
HOUSE BILL 2401

State of Washington

61st Legislature

2010 Regular Session

By Representatives Dickerson, Goodman, Upthegrove, Appleton, White, Roberts, Chase, Nelson, Pedersen, and Moeller

Prefiled 12/07/09. Read first time 01/11/10. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to marijuana; amending RCW 9.94A.518, 9.94A.650,
2 9A.16.120, 9.92.070, 13.04.155, 28B.10.575, 35A.66.020, 36.27.020,
3 38.38.762, 43.19.19054, 66.08.026, 66.08.030, 66.08.050, 66.08.060,
4 66.08.080, 66.08.090, 66.08.095, 66.08.120, 66.08.130, 66.08.070,
5 66.08.075, 66.12.020, 66.12.060, 66.16.010, 66.16.041, 66.16.060,
6 66.16.070, 66.16.090, 66.16.120, 66.20.100, 66.20.150, 66.20.160,
7 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.32.010,
8 66.32.030, 66.32.040, 66.32.070, 66.32.090, 66.36.010, 66.40.010,
9 66.40.020, 66.40.040, 66.40.110, 66.40.120, 66.40.140, 66.40.150,
10 66.44.010, 66.44.040, 66.44.060, 66.44.100, 66.44.130, 66.44.140,
11 66.44.150, 66.44.160, 66.44.170, 66.44.200, 66.44.210, 66.44.240,
12 66.44.250, 66.44.265, 66.44.270, 66.44.290, 66.44.292, 66.44.300,
13 66.44.310, 66.44.325, 66.98.010, 69.04.480, 69.50.204, 69.51A.005,
14 69.51A.010, and 69.51A.060; reenacting and amending RCW 13.40.0357,
15 66.04.010, 66.16.040, and 69.50.505; adding a new section to chapter
16 9.94A RCW; adding new sections to chapter 66.08 RCW; adding a new
17 section to chapter 66.12 RCW; adding new sections to chapter 66.24 RCW;
18 adding a new section to chapter 66.32 RCW; adding a new section to
19 chapter 70.96A RCW; repealing RCW 69.50.4014, 69.51A.020, 69.51A.030,
20 69.51A.040, and 69.51A.050; and providing an effective date.

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

2 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
3 to read as follows:

4 It is the intent of the legislature to:

- 5 (1) Legalize marijuana and its derivatives;
- 6 (2) Remove all existing civil and criminal penalties for adults
7 twenty-one years of age or older who cultivate, possess, transport,
8 sell, or use marijuana, without impacting existing laws proscribing
9 dangerous activities while under the influence of marijuana, or certain
10 conduct that exposes younger persons to marijuana;
- 11 (3) Raise funds and discourage substance abuse by the imposition of
12 a tax on the legal sale of marijuana, the proceeds of which will
13 support drug education and awareness; and
- 14 (4) Impose a set of rules and laws concerning marijuana comparable
15 to those imposed on alcohol.

16 **Sec. 2.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to read
17 as follows:

18

19 TABLE 4
20 DRUG OFFENSES
21 INCLUDED WITHIN EACH
22 SERIOUSNESS LEVEL

23	III Any felony offense under chapter 69.50
24	RCW with a deadly weapon
25	special verdict under RCW
26	((9.94A.602)) <u>9.94A.825</u>
27	Controlled Substance Homicide (RCW
28	69.50.415)
29	Delivery of imitation controlled
30	substance by person eighteen or
31	over to person under eighteen
32	(RCW 69.52.030(2))
33	Involving a minor in drug dealing
34	(RCW 69.50.4015)

1 Manufacture of methamphetamine
2 (RCW 69.50.401(2)(b))
3 Over 18 and deliver heroin,
4 methamphetamine, a narcotic from
5 Schedule I or II, or flunitrazepam
6 from Schedule IV to someone
7 under 18 (RCW 69.50.406)
8 Over 18 and deliver narcotic from
9 Schedule III, IV, or V or a
10 nonnarcotic, except flunitrazepam
11 or methamphetamine, from
12 Schedule I-V to someone under 18
13 and 3 years junior (RCW
14 69.50.406)
15 Possession of Ephedrine,
16 Pseudoephedrine, or Anhydrous
17 Ammonia with intent to
18 manufacture
19 methamphetamine (RCW
20 69.50.440)
21 Selling for profit (controlled or
22 counterfeit) any controlled
23 substance (RCW 69.50.410)
24 II Create, deliver, or possess a counterfeit
25 controlled substance (RCW
26 69.50.4011)
27 Deliver or possess with intent to deliver
28 methamphetamine (RCW
29 69.50.401(2)(b))
30 Delivery of a material in lieu of a
31 controlled substance (RCW
32 69.50.4012)
33 Maintaining a Dwelling or Place for
34 Controlled Substances (RCW
35 69.50.402(1)(f))

1 Manufacture, deliver, or possess with
2 intent to deliver amphetamine
3 (RCW 69.50.401(2)(b))
4 Manufacture, deliver, or possess with
5 intent to deliver narcotics from
6 Schedule I or II or flunitrazepam
7 from Schedule IV (RCW
8 69.50.401(2)(a))
9 Manufacture, deliver, or possess with
10 intent to deliver narcotics from
11 Schedule III, IV, or V or
12 nonnarcotics from Schedule I-V
13 (except ((marijuana;))
14 amphetamine, methamphetamines,
15 or flunitrazepam) (RCW
16 69.50.401(2) (c) through (e))
17 Manufacture, distribute, or possess with
18 intent to distribute an imitation
19 controlled substance (RCW
20 69.52.030(1))
21 I Forged Prescription (RCW 69.41.020)
22 Forged Prescription for a Controlled
23 Substance (RCW 69.50.403)
24 (~~Manufacture, deliver, or possess with~~
25 ~~intent to deliver marijuana (RCW~~
26 ~~69.50.401(2)(e)))
27 Possess Controlled Substance that is a
28 Narcotic from Schedule III, IV, or
29 V or Nonnarcotic from Schedule I-
30 V (RCW 69.50.4013)
31 Possession of Controlled Substance
32 that is either heroin or narcotics
33 from Schedule I or II (RCW
34 69.50.4013)
35 Unlawful Use of Building for Drug
36 Purposes (RCW 69.53.010)~~

1 **Sec. 3.** RCW 9.94A.650 and 2008 c 231 s 29 are each amended to read
2 as follows:

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

8 (a) Classified as a violent offense or a sex offense under this
9 chapter;

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

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

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

19 (e) Felony driving while under the influence of intoxicating liquor
20 or any drug or felony physical control of a vehicle while under the
21 influence of intoxicating liquor or any drug.

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

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

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

34 **Sec. 4.** RCW 9A.16.120 and 2003 c 219 s 1 are each amended to read
35 as follows:

36 (1) In a criminal action brought against the detainer by reason of
37 a person having been detained on or in the immediate vicinity of the

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

12 (2) For the purposes of this section:

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

20 (b) "Outdoor music festival" has the same meaning as in RCW
21 70.108.020, except that no minimum time limit is required.

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

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

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

29 (B) Is shown by other evidence to have recently consumed liquor; or

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

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

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

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

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

4 **Sec. 5.** RCW 9.92.070 and 1987 c 3 s 4 are each amended to read as
5 follows:

6 Hereafter whenever any judge of any superior court or a district or
7 municipal judge shall sentence any person to pay any fine and costs,
8 the judge may, in the judge's discretion, provide that such fine and
9 costs may be paid in certain designated installments, or within certain
10 designated period or periods; and if such fine and costs shall be paid
11 by the defendant in accordance with such order no commitment or
12 imprisonment of the defendant shall be made for failure to pay such
13 fine or costs. PROVIDED, that the provisions of this section shall not
14 apply to any sentence given for the violation of any of the liquor or
15 marijuana laws of this state.

16 **Sec. 6.** RCW 13.04.155 and 2000 c 27 s 1 are each amended to read
17 as follows:

18 (1) Whenever a minor enrolled in any common school is convicted in
19 adult criminal court, or adjudicated or entered into a diversion
20 agreement with the juvenile court on any of the following offenses, the
21 court must notify the principal of the student's school of the
22 disposition of the case, after first notifying the parent or legal
23 guardian that such notification will be made:

- 24 (a) A violent offense as defined in RCW 9.94A.030;
25 (b) A sex offense as defined in RCW 9.94A.030;
26 (c) Inhaling toxic fumes under chapter 9.47A RCW;
27 (d) A controlled substances violation under chapter 69.50 RCW;
28 (e) A liquor or marijuana violation under RCW 66.44.270; and
29 (f) Any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48
30 RCW.

31 (2) The principal must provide the information received under
32 subsection (1) of this section to every teacher of any student who
33 qualifies under subsection (1) of this section and any other personnel
34 who, in the judgment of the principal, supervises the student or for
35 security purposes should be aware of the student's record. The
36 principal must provide the information to teachers and other personnel

1 based on any written records that the principal maintains or receives
 2 from a juvenile court administrator or a law enforcement agency
 3 regarding the student.

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

9 **Sec. 7.** RCW 13.40.0357 and 2008 c 230 s 3 and 2008 c 158 s 1 are
 10 each reenacted and amended to read as follows:
 11

12 **DESCRIPTION AND OFFENSE CATEGORY**

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

18

19 **Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090(2) (a) and	
	(c))	E
E	Malicious Mischief 3 (9A.48.090(2)(b))	E
E	Tampering with Fire Alarm Apparatus	
	(9.40.100)	E
E	Tampering with Fire Alarm Apparatus with	
	Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

34 **Assault and Other Crimes Involving**

35 **Physical Harm**

A	Assault 1 (9A.36.011)	B+
---	-----------------------	----

1	B+	Assault 2 (9A.36.021)	C+
2	C+	Assault 3 (9A.36.031)	D+
3	D+	Assault 4 (9A.36.041)	E
4	B+	Drive-By Shooting (9A.36.045)	C+
5	D+	Reckless Endangerment (9A.36.050)	E
6	C+	Promoting Suicide Attempt (9A.36.060)	D+
7	D+	Coercion (9A.36.070)	E
8	C+	Custodial Assault (9A.36.100)	D+
9		Burglary and Trespass	
10	B+	Burglary 1 (9A.52.020)	C+
11	B	Residential Burglary (9A.52.025)	C
12	B	Burglary 2 (9A.52.030)	C
13	D	Burglary Tools (Possession of) (9A.52.060)	E
14	D	Criminal Trespass 1 (9A.52.070)	E
15	E	Criminal Trespass 2 (9A.52.080)	E
16	C	Mineral Trespass (78.44.330)	C
17	C	Vehicle Prowling 1 (9A.52.095)	D
18	D	Vehicle Prowling 2 (9A.52.100)	E
19		Drugs	
20	E	Possession/Consumption of Alcohol	
21		(66.44.270)	E
22	C	Illegally Obtaining Legend Drug	
23		(69.41.020)	D
24	C+	Sale, Delivery, Possession of Legend Drug	
25		with Intent to Sell (69.41.030(2)(a))	D+
26	E	Possession of Legend Drug	
27		(69.41.030(2)(b))	E
28	B+	Violation of Uniform Controlled Substances	
29		Act - Narcotic, Methamphetamine, or	
30		Flunitrazepam Sale (69.50.401(2) (a) or	
31		(b))	B+
32	C	Violation of Uniform Controlled Substances	
33		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
34	E	Possession of Marihuana ((<40 grams	
35		(69.50.4014)))	E
36	C	Fraudulently Obtaining Controlled	
37		Substance (69.50.403)	C

1	C+	Sale of Controlled Substance for Profit	
2		(69.50.410)	C+
3	E	Unlawful Inhalation (9.47A.020)	E
4	B	Violation of Uniform Controlled Substances	
5		Act - Narcotic, Methamphetamine, or	
6		Flunitrazepam Counterfeit Substances	
7		(69.50.4011(2) (a) or (b))	B
8	C	Violation of Uniform Controlled Substances	
9		Act - Nonnarcotic Counterfeit Substances	
10		(69.50.4011(2) (c), (d), or (e))	C
11	C	Violation of Uniform Controlled Substances	
12		Act - Possession of a Controlled Substance	
13		(69.50.4013)	C
14	C	Violation of Uniform Controlled Substances	
15		Act - Possession of a Controlled Substance	
16		(69.50.4012)	C
17		Firearms and Weapons	
18	B	Theft of Firearm (9A.56.300)	C
19	B	Possession of Stolen Firearm (9A.56.310)	C
20	E	Carrying Loaded Pistol Without Permit	
21		(9.41.050)	E
22	C	Possession of Firearms by Minor (<18)	
23		(9.41.040(2)(a)(iii))	C
24	D+	Possession of Dangerous Weapon	
25		(9.41.250)	E
26	D	Intimidating Another Person by use of	
27		Weapon (9.41.270)	E
28		Homicide	
29	A+	Murder 1 (9A.32.030)	A
30	A+	Murder 2 (9A.32.050)	B+
31	B+	Manslaughter 1 (9A.32.060)	C+
32	C+	Manslaughter 2 (9A.32.070)	D+
33	B+	Vehicular Homicide (46.61.520)	C+
34		Kidnapping	
35	A	Kidnap 1 (9A.40.020)	B+
36	B+	Kidnap 2 (9A.40.030)	C+

