

Proposed Substitute House Bill 1249 (H-2405.1)

House Regulated Substances & Gaming Committee

By Representative Reeves

Original Bill as passed by the House Regulated Substances & Gaming Committee in 2023:

- Expands the amount of cannabis products that may be legally sold by a cannabis retailer to a retail customer in a single transaction, by authorizing cannabis retailers to also sell 200 milligrams of tetrahydrocannabinol (THC) within a cannabis-infused product in liquid form, to a retail customer, if the product is packaged in individual units containing no more than 4 milligrams of THC per unit.
- Specifies that this new authorization is in addition to the current authorization for licensed cannabis retailers and their employees to sell specified amounts of different cannabis products to a retail customer in a single transaction.
- Authorizes persons 21 years of age or older to possess this additional amount of cannabis product and, subject to requirements in current law, to transfer to another person or persons 21 years of age or older, within a 24 hour period, for noncommercial purposes, 100 milligrams of THC within a cannabis-infused product in liquid form if the product is packaged in individual units containing no more than 4 milligrams of THC per unit.

Proposed Substitute House Bill (H-2405.1) compared to the Original Bill:

- Makes a technical change to the Original Bill to amend the current version of RCW 69.50.4013 (relating to possession and use of controlled substances), which was affected by a law enacted during the 2023 1st Special Session.

Staff: Peter Clodfelter, Office of Program Research

Date: January 4, 2024

1 AN ACT Relating to limits on the sale and possession of retail
2 cannabis products; and amending RCW 69.50.360 and 69.50.4013.

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

4 **Sec. 1.** RCW 69.50.360 and 2022 c 16 s 72 are each amended to
5 read as follows:

6 The following acts, when performed by a validly licensed cannabis
7 retailer or employee of a validly licensed retail outlet in
8 compliance with rules adopted by the board to implement and enforce
9 chapter 3, Laws of 2013, do not constitute criminal or civil offenses
10 under Washington state law:

11 (1) Purchase and receipt of cannabis concentrates, useable
12 cannabis, or cannabis-infused products that have been properly
13 packaged and labeled from a cannabis processor validly licensed under
14 this chapter;

15 (2) Possession of quantities of cannabis concentrates, useable
16 cannabis, or cannabis-infused products that do not exceed the maximum
17 amounts established by the board under RCW 69.50.345(5);

18 (3) Delivery, distribution, and sale, on the premises of the
19 retail outlet, of any combination of the following amounts of
20 cannabis concentrates, useable cannabis, or cannabis-infused product
21 to any person (~~(twenty-one)~~) 21 years of age or older:

1 (a) One ounce of useable cannabis;

2 (b) (~~Sixteen~~) 16 ounces of cannabis-infused product in solid
3 form;

4 (c) (~~Seventy-two~~) 72 ounces of cannabis-infused product in
5 liquid form unless the cannabis-infused product in liquid form is
6 packaged in individual units containing no more than four milligrams
7 of THC per unit; (~~or~~)

8 (d) 200 milligrams of THC within a cannabis-infused product in
9 liquid form if the product is packaged in individual units containing
10 no more than four milligrams of THC per unit; or

11 (e) Seven grams of cannabis concentrate; and

12 (4) Purchase and receipt of cannabis concentrates, useable
13 cannabis, or cannabis-infused products that have been properly
14 packaged and labeled from a federally recognized Indian tribe as
15 permitted under an agreement between the state and the tribe entered
16 into under RCW 43.06.490.

17 **Sec. 2.** RCW 69.50.4013 and 2023 sp.s. c 1 s 2 are each amended
18 to read as follows:

19 (1) Except as otherwise authorized by this chapter, it is
20 unlawful for any person to:

21 (a) Knowingly possess a controlled substance unless the substance
22 was obtained directly from, or pursuant to, a valid prescription or
23 order of a practitioner while acting in the course of his or her
24 professional practice; or

25 (b) Knowingly use a controlled substance in a public place,
26 unless the substance was obtained directly from, or pursuant to, a
27 valid prescription or order of a practitioner while acting in the
28 course of his or her professional practice.

29 (2)(a) Except as provided in RCW 69.50.4014 or 69.50.445, a
30 violation of subsection (1)(a) or (b) of this section is a gross
31 misdemeanor punishable by imprisonment of up to 180 days in jail, or
32 by a fine of not more than \$1,000, or by both such imprisonment and
33 fine, however, if the defendant has two or more prior convictions
34 under subsection (1)(a) or (b) of this section occurring after July
35 1, 2023, a violation of subsection (1)(a) or (b) of this section is
36 punishable by imprisonment for up to 364 days, or by a fine of not
37 more than \$1,000, or by both such imprisonment and fine. The
38 prosecutor is encouraged to divert such cases for assessment,
39 treatment, or other services.

1 (b) No person may be charged under both subsection (1)(a) and (b)
2 of this section relating to the same course of conduct.

3 (c) In lieu of jail booking and referral to the prosecutor, law
4 enforcement is encouraged to offer a referral to assessment and
5 services available under RCW 10.31.110 or other program or entity
6 responsible for receiving referrals in lieu of legal system
7 involvement, which may include, but are not limited to, arrest and
8 jail alternative programs established under RCW 36.28A.450, law
9 enforcement assisted diversion programs established under RCW
10 71.24.589, and the recovery navigator program established under RCW
11 71.24.115.

12 (3)(a) The possession, by a person 21 years of age or older, of
13 useable cannabis, cannabis concentrates, or cannabis-infused products
14 in amounts that do not exceed those set forth in RCW 69.50.360(3) is
15 not a violation of this section, this chapter, or any other provision
16 of Washington state law.

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

25 (4)(a) The delivery by a person 21 years of age or older to one
26 or more persons 21 years of age or older, during a single 24 hour
27 period, for noncommercial purposes and not conditioned upon or done
28 in connection with the provision or receipt of financial
29 consideration, of any of the following cannabis products, is not a
30 violation of this section, this chapter, or any other provisions of
31 Washington state law:

32 (i) One-half ounce of useable cannabis;

33 (ii) Eight ounces of cannabis-infused product in solid form;

34 (iii) 36 ounces of cannabis-infused product in liquid form unless
35 the cannabis-infused product in liquid form is packaged in individual
36 units containing no more than four milligrams of THC per unit; ((or))

37 (iv) 100 milligrams of THC within a cannabis-infused product in
38 liquid form if the product is packaged in individual units containing
39 no more than four milligrams of THC per unit; or

40 (v) Three and one-half grams of cannabis concentrates.

1 (b) The act of delivering cannabis or a cannabis product as
2 authorized under this subsection (4) must meet one of the following
3 requirements:

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

6 (ii) The cannabis or cannabis product must be in the original
7 packaging as purchased from the cannabis retailer.

8 (5) No person under 21 years of age may manufacture, sell,
9 distribute, or knowingly possess cannabis, cannabis-infused products,
10 or cannabis concentrates, regardless of THC concentration. This does
11 not include qualifying patients with a valid authorization.

12 (6) The possession by a qualifying patient or designated provider
13 of cannabis concentrates, useable cannabis, cannabis-infused
14 products, or plants in accordance with chapter 69.51A RCW is not a
15 violation of this section, this chapter, or any other provision of
16 Washington state law.

17 (7) For the purposes of this section, "public place" has the same
18 meaning as defined in RCW 66.04.010, but the exclusions in RCW
19 66.04.011 do not apply.

20 (8) For the purposes of this section, "use a controlled
21 substance" means to introduce the substance into the human body by
22 injection, inhalation, ingestion, or any other means.

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