

By Representative Caldier

ESB 5476 - H COMM AMD TO APP COMM AMD (H-1608.1/21)
By Committee on Appropriations

1 Beginning on page 1, line 3, strike all material through
2 "affected." on page 53, line 4, and insert the following:

3 **"Sec. 1.** RCW 69.50.4013 and 2017 c 317 s 15 are each reenacted
4 and amended to 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 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of
26 the state government and its existing public institutions, and takes
27 effect immediately."

28 Correct the title.

EFFECT: (1) Strikes all provisions of the striking amendment.

(2) Adds a mens rea element to the crime of unlawful possession
of a controlled substance so that a person must knowingly possess a
controlled substance in order to be convicted of the offense.

(3) Includes an emergency clause.

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