1	C+	Unlawful Imprisonment (9A.40.040)	D+
2		Obstructing Governmental Operation	
3	D	Obstructing a Law Enforcement Officer	
4		(9A.76.020)	E
5	E	Resisting Arrest (9A.76.040)	E
6	B	Introducing Contraband 1 (9A.76.140)	C
7	C	Introducing Contraband 2 (9A.76.150)	D
8	E	Introducing Contraband 3 (9A.76.160)	E
9	B+	Intimidating a Public Servant (9A.76.180)	C+
10	B+	Intimidating a Witness (9A.72.110)	C+
11		Public Disturbance	
12	C+	Riot with Weapon (9A.84.010(2)(b))	D+
13	D+	Riot Without Weapon (9A.84.010(2)(a))	E
14	E	Failure to Disperse (9A.84.020)	E
15	E	Disorderly Conduct (9A.84.030)	E
16		Sex Crimes	
17	A	Rape 1 (9A.44.040)	B+
18	A-	Rape 2 (9A.44.050)	B+
19	C+	Rape 3 (9A.44.060)	D+
20	A-	Rape of a Child 1 (9A.44.073)	B+
21	B+	Rape of a Child 2 (9A.44.076)	C+
22	B	Incest 1 (9A.64.020(1))	C
23	C	Incest 2 (9A.64.020(2))	D
24	D+	Indecent Exposure (Victim <14)	
25		(9A.88.010)	E
26	E	Indecent Exposure (Victim 14 or over)	
27		(9A.88.010)	E
28	B+	Promoting Prostitution 1 (9A.88.070)	C+
29	C+	Promoting Prostitution 2 (9A.88.080)	D+
30	E	O & A (Prostitution) (9A.88.030)	E
31	B+	Indecent Liberties (9A.44.100)	C+
32	A-	Child Molestation 1 (9A.44.083)	B+
33	B	Child Molestation 2 (9A.44.086)	C+
34	C	Failure to Register as a Sex Offender	
35		(9A.44.130)	D
36		Theft, Robbery, Extortion, and Forgery	

1	B	Theft 1 (9A.56.030)	C
2	C	Theft 2 (9A.56.040)	D
3	D	Theft 3 (9A.56.050)	E
4	B	Theft of Livestock 1 and 2 (9A.56.080 and	
5		9A.56.083)	C
6	C	Forgery (9A.60.020)	D
7	A	Robbery 1 (9A.56.200)	B+
8	B+	Robbery 2 (9A.56.210)	C+
9	B+	Extortion 1 (9A.56.120)	C+
10	C+	Extortion 2 (9A.56.130)	D+
11	C	Identity Theft 1 (9.35.020(2))	D
12	D	Identity Theft 2 (9.35.020(3))	E
13	D	Improperly Obtaining Financial Information	
14		(9.35.010)	E
15	B	Possession of a Stolen Vehicle (9A.56.068)	C
16	B	Possession of Stolen Property 1	
17		(9A.56.150)	C
18	C	Possession of Stolen Property 2	
19		(9A.56.160)	D
20	D	Possession of Stolen Property 3	
21		(9A.56.170)	E
22	B	Taking Motor Vehicle Without Permission	
23		1 (9A.56.070)	C
24	C	Taking Motor Vehicle Without Permission	
25		2 (9A.56.075)	D
26	B	Theft of a Motor Vehicle (9A.56.065)	C
27		Motor Vehicle Related Crimes	
28	E	Driving Without a License (46.20.005)	E
29	B+	Hit and Run - Death (46.52.020(4)(a))	C+
30	C	Hit and Run - Injury (46.52.020(4)(b))	D
31	D	Hit and Run-Attended (46.52.020(5))	E
32	E	Hit and Run-Unattended (46.52.010)	E
33	C	Vehicular Assault (46.61.522)	D
34	C	Attempting to Elude Pursuing Police	
35		Vehicle (46.61.024)	D
36	E	Reckless Driving (46.61.500)	E

1	D	Driving While Under the Influence	E
2		(46.61.502 and 46.61.504)	
3	B+	Felony Driving While Under the Influence	
4		(46.61.502(6))	B
5	B+	Felony Physical Control of a Vehicle While	
6		Under the Influence (46.61.504(6))	B
7		Other	
8	B	Animal Cruelty 1 (16.52.205)	C
9	B	Bomb Threat (9.61.160)	C
10	C	Escape 1 ¹ (9A.76.110)	C
11	C	Escape 2 ¹ (9A.76.120)	C
12	D	Escape 3 (9A.76.130)	E
13	E	Obscene, Harassing, Etc., Phone Calls	
14		(9.61.230)	E
15	A	Other Offense Equivalent to an Adult Class	
16		A Felony	B+
17	B	Other Offense Equivalent to an Adult Class	
18		B Felony	C
19	C	Other Offense Equivalent to an Adult Class	
20		C Felony	D
21	D	Other Offense Equivalent to an Adult Gross	
22		Misdemeanor	E
23	E	Other Offense Equivalent to an Adult	
24		Misdemeanor	E
25	V	Violation of Order of Restitution,	
26		Community Supervision, or Confinement	
27		(13.40.200) ²	V

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

30 1st escape or attempted escape during 12-month period - 4 weeks
31 confinement

32 2nd escape or attempted escape during 12-month period - 8 weeks
33 confinement

34 3rd and subsequent escape or attempted escape during 12-month
35 period - 12 weeks confinement

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

3 **JUVENILE SENTENCING STANDARDS**

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

6 **OPTION A**
 7 **JUVENILE OFFENDER SENTENCING GRID**
 8 **STANDARD RANGE**

9 A+ 180 WEEKS TO AGE 21 YEARS

10 A 103 WEEKS TO 129 WEEKS

11	A-	15-36	52-65	80-100	103-129
12		WEEKS	WEEKS	WEEKS	WEEKS
13		EXCEPT			
14		30-40			
15		WEEKS FOR			
16		15-17			
17		YEAR OLDS			

18	Current	B+	15-36	52-65	80-100	103-129
19	Offense		WEEKS	WEEKS	WEEKS	WEEKS

20	Category	B	LOCAL		52-65
21			SANCTIONS (LS)	15-36 WEEKS	WEEKS

22	C+	LS		15-36 WEEKS	
----	----	----	--	-------------	--

23	C	LS		15-36 WEEKS	
24			Local Sanctions:		
25			0 to 30 Days		

26	D+	LS	0 to 12 Months Community Supervision		
27			0 to 150 Hours Community Restitution		

28 D LS \$0 to \$500 Fine

29 E LS

30 0 1 2 3 4
 31 or more

32 PRIOR ADJUDICATIONS

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

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

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

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

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

16 (5) A current offense that is a violation is equivalent to an
17 offense category of E. However, a disposition for a violation shall
18 not include confinement.

19 OR

20 **OPTION B**

21 **SUSPENDED DISPOSITION ALTERNATIVE**

22 (1) If the offender is subject to a standard range disposition
23 involving confinement by the department, the court may impose the
24 standard range and suspend the disposition on condition that the
25 offender comply with one or more local sanctions and any educational or
26 treatment requirement. The treatment programs provided to the offender
27 must be either research-based best practice programs as identified by
28 the Washington state institute for public policy or the joint
29 legislative audit and review committee, or for chemical dependency
30 treatment programs or services, they must be evidence-based or
31 research-based best practice programs. For the purposes of this
32 subsection:

33 (a) "Evidence-based" means a program or practice that has had
34 multiple site random controlled trials across heterogeneous populations
35 demonstrating that the program or practice is effective for the
36 population; and

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

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

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

9 (a) Adjudicated of an A+ offense;

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

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

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

15 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
16 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
17 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
18 burglary (RCW 9A.52.025), burglary in the second degree (RCW
19 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
20 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
21 witness (RCW 9A.72.110), violation of the uniform controlled substances
22 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
23 when the offense includes infliction of bodily harm upon another or
24 when during the commission or immediate withdrawal from the offense the
25 respondent was armed with a deadly weapon;

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

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

29 **OR**

30 **OPTION C**

31 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

36 **OR**

1 **Sec. 9.** RCW 35A.66.020 and 1967 ex.s. c 119 s 35A.66.020 are each
2 amended to read as follows:

3 The qualified electors of any code city may petition for an
4 election upon the question of whether the sale of liquor and marijuana
5 shall be permitted within the boundaries of such city as provided by
6 chapter 66.40 RCW, and shall be governed by the procedure therein, and
7 may regulate music, dancing and entertainment as authorized by RCW
8 66.28.080: PROVIDED, That every code city shall enforce state laws
9 relating to the investigation and prosecution of all violations of
10 Title 66 RCW relating to control of alcoholic beverages and shall be
11 entitled to retain the fines collected therefrom as therein provided.
12 Every code city shall also share in the allocation and distribution of
13 liquor and marijuana profits and excise as provided in RCW 82.08.170,
14 66.08.190, and 66.08.210, and make reports of seizure as required by
15 RCW 66.32.090, and otherwise regulate by ordinances not in conflict
16 with state law or liquor board regulations.

17 **Sec. 10.** RCW 36.27.020 and 1995 c 194 s 4 are each amended to read
18 as follows:

19 The prosecuting attorney shall:

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

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

29 (3) Appear for and represent the state, county, and all school
30 districts subject to the supervisory control and direction of the
31 attorney general in all criminal and civil proceedings in which the
32 state or the county or any school district in the county may be a
33 party;

34 (4) Prosecute all criminal and civil actions in which the state or
35 the county may be a party, defend all suits brought against the state
36 or the county, and prosecute actions upon forfeited recognizances and

1 bonds and actions for the recovery of debts, fines, penalties, and
2 forfeitures accruing to the state or the county;

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

6 (6) Institute and prosecute proceedings before magistrates for the
7 arrest of persons charged with or reasonably suspected of felonies when
8 the prosecuting attorney has information that any such offense has been
9 committed and the prosecuting attorney shall for that purpose attend
10 when required by them if the prosecuting attorney is not then in
11 attendance upon the superior court;

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

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

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

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

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

32 (12) Send to the state liquor control board at the end of each year
33 a written report of all prosecutions brought under the state liquor and
34 marijuana laws in the county during the preceding year, showing in each
35 case, the date of trial, name of accused, nature of charges,
36 disposition of case, and the name of the judge presiding;

37 (13) Seek to reform and improve the administration of criminal

1 justice and stimulate efforts to remedy inadequacies or injustice in
2 substantive or procedural law.

3 **Sec. 11.** RCW 38.38.762 and 2009 c 378 s 25 are each amended to
4 read as follows:

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

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

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

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

18 (c) Any other substance not specified in this subsection that is
19 listed in Schedules I through V of section 202 of the federal
20 controlled substances act, 21 U.S.C. Sec. 812, as amended.

21 **Sec. 12.** RCW 43.19.19054 and 1975-'76 2nd ex.s. c 21 s 7 are each
22 amended to read as follows:

23 The provisions of RCW 43.19.1905 shall not apply to materials,
24 supplies, and equipment purchased for resale to other than public
25 agencies by state agencies, including educational institutions. In
26 addition, RCW 43.19.1905 shall not apply to liquor or marijuana
27 purchased by the state for resale under the provisions of Title 66 RCW.

28 **Sec. 13.** RCW 66.04.010 and 2009 c 373 s 1 and 2009 c 271 s 2 are
29 each reenacted and amended to read as follows:

30 In this title, unless the context otherwise requires:

31 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated
32 oxide of ethyl, or spirit of wine, which is commonly produced by the
33 fermentation or distillation of grain, starch, molasses, or sugar, or
34 other substances including all dilutions and mixtures of this
35 substance. The term "alcohol" does not include alcohol in the

1 possession of a manufacturer or distiller of alcohol fuel, as described
2 in RCW 66.12.130, which is intended to be denatured and used as a fuel
3 for use in motor vehicles, farm implements, and machines or implements
4 of husbandry.

5 (2) "Authorized representative" means a person who:

6 (a) Is required to have a federal basic permit issued pursuant to
7 the federal alcohol administration act, 27 U.S.C. Sec. 204;

8 (b) Has its business located in the United States outside of the
9 state of Washington;

10 (c) Acquires ownership of beer or wine for transportation into and
11 resale in the state of Washington; and which beer or wine is produced
12 by a brewery or winery in the United States outside of the state of
13 Washington; and

14 (d) Is appointed by the brewery or winery referenced in (c) of this
15 subsection as its authorized representative for marketing and selling
16 its products within the United States in accordance with a written
17 agreement between the authorized representative and such brewery or
18 winery pursuant to this title.

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

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

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

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

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

1 brewery license, only the privileges of storing, selling to licensed
2 beer distributors, and exporting beer from the state.

3 (8) "Club" means an organization of persons, incorporated or
4 unincorporated, operated solely for fraternal, benevolent, educational,
5 athletic or social purposes, and not for pecuniary gain.

6 (9) "Confection" means a preparation of sugar, honey, or other
7 natural or artificial sweeteners in combination with chocolate, fruits,
8 nuts, dairy products, or flavorings, in the form of bars, drops, or
9 pieces.

10 (10) "Consume" includes the putting of liquor to any use, whether
11 by drinking or otherwise.

12 (11) "Contract liquor store" means a business that sells liquor or
13 marijuana on behalf of the board through a contract with a contract
14 liquor store manager.

15 (12) "Craft distillery" means a distillery that pays the reduced
16 licensing fee under RCW 66.24.140.

17 (13) "Dentist" means a practitioner of dentistry duly and regularly
18 licensed and engaged in the practice of his or her profession within
19 the state pursuant to chapter 18.32 RCW.

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

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

24 (16) "Domestic winery" means a place where wines are manufactured
25 or produced within the state of Washington.

26 (17) "Drug store" means a place whose principal business is, the
27 sale of drugs, medicines and pharmaceutical preparations and maintains
28 a regular prescription department and employs a registered pharmacist
29 during all hours the drug store is open.

30 (18) "Druggist" means any person who holds a valid certificate and
31 is a registered pharmacist and is duly and regularly engaged in
32 carrying on the business of pharmaceutical chemistry pursuant to
33 chapter 18.64 RCW.

34 (19) "Employee" means any person employed by the board.

35 (20) "Flavored malt beverage" means:

36 (a) A malt beverage containing six percent or less alcohol by
37 volume to which flavoring or other added nonbeverage ingredients are

1 added that contain distilled spirits of not more than forty-nine
2 percent of the beverage's overall alcohol content; or

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

7 (21) "Fund" means 'liquor revolving fund.'

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

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

19 (24) "Imprisonment" means confinement in the county jail.

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

32 (26) "Malt beverage" or "malt liquor" means any beverage such as
33 beer, ale, lager beer, stout, and porter obtained by the alcoholic
34 fermentation of an infusion or decoction of pure hops, or pure extract
35 of hops and pure barley malt or other wholesome grain or cereal in pure
36 water containing not more than eight percent of alcohol by weight, and
37 not less than one-half of one percent of alcohol by volume. For the

1 purposes of this title, any such beverage containing more than eight
2 percent of alcohol by weight shall be referred to as "strong beer."

3 (27) "Manufacturer" means a person engaged in the preparation of
4 liquor for sale, in any form whatsoever.

