchasing cannabis or securing admission to or  
16 remaining in any area classified by the board as off-limits to  
such a

17 person is guilty of a class I civil infraction.

18 NEW SECTION. **Sec. 64.** Any person who transfers in any manner an  
19 identification of age to a minor for the purpose of permitting  
such

20 minor to obtain cannabis shall be guilty of a misdemeanor  
punishable as

21 provided by RCW 9A.20.021, except that a minimum fine of two

hundred

22 fifty dollars shall be imposed and any sentence requiring  
community

23 restitution shall require not fewer than twenty-five hours of  
community

24 restitution: PROVIDED, That corroborative testimony of a witness  
other

25 than the minor shall be a condition precedent to conviction.

26 **HOME GROWN CANNABIS**

27 NEW SECTION. **Sec. 65.** A new section is added to chapter 66.12 RCW  
28 to read as follows:

29 (1) It is unlawful for a person not licensed as a valid cannabis  
30 farmer under section 25 of this act to produce cannabis except in  
31 compliance with the following requirements:

32 (a) The person is twenty-one years of age or older;

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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**

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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

12

13

DRUG OFFENSES

INCLUDED WITHIN EACH

SERIOUSNESS LEVEL

14

15

16

17

III Any felony offense under chapter 69.50

RCW with a deadly weapon

special verdict under RCW

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

18

19

Controlled Substance Homicide (RCW

69.50.415)

20

21

22

23

Delivery of imitation controlled

substance by person eighteen or

over to person under eighteen

(RCW 69.52.030(2))

24

25

26

Involving a minor in drug dealing

(RCW 69.50.4015 and section 68

of this act)

27

28

Manufacture of methamphetamine

(RCW 69.50.401(2)(b))

29  
30  
31  
32  
33

Over 18 and deliver heroin,  
methamphetamine, a narcotic from  
Schedule I or II, or flunitrazepam  
from Schedule IV to someone  
under 18 (RCW 69.50.406)

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1  
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6  
7

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

8  
9  
10  
11  
12  
13

Possession of Ephedrine,  
Pseudoephedrine, or Anhydrous  
Ammonia with intent to  
manufacture  
methamphetamine (RCW  
69.50.440)

14  
15  
16

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

17  
18  
19

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

20  
21  
22

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

23  
24  
25

Delivery of a material in lieu of a

controlled substance (RCW  
69.50.4012)

26  
27  
28

Maintaining a Dwelling or Place for  
Controlled Substances (RCW

69.50.402(1)(f))

29  
30  
31

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

32  
33  
34  
35  
36

Manufacture, deliver, or possess with  
intent to deliver narcotics from  
Schedule I or II or flunitrazepam  
from Schedule IV (RCW

69.50.401(2)(a))

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1  
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7  
8

Manufacture, deliver, or possess with  
intent to deliver narcotics from  
Schedule III, IV, or V or  
nonnarcotics from Schedule I-V  
(except ((marijuana,))  
amphetamine, methamphetamines,  
or flunitrazepam) (RCW

69.50.401(2) (c) through (e))

9  
10  
11  
12

Manufacture, distribute, or possess with  
intent to distribute an imitation  
controlled substance (RCW

69.52.030(1))

13 I Forged Prescription (RCW 69.41.020)

14  
15

Forged Prescription for a Controlled  
Substance (RCW 69.50.403)

16  
17  
18  
19  
20

((Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(2)(c)))) Interstate Transporting of Cannabis (section 67 of this act)

21  
22  
23  
24

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule IV (RCW 69.50.4013)

25  
26  
27  
28

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

29  
30

Unlawful Use of Building for Drug 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  
35 the

36 premises of an outdoor music festival or related campground for  
37 the

38 purpose of pursuing an investigation or questioning by a law  
39 enforcement officer as to the lawfulness of the consumption or  
40 HB 1550 p. 68

41 possession of alcohol, cannabis, or illegal drugs, it is a defense  
42 that

43 the detained person was detained in a reasonable manner and for not  
44 more than a reasonable time to permit the investigation or  
45 questioning

46 by a law enforcement officer, and that a peace officer, owner,  
47 operator, employee, or agent of the outdoor music festival had  
48 reasonable grounds to believe that the person so detained was  
49 unlawfully consuming or attempting to unlawfully consume or  
50 possess,

51 alcohol, cannabis, or illegal drugs on the premises.

