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HOUSE BILL 2000

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Hurst, Condotta, and Tarleton

Read first time 02/05/15. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to authorizing the governor to enter into  
2 agreements with federally recognized Indian tribes in the state of  
3 Washington concerning marijuana; amending RCW 69.50.360, 69.50.363,  
4 and 69.50.366; adding new sections to chapter 43.06 RCW; adding a new  
5 section to chapter 69.50 RCW; adding a new section to chapter 82.08  
6 RCW; and adding a new section to chapter 82.12 RCW.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.06  
9 RCW to read as follows:

10 The legislature intends to further the government-to-government  
11 relationship between the state of Washington and federally recognized  
12 Indian tribes in the state of Washington by authorizing the governor  
13 to enter into agreements concerning the regulation of marijuana. Such  
14 agreements may include provisions pertaining to: The lawful  
15 commercial production, processing, sale, and possession of marijuana  
16 for both recreational and medical purposes; marijuana-related  
17 research activities; law enforcement, both criminal and civil; and  
18 taxation. The legislature finds that these agreements will facilitate  
19 and promote a cooperative and mutually beneficial relationship  
20 between the state and the tribes regarding matters relating to the  
21 legalization of marijuana, particularly in light of the fact that

1 federal Indian law precludes the state from enforcing its civil  
2 regulatory laws in Indian country. Such cooperative agreements will  
3 enhance public health and safety, ensure a lawful and well-regulated  
4 marijuana market, encourage economic development, and provide fiscal  
5 benefits to both the tribes and the state.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.06  
7 RCW to read as follows:

8 (1) The governor may enter into agreements with federally  
9 recognized Indian tribes concerning marijuana. Marijuana agreements  
10 may address any marijuana-related issue that involves both state and  
11 tribal interests or otherwise has an impact on tribal-state  
12 relations. Such agreements may include, but are not limited to, the  
13 following provisions and subject matter:

- 14 (a) Criminal and civil law enforcement;
- 15 (b) Regulatory issues related to the commercial production,  
16 processing, sale, and possession of marijuana, and processed  
17 marijuana products, for both recreational and medical purposes;
- 18 (c) Medical and pharmaceutical research involving marijuana;
- 19 (d) Taxation;
- 20 (e) Any tribal immunities or preemption of state law regarding  
21 the production, processing, or marketing of marijuana; and
- 22 (f) Dispute resolution, including the use of mediation or other  
23 nonjudicial process.

24 (2) Any marijuana agreement relating to the production,  
25 processing, and sale of marijuana in Indian country, whether for  
26 recreational or medical purposes, must address the following issues:

- 27 (a) Preservation of public health and safety;
- 28 (b) Ensuring the security of production, processing, retail, and  
29 research facilities; and
- 30 (c) Cross-border commerce in marijuana.

31 (3) The governor may delegate the power to negotiate marijuana  
32 agreements to the state liquor control board. In conducting such  
33 negotiations, the state liquor control board must, when necessary,  
34 consult with the governor and/or the department of revenue.

35 (4) The definitions in this subsection apply throughout this  
36 section unless the context clearly requires otherwise.

37 (a) "Indian country" has the same meaning as in RCW 82.24.010.

1 (b) "Indian tribe" or "tribe" means a federally recognized Indian  
2 tribe located within the geographical boundaries of the state of  
3 Washington.

4 (c) "Marijuana" means "marijuana," "marijuana concentrates,"  
5 "marijuana-infused products," and "useable marijuana," as those terms  
6 are defined in RCW 69.50.101.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 69.50  
8 RCW to read as follows:

9 The taxes, fees, assessments, and other charges imposed by this  
10 chapter do not apply to commercial activities related to the  
11 production, processing, sale, and possession of marijuana, useable  
12 marijuana, marijuana concentrates, and marijuana-infused products  
13 covered by an agreement entered into under section 2 of this act.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.08  
15 RCW to read as follows:

16 The taxes imposed by this chapter do not apply to the retail sale  
17 of marijuana, useable marijuana, marijuana concentrates, and  
18 marijuana-infused products covered by an agreement entered into under  
19 section 2 of this act. "Marijuana," "useable marijuana," "marijuana  
20 concentrates," and "marijuana-infused products" have the same meaning  
21 as defined in RCW 69.50.101.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 82.12  
23 RCW to read as follows:

24 The taxes imposed by this chapter do not apply to the use of  
25 marijuana, useable marijuana, marijuana concentrates, and marijuana-  
26 infused products covered by an agreement entered into under section 2  
27 of this act. "Marijuana," "useable marijuana," "marijuana  
28 concentrates," and "marijuana-infused products" have the same meaning  
29 as defined in RCW 69.50.101.