5 (28) "Marijuana" has the same meaning as in RCW 69.50.101.

6 (29) "Marijuana farm grower" means any person engaged in the
7 agriculture business, licensed with the department of agriculture, and
8 who grows marijuana for sale in state liquor stores on behalf of the
9 board.

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

14 ~~((+29+))~~ (31) "Package" means any container or receptacle used for
15 holding liquor.

16 ~~((+30+))~~ (32) "Passenger vessel" means any boat, ship, vessel,
17 barge, or other floating craft of any kind carrying passengers for
18 compensation.

19 ~~((+31+))~~ (33) "Permit" means a permit for the purchase of liquor
20 under this title.

21 ~~((+32+))~~ (34) "Person" means an individual, copartnership,
22 association, or corporation.

23 ~~((+33+))~~ (35) "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+))~~ (36) "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+))~~ (37) "Public place" includes streets and alleys of
30 incorporated cities and towns; state or county or township highways or
31 roads; buildings and grounds used for school purposes; public dance
32 halls and grounds adjacent thereto; those parts of establishments where
33 beer may be sold under this title, soft drink establishments, public
34 buildings, public meeting halls, lobbies, halls and dining rooms of
35 hotels, restaurants, theatres, stores, garages and filling stations
36 which are open to and are generally used by the public and to which the
37 public is permitted to have unrestricted access; railroad trains,
38 stages, and other public conveyances of all kinds and character, and

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

6 ~~((+36+))~~ (38) "Regulations" means regulations made by the board
7 under the powers conferred by this title.

8 ~~((+37+))~~ (39) "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+))~~ (40) "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+))~~ (41) "Soda fountain" means a place especially equipped
25 with apparatus for the purpose of dispensing soft drinks, whether mixed
26 or otherwise.

27 ~~((+40+))~~ (42) "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+))~~ (43) "Store" means a state liquor store established under
31 this title.

32 ~~((+42+))~~ (44) "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+))~~ (45)(a) "Wine" means any alcoholic beverage obtained by
36 fermentation of fruits (grapes, berries, apples, et cetera) or other
37 agricultural product containing sugar, to which any saccharine
38 substances may have been added before, during or after fermentation,

1 and containing not more than twenty-four percent of alcohol by volume,
2 including sweet wines fortified with wine spirits, such as port,
3 sherry, muscatel and angelica, not exceeding twenty-four percent of
4 alcohol by volume and not less than one-half of one percent of alcohol
5 by volume. For purposes of this title, any beverage containing no more
6 than fourteen percent of alcohol by volume when bottled or packaged by
7 the manufacturer shall be referred to as "table wine," and any beverage
8 containing alcohol in an amount more than fourteen percent by volume
9 when bottled or packaged by the manufacturer shall be referred to as
10 "fortified wine." However, "fortified wine" shall not include: (i)
11 Wines that are both sealed or capped by cork closure and aged two years
12 or more; and (ii) wines that contain more than fourteen percent alcohol
13 by volume solely as a result of the natural fermentation process and
14 that have not been produced with the addition of wine spirits, brandy,
15 or alcohol.

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

18 ~~((44))~~ (46) "Wine distributor" means a person who buys wine from
19 a domestic winery, wine certificate of approval holder, or wine
20 importer, or who acquires foreign produced wine from a source outside
21 of the United States, for the purpose of selling the same not in
22 violation of this title, or who represents such vintner or winery as
23 agent.

24 ~~((45))~~ (47) "Wine importer" means a person or business within
25 Washington who purchases wine from a wine certificate of approval
26 holder or who acquires foreign produced wine from a source outside of
27 the United States for the purpose of selling the same pursuant to this
28 title.

29 ~~((46))~~ (48) "Winery" means a business conducted by any person for
30 the manufacture of wine for sale, other than a domestic winery.

31 **Sec. 14.** RCW 66.08.026 and 2008 c 67 s 1 are each amended to read
32 as follows:

33 Administrative expenses of the board shall be appropriated and paid
34 from the liquor revolving fund. These administrative expenses shall
35 include, but not be limited to: The salaries and expenses of the board
36 and its employees, the cost of opening additional state liquor stores
37 and warehouses, legal services, pilot projects, annual or other audits,

1 and other general costs of conducting the business of the board. The
2 administrative expenses shall not include costs of marijuana, liquor,
3 and lottery tickets purchased, the cost of transportation and delivery
4 to the point of distribution, the cost of operating, maintaining,
5 relocating, and leasing state liquor stores and warehouses, other costs
6 pertaining to the acquisition and receipt of marijuana, liquor, and
7 lottery tickets, agency commissions for contract liquor stores,
8 transaction fees associated with credit or debit card purchases for
9 marijuana or liquor in state liquor stores and in contract liquor
10 stores pursuant to RCW 66.16.040 and 66.16.041, sales tax, and those
11 amounts distributed pursuant to RCW 66.08.180, 66.08.190, 66.08.200,
12 66.08.210 and 66.08.220. Agency commissions for contract liquor stores
13 shall be established by the liquor control board after consultation
14 with and approval by the director of the office of financial
15 management. All expenditures and payment of obligations authorized by
16 this section are subject to the allotment requirements of chapter 43.88
17 RCW.

18 **Sec. 15.** RCW 66.08.030 and 2002 c 119 s 2 are each amended to read
19 as follows:

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

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

33 (a) Regulating the equipment and management of stores and
34 warehouses in which state liquor and marijuana is sold or kept, and
35 prescribing the books and records to be kept therein and the reports to
36 be made thereon to the board;

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

3 (c) Governing the purchase of liquor and marijuana by the state and
4 the furnishing of liquor and marijuana to stores established under this
5 title;

6 (d) Determining the classes, varieties, and brands of liquor and
7 marijuana to be kept for sale at any store;

8 (e) Prescribing, subject to RCW 66.16.080, the hours during which
9 the state liquor stores shall be kept open for the sale of liquor and
10 marijuana;

11 (f) Providing for the issuing and distributing of price lists
12 showing the price to be paid by purchasers for each variety of liquor
13 and marijuana kept for sale under this title;

14 (g) Prescribing an official seal and official labels and stamps and
15 determining the manner in which they shall be attached to every package
16 of liquor sold or sealed under this title, including the prescribing of
17 different official seals or different official labels for different
18 classes of liquor;

19 (h) Prescribing an official seal and official labels and stamps,
20 and determining the manner in which they shall be attached to every
21 package of marijuana sold or sealed under this title, including the
22 prescribing of different official seals or different official labels
23 for the different varieties of marijuana;

24 (i) Providing for the payment by the board in whole or in part of
25 the carrying charges on liquor and marijuana shipped by freight or
26 express;

27 ((+i)) (j) Prescribing forms to be used for purposes of this title
28 or the regulations, and the terms and conditions to be contained in
29 permits and licenses issued under this title, and the qualifications
30 for receiving a permit or license issued under this title, including a
31 criminal history record information check. The board may submit the
32 criminal history record information check to the Washington state
33 patrol and to the identification division of the federal bureau of
34 investigation in order that these agencies may search their records for
35 prior arrests and convictions of the individual or individuals who
36 filled out the forms. The board shall require fingerprinting of any
37 applicant whose criminal history record information check is submitted
38 to the federal bureau of investigation;

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

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

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

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

15 ~~((+n))~~ (o) Prescribing the kinds and quantities of liquor and
16 marijuana for which a prescription may be given, and the number of
17 prescriptions which may be given to the same patient within a stated
18 period;

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

22 ~~((+p))~~ (q) Regulating premises in which liquor is kept for export
23 from the state, or from which liquor is exported, prescribing the books
24 and records to be kept therein and the reports to be made thereon to
25 the board, and providing for the inspection of the premises and the
26 books, records and the liquor so kept;

27 ~~((+q))~~ (r) Prescribing the conditions and qualifications requisite
28 for the obtaining of club licenses and the books and records to be kept
29 and the returns to be made by clubs, prescribing the manner of
30 licensing clubs in any municipality or other locality, and providing
31 for the inspection of clubs;

32 ~~((+r))~~ (s) Prescribing the conditions, accommodations and
33 qualifications requisite for the obtaining of licenses to sell beer and
34 wines, and regulating the sale of beer and wines thereunder;

35 ~~((+s))~~ (t) Specifying and regulating the time and periods when,
36 and the manner, methods, and means by which manufacturers shall deliver
37 liquor within the state; and the time and periods when, and the manner,

1 methods, and means by which liquor may lawfully be conveyed or carried
2 within the state;

3 ~~((t))~~ (u) Specifying and regulating the time and periods when,
4 and the manner, methods, and means by which authorized marijuana farmer
5 growers shall deliver marijuana within the state; and the time and
6 periods when, and the manner, methods, and means by which marijuana may
7 lawfully be conveyed or carried within the state;

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

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

14 ~~((v))~~ (x) Providing for the making of returns by any other liquor
15 manufacturers, showing the gross amount of liquor produced or
16 purchased, the amount sold within and exported from the state, and to
17 whom so sold or exported, and providing for the inspection of the
18 premises of any such liquor manufacturers, their books and records, and
19 for the checking of any such return;

20 ~~((w))~~ (y) Providing forms to be used for purposes of providing
21 for the inspection of the premises of any marijuana farm grower, and
22 his or her books and records;

23 (z) Providing forms to be used by marijuana farm growers for
24 reporting the gross amount of marijuana produced, sold, transferred,
25 and distributed to each state liquor store and contract liquor store;

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

29 ~~((x))~~ (bb) Providing for the shipment by mail or common carrier
30 of liquor to any person holding a permit and residing in any unit which
31 has, by election pursuant to this title, prohibited the sale of liquor
32 therein;

33 ~~((y))~~ (cc) Prescribing methods of manufacture, conditions of
34 sanitation, standards of ingredients, quality, and identity of
35 alcoholic beverages manufactured, sold, bottled, or handled by
36 licensees and the board; and conducting from time to time, in the
37 interest of the public health and general welfare, scientific studies

1 and research relating to alcoholic beverages and the use and effect
2 thereof;

3 ~~((z))~~ (dd) Working in conjunction with the department of
4 agriculture in prescribing methods of growing, conditions of
5 sanitation, standards of ingredients, quality, and identity of
6 marijuana sold, packaged, or handled by licensed marijuana farm growers
7 and the board;

8 (ee) Seizing, confiscating, and destroying all alcoholic beverages
9 manufactured, sold, or offered for sale within this state which do not
10 conform in all respects to the standards prescribed by this title or
11 the regulations of the board: PROVIDED, Nothing herein contained shall
12 be construed as authorizing the liquor board to prescribe, alter, limit
13 or in any way change the present law as to the quantity or percentage
14 of alcohol used in the manufacturing of wine or other alcoholic
15 beverages;

16 (ff) Seizing, confiscating, and destroying all marijuana plants
17 grown, sold, or offered for sale within this state which do not conform
18 in all respects to the standards prescribed by this title or the
19 regulations of the board.

20 **Sec. 16.** RCW 66.08.050 and 2005 c 151 s 3 are each amended to read
21 as follows:

22 The board, subject to the provisions of this title and the rules,
23 shall:

24 (1) Determine the localities within which state liquor stores shall
25 be established throughout the state, and the number and situation of
26 the stores within each locality;

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

29 (a) In addition, the board may appoint, in its discretion, a
30 manufacturer that also manufactures liquor products other than wine
31 under a license under this title, as a contract liquor store for the
32 purpose of sale of liquor products of its own manufacture on the
33 licensed premises only. ~~((Such))~~ Contract liquor stores shall be (i)
34 authorized to sell liquor under the guidelines provided by law, rule,
35 or contract, and ~~((such contract liquor stores shall be)) (ii) subject~~
36 to ~~((such))~~ additional rules and regulations consistent with this title
37 as the board may require.

1 (b) Contract liquor stores shall be (i) authorized to sell
2 marijuana under the guidelines provided by law, rules, or contract, and
3 subject to additional rules and regulations consistent with this title
4 as the board may require;

5 (3) Establish all necessary warehouses for the storing and
6 bottling, diluting, and rectifying of stocks of liquors for the
7 purposes of this title;

8 (4) Establish all necessary warehouses for the storing and
9 packaging of marijuana for the purposes of this title;

10 (5) Provide for the leasing for periods not to exceed ten years of
11 all premises required for the conduct of the business; and for
12 remodeling the same, and the procuring of their furnishings, fixtures,
13 and supplies; and for obtaining options of renewal of such leases by
14 the lessee. The terms of such leases in all other respects shall be
15 subject to the direction of the board;

16 (~~(+5)~~) (6) Determine the nature, form, and capacity of all
17 packages to be used for containing liquor and marijuana kept for sale
18 under this title;

19 (~~(+6)~~) (7) Execute or cause to be executed, all contracts, papers,
20 and documents in the name of the board, under such regulations as the
21 board may fix;

22 (~~(+7)~~) (8) Pay all customs, duties, excises, charges, and
23 obligations whatsoever relating to the business of the board;

24 (~~(+8)~~) (9) Require bonds from all employees in the discretion of
25 the board, and to determine the amount of fidelity bond of each such
26 employee;

27 (~~(+9)~~) (10) Perform services for the state lottery commission to
28 such extent, and for such compensation, as may be mutually agreed upon
29 between the board and the commission;

30 (~~(+10)~~) (11) Accept and deposit into the general fund-local
31 account and disburse, subject to appropriation, federal grants or other
32 funds or donations from any source for the purpose of improving public
33 awareness of the health risks associated with alcohol consumption by
34 youth and the abuse of alcohol by adults in Washington state. The
35 board's alcohol awareness program shall cooperate with federal and
36 state agencies, interested organizations, and individuals to effect an
37 active public beverage alcohol awareness program;

1 (~~(11)~~) (12) Perform all other matters and things, whether similar
2 to the foregoing or not, to carry out the provisions of this title, and
3 shall have full power to do each and every act necessary to the conduct
4 of its business, including all buying, selling, preparation, and
5 approval of forms, and every other function of the business whatsoever,
6 subject only to audit by the state auditor: PROVIDED, That the board
7 shall have no authority to regulate the content of spoken language on
8 licensed premises where wine and other liquors are served and where
9 there is not a clear and present danger of disorderly conduct being
10 provoked by such language.