52 (2) For the purposes of this section:

53 (a) "Illegal drug" means a controlled substance under chapter  
54 69.50

55 RCW for which the person detained does not have a valid  
56 prescription or

57 that is not being consumed in accordance with the prescription  
58 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

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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.

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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

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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  
12 court

13 may order an examination of the offender by the department. The  
14 examination shall, at a minimum, address the following issues:

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

16 (ii) Whether the addiction is such that there is a probability  
17 that

18 criminal behavior will occur in the future;

19 (iii) Whether effective treatment for the offender's addiction is  
20 available from a provider that has been licensed or certified by  
21 the

22 division of alcohol and substance abuse of the department of  
23 social and

24 health services; and

25 (iv) Whether the offender and the community will benefit from the  
26 use of the alternative.

27 (b) The examination report must contain:

28 (i) A proposed monitoring plan, including any requirements  
29 regarding living conditions, lifestyle requirements, and  
30 monitoring by

31 family members and others; and

32 (ii) Recommended crime-related prohibitions and affirmative  
33 conditions.

34 (6) When a court imposes a sentence of community custody under  
35 this

36 section:

37 (a) The court may impose conditions as provided in RCW 9.94A.703  
38 and may impose other affirmative conditions as the court considers  
39 appropriate. In addition, an offender may be required to pay  
40 thirty

41 dollars per month while on community custody to offset the cost of  
42 monitoring for alcohol or controlled substances.

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

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45 (7)(a) The court may bring any offender sentenced under this  
46 section back into court at any time on its own initiative to  
47 evaluate

48 the offender's progress in treatment or to determine if any  
49 violations

50 of the conditions of the sentence have occurred.

51 (b) If the offender is brought back to court, the court may modify  
52 the conditions of the community custody or impose sanctions under

53 (c)

54 of this subsection.

55 (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;

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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 ((or)), 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  
11 court

12 or agency-referred program.

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

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

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

21 two prior convictions for burglary or residential burglary;

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

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

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

27 (3) Home detention may be imposed for offenders convicted of  
28 taking

29 a motor vehicle without permission in the second degree as defined  
30 in

31 RCW 9A.56.075, theft of a motor vehicle as defined under RCW  
32 9A.56.065,

33 or possession of a stolen motor vehicle as defined under RCW  
34 9A.56.068

35 conditioned upon the offender:

36 (a) Having no convictions for taking a motor vehicle without  
37 permission, theft of a motor vehicle or possession of a stolen  
38 motor

39 vehicle during the preceding five years and not more than two  
40 prior

41 convictions for taking a motor vehicle without permission, theft  
42 of a

43 motor vehicle or possession of a stolen motor vehicle;

44 (b) Having no convictions for a violent felony offense during the  
45 preceding two years and not more than two prior convictions for a  
46 violent felony offense;

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

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

50 (4) Participation in a home detention program shall be conditioned  
51 upon:

52 (a) The offender obtaining or maintaining current employment or  
53 attending a regular course of school study at regularly defined  
54 hours,

55 or the offender performing parental duties to offspring or minors  
56 normally in the custody of the offender;

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

58 (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

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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**

30

31

32

33

34

JUVENILE  
DISPOSITION  
OFFENSE

CATEGORY DESCRIPTION (RCW CITATION)

JUVENILE DISPOSITION  
CATEGORY FOR

ATTEMPT, BAILJUMP,  
CONSPIRACY, OR  
SOLICITATION

35 .....

36 **Arson and Malicious Mischief**

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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

8

D Malicious Mischief 3 (9A.48.090(2) (a) and

(c)) E

9 E Malicious Mischief 3 (9A.48.090(2)(b)) E

10

11

E Tampering with Fire Alarm Apparatus  
(9.40.100) E

12

13

E Tampering with Fire Alarm Apparatus with  
Intent to Commit Arson (9.40.105) E

14 A Possession of Incendiary Device (9.40.120) B+

15

16

**Assault and Other Crimes Involving  
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**

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1

2

E Possession/Consumption of Alcohol  
(66.44.270) E

3

4

C Illegally Obtaining Legend Drug  
(69.41.020) D

5

6

C+ Sale, Delivery, Possession of Legend Drug  
with Intent to Sell (69.41.030(2)(a)) D+

