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**HOUSE BILL 2559**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Blake and Condotta

AN ACT Relating to home cultivation of marijuana; and amending RCW 69.50.4013.

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

**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 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)(a) It is not a violation of this section, this chapter, or any provision of Washington state law for a person age twenty-one or over to possess no more than six marijuana plants and up to twenty-four ounces of useable marijuana harvested from plants lawfully grown on the premises of the housing unit occupied by the person in possession of the marijuana plants and useable marijuana. No more than six plants may be grown or possessed on the premises of a single housing unit pursuant to this subsection, regardless of the number of residents living on the premises.

(b) This subsection does not apply to marijuana plants or useable marijuana possessed or seized at a location other than the premises of the housing unit in which the marijuana plants were grown.

(c) Nothing in this subsection may be construed to prevent or restrict a property owner from prohibiting the cultivation of marijuana plants by a renter or lessee upon or within the property under the terms of a rental agreement, lease, or other contract.

(d) For the purposes of this subsection, "housing unit" has the meaning provided in RCW 69.51A.010.

(6) 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)~~)) (7) 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.

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