**5476 AMS PADD S2962.1 - NOT FOR FLOOR USE**

**SB 5476** - S AMD **873**

By Senator Padden

**OUT OF ORDER 04/15/2021**

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

(4)(a) The delivery by a person twenty-one years of age or older to one or more persons twenty-one years of age or older, during a single twenty-four hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following marijuana products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable marijuana;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) One superior court judge;

(B) One drug court judge;

(C) One member representing a criminal defender association;

(D) One member representing a prosecutor association;

(E) One member representing law enforcement;

(F) One member representing cities; and

(G) One member representing counties.

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

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

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

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

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

(5) The expenses of the work group must be paid jointly by the senate and the house of representatives. Work group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

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

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

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

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**OUT OF ORDER 04/15/2021**

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

EFFECT: Removes references to "personal use amounts." Makes changes to referral and diversion procedures. Makes local use of navigators optional. Changes infraction to class 1 infraction.