7

8

E Possession of Legend Drug  
(69.41.030(2)(b)) E

9

10

11

12

B+ Violation of Uniform Controlled Substances  
Act - Narcotic, Methamphetamine, or  
Flunitrazepam Sale (69.50.401(2) (a) or  
(b)) B+

13

14

C Violation of Uniform Controlled Substances

Act - Nonnarcotic Sale (69.50.401(2)(c)) C

15

16

((E Possession of Marihuana <40 grams

(69.50.4014 E))

17

18

C Fraudulently Obtaining Controlled

Substance (69.50.403) C

19

20

C+ Sale of Controlled Substance for Profit

(69.50.410) C+

21 E Unlawful Inhalation (9.47A.020) E

22

23

24

25

B Violation of Uniform Controlled Substances

Act - Narcotic, Methamphetamine, or

Flunitrazepam Counterfeit Substances

(69.50.4011(2) (a) or (b)) B

26

27

28

C Violation of Uniform Controlled Substances

Act - Nonnarcotic Counterfeit Substances

(69.50.4011(2) (c), (d), or (e)) C

29

30

31

C Violation of Uniform Controlled Substances

Act - Possession of a Controlled Substance

(69.50.4013) C

32

33

34

C Violation of Uniform Controlled Substances

Act - Possession of a Controlled Substance

(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

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1

2

E Carrying Loaded Pistol Without Permit

(9.41.050) E

3

4

C Possession of Firearms by Minor (<18)

(9.41.040(2)(a)(iii)) C

5

6

D+ Possession of Dangerous Weapon

(9.41.250) E

7

8

D Intimidating Another Person by use of  
Weapon (9.41.270) E

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

21

D Obstructing a Law Enforcement Officer  
(9A.76.020) E

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+

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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

6

D+ Indecent Exposure (Victim <14)  
(9A.88.010) E

7

8

E Indecent Exposure (Victim 14 or over)  
(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

16

C Failure to Register as a Sex Offender  
(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

22

B Theft of Livestock 1 and 2 (9A.56.080 and  
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

31

D Improperly Obtaining Financial Information  
(9.35.010) E

32 B Possession of a Stolen Vehicle (9A.56.068) C

33

34

B Possession of Stolen Property 1  
(9A.56.150) C

35

36

C Possession of Stolen Property 2  
(9A.56.160) D

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1

2

D Possession of Stolen Property 3  
(9A.56.170) E

3

4

B Taking Motor Vehicle Without Permission  
1 (9A.56.070) C

5

6

C Taking Motor Vehicle Without Permission  
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

16

C Attempting to Elude Pursuing Police  
Vehicle (46.61.024) D

17 E Reckless Driving (46.61.500) E

18

19

D Driving While Under the Influence

(46.61.502 and 46.61.504)

E

20

21

B+ Felony Driving While Under the Influence

(46.61.502(6)) B

22

23

B+ Felony Physical Control of a Vehicle While

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<sub>1</sub> (9A.76.110) C

28 C Escape 2<sub>1</sub> (9A.76.120) C

29 D Escape 3 (9A.76.130) E

30

31

E Obscene, Harassing, Etc., Phone Calls

(9.61.230) E

32

33

A Other Offense Equivalent to an Adult Class

A Felony B+

34

35

B Other Offense Equivalent to an Adult Class

B Felony C

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1

2

C Other Offense Equivalent to an Adult Class

C Felony D

3

4

D Other Offense Equivalent to an Adult Gross

Misdemeanor E

5

6

E Other Offense Equivalent to an Adult

Misdemeanor E

7

8

9

V Violation of Order of Restitution,

Community Supervision, or Confinement

(13.40.200)<sub>2</sub> V

10 <sub>1</sub>Escape 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 If the court finds that a respondent has violated terms of an  
19 order,  
20 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  
24  
25

**OPTION A  
JUVENILE OFFENDER SENTENCING GRID  
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

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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  
12 15-36 WEEKS  
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  
23  
0 1 2 3 4  
or more  
24 PRIOR ADJUDICATIONS

25 NOTE: References in the grid to days or weeks mean periods of  
26 confinement.  
27 (1) The vertical axis of the grid is the current offense category.  
28 The current offense category is determined by the offense of  
29 adjudication.  
30 (2) The horizontal axis of the grid is the number of prior  
31 adjudications included in the juvenile's criminal history. Each  
32 prior  
33 felony adjudication shall count as one point. Each prior  
34 violation,  
35 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
36 point. Fractional points shall be rounded down.  
37 (3) The standard range disposition for each offense is determined  
38 by the intersection of the column defined by the prior  
39 adjudications  
40 and the row defined by the current offense category.