30 **Sec. 6.** RCW 69.50.360 and 2014 c 192 s 5 are each amended to  
31 read as follows:

32 The following acts, when performed by a validly licensed  
33 marijuana retailer or employee of a validly licensed retail outlet in  
34 compliance with rules adopted by the state liquor control board to  
35 implement and enforce chapter 3, Laws of 2013, (~~shall~~) do not  
36 constitute criminal or civil offenses under Washington state law:

1 (1) Purchase and receipt of marijuana concentrates, useable  
2 marijuana, or marijuana-infused products that have been properly  
3 packaged and labeled from a marijuana processor validly licensed  
4 under chapter 3, Laws of 2013;

5 (2) Possession of quantities of marijuana concentrates, useable  
6 marijuana, or marijuana-infused products that do not exceed the  
7 maximum amounts established by the state liquor control board under  
8 RCW 69.50.345(5); (~~and~~)

9 (3) Delivery, distribution, and sale, on the premises of the  
10 retail outlet, of any combination of the following amounts of  
11 marijuana concentrates, useable marijuana, or marijuana-infused  
12 product to any person twenty-one years of age or older:

13 (a) One ounce of useable marijuana;

14 (b) Sixteen ounces of marijuana-infused product in solid form;

15 (c) Seventy-two ounces of marijuana-infused product in liquid  
16 form; or

17 (d) Seven grams of marijuana concentrate; and

18 (4) Purchase and receipt of marijuana concentrates, useable  
19 marijuana, or marijuana-infused products that have been properly  
20 packaged and labeled from a federally recognized Indian tribe as  
21 permitted under an agreement between the state and the tribe entered  
22 into under section 2 of this act.

23 **Sec. 7.** RCW 69.50.363 and 2013 c 3 s 16 are each amended to read  
24 as follows:

25 The following acts, when performed by a validly licensed  
26 marijuana processor or employee of a validly licensed marijuana  
27 processor in compliance with rules adopted by the state liquor  
28 control board to implement and enforce chapter 3, Laws of 2013,  
29 (~~shall~~) do not constitute criminal or civil offenses under  
30 Washington state law:

31 (1) Purchase and receipt of marijuana that has been properly  
32 packaged and labeled from a marijuana producer validly licensed under  
33 chapter 3, Laws of 2013;

34 (2) Possession, processing, packaging, and labeling of quantities  
35 of marijuana, useable marijuana, and marijuana-infused products that  
36 do not exceed the maximum amounts established by the state liquor  
37 control board under RCW 69.50.345(4); (~~and~~)

1 (3) Delivery, distribution, and sale of useable marijuana or  
2 marijuana-infused products to a marijuana retailer validly licensed  
3 under chapter 3, Laws of 2013; and

4 (4) Delivery, distribution, and sale of useable marijuana,  
5 marijuana concentrates, or marijuana-infused products to a federally  
6 recognized Indian tribe as permitted under an agreement between the  
7 state and the tribe entered into under section 2 of this act.

8 **Sec. 8.** RCW 69.50.366 and 2013 c 3 s 17 are each amended to read  
9 as follows:

10 The following acts, when performed by a validly licensed  
11 marijuana producer or employee of a validly licensed marijuana  
12 producer in compliance with rules adopted by the state liquor control  
13 board to implement and enforce chapter 3, Laws of 2013, (~~shall~~) do  
14 not constitute criminal or civil offenses under Washington state law:

15 (1) Production or possession of quantities of marijuana that do  
16 not exceed the maximum amounts established by the state liquor  
17 control board under RCW 69.50.345(3); (~~and~~)

18 (2) Delivery, distribution, and sale of marijuana to a marijuana  
19 processor or another marijuana producer validly licensed under  
20 chapter 3, Laws of 2013; and

21 (3) Delivery, distribution, and sale of marijuana or useable  
22 marijuana to a federally recognized Indian tribe as permitted under  
23 an agreement between the state and the tribe entered into under  
24 section 2 of this act.

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