

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1792

Chapter 379, Laws of 2019

66th Legislature
2019 Regular Session

SALE OF MARIJUANA TO PERSON UNDER TWENTY-ONE--CRIMINAL PENALTIES

EFFECTIVE DATE: July 28, 2019

Passed by the House April 22, 2019
Yeas 66 Nays 30

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 15, 2019
Yeas 28 Nays 17

CYRUS HABIB

President of the Senate

Approved May 13, 2019 4:09 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1792** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 16, 2019

**Secretary of State
State of Washington**

HOUSE BILL 1792

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington **66th Legislature** **2019 Regular Session**

By Representatives Pettigrew and Appleton

Read first time 01/31/19. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to criminal penalties applicable to licensed
2 marijuana retailers and employees of marijuana retail outlets;
3 amending RCW 69.50.401 and 69.50.406; adding a new section to chapter
4 69.50 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50
7 RCW to read as follows:

8 (1) Except as otherwise authorized in this chapter and as
9 provided in subsection (2) of this section, an employee of a retail
10 outlet who sells marijuana products to a person under the age of
11 twenty-one years in the course of his or her employment is guilty of
12 a gross misdemeanor.

13 (2) An employee of a retail outlet may be prosecuted under RCW
14 69.50.401 or 69.50.406 or any other applicable provision, if the
15 employee sells marijuana products to a person the employee knows is
16 under the age of twenty-one and not otherwise authorized to purchase
17 marijuana products under this chapter, or if the employee sells or
18 otherwise provides marijuana products to a person under the age of
19 twenty-one outside of the course of his or her employment.

1 **Sec. 2.** RCW 69.50.401 and 2015 c 265 s 34 are each amended to
2 read as follows:

3 (1) Except as authorized by this chapter, it is unlawful for any
4 person to manufacture, deliver, or possess with intent to manufacture
5 or deliver, a controlled substance.

6 (2) Any person who violates this section with respect to:

7 (a) A controlled substance classified in Schedule I or II which
8 is a narcotic drug or flunitrazepam, including its salts, isomers,
9 and salts of isomers, classified in Schedule IV, is guilty of a class
10 B felony and upon conviction may be imprisoned for not more than ten
11 years, or (i) fined not more than twenty-five thousand dollars if the
12 crime involved less than two kilograms of the drug, or both such
13 imprisonment and fine; or (ii) if the crime involved two or more
14 kilograms of the drug, then fined not more than one hundred thousand
15 dollars for the first two kilograms and not more than fifty dollars
16 for each gram in excess of two kilograms, or both such imprisonment
17 and fine;

18 (b) Amphetamine, including its salts, isomers, and salts of
19 isomers, or methamphetamine, including its salts, isomers, and salts
20 of isomers, is guilty of a class B felony and upon conviction may be
21 imprisoned for not more than ten years, or (i) fined not more than
22 twenty-five thousand dollars if the crime involved less than two
23 kilograms of the drug, or both such imprisonment and fine; or (ii) if
24 the crime involved two or more kilograms of the drug, then fined not
25 more than one hundred thousand dollars for the first two kilograms
26 and not more than fifty dollars for each gram in excess of two
27 kilograms, or both such imprisonment and fine. Three thousand dollars
28 of the fine may not be suspended. As collected, the first three
29 thousand dollars of the fine must be deposited with the law
30 enforcement agency having responsibility for cleanup of laboratories,
31 sites, or substances used in the manufacture of the methamphetamine,
32 including its salts, isomers, and salts of isomers. The fine moneys
33 deposited with that law enforcement agency must be used for such
34 clean-up cost;

35 (c) Any other controlled substance classified in Schedule I, II,
36 or III, is guilty of a class C felony punishable according to chapter
37 9A.20 RCW, except as provided in section 1 of this act;

38 (d) A substance classified in Schedule IV, except flunitrazepam,
39 including its salts, isomers, and salts of isomers, is guilty of a
40 class C felony punishable according to chapter 9A.20 RCW; or

1 (e) A substance classified in Schedule V, is guilty of a class C
2 felony punishable according to chapter 9A.20 RCW.

3 (3) The production, manufacture, processing, packaging, delivery,
4 distribution, sale, or possession of marijuana in compliance with the
5 terms set forth in RCW 69.50.360, 69.50.363, or 69.50.366 shall not
6 constitute a violation of this section, this chapter, or any other
7 provision of Washington state law.

8 (4) The fines in this section apply to adult offenders only.

9 **Sec. 3.** RCW 69.50.406 and 2005 c 218 s 2 are each amended to
10 read as follows:

11 (1) Any person eighteen years of age or over who violates RCW
12 69.50.401 by distributing a controlled substance listed in Schedules
13 I or II which is a narcotic drug or methamphetamine, including its
14 salts, isomers, and salts of isomers, or flunitrazepam, including its
15 salts, isomers, and salts of isomers, listed in Schedule IV, to a
16 person under eighteen years of age is guilty of a class A felony
17 punishable by the fine authorized by RCW 69.50.401(2) (a) or (b), by
18 a term of imprisonment of up to twice that authorized by RCW
19 69.50.401(2) (a) or (b), or by both.

20 (2) Except as provided in section 1 of this act, any person
21 eighteen years of age or over who violates RCW 69.50.401 by
22 distributing any other controlled substance listed in Schedules I,
23 II, III, IV, and V to a person under eighteen years of age who is at
24 least three years his or her junior is guilty of a class B felony
25 punishable by the fine authorized by RCW 69.50.401(2) (c), (d), or
26 (e), by a term of imprisonment up to twice that authorized by RCW
27 69.50.401(2) (c), (d), or (e), or both.

Passed by the House April 22, 2019.
Passed by the Senate April 15, 2019.
Approved by the Governor May 13, 2019.
Filed in Office of Secretary of State May 16, 2019.

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