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

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

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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:

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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 [it])) 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:

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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;

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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

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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**

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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;

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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;

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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:

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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) Bongs; 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;  
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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  
9 forfeiture  
10 under this section unless it appears that the owner or other person  
11 in  
12 charge of the conveyance is a consenting party or privy to a  
13 violation  
14 of this chapter or chapter 69.41 or 69.52 RCW;  
15 (ii) No conveyance is subject to forfeiture under this section by  
16 reason of any act or omission established by the owner thereof to  
17 have  
18 been committed or omitted without the owner's knowledge or  
19 consent;  
20 (iii) No conveyance is subject to forfeiture under this section if  
21 used in the receipt of only an amount of ((marijuana)) cannabis  
22 for  
23 which possession constitutes a civil infraction or misdemeanor  
24 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  
28 if  
29 the secured party neither had knowledge of nor consented to the  
30 act or  
31 omission; and  
32 (v) When the owner of a conveyance has been arrested under this  
33 chapter or chapter 69.41 or 69.52 RCW the conveyance in which the  
34 person is arrested may not be subject to forfeiture unless it is  
35 seized  
36 or process is issued for its seizure within ten days of the  
37 owner's  
38 arrest;  
39 (e) All books, records, and research products and materials,  
40 including formulas, microfilm, tapes, and data which are used, or  
41 intended for use, in violation of this chapter or chapter 69.41 or  
42 69.52 RCW;  
43 (f) All drug paraphernalia used in conjunction or found to have  
44 the  
45 residue of a controlled substance;  
46 (g) All moneys, negotiable instruments, securities, or other  
47 tangible or intangible property of value furnished or intended to  
48 be  
49 furnished by any person in exchange for a controlled substance in  
50 violation of this chapter or chapter 69.41 or 69.52 RCW, all  
51 tangible  
52 or intangible personal property, proceeds, or assets acquired in  
53 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

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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.

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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

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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  
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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

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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  
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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.

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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.

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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

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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;

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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

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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;

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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

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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  
12 court  
13 rule including, but not limited to, service by first-class mail.  
14 Service by mail shall be deemed complete upon mailing within the  
15 forty-  
16 five day period following service of the notice of seizure in the  
17 case  
18 of personal property and within the ninety-day period following  
19 service  
20 of the notice of seizure in the case of real property. The hearing  
21 shall be before the chief law enforcement officer of the seizing  
22 agency  
23 or the chief law enforcement officer's designee, except where the  
24 seizing agency is a state agency as defined in RCW 34.12.020(4),  
25 the  
26 hearing shall be before the chief law enforcement officer of the  
27 seizing agency or an administrative law judge appointed under  
28 chapter  
29 34.12 RCW, except that any person asserting a claim or right may  
30 remove  
31 the matter to a court of competent jurisdiction. Removal of any  
32 matter  
33 involving personal property may only be accomplished according to  
34 the  
35 rules of civil procedure. The person seeking removal of the matter  
36 must serve process against the state, county, political  
37 subdivision, or  
38 municipality that operates the seizing agency, and any other party  
39 of  
40 interest, in accordance with RCW 4.28.080 or 4.92.020, within  
41 forty-  
42 five days after the person seeking removal has notified the  
43 seizing law  
44 enforcement agency of the person's claim of ownership or right to  
45 possession. The court to which the matter is to be removed shall  
46 be  
47 the district court when the aggregate value of personal property  
48 is  
49 within the jurisdictional limit set forth in RCW 3.66.020. A  
50 hearing  
51 before the seizing agency and any appeal therefrom shall be under  
52 Title  
53 34 RCW. In all cases, the burden of proof is upon the law  
54 enforcement  
55 agency to establish, by a preponderance of the evidence, that the  
56 property is subject to forfeiture.

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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.

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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.

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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.

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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

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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

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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

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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  
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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

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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  
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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 eucaïne, barbituric acid, beta eucaïne, 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

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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.

--- END ---

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