11 NEW SECTION. **Sec. 17.** The board shall adopt rules by December 31,
12 2010, that establishes the procedures and criteria necessary to
13 implement the following:

14 (1) Authorizing and implementing the sale of marijuana in state
15 liquor stores and state contracted liquor stores;

16 (2) Establishing agency commissions for contract liquor stores to
17 purchase and sell marijuana after consultation with and approval by the
18 director of the office of financial management;

19 (3) Licensing farmers to grow marijuana crops and sell, distribute,
20 and transport such marijuana to state liquor stores;

21 (4) Establishing rules, regulations, permits, and fees for
22 marijuana farm growers;

23 (5) Determining the quantity of marijuana each marijuana farm
24 grower may cultivate, grow, and store annually;

25 (6) Determining how marijuana shall be packaged and labeled with an
26 official state seal prior to transporting and distributing to each
27 state liquor store;

28 (7) Working in conjunction with the department of agriculture in
29 prescribing methods of growing, conditions of sanitation, standards of
30 ingredients, quality, and identity of marijuana sold, packaged, or
31 handled by licensed marijuana farm growers, the board, and liquor
32 stores.

33 **Sec. 18.** RCW 66.08.060 and 2005 c 231 s 3 are each amended to read
34 as follows:

35 (1) The board shall not advertise liquor or marijuana in any form
36 or through any medium whatsoever.

1 (2) In-store liquor and marijuana merchandising is not advertising
2 for the purposes of this section.

3 (3) The board shall have power to adopt any and all reasonable
4 rules as to the kind, character, and location of advertising of liquor
5 and marijuana.

6 NEW SECTION. **Sec. 19.** (1) Every order for the purchase of
7 marijuana shall be authorized by the board, and no order for marijuana
8 shall be valid or binding unless it is so authorized and signed by the
9 board or its authorized designee.

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

12 (3) All cancellations of such orders made by the board shall be
13 signed in the same manner and duplicates of such cancellations kept on
14 file in the office of the board. Nothing in this title shall be
15 construed as preventing the board from accepting marijuana on
16 consignment.

17 **Sec. 20.** RCW 66.08.080 and 1994 c 154 s 313 are each amended to
18 read as follows:

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

27 **Sec. 21.** RCW 66.08.090 and 1933 ex.s. c 62 s 31 are each amended
28 to read as follows:

29 No employee shall sell liquor or marijuana in any other place, nor
30 at any other time, nor otherwise than as authorized by the board under
31 this title and the regulations.

32 **Sec. 22.** RCW 66.08.095 and 1993 c 26 s 3 are each amended to read
33 as follows:

34 The liquor control board may provide liquor or marijuana at no

1 charge, including liquor and marijuana forfeited under chapter 66.32
2 RCW, to recognized law enforcement agencies within the state when the
3 law enforcement agency will be using the liquor or marijuana for bona
4 fide law enforcement training or investigation purposes.

5 **Sec. 23.** RCW 66.08.120 and 1933 ex.s. c 62 s 29 are each amended
6 to read as follows:

7 No municipality or county shall have power to license the sale of,
8 or impose an excise tax upon, liquor as defined in this title or
9 marijuana as defined in RCW 69.50.101, or to license the sale or
10 distribution thereof in any manner; and any power now conferred by law
11 on any municipality or county to license premises which may be licensed
12 under this section, or to impose an excise tax upon liquor or
13 marijuana, or to license the sale and distribution thereof, as defined
14 in this title, shall be suspended and shall be of no further effect:
15 PROVIDED, That municipalities and counties shall have power to adopt
16 police ordinances and regulations not in conflict with this title or
17 with the regulations made by the board.

18 **Sec. 24.** RCW 66.08.130 and 1981 1st ex.s. c 5 s 4 are each amended
19 to read as follows:

20 For the purpose of obtaining information concerning any matter
21 relating to the administration or enforcement of this title, the board,
22 or any person appointed by it in writing for the purpose, may inspect
23 the books and records of:

- 24 (1) Any manufacturer;
- 25 (2) Any license holder;
- 26 (3) Any drug store holding a permit to sell on prescriptions;
- 27 (4) Any marijuana farm grower;
- 28 (5) The freight and express books and records and all waybills,
29 bills of lading, receipts, and documents in the possession of any
30 common carrier doing business within the state, containing any
31 information or record relating to any goods shipped or carried, or
32 consigned, or received for shipment or carriage within the state.
33 Every manufacturer, license holder, marijuana farm grower, drug store
34 holding a permit to sell on prescriptions, and common carrier, and
35 every owner or officer or employee of the foregoing, who neglects or
36 refuses to produce and submit for inspection any book, record, or

1 document referred to in this section when requested to do so by the
2 board or by a person so appointed by it shall be guilty of a violation
3 of this title.

4 **Sec. 25.** RCW 66.08.070 and 1985 c 226 s 2 are each amended to read
5 as follows:

6 (1) Every order for the purchase of liquor and marijuana shall be
7 authorized by the board, and no order for liquor and marijuana shall be
8 valid or binding unless it is so authorized and signed by the board or
9 its authorized designee.

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

12 (3) All cancellations of such orders made by the board shall be
13 signed in the same manner and duplicates thereof kept on file in the
14 office of the board. Nothing in this title shall be construed as
15 preventing the board from accepting liquor on consignment.

16 (4) In the purchase of wine or malt beverages the board shall not
17 require, as a term or condition of purchase, any warranty or
18 affirmation with respect to the relationship of the price charged the
19 board to any price charged any other buyer.

20 **Sec. 26.** RCW 66.08.075 and 1937 c 217 s 5 are each amended to read
21 as follows:

22 No official or employee of the liquor control board of the state of
23 Washington shall, during his or her term of office or employment, or
24 for a period of two years immediately following (~~the~~) his or her
25 termination thereof, represent directly or indirectly any manufacturer
26 or wholesaler of liquor or marijuana in the sale of liquor or marijuana
27 to the board.

28 NEW SECTION. **Sec. 27.** (1) There shall be a fund, known as the
29 "marijuana revolving fund" which shall consist of all license fees,
30 permit fees, penalties, forfeitures, taxes, and all other moneys,
31 income, or revenue received by the board from marijuana. The state
32 treasurer shall be custodian of the fund.

33 (2) Moneys in the marijuana revolving fund shall be distributed by
34 the board every three months. Ninety-eight percent of the funds shall
35 be transferred to the division of alcohol and substance abuse of the

1 department of social and health services for substance abuse treatment
2 and prevention and the remaining two percent shall be retained by the
3 board for administration.

4 **Sec. 28.** RCW 66.12.020 and 1933 ex.s. c 62 s 48 are each amended
5 to read as follows:

6 Nothing in this title shall apply to or prevent the sale of liquor
7 or marijuana by any person to the board.

8 NEW SECTION. **Sec. 29.** A new section is added to chapter 66.12 RCW
9 to read as follows:

10 (1) Nothing in this title shall prevent any person licensed to grow
11 marijuana from keeping marijuana in his or her warehouse or place of
12 business.

13 (2) No person shall import marijuana into the state from any other
14 state or country, except, as herein otherwise provided, for use or sale
15 in the state, except the board.

16 **Sec. 30.** RCW 66.12.060 and 1933 ex.s. c 62 s 50 are each amended
17 to read as follows:

18 Nothing in this title shall apply to or prevent the sale, purchase,
19 or consumption:

20 (1) Of any pharmaceutical preparation containing marijuana;

21 (2) Of any pharmaceutical preparation containing liquor which is
22 prepared by a druggist according to a formula of the pharmacopoeia of
23 the United States, or the dispensatory of the United States; (~~or~~

24 +2+)) (3) Of any proprietary or patent medicine; or

25 ((+3+)) (4) Of wood alcohol or denatured alcohol, except in the

26 case of the sale, purchase, or consumption of wood alcohol or denatured
27 alcohol for beverage purposes, either alone or combined with any other
28 liquid or substance.

29 **Sec. 31.** RCW 66.16.010 and 2005 c 518 s 935 are each amended to
30 read as follows:

31 (1) There shall be established at such places throughout the state
32 as the liquor control board, constituted under this title, shall deem
33 advisable, stores to be known as "state liquor stores," for the sale of
34 liquor and marijuana in accordance with the provisions of this title

1 and the regulations: PROVIDED, That the prices of all liquor and
2 marijuana shall be fixed by the board from time to time so that the net
3 annual revenue received by the board therefrom shall not exceed thirty-
4 five percent. ((Effective no later than July 1, 2005, the liquor
5 control board shall add an equivalent surcharge of \$0.42 per liter on
6 all retail sales of spirits, excluding licensee, military, and tribal
7 sales. The intent of this surcharge is to raise revenue for the
8 general fund state for the 2003-2005 and 2005-2007 bienniums. The
9 board shall remove the surcharge June 30, 2007.))

10 (2) The liquor control board may, from time to time, fix the
11 special price at which pure ethyl alcohol may be sold to physicians and
12 dentists and institutions regularly conducted as hospitals, for use or
13 consumption only in such hospitals; and may also fix the special price
14 at which pure ethyl alcohol may be sold to schools, colleges and
15 universities within the state for use for scientific purposes.
16 Regularly conducted hospitals may have right to purchase pure ethyl
17 alcohol on a federal permit.

18 (3) The liquor control board may also fix the special price at
19 which pure ethyl alcohol may be sold to any department, branch or
20 institution of the state of Washington, federal government, or to any
21 person engaged in a manufacturing or industrial business or in
22 scientific pursuits requiring alcohol for use therein.

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

28 **Sec. 32.** RCW 66.16.040 and 2005 c 206 s 1, 2005 c 151 s 5, and
29 2005 c 102 s 1 are each reenacted and amended to read as follows:

30 Except as otherwise provided by law, an employee in a state liquor
31 store or contract liquor store may sell liquor and marijuana to any
32 person of legal age to purchase alcoholic beverages and marijuana and
33 may also sell to holders of permits such liquor and marijuana as may be
34 purchased under such permits.

35 Where there may be a question of a person's right to purchase
36 liquor or marijuana by reason of age, such person shall be required to

1 present any one of the following officially issued cards of
2 identification which shows his/her correct age and bears his/her
3 signature and photograph:

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

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

11 (3) Passport.

12 (4) Merchant Marine identification card issued by the United States
13 Coast Guard.

14 (5) Enrollment card issued by the governing authority of a
15 federally recognized Indian tribe located in Washington, if the
16 enrollment card incorporates security features comparable to those
17 implemented by the department of licensing for Washington drivers'
18 licenses. At least ninety days prior to implementation of an
19 enrollment card under this subsection, the appropriate tribal authority
20 shall give notice to the board. The board shall publish and
21 communicate to licensees regarding the implementation of each new
22 enrollment card.

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

25 No liquor or marijuana sold under this section shall be delivered
26 until the purchaser has paid for the liquor or marijuana in cash,
27 except as allowed under RCW 66.16.041. The use of a personal credit
28 card does not rely upon the credit of the state as prohibited by
29 Article VIII, section 5 of the state Constitution.

30 **Sec. 33.** RCW 66.16.041 and 2005 c 151 s 6 are each amended to read
31 as follows:

32 (1) The state liquor control board shall accept bank credit card
33 and debit cards for purchases in state liquor stores, under such rules
34 as the board may adopt. The board shall authorize contract liquor
35 stores appointed under RCW 66.08.050 to accept bank credit cards and
36 debit cards for liquor and marijuana purchases under this title, under
37 such rules as the board may adopt.

1 (2) If a contract liquor store chooses to use credit or debit cards
2 for liquor and marijuana purchases, the board shall provide equipment
3 and installation and maintenance of the equipment necessary to
4 implement the use of credit and debit cards. Any equipment provided by
5 the board to a contract liquor store for this purpose may be used only
6 for the purchase of liquor and marijuana.

7 **Sec. 34.** RCW 66.16.060 and 1943 c 216 s 1 are each amended to read
8 as follows:

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

13 (2) The board may in its discretion by rule prescribe that all
14 marijuana shall be delivered to any purchaser at a state liquor store
15 in a packaged sealed with the official seal.

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

18 No employee in a state liquor store shall open or consume, or allow
19 to be opened or consumed any liquor or marijuana on the store premises.

20 **Sec. 36.** RCW 66.16.090 and 1933 ex.s. c 62 s 89 are each amended
21 to read as follows:

22 All records whatsoever of the board showing purchases by any
23 individual of liquor or marijuana shall be deemed confidential, and,
24 except subject to audit by the state auditor, shall not be permitted to
25 be inspected by any person whatsoever, except by employees of the board
26 to the extent permitted by the regulations; and no member of the board
27 and no employee whatsoever shall give out any information concerning
28 such records and neither such records nor any information relative
29 thereto which shall make known the name of any individual purchaser
30 shall be competent to be admitted as evidence in any court or courts
31 except in prosecutions for illegal possession of and/or sale of liquor
32 or marijuana. Any person violating the provisions of this section
33 shall be guilty of a misdemeanor.

1 **Sec. 37.** RCW 66.16.120 and 2005 c 231 s 5 are each amended to read
2 as follows:

3 Employees in state liquor stores, including agency vendor liquor
4 stores, may not be required to work on their Sabbath for the purpose of
5 selling liquor or marijuana if doing so would violate their religious
6 beliefs.

7 **Sec. 38.** RCW 66.20.100 and 1933 ex.s. c 62 s 20 are each amended
8 to read as follows:

9 Any physician who deems liquor or marijuana necessary for the
10 health of a patient, whether an interdicted person or not, whom he or
11 she has seen or visited professionally may give to the patient a
12 prescription therefor, signed by the physician, or the physician may
13 administer the liquor or marijuana to the patient, for which purpose
14 the physician may administer the liquor or marijuana purchased by him
15 or her under special permit and may charge for the liquor or marijuana
16 so administered; but no prescription shall be given or liquor or
17 marijuana be administered by a physician except to bona fide patients
18 in cases of actual need, and when in the judgment of the physician the
19 use of liquor or marijuana as medicine in the quantity prescribed or
20 administered is necessary; and any physician who administers liquor or
21 marijuana in evasion or violation of this title shall be guilty of a
22 violation of this title.

