

SB 5476 - S COMM AMD

By Committee on Ways & Means

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

18 (b) The possession of marijuana, useable marijuana, marijuana
19 concentrates, and marijuana-infused products being physically
20 transported or delivered within the state, in amounts not exceeding
21 those that may be established under RCW 69.50.385(3), by a licensed
22 employee of a common carrier when performing the duties authorized in
23 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
24 this section, this chapter, or any other provision of Washington
25 state law.

26 (4)(a) The delivery by a person twenty-one years of age or older
27 to one or more persons twenty-one years of age or older, during a
28 single twenty-four hour period, for noncommercial purposes and not
29 conditioned upon or done in connection with the provision or receipt
30 of financial consideration, of any of the following marijuana

1 products, is not a violation of this section, this chapter, or any
2 other provisions of Washington state law:

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

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

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

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

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

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

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

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

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

24 **Sec. 2.** RCW 69.50.445 and 2015 2nd sp.s. c 4 s 401 are each
25 amended to read as follows:

26 (1) It is unlawful to open a package containing marijuana,
27 useable marijuana, marijuana-infused products, or marijuana
28 concentrates, or consume marijuana, useable marijuana, marijuana-
29 infused products, or marijuana concentrates, in view of the general
30 public or in a public place.

31 (2) It is unlawful to open a package containing a counterfeit or
32 controlled substance or consume a counterfeit or controlled substance
33 in view of the general public or in a public place.

34 (3) For the purposes of this section, "public place" has the same
35 meaning as defined in RCW 66.04.010, but the exclusions in RCW
36 66.04.011 do not apply.

37 ((+3)) (4)(a) A person who violates subsection (1) of this
38 section is guilty of a class 3 civil infraction under chapter 7.80
39 RCW.

1 (b) A person who violates subsection (2) of this section is
2 guilty of a class 1 civil infraction under chapter 7.80 RCW and
3 subject to a maximum penalty of \$250.

4 NEW SECTION. **Sec. 3.** (1)(a) A legislative work group on
5 possession of controlled substances is established, with members as
6 provided in this subsection.

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

9 (ii) The speaker of the house of representatives shall appoint
10 one member from each of the two largest caucuses of the house of
11 representatives.

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

14 (A) One superior court judge;

15 (B) One drug court judge;

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

17 (D) One member representing a prosecutor association;

18 (E) One member representing law enforcement;

19 (F) One member representing cities; and

20 (G) One member representing counties.

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

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

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

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

32 (4) Legislative members of the work group are reimbursed for
33 travel expenses in accordance with RCW 44.04.120. Nonlegislative
34 members are not entitled to be reimbursed for travel expenses if they
35 are elected officials or are participating on behalf of an employer,
36 governmental entity, or other organization. Any reimbursement for
37 other nonlegislative members is subject to chapter 43.03 RCW.

38 (5) The expenses of the work group must be paid jointly by the
39 senate and the house of representatives. Work group expenditures are

1 subject to approval by the senate facilities and operations committee
2 and the house of representatives executive rules committee, or their
3 successor committees.

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

6 NEW SECTION. **Sec. 4.** This act expires June 30, 2023.

7 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of
9 the state government and its existing public institutions, and takes
10 effect immediately."

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11 On page 1, line 1 of the title, after "decision;" strike the
12 remainder of the title and insert "amending RCW 69.50.4013 and
13 69.50.445; creating a new section; prescribing penalties; providing
14 an expiration date; and declaring an emergency."

EFFECT: (1) Removes provisions related to personal use amounts.

(2) Removes provisions that authorize law enforcement to refer individuals to forensic navigators.

(3) Removes the provision related to the *State v. Blake* reimbursement account.

(4) Establishes criminal penalties for knowingly possessing a controlled substance.

(5) Establishes a class 1 civil infraction for using a controlled substance or counterfeit substance in view of the general public.

(6) Creates a legislative work group on possession of a controlled substance to hold public meetings, study the *State v. Blake* decision, and make recommendations.

(7) Adds an expiration date to the act.

(8) Adds an emergency clause.

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