23 **Sec. 39.** RCW 66.20.150 and 1933 ex.s. c 62 s 41 are each amended
24 to read as follows:

25 No person shall purchase or attempt to purchase liquor or marijuana
26 under a permit which is suspended, or which has been canceled, or of
27 which he or she is not the holder.

28 **Sec. 40.** RCW 66.20.160 and 2005 c 151 s 8 are each amended to read
29 as follows:

30 Words and phrases as used in RCW 66.20.160 to 66.20.210, inclusive,
31 shall have the following meaning:

32 "Card of identification" means any one of those cards described in
33 RCW 66.16.040.

34 "Licensee" means the holder of a retail liquor license issued by
35 the board, and includes any employee or agent of the licensee.

1 "Store employee" means a person employed in a state liquor store to
2 sell liquor and marijuana.

3 **Sec. 41.** RCW 66.20.170 and 1973 1st ex.s. c 209 s 5 are each
4 amended to read as follows:

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

11 **Sec. 42.** RCW 66.20.180 and 2005 c 151 s 9 are each amended to read
12 as follows:

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

23 **Sec. 43.** RCW 66.20.190 and 1981 1st ex.s. c 5 s 9 are each amended
24 to read as follows:

25 In addition to the presentation by the holder and verification by
26 the licensee or store employee of such card of identification, the
27 licensee or store employee who is still in doubt about the true age of
28 the holder shall require the person whose age may be in question to
29 sign a certification card and record an accurate description and serial
30 number of his or her card of identification thereon. Such statement
31 shall be upon a five-inch by eight-inch file card, which card shall be
32 filed alphabetically by the licensee or store employee at or before the
33 close of business on the day on which the statement is executed, in the
34 file box containing a suitable alphabetical index and the card shall be
35 subject to examination by any peace officer or agent or employee of the

1 board at all times. The certification card shall also contain in bold-
2 face type a statement stating that the signer understands that
3 conviction for unlawful purchase of alcoholic beverages and marijuana
4 or misuse of the certification card may result in criminal penalties
5 including imprisonment or fine or both.

6 **Sec. 44.** RCW 66.20.200 and 2003 c 53 s 295 are each amended to
7 read as follows:

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

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

30 **Sec. 45.** RCW 66.20.210 and 1973 1st ex.s. c 209 s 9 are each
31 amended to read as follows:

32 No licensee or the agent or employee of the licensee, or store
33 employee, shall be prosecuted criminally or be sued in any civil action
34 for serving liquor or marijuana to a person under legal age to purchase
35 liquor or marijuana if such person has presented a card of

1 identification in accordance with RCW 66.20.180, and has signed a
2 certification card as provided in RCW 66.20.190.

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

8 NEW SECTION. **Sec. 46.** There shall be a license to farmers of
9 marijuana, including all kinds of manufacturers, authorizing licensees
10 to produce, manufacture, grow, transport within the state of
11 Washington, and sell marijuana. The annual fee for a grower's license
12 shall be five hundred dollars per annum. For the purposes of chapter
13 66.28 RCW, a grower licensee shall be deemed a manufacturer.

14 NEW SECTION. **Sec. 47.** (1) There is hereby imposed upon all
15 marijuana sold to the public over the age of twenty-one and the
16 Washington state liquor control board, within the state a tax at the
17 rate of fifteen percent per gram of marijuana sold.

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

21 **Sec. 48.** RCW 66.32.010 and 1955 c 39 s 3 are each amended to read
22 as follows:

23 Except as permitted by the board, no liquor or marijuana shall be
24 kept or had by any person within this state unless the package in which
25 the liquor or marijuana was contained had, while containing that liquor
26 or marijuana, been sealed with the official seal adopted by the board,
27 except in the case of:

- 28 (1) Liquor imported by the board; or
29 (2) Liquor manufactured in the state for sale to the board or for
30 export; or
31 (3) Beer, purchased in accordance with the provisions of law; or
32 (4) Wine or beer exempted in RCW 66.12.010.

33 NEW SECTION. **Sec. 49.** A new section is added to chapter 66.32 RCW
34 to read as follows:

1 If, upon the sworn complaint of any person, it is made to appear to
2 any judge of the superior court or district court, that there is
3 probable cause to believe that marijuana is being grown, manufactured,
4 sold, bartered, exchanged, given away, furnished, or otherwise disposed
5 of or kept in violation of the provisions of this title, such judge
6 shall, with or without the approval of the prosecuting attorney, issue
7 a warrant directed to a civil officer of the state duly authorized to
8 enforce or assist in enforcing any law thereof, or to an inspector of
9 the board, commanding the civil officer or inspector to search the
10 premises, room, house, building, boat, vehicle, structure, or place
11 designated and described in the complaint and warrant, and to seize all
12 marijuana there found, together with the vessels in which it is
13 contained, and all implements, furniture, and fixtures used or kept for
14 the illegal growing, manufacture, sale, barter, exchange, giving away,
15 furnishing, or otherwise disposing of the marijuana, and to safely keep
16 the same, and to make a return of the warrant within ten days, showing
17 all acts and things done thereunder, with a particular statement of all
18 articles seized and the name of the person or persons in whose
19 possession they were found, if any, and if no person is found in the
20 possession of the articles, the return shall so state.

21 **Sec. 50.** RCW 66.32.030 and 1955 c 39 s 5 are each amended to read
22 as follows:

23 A copy of the warrant, together with a detailed receipt for the
24 property taken shall be served upon the person found in possession of
25 any intoxicating liquor or marijuana, furniture, or fixtures so seized,
26 and if no person is found in possession thereof, a copy of the warrant
27 and receipt shall be left in a conspicuous place upon the premises
28 wherein they are found.

29 **Sec. 51.** RCW 66.32.040 and 1993 c 26 s 1 are each amended to read
30 as follows:

31 All liquor or marijuana seized pursuant to the authority of a
32 search warrant or an arrest shall, upon adjudication that it was kept
33 in violation of this title, be forfeited and upon forfeiture be
34 disposed of by the agency seizing the liquor or marijuana.

1 **Sec. 52.** RCW 66.32.070 and 1987 c 202 s 222 are each amended to
2 read as follows:

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

14 **Sec. 53.** RCW 66.32.090 and 1993 c 26 s 2 are each amended to read
15 as follows:

16 In every case in which liquor or marijuana is seized by a sheriff
17 or deputy of any county or by a police officer of any municipality or
18 by a member of the Washington state patrol, or any other authorized
19 peace officer or inspector, it shall be the duty of the sheriff or
20 deputy of any county, or chief of police of the municipality, or the
21 chief of the Washington state patrol, as the case may be, to forthwith
22 report in writing to the board of particulars of such seizure.

23 **Sec. 54.** RCW 66.36.010 and 1939 c 172 s 9 are each amended to read
24 as follows:

25 Any ground, farm, room, house, building, boat, vehicle, structure,
26 or place, except premises licensed under this title, where liquor or
27 marijuana, as defined in this title, is grown, manufactured, kept,
28 sold, bartered, exchanged, given away, furnished, or otherwise disposed
29 of in violation of the provisions of this title or of the laws of this
30 state relating to the growing, manufacture, importation,
31 transportation, possession, distribution, and sale of liquor or
32 marijuana, and all property kept in and used in maintaining such a
33 place, are hereby declared to be a common nuisance. The prosecuting
34 attorney of the county in which such nuisance is situated shall
35 institute and maintain an action in the superior court of such county
36 in the name of the state of Washington to abate and perpetually enjoin

1 such nuisance. The plaintiff shall not be required to give bond in
2 such action, and restraining orders, temporary injunctions and
3 permanent injunctions may be granted in said cause as in other
4 injunction proceedings, and upon final judgment against the defendant,
5 such court may also order that said ground, farm, room, house,
6 building, boat, vehicle, structure, or place, shall be closed for a
7 period of one year; or until the owner, lessee, tenant, or occupant
8 thereof shall give bond with sufficient surety, to be approved by the
9 court making the order, in the penal sum of not less than one thousand
10 dollars payable to the state of Washington, and conditioned that liquor
11 or marijuana will not thereafter be grown, manufactured, kept, sold,
12 bartered, exchanged, given away, furnished, or otherwise disposed of
13 thereon or therein in violation of the provisions of this title or of
14 the laws of this state relating to the growing, manufacture,
15 importation, transportation, possession, distribution, and sale of
16 liquor and marijuana, and that he or she will pay all fines, costs, and
17 damages assessed against him or her for any violation of this title or
18 of the laws of this state relating to the growing, manufacture,
19 importation, transportation, possession, distribution, and sale of
20 liquor or marijuana. If any condition of such bond be violated, the
21 whole amount may be recovered as a penalty for the use of the county
22 wherein the premises are situated.

23 In all cases where any person has been convicted of a violation of
24 this title or the laws of this state relating to the growing,
25 manufacture, importation, transportation, possession, distribution, and
26 sale of liquor or marijuana an action may be brought in the superior
27 court of the county in which the premises are situated, to abate as a
28 nuisance any real estate or other property involved in the commission
29 of said offense, and in any such action a certified copy of the record
30 of such conviction shall be admissible in evidence and prima facie
31 evidence that the ground, farm, room, house, building, boat, vehicle,
32 structure, or place against which such action is brought is a public
33 nuisance.

34 **Sec. 55.** RCW 66.40.010 and 1957 c 263 s 3 are each amended to read
35 as follows:

36 For the purpose of an election upon the question of whether the

1 sale of liquors or marijuana shall be permitted, the election unit
2 shall be any incorporated city or town, or all that portion of any
3 county not included within the limits of incorporated cities and towns.

4 **Sec. 56.** RCW 66.40.020 and 1933 ex.s. c 62 s 83 are each amended
5 to read as follows:

6 Within any unit referred to in RCW 66.40.010, upon compliance with
7 the conditions hereinafter prescribed, there may be held, at the time
8 and as a part of any general election, an election upon the question of
9 whether the sale of liquor or marijuana shall be permitted within such
10 unit; and in the event that any such election is held in any such unit,
11 no other election under this section shall be held prior to the next
12 succeeding general election.

13 **Sec. 57.** RCW 66.40.040 and 1933 ex.s. c 62 s 84 are each amended
14 to read as follows:

15 Any unit referred to in RCW 66.40.010 may hold such election upon
16 the question of whether the sale of liquor or marijuana shall be
17 permitted within the boundaries of such unit, upon the filing with the
18 county auditor of the county within which such unit is located, of a
19 petition subscribed by qualified electors of the unit equal in number
20 to at least thirty percent of the electors voting at the last general
21 election within such unit. Such petition shall designate the unit in
22 which the election is desired to be had, the date upon which the
23 election is desired to be held, and the question that is desired to be
24 submitted. The persons signing such a petition shall state their post
25 office address, the name or number of the precinct in which they
26 reside, and in case the subscriber be a resident of a city, the street
27 and house number, if any, of his or her residence, and the date of
28 signature. Said petition shall be filed not less than sixty days nor
29 more than ninety days prior to the date upon which the election is to
30 be held. No signature shall be valid unless the above requirements are
31 complied with, and unless the date of signing the same is less than
32 ninety days preceding the date of filing. No signature shall be
33 withdrawn after the filing of such petition. Such petition may consist
34 of one or more sheets and shall be fastened together as one document,
35 filed as a whole, and when filed shall not be withdrawn or added to.
36 Such petition shall be a public document and shall be subject to the

1 inspection of the public. Upon the request of anyone filing such a
2 petition and paying, or tendering to the county auditor one dollar for
3 each hundred names, or fraction thereof, signed thereto, together with
4 a copy thereof, said county auditor shall immediately compare the
5 original and copy and attach to such copy and deliver to such person
6 his or her official certificate that such copy is a true copy of the
7 original, stating the date when such original was filed in his or her
8 office; and said officer shall furnish, upon the demand of any person,
9 a copy of said petition, upon payment of the same fee required for the
10 filing of original petitions.

11 **Sec. 58.** RCW 66.40.110 and 1933 ex.s. c 62 s 86 are each amended
12 to read as follows:

13 (1) In respect to the sale of liquor, upon the ballot to be used at
14 such general election the question shall be submitted in the following
15 form:

16 "Shall the sale of liquor be permitted within (here
17 specify the unit in which election is to be held)." Immediately below
18 said question shall be placed the alternative answers, as follows:

- 19 "For sale of liquor.....(
20 Against sale of liquor.....(.)"

21 Each person desiring to vote in favor of permitting the sale of
22 liquor within the unit in which the election is to be held shall
23 designate his or her choice beside the words "For sale of liquor", and
24 those desiring to vote against the permitting of the sale of liquor
25 within such unit shall designate their choice beside the words "Against
26 sale of liquor", and the ballot shall be counted accordingly.

27 (2) In respect to the sale of marijuana, upon the ballot to be used
28 at such general election the question shall be submitted in the
29 following form:

30 "Shall the sale of marijuana be permitted within (here
31 specify the unit in which election is to be held)." Immediately below
32 said question shall be placed the alternative answers, as follows:

1 "For sale of marijuana ()

2 Against sale of marijuana ()."

3 Each person desiring to vote in favor of permitting the sale of
4 marijuana within the unit in which the election is to be held shall
5 designate his or her choice beside the words "For sale of marijuana",
6 and those desiring to vote against the permitting of the sale of
7 marijuana within such unit shall designate their choice beside the
8 words "Against sale of marijuana", and the ballot shall be counted
9 accordingly.

10 **Sec. 59.** RCW 66.40.120 and 1933 ex.s. c 62 s 87 are each amended
11 to read as follows:

12 The returns of any such election shall be canvassed in the manner
13 provided by law. If the majority of qualified electors voting upon
14 said question at said election shall have voted "For sale of liquor or
15 marijuana" within the unit in which the election is held, the sale of
16 liquor or marijuana may be continued in accordance with the provisions
17 of this title. If the majority of the qualified electors voting on
18 such question at any such election shall vote "Against sale of liquor
19 or marijuana", then, within thirty days after such canvass no sale or
20 purchase of liquor or marijuana, save as herein provided, shall be made
21 within such unit until such permission so to do be subsequently granted
22 at an election held for that purpose under the provisions of this
23 title.

24 **Sec. 60.** RCW 66.40.140 and 1933 ex.s. c 62 s 88 are each amended
25 to read as follows:

26 Whenever a majority of qualified voters voting upon said question
27 in any such unit shall have voted "Against sale of liquor or
28 marijuana", the county auditor shall file with the liquor control board
29 a certificate showing the result of the canvass at such election; and
30 thereafter, except as hereinafter provided, it shall not be lawful for
31 a liquor store to be operated therein nor for licensees to maintain and
32 operate licensed premises therein except as hereinafter provided:

1 (1) As to any stores maintained by the board within any such unit
2 at the time of such licensing, the board shall have a period of thirty
3 days from and after the date of the canvass of the vote upon such
4 election to continue operation of its store or stores therein.

5 (2) As to any premises licensed hereunder within any such unit at
6 the time of such election, such licensee shall have a period of sixty
7 days from and after the date of the canvass of the vote upon such
8 election in which to discontinue operation of its store or stores
9 therein.

10 (3) Nothing herein contained shall prevent any distillery, brewery,
11 rectifying plant, or winery or the licensed operators thereof from
12 selling its manufactured product, manufactured within such unit,
13 outside the boundaries thereof.

14 (4) Nothing herein contained shall prevent any person residing in
15 any unit in which the sale of liquor or marijuana shall have been
16 forbidden by popular vote as herein provided, who is otherwise
17 qualified to receive and hold a permit under this title, from lawfully
18 purchasing without the unit and transporting into or receiving within
19 the unit, liquor or marijuana lawfully purchased by him or her outside
20 the boundaries of such unit.

21 **Sec. 61.** RCW 66.40.150 and 1949 c 93 s 1 are each amended to read
22 as follows:

23 No election in any unit referred to in RCW 66.40.010, 66.40.020,
24 66.40.040, 66.40.100, 66.40.110, 66.40.120 and 66.40.140, upon the
25 question of whether the sale of liquor or marijuana shall be permitted
26 within the boundaries of such unit shall be held at the same time as an
27 election is held in the same unit upon the question of whether the sale
28 of liquor or marijuana under the provisions of RCW 66.40.030 shall be
29 permitted. In the event valid and sufficient petitions are filed which
30 would otherwise place both questions on the same ballot that question
31 upon which the petition was filed with the county auditor first shall
32 be placed on the ballot to the exclusion of the other.

33 **Sec. 62.** RCW 66.44.010 and 1998 c 18 s 1 are each amended to read
34 as follows:

35 (1) All county and municipal peace officers are hereby charged with
36 the duty of investigating and prosecuting all violations of this title,

1 and the penal laws of this state relating to (a) the manufacture,
2 importation, transportation, possession, distribution, and sale of
3 liquor, and (b) the growing, cultivating, transportation, possession,
4 distribution, and sale of marijuana or cannabis. All fines imposed for
5 violations of this title and the penal laws of this state relating to
6 the manufacture, importation, transportation, possession, distribution,
7 and sale of liquor and the growing, cultivating, transportation,
8 possession, distribution, and sale of marijuana or cannabis shall
9 belong to the county, city, or town wherein the court imposing the fine
10 is located, and shall be placed in the general fund for payment of the
11 salaries of those engaged in the enforcement of the provisions of this
12 title and the penal laws of this state relating to the growing,
13 cultivating, transportation, possession, distribution, and sale of
14 marijuana or cannabis, or the manufacture, importation, transportation,
15 possession, distribution, and sale of liquor: PROVIDED, That all fees,
16 fines, forfeitures, and penalties collected or assessed by a district
17 court because of the violation of a state law shall be remitted as
18 provided in chapter 3.62 RCW as now exists or is later amended.

19 (2) In addition to any and all other powers granted, the board
20 shall have the power to enforce the penal provisions of this title and
21 the penal laws of this state relating to the manufacture, importation,
22 transportation, possession, distribution, and sale of liquor and the
23 growing, cultivating, transportation, possession, distribution, and
24 sale of marijuana or cannabis.

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

27 (4) The board may appoint and employ, assign to duty and fix the
28 compensation of, officers to be designated as liquor enforcement
29 officers. Such liquor enforcement officers shall have the power, under
30 the supervision of the board, to enforce the penal provisions of this
31 title and the penal laws of this state relating to the manufacture,
32 importation, transportation, possession, distribution, and sale of
33 liquor and the growing, cultivating, transportation, possession,
34 distribution, and sale of marijuana or cannabis. They shall have the
35 power and authority to serve and execute all warrants and process of
36 law issued by the courts in enforcing the penal provisions of this
37 title or of any penal law of this state relating to the manufacture,
38 importation, transportation, possession, distribution, and sale of

1 liquor and the growing, cultivating, transportation, possession,
2 distribution, and sale of marijuana or cannabis, and the provisions of
3 chapters 82.24 and 82.26 RCW. They shall have the power to arrest
4 without a warrant any person or persons found in the act of violating
5 any of the penal provisions of this title or of any penal law of this
6 state relating to the manufacture, importation, transportation,
7 possession, distribution, and sale of liquor, the growing, cultivating,
8 transportation, possession, distribution, and sale of marijuana or
9 cannabis, and the provisions of chapters 82.24 and 82.26 RCW.

10 **Sec. 63.** RCW 66.44.040 and 1933 ex.s. c 62 s 57 are each amended
11 to read as follows:

12 In describing the offense respecting the sale, or keeping for sale
13 or other disposal, of liquor or marijuana, or the having, keeping,
14 giving, purchasing, or consumption of liquor or marijuana in any
15 information, summons, conviction, warrant, or proceeding under this
16 title, it shall be sufficient to simply state the sale, or keeping for
17 sale or disposal, having, keeping, giving, purchasing, or consumption
18 of liquor or marijuana, without stating the name or kind of such liquor
19 or marijuana or the price thereof, or to whom it was sold or disposed
20 of, or by whom consumed, or from whom it was purchased or received; and
21 it shall not be necessary to state the quantity of liquor or marijuana
22 so sold, kept for sale, disposed of, had, kept, given, purchased, or
23 consumed, except in the case of offenses where the quantity is
24 essential, and then it shall be sufficient to allege the sale or
25 disposal of more or less than such quantity.

26 **Sec. 64.** RCW 66.44.060 and 1933 ex.s. c 62 s 59 are each amended
27 to read as follows:

28 In any proceeding under this title, proof of one unlawful sale of
29 liquor or marijuana shall suffice to establish prima facie the intent
30 or purpose of unlawfully keeping liquor or marijuana for sale in
31 violation of this title.

32 **Sec. 65.** RCW 66.44.100 and 1999 c 189 s 3 are each amended to read
33 as follows:

34 Except as permitted by this title, no person shall open the package
35 containing liquor or marijuana in a public place, consume liquor in a

1 public place, or smoke marijuana in a public place. Every person who
2 violates any provision of this section shall be guilty of a class 3
3 civil infraction under chapter 7.80 RCW.

4 **Sec. 66.** RCW 66.44.130 and 1955 c 289 s 3 are each amended to read
5 as follows:

- 6 Except as otherwise provided in this title(~~(7)~~):
7 (1) Every person who sells by the drink or bottle, any liquor shall
8 be guilty of a violation of this title; and
9 (2) Every person who sells marijuana shall be guilty of a violation
10 of this title.

11 **Sec. 67.** RCW 66.44.140 and 1980 c 140 s 4 are each amended to read
12 as follows:

13 Every person who shall sell or offer for sale, or transport in any
14 manner, any spirituous liquor or marijuana, without government stamp or
15 seal attached thereto, or who shall operate without a license, any
16 still or other device for the production of spirituous liquor or
17 marijuana, or shall have in his or her possession or under his or her
18 control any mash capable of being distilled into spirituous liquor
19 except as provided in RCW 66.12.130, shall be guilty of a gross
20 misdemeanor and upon conviction thereof shall upon his or her first
21 conviction be fined not less than five hundred dollars and confined in
22 the county jail not less than six months, and upon second and
23 subsequent conviction shall be fined not less than one thousand dollars
24 and confined in the county jail not less than one year.

25 **Sec. 68.** RCW 66.44.150 and 1955 c 289 s 5 are each amended to read
26 as follows:

27 If any person in this state buys alcoholic beverages or marijuana
28 from any person other than the board, a state liquor store, or some
29 person authorized by the board to sell them, he or she shall be guilty
30 of a misdemeanor.

31 **Sec. 69.** RCW 66.44.160 and 1955 c 289 s 6 are each amended to read
32 as follows:

33 Except as otherwise provided in this title, any person who has or
34 keeps or transports alcoholic beverages or marijuana other than those

1 purchased from the board, a state liquor store, or some person
2 authorized by the board to sell them, shall be guilty of a violation of
3 this title.

4 **Sec. 70.** RCW 66.44.170 and 1955 c 289 s 7 are each amended to read
5 as follows:

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

14 **Sec. 71.** RCW 66.44.200 and 1998 c 259 s 1 are each amended to read
15 as follows:

16 (1) No person shall sell any liquor or marijuana to any person
17 apparently under the influence of liquor or marijuana.

18 (2)(a) No person who is apparently under the influence of liquor or
19 marijuana may purchase or consume liquor or marijuana on any premises
20 licensed by the board.

21 (b) A violation of this subsection is an infraction punishable by
22 a fine of not more than five hundred dollars.

23 (c) A defendant's intoxication may not be used as a defense in an
24 action under this subsection.

25 (d) (~~Until July 1, 2000,~~) Every establishment licensed under RCW
26 66.24.330 or 66.24.420 shall conspicuously post in the establishment
27 notice of the prohibition against the purchase or consumption of liquor
28 or marijuana under this subsection.

29 (3) An administrative action for violation of subsection (1) of
30 this section and an infraction issued for violation of subsection (2)
31 of this section arising out of the same incident are separate actions
32 and the outcome of one shall not determine the outcome of the other.

33 **Sec. 72.** RCW 66.44.210 and 1933 ex.s. c 62 s 38 are each amended
34 to read as follows:

35 Except in the case of liquor or marijuana administered by a

1 physician or dentist or sold upon a prescription in accordance with the
2 provisions of this title, no person shall procure or supply, or assist
3 directly or indirectly in procuring or supplying, liquor or marijuana
4 for or to anyone whose permit is suspended or has been canceled.

5 **Sec. 73.** RCW 66.44.240 and 1983 c 165 s 29 are each amended to
6 read as follows:

7 Every person engaged wholly or in part in the business of carrying
8 passengers for hire, and every agent, servant, or employee of such
9 person, who knowingly permits any person to smoke marijuana or drink
10 any intoxicating liquor in any public conveyance, except in the
11 compartment where such liquor is sold or served under the authority of
12 a license lawfully issued, is guilty of a misdemeanor. This section
13 does not apply to a public conveyance that is commercially chartered
14 for group use or a for-hire vehicle licensed under city, county, or
15 state law.

16 **Sec. 74.** RCW 66.44.250 and 1983 c 165 s 30 are each amended to
17 read as follows:

18 Every person who smokes marijuana or drinks any intoxicating liquor
19 in any public conveyance, except in a compartment or place where sold
20 or served under the authority of a license lawfully issued, is guilty
21 of a misdemeanor. With respect to a public conveyance that is
22 commercially chartered for group use and with respect to a for-hire
23 vehicle licensed under city, county, or state law, this section applies
24 only to the driver of the vehicle.

25 **Sec. 75.** RCW 66.44.265 and 1971 ex.s. c 112 s 2 are each amended
26 to read as follows:

27 It shall be unlawful for a candidate for office or for nomination
28 thereto whose name appears upon the ballot at any election to give to
29 or purchase for another person, not a member of his or her family, any
30 liquor or marijuana in or upon any premises licensed by the state for
31 the sale of any marijuana or any such liquor by the drink during the
32 hours that the polls are open on the day of such election.

33 **Sec. 76.** RCW 66.44.270 and 1998 c 4 s 1 are each amended to read
34 as follows:

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

9 (2)(a) It is unlawful for any person under the age of twenty-one
10 years to possess, consume, or otherwise acquire any liquor or
11 marijuana. A violation of this subsection is a gross misdemeanor
12 punishable as provided for in chapter 9A.20 RCW.

13 (b) It is unlawful for a person under the age of twenty-one years
14 to be in a public place, or to be in a motor vehicle in a public place,
15 while exhibiting the effects of having consumed liquor or smoked
16 marijuana. For purposes of this subsection, exhibiting the effects of
17 having consumed liquor or smoked marijuana means that a person has the
18 odor of liquor or marijuana on his or her breath and either: (i) Is in
19 possession of or close proximity to a container that has or recently
20 had liquor or marijuana in it; or (ii) by speech, manner, appearance,
21 behavior, lack of coordination, or otherwise, exhibits that he or she
22 is under the influence of liquor or marijuana. This subsection (2)(b)
23 does not apply if the person is in the presence of a parent or guardian
24 or has consumed or is consuming liquor or has smoked or is smoking
25 marijuana under circumstances described in subsection (4) or (5) of
26 this section.

27 (3) Subsections (1) and (2)(a) of this section do not apply to
28 liquor or marijuana given or permitted to be given to a person under
29 the age of twenty-one years by a parent or guardian and consumed or
30 smoked in the presence of the parent or guardian. This subsection
31 shall not authorize consumption or possession of liquor or the smoking
32 or possession of marijuana by a person under the age of twenty-one
33 years on any premises licensed under chapter 66.24 RCW.

34 (4) This section does not apply to liquor or marijuana given for
35 medicinal purposes to a person under the age of twenty-one years by a
36 parent, guardian, physician, or dentist.

37 (5) This section does not apply to liquor or marijuana given to a

1 person under the age of twenty-one years when such liquor or marijuana
2 is being used in connection with religious services and the amount
3 consumed is the minimal amount necessary for the religious service.

4 (6) Conviction or forfeiture of bail for a violation of this
5 section by a person under the age of twenty-one years at the time of
6 such conviction or forfeiture shall not be a disqualification of that
7 person to acquire a license to sell or dispense any liquor or to grow
8 or sell marijuana after that person has attained the age of twenty-one
9 years.

10 **Sec. 77.** RCW 66.44.290 and 2003 c 53 s 301 are each amended to
11 read as follows:

12 (1) Every person under the age of twenty-one years who purchases or
13 attempts to purchase liquor or marijuana shall be guilty of a violation
14 of this title. This section does not apply to persons between the ages
15 of eighteen and twenty-one years who are participating in a controlled
16 purchase program authorized by the liquor control board under rules
17 adopted by the board. Violations occurring under a private, controlled
18 purchase program authorized by the liquor control board may not be used
19 for criminal or administrative prosecution.

20 (2) An employer who conducts an in-house controlled purchase
21 program authorized under this section shall provide his or her
22 employees a written description of the employer's in-house controlled
23 purchase program. The written description must include notice of
24 actions an employer may take as a consequence of an employee's failure
25 to comply with company policies regarding the sale of alcohol or
26 marijuana during an in-house controlled purchase.

27 (3) An in-house controlled purchase program authorized under this
28 section shall be for the purposes of employee training and employer
29 self-compliance checks. An employer may not terminate an employee
30 solely for a first-time failure to comply with company policies
31 regarding the sale of alcohol or marijuana during an in-house
32 controlled purchase program authorized under this section.

33 (4) Every person between the ages of eighteen and twenty,
34 inclusive, who is convicted of a violation of this section is guilty of
35 a misdemeanor punishable as provided by RCW 9A.20.021, except that a
36 minimum fine of two hundred fifty dollars shall be imposed and any

1 sentence requiring community restitution shall require not fewer than
2 twenty-five hours of community restitution.

3 **Sec. 78.** RCW 66.44.292 and 1981 1st ex.s. c 5 s 23 are each
4 amended to read as follows:

5 The Washington state liquor control board shall furnish
6 notification of any hearing or hearings held, wherein any licensee or
7 his or her employee is found to have sold liquor or marijuana to a
8 minor, to the prosecuting attorney of the county in which the sale took
9 place, upon which the prosecuting attorney may formulate charges
10 against said minor or minors for such violation of RCW 66.44.290 as may
11 appear.

12 **Sec. 79.** RCW 66.44.300 and 1994 c 201 s 7 are each amended to read
13 as follows:

14 Any person who invites a minor into a public place where liquor or
15 marijuana is sold and treats, gives, or purchases liquor or marijuana
16 for such minor, or permits a minor to treat, give, or purchase liquor
17 or marijuana for the adult; or holds out such minor to be twenty-one
18 years of age or older to the owner or employee of the liquor
19 establishment, a law enforcement officer, or a liquor enforcement
20 officer shall be guilty of a misdemeanor.

21 **Sec. 80.** RCW 66.44.310 and 2007 c 370 s 12 are each amended to
22 read as follows:

23 (1) Except as otherwise provided by RCW 66.44.316, 66.44.350, and
24 66.24.590, it shall be a misdemeanor:

25 (a) To serve or allow to remain in any area classified by the board
26 as off-limits to any person under the age of twenty-one years;

27 (b) For any person under the age of twenty-one years to enter or
28 remain in any area classified as off-limits to such a person, but
29 persons under twenty-one years of age may pass through a restricted
30 area in a facility holding a spirits, beer, and wine private club
31 license;

32 (c) For any person under the age of twenty-one years to represent
33 his or her age as being twenty-one or more years for the purpose of
34 purchasing liquor or marijuana or securing admission to, or remaining
35 in any area classified by the board as off-limits to such a person.

1 (2) The Washington state liquor control board shall have the power
2 and it shall be its duty to classify licensed premises or portions of
3 licensed premises as off-limits to persons under the age of twenty-one
4 years of age.

5 **Sec. 81.** RCW 66.44.325 and 2002 c 175 s 43 are each amended to
6 read as follows:

7 Any person who transfers in any manner an identification of age to
8 a minor for the purpose of permitting such minor to obtain alcoholic
9 beverages or marijuana shall be guilty of a misdemeanor punishable as
10 provided by RCW 9A.20.021, except that a minimum fine of two hundred
11 fifty dollars shall be imposed and any sentence requiring community
12 restitution shall require not fewer than twenty-five hours of community
13 restitution: PROVIDED, That corroborative testimony of a witness other
14 than the minor shall be a condition precedent to conviction.

15 **Sec. 82.** RCW 66.98.010 and 1933 ex.s. c 62 s 1 are each amended to
16 read as follows:

17 This act may be cited as the "Washington State Liquor and Marijuana
18 Act."

19 **Sec. 83.** RCW 69.04.480 and 2009 c 549 s 1023 are each amended to
20 read as follows:

21 A drug or device shall be deemed to be misbranded if it is for use
22 by human beings and contains any quantity of the narcotic or hypnotic
23 substance alpha eucaine, barbituric acid, beta eucaine, bromal,
24 (~~cannabis~~) carbromal, chloral, coca, cocaine, codeine, heroin,
25 (~~marijuana~~) morphine, opium, paraldehyde, peyote, or sulphomethane;
26 or any chemical derivative of such substance, which derivative has been
27 designated as habit forming by regulations promulgated under section
28 502(d) of the federal act; unless its label bears the name and quantity
29 or proportion of such substance or derivative and in juxtaposition
30 therewith the statement "Warning--May be habit forming."

31 **Sec. 84.** RCW 69.50.204 and 1993 c 187 s 4 are each amended to read
32 as follows:

33 Unless specifically excepted by state or federal law or regulation

1 or more specifically included in another schedule, the following
2 controlled substances are listed in Schedule I:

3 (a) Any of the following opiates, including their isomers, esters,
4 ethers, salts, and salts of isomers, esters, and ethers whenever the
5 existence of these isomers, esters, ethers, and salts is possible
6 within the specific chemical designation:

- 7 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
8 piperidinyl]-N-phenylacetamide);
- 9 (2) Acetylmethadol;
- 10 (3) Allylprodine;
- 11 (4) Alphacetylmethadol;
- 12 (5) Alphameprodine;
- 13 (6) Alphamethadol;
- 14 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-
15 4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
16 propanilido) piperidine);
- 17 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
18 piperidinyl]-N-phenylpropanamide);
- 19 (9) Benzethidine;
- 20 (10) Betacetylmethadol;
- 21 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
22 piperidinyl]-N-phenylpropanamide);
- 23 (12) Beta-hydroxy-3-methylfentanyl some trade or other names: N-
24 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;
- 25 (13) Betameprodine;
- 26 (14) Betamethadol;
- 27 (15) Betaprodine;
- 28 (16) Clonitazene;
- 29 (17) Dextromoramide;
- 30 (18) Diampromide;
- 31 (19) Diethylthiambutene;
- 32 (20) Difenoxin;
- 33 (21) Dimenoxadol;
- 34 (22) Dimepheptanol;
- 35 (23) Dimethylthiambutene;
- 36 (24) Dioxaphetyl butyrate;
- 37 (25) Dipipanone;
- 38 (26) Ethylmethylthiambutene;

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

34 (b) Opium derivatives. Unless specifically excepted or unless
35 listed in another schedule, any of the following opium derivatives,
36 including their salts, isomers, and salts of isomers whenever the
37 existence of those salts, isomers, and salts of isomers is possible
38 within the specific chemical designation:

- 1 (1) Acetorphine;
- 2 (2) Acetyldihydrocodeine;
- 3 (3) Benzylmorphine;
- 4 (4) Codeine methylbromide;
- 5 (5) Codeine-N-Oxide;
- 6 (6) Cyprenorphine;
- 7 (7) Desomorphine;
- 8 (8) 3,4-methylenedioxy-N-ethylamphetamine some trade or other
9 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl
10 MDA, MDE, MDEA;
- 11 (9) N-hydroxy-3,4-methylenedioxyamphetamine some trade or other
12 names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and
13 N-hydroxy MDA;
- 14 (10) Dihydromorphine;
- 15 (11) Drotebanol;
- 16 (12) Etorphine, except hydrochloride salt;
- 17 (13) Heroin;
- 18 (14) Hydromorphenol;
- 19 (15) Methyldesorphine;
- 20 (16) Methyldihydromorphine;
- 21 (17) Morphine methylbromide;
- 22 (18) Morphine methylsulfonate;
- 23 (19) Morphine-N-Oxide;
- 24 (20) Myrophine;
- 25 (21) Nicocodeine;
- 26 (22) Nicomorphine;
- 27 (23) Normorphine;
- 28 (24) Pholcodine;
- 29 (25) Thebacon.

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

- 36 (1) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
37 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;

- 1 (2) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
2 dimethoxy-a-methylphenethylamine; 2,5-DMA;
- 3 (3) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-
4 methylphenethylamine; paramethoxyamphetamine, PMA;
- 5 (4) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 6 (5) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
7 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and
8 "STP";
- 9 (6) 3,4-methylenedioxy amphetamine;
- 10 (7) 3,4-methylenedioxymethamphetamine (MDMA);
- 11 (8) 3,4,5-trimethoxy amphetamine;
- 12 (9) Bufotenine: Some trade or other names: 3-(beta-
13 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol;
14 N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;
- 15 (10) Diethyltryptamine: Some trade or other names: N,N-
16 Diethyltryptamine; DET;
- 17 (11) Dimethyltryptamine: Some trade or other names: DMT;
- 18 (12) Ibogaine: Some trade or other names: 7-Ethyl-6,6
19 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyrido (1',2'
20 1,2) azepino (5,4-b) indole; Tabernanthe iboga;
- 21 (13) Lysergic acid diethylamide;
- 22 (14) (~~Marihuana or marijuana;~~
- 23 ~~(15)~~) Mescaline;
- 24 (~~(16)~~) (15) Parahexyl-7374: Some trade or other names: 3-Hexyl-
25 1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
26 dibenzo[b,d]pyran; synhexyl;
- 27 (~~(17)~~) (16) Peyote, meaning all parts of the plant presently
28 classified botanically as Lophophora Williamsii Lemaire, whether
29 growing or not, the seeds thereof, any extract from any part of such
30 plant, and every compound, manufacture, salts, derivative, mixture, or
31 preparation of such plant, its seeds, or extracts; (interprets 21
32 U.S.C. Sec. 812 (c), Schedule I (c)(12));
- 33 (~~(18)~~) (17) N-ethyl-3-piperidyl benzilate;
- 34 (~~(19)~~) (18) N-methyl-3-piperidyl benzilate;
- 35 (~~(20)~~) (19) Psilocybin;
- 36 (~~(21)~~) (20) Psilocyn;
- 37 (~~(22)~~) (21) Tetrahydrocannabinols, synthetic equivalents of the
38 substances contained in the plant, or in the resinous extractives of

1 Cannabis, species, and/or synthetic substances, derivatives, and their
2 isomers with similar chemical structure and pharmacological activity
3 such as the following:

4 (i) Delta 1 - cis - or trans tetrahydrocannabinol, and their
5 optical isomers, excluding tetrahydrocannabinol in sesame oil and
6 encapsulated in a soft gelatin capsule in a drug product approved by
7 the United States Food and Drug Administration;

8 (ii) Delta 6 - cis - or trans tetrahydrocannabinol, and their
9 optical isomers;

10 (iii) Delta 3,4 - cis - or trans tetrahydrocannabinol, and its
11 optical isomers;

12 (Since nomenclature of these substances is not internationally
13 standardized, compounds of these structures, regardless of numerical
14 designation of atomic positions covered.)

15 ~~((+23))~~ (22) Ethylamine analog of phencyclidine: Some trade or
16 other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
17 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

18 ~~((+24))~~ (23) Pyrrolidine analog of phencyclidine: Some trade or
19 other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

20 ~~((+25))~~ (24) Thiophene analog of phencyclidine: Some trade or
21 other names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
22 phencyclidine; TPCP; TCP;

23 ~~((+26))~~ (25) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or
24 other name is TCPy.

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

31 (1) Mecloqualone;

32 (2) Methaqualone.

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

38 (1) Fenethylamine;

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

3 (3) N-ethylamphetamine;

4 (4) 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 rescheduled or
7 deleted as provided for in RCW 69.50.201.

8 **Sec. 85.** RCW 69.50.505 and 2009 c 479 s 46 and 2009 c 364 s 1 are
9 each reenacted and amended to read as follows:

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

12 (a) All controlled substances which have been manufactured,
13 distributed, dispensed, acquired, or possessed in violation of this
14 chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as
15 defined in RCW 64.44.010, used or intended to be used in the
16 manufacture of controlled substances;

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

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

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

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

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

35 ~~(iii) ((No conveyance is subject to forfeiture under this section
36 if used in the receipt of only an amount of marijuana for which
37 possession constitutes a misdemeanor under RCW 69.50.4014;~~

1 ~~(iv)~~) A forfeiture of a conveyance encumbered by a bona fide
2 security interest is subject to the interest of the secured party if
3 the secured party neither had knowledge of nor consented to the act or
4 omission; and

5 ~~((v))~~ (iv) When the owner of a conveyance has been arrested under
6 this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the
7 person is arrested may not be subject to forfeiture unless it is seized
8 or process is issued for its seizure within ten days of the owner's
9 arrest;

10 (e) All books, records, and research products and materials,
11 including formulas, microfilm, tapes, and data which are used, or
12 intended for use, in violation of this chapter or chapter 69.41 or
13 69.52 RCW;

14 (f) All drug paraphernalia;

15 (g) All moneys, negotiable instruments, securities, or other
16 tangible or intangible property of value furnished or intended to be
17 furnished by any person in exchange for a controlled substance in
18 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible
19 or intangible personal property, proceeds, or assets acquired in whole
20 or in part with proceeds traceable to an exchange or series of
21 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
22 and all moneys, negotiable instruments, and securities used or intended
23 to be used to facilitate any violation of this chapter or chapter 69.41
24 or 69.52 RCW. A forfeiture of money, negotiable instruments,
25 securities, or other tangible or intangible property encumbered by a
26 bona fide security interest is subject to the interest of the secured
27 party if, at the time the security interest was created, the secured
28 party neither had knowledge of nor consented to the act or omission.
29 No personal property may be forfeited under this subsection (1)(g), to
30 the extent of the interest of an owner, by reason of any act or
31 omission which that owner establishes was committed or omitted without
32 the owner's knowledge or consent; and

33 (h) All real property, including any right, title, and interest in
34 the whole of any lot or tract of land, and any appurtenances or
35 improvements which are being used with the knowledge of the owner for
36 the manufacturing, compounding, processing, delivery, importing, or
37 exporting of any controlled substance, or which have been acquired in
38 whole or in part with proceeds traceable to an exchange or series of

1 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
2 if such activity is not less than a class C felony and a substantial
3 nexus exists between the commercial production or sale of the
4 controlled substance and the real property. However:

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

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

12 (iii) The possession of marijuana shall not result in the
13 forfeiture of real property unless the marijuana is possessed for
14 commercial purposes, the amount possessed is five or more plants or one
15 pound or more of marijuana, and a substantial nexus exists between the
16 possession of marijuana and the real property. In such a case, the
17 intent of the offender shall be determined by the preponderance of the
18 evidence, including the offender's prior criminal history, the amount
19 of marijuana possessed by the offender, the sophistication of the
20 activity or equipment used by the offender, and other evidence which
21 demonstrates the offender's intent to engage in commercial activity;

22 (iv) The unlawful sale of marijuana or a legend drug shall not
23 result in the forfeiture of real property unless the sale was forty
24 grams or more in the case of marijuana or one hundred dollars or more
25 in the case of a legend drug, and a substantial nexus exists between
26 the unlawful sale and the real property; and

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

31 (2) Real or personal property subject to forfeiture under this
32 chapter may be seized by any board inspector or law enforcement officer
33 of this state upon process issued by any superior court having
34 jurisdiction over the property. Seizure of real property shall include
35 the filing of a lis pendens by the seizing agency. Real property
36 seized under this section shall not be transferred or otherwise
37 conveyed until ninety days after seizure or until a judgment of
38 forfeiture is entered, whichever is later: PROVIDED, That real

1 property seized under this section may be transferred or conveyed to
2 any person or entity who acquires title by foreclosure or deed in lieu
3 of foreclosure of a security interest. Seizure of personal property
4 without process may be made if:

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

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

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

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

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

1 receipt requested. Service by mail shall be deemed complete upon
2 mailing within the fifteen day period following the seizure.

3 (4) If no person notifies the seizing law enforcement agency in
4 writing of the person's claim of ownership or right to possession of
5 items specified in subsection (1)(d), (g), or (h) of this section
6 within forty-five days of the service of notice from the seizing agency
7 in the case of personal property and ninety days in the case of real
8 property, the item seized shall be deemed forfeited. The community
9 property interest in real property of a person whose spouse or domestic
10 partner committed a violation giving rise to seizure of the real
11 property may not be forfeited if the person did not participate in the
12 violation.

13 (5) If any person notifies the seizing law enforcement agency in
14 writing of the person's claim of ownership or right to possession of
15 items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h)
16 of this section within forty-five days of the service of notice from
17 the seizing agency in the case of personal property and ninety days in
18 the case of real property, the person or persons shall be afforded a
19 reasonable opportunity to be heard as to the claim or right. The
20 notice of claim may be served by any method authorized by law or court
21 rule including, but not limited to, service by first-class mail.
22 Service by mail shall be deemed complete upon mailing within the forty-
23 five day period following service of the notice of seizure in the case
24 of personal property and within the ninety-day period following service
25 of the notice of seizure in the case of real property. The hearing
26 shall be before the chief law enforcement officer of the seizing agency
27 or the chief law enforcement officer's designee, except where the
28 seizing agency is a state agency as defined in RCW 34.12.020(4), the
29 hearing shall be before the chief law enforcement officer of the
30 seizing agency or an administrative law judge appointed under chapter
31 34.12 RCW, except that any person asserting a claim or right may remove
32 the matter to a court of competent jurisdiction. Removal of any matter
33 involving personal property may only be accomplished according to the
34 rules of civil procedure. The person seeking removal of the matter
35 must serve process against the state, county, political subdivision, or
36 municipality that operates the seizing agency, and any other party of
37 interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-
38 five days after the person seeking removal has notified the seizing law

1 enforcement agency of the person's claim of ownership or right to
2 possession. The court to which the matter is to be removed shall be
3 the district court when the aggregate value of personal property is
4 within the jurisdictional limit set forth in RCW 3.66.020. A hearing
5 before the seizing agency and any appeal therefrom shall be under Title
6 34 RCW. In all cases, the burden of proof is upon the law enforcement
7 agency to establish, by a preponderance of the evidence, that the
8 property is subject to forfeiture.

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

15 (6) In any proceeding to forfeit property under this title, where
16 the claimant substantially prevails, the claimant is entitled to
17 reasonable attorneys' fees reasonably incurred by the claimant. In
18 addition, in a court hearing between two or more claimants to the
19 article or articles involved, the prevailing party is entitled to a
20 judgment for costs and reasonable attorneys' fees.

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

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

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

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

31 (d) Forward it to the drug enforcement administration for
32 disposition.

33 (8)(a) When property is forfeited, the seizing agency shall keep a
34 record indicating the identity of the prior owner, if known, a
35 description of the property, the disposition of the property, the value
36 of the property at the time of seizure, and the amount of proceeds
37 realized from disposition of the property.

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

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

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

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

14 (b) The net proceeds of forfeited property is the value of the
15 forfeitable interest in the property after deducting the cost of
16 satisfying any bona fide security interest to which the property is
17 subject at the time of seizure; and in the case of sold property, after
18 deducting the cost of sale, including reasonable fees or commissions
19 paid to independent selling agents, and the cost of any valid
20 landlord's claim for damages under subsection (15) of this section.

21 (c) The value of sold forfeited property is the sale price. The
22 value of retained forfeited property is the fair market value of the
23 property at the time of seizure, determined when possible by reference
24 to an applicable commonly used index, such as the index used by the
25 department of licensing for valuation of motor vehicles. A seizing
26 agency may use, but need not use, an independent qualified appraiser to
27 determine the value of retained property. If an appraiser is used, the
28 value of the property appraised is net of the cost of the appraisal.
29 The value of destroyed property and retained firearms or illegal
30 property is zero.

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

36 (11) Controlled substances listed in Schedule I, II, III, IV, and
37 V that are possessed, transferred, sold, or offered for sale in
38 violation of this chapter are contraband and shall be seized and

1 summarily forfeited to the state. Controlled substances listed in
2 Schedule I, II, III, IV, and V, which are seized or come into the
3 possession of the board, the owners of which are unknown, are
4 contraband and shall be summarily forfeited to the board.

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

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

16 (14) Upon the entry of an order of forfeiture of real property, the
17 court shall forward a copy of the order to the assessor of the county
18 in which the property is located. Orders for the forfeiture of real
19 property shall be entered by the superior court, subject to court
20 rules. Such an order shall be filed by the seizing agency in the
21 county auditor's records in the county in which the real property is
22 located.

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

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

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

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

1 (ii) Only if the governmental entity denies or fails to respond to
2 the landlord's claim within sixty days of the date of filing, may the
3 landlord collect damages under this subsection by filing within thirty
4 days of denial or the expiration of the sixty-day period, whichever
5 occurs first, a claim with the seizing law enforcement agency. The
6 seizing law enforcement agency must notify the landlord of the status
7 of the claim by the end of the thirty-day period. Nothing in this
8 section requires the claim to be paid by the end of the sixty-day or
9 thirty-day period.

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

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

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

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

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

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

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

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

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

36 **Sec. 86.** RCW 69.51A.005 and 2007 c 371 s 2 are each amended to
37 read as follows:

1 The people of Washington state find that some patients with
2 terminal or debilitating illnesses, under their physician's care, may
3 benefit from the medical use of marijuana. Some of the illnesses for
4 which marijuana appears to be beneficial include chemotherapy-related
5 nausea and vomiting in cancer patients; AIDS wasting syndrome; severe
6 muscle spasms associated with multiple sclerosis and other spasticity
7 disorders; epilepsy; acute or chronic glaucoma; and some forms of
8 intractable pain.

9 The people find that humanitarian compassion necessitates that the
10 decision to authorize the medical use of marijuana by patients with
11 terminal or debilitating illnesses is a personal, individual decision,
12 based upon their physician's professional medical judgment and
13 discretion.

14 ~~((Therefore, the people of the state of Washington intend that:
15 Qualifying patients with terminal or debilitating illnesses who, in
16 the judgment of their physicians, may benefit from the medical use of
17 marijuana, shall not be found guilty of a crime under state law for
18 their possession and limited use of marijuana;~~

19 ~~Persons who act as designated providers to such patients shall also
20 not be found guilty of a crime under state law for assisting with the
21 medical use of marijuana; and~~

22 ~~Physicians also be excepted from liability and prosecution for the
23 authorization of marijuana use to qualifying patients for whom, in the
24 physician's professional judgment, medical marijuana may prove
25 beneficial.))~~

26 **Sec. 87.** RCW 69.51A.010 and 2007 c 371 s 3 are each amended to
27 read as follows:

28 The definitions in this section apply throughout this chapter
29 unless the context clearly requires otherwise.

30 (1) "Designated provider" means a person who:

31 (a) Is eighteen years of age or older;

32 (b) Has been designated in writing by a patient to serve as a
33 designated provider under this chapter; and

34 (c) ~~((Is prohibited from consuming marijuana obtained for the
35 personal, medical use of the patient for whom the individual is acting
36 as designated provider; and~~

1 ~~(d)~~) Is the designated provider to only one patient at any one
2 time.

3 (2) "Medical use of marijuana" means the production, possession, or
4 administration of marijuana, as defined in RCW 69.50.101(q), for the
5 exclusive benefit of a qualifying patient in the treatment of his or
6 her terminal or debilitating illness.

7 (3) "Qualifying patient" means a person who:

8 (a) Is a patient of a physician licensed under chapter 18.71 or
9 18.57 RCW;

10 (b) Has been diagnosed by that physician as having a terminal or
11 debilitating medical condition;

12 (c) Is a resident of the state of Washington at the time of such
13 diagnosis;

14 (d) Has been advised by that physician about the risks and benefits
15 of the medical use of marijuana; and

16 (e) Has been advised by that physician that they may benefit from
17 the medical use of marijuana.

18 (4) "Terminal or debilitating medical condition" means:

19 (a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis,
20 epilepsy or other seizure disorder, or spasticity disorders; or

21 (b) Intractable pain, limited for the purpose of this chapter to
22 mean pain unrelieved by standard medical treatments and medications; or

23 (c) Glaucoma, either acute or chronic, limited for the purpose of
24 this chapter to mean increased intraocular pressure unrelieved by
25 standard treatments and medications; or

26 (d) Crohn's disease with debilitating symptoms unrelieved by
27 standard treatments or medications; or

28 (e) Hepatitis C with debilitating nausea or intractable pain
29 unrelieved by standard treatments or medications; or

30 (f) Diseases, including anorexia, which result in nausea, vomiting,
31 wasting, appetite loss, cramping, seizures, muscle spasms, or
32 spasticity, when these symptoms are unrelieved by standard treatments
33 or medications; or

34 (g) Any other medical condition duly approved by the Washington
35 state medical quality assurance commission in consultation with the
36 board of osteopathic medicine and surgery as directed in this chapter.

37 (5) "Valid documentation" means:

1 (a) A statement signed by a qualifying patient's physician, or a
2 copy of the qualifying patient's pertinent medical records, which
3 states that, in the physician's professional opinion, the patient may
4 benefit from the medical use of marijuana;

5 (b) Proof of identity such as a Washington state driver's license
6 or identicard, as defined in RCW 46.20.035; and

7 (c) A copy of the physician statement described in (a) of this
8 subsection shall have the same force and effect as the signed original.

9 **Sec. 88.** RCW 69.51A.060 and 2007 c 371 s 6 are each amended to
10 read as follows:

11 ~~((It shall be a misdemeanor to use or display medical marijuana
12 in a manner or place which is open to the view of the general public.~~

13 ~~(+2))~~ Nothing in this chapter requires any health insurance
14 provider to be liable for any claim for reimbursement for the medical
15 use of marijuana.

16 ~~((+3))~~ (2) Nothing in this chapter requires any physician to
17 authorize the use of medical marijuana for a patient.

18 ~~((+4))~~ (3) Nothing in this chapter requires any accommodation of
19 any on-site medical use of marijuana in any place of employment, in any
20 school bus or on any school grounds, in any youth center, in any
21 correctional facility, or smoking medical marijuana in any public place
22 as that term is defined in RCW 70.160.020.

23 ~~((+5))~~ (4) It is a class C felony to fraudulently produce any
24 record purporting to be, or tamper with the content of any record for
25 the purpose of having it accepted as, valid documentation under RCW
26 69.51A.010~~((+6))~~ (5)(a).

27 ~~((+6) No person shall be entitled to claim the affirmative defense
28 provided in RCW 69.51A.040 for engaging in the medical use of marijuana
29 in a way that endangers the health or well-being of any person through
30 the use of a motorized vehicle on a street, road, or highway.))~~

31 NEW SECTION. **Sec. 89.** A new section is added to chapter 70.96A
32 RCW to read as follows:

33 To be eligible to receive its share of marijuana taxes and profits,
34 each city and county shall devote no less than two percent of its share
35 of marijuana taxes and profits to the support of a program of drug

1 addiction approved by the alcoholism and other drug addiction board
2 authorized by RCW 70.96A.300 and the secretary.

3 NEW SECTION. **Sec. 90.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 69.50.4014 (Possession of forty grams or less of
6 marihuana--Penalty) and 2003 c 53 s 335;

7 (2) RCW 69.51A.020 (Construction of chapter) and 1999 c 2 s 3;

8 (3) RCW 69.51A.030 (Physicians excepted from state's criminal laws)
9 and 2007 c 371 s 4 & 1999 c 2 s 4;

10 (4) RCW 69.51A.040 (Failure to seize marijuana, qualifying
11 patients' affirmative defense) and 2007 c 371 s 5 & 1999 c 2 s 5; and

12 (5) RCW 69.51A.050 (Medical marijuana, lawful possession--State not
13 liable) and 1999 c 2 s 7.

14 NEW SECTION. **Sec. 91.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 92.** Sections 17, 19, and 27 of this act are
19 each added to chapter 66.08 RCW.

20 NEW SECTION. **Sec. 93.** Sections 46 and 47 of this act are each
21 added to chapter 66.24 RCW.

22 NEW SECTION. **Sec. 94.** Sections 2 through 16 and 18 through 91 of
23 this act take effect July 1, 2011.

--- END ---