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**HOUSE BILL 1802**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Cheney, Graham, Rude, Walsh, Waters, and McClintock

AN ACT Relating to minors in possession of alcohol, cannabis, or controlled substances; amending RCW 66.44.270, 69.50.4013, and 69.50.4013; providing an effective date; providing an expiration date; and declaring an emergency.

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

**Sec.**  RCW 66.44.270 and 2015 c 59 s 2 are each amended to read as follows:

(1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of ((~~twenty-one~~)) 21 years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. For the purposes of this subsection, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

(2)(a) It is unlawful for any person under the age of ((~~twenty-one~~)) 21 years to knowingly possess, consume, or otherwise acquire any liquor, cannabis, cannabis-infused products, cannabis concentrates, regardless of THC concentration, or any other controlled substance as defined in RCW 69.50.101. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

(b) It is unlawful for a person under the age of ((~~twenty-one~~)) 21 years to be in a public place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. For purposes of this subsection, exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either: (i) Is in possession of or close proximity to a container that has or recently had liquor in it; or (ii) by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor. This subsection (2)(b) does not apply if the person is in the presence of a parent or guardian or has consumed or is consuming liquor under circumstances described in subsection ((~~(4), (5), or (7)~~)) (5), (6), or (8) of this section.

(3) Subsections (1) and (2)(a) of this section do not apply to liquor given or permitted to be given to a person under the age of ((~~twenty-one~~)) 21 years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of ((~~twenty-one~~)) 21 years on any premises licensed under chapter 66.24 RCW.

(4) Subsection (2)(a) of this section does not apply to:

(a) A person under the age of 21 years in possession of a controlled substance as defined in RCW 69.50.101 that 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 chapter 69.50 RCW; or

(b) The possession by a qualifying patient or designated provider of cannabis concentrates, useable cannabis, cannabis-infused products, or plants in accordance with chapter 69.51A RCW.

(5) This section does not apply to liquor given for medicinal purposes to a person under the age of ((~~twenty-one~~)) 21 years by a parent, guardian, physician, or dentist.

((~~(5)~~)) (6) This section does not apply to liquor given to a person under the age of ((~~twenty-one~~)) 21 years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

((~~(6)~~)) (7) This section does not apply to liquor provided to students under ((~~twenty-one~~)) 21 years of age in accordance with a special permit issued under RCW 66.20.010(12).

((~~(7)~~)) (8)(a) A person under the age of ((~~twenty~~‑~~one~~)) 21 years acting in good faith who seeks medical assistance for someone experiencing alcohol poisoning shall not be charged or prosecuted under subsection (2)(a) of this section, if the evidence for the charge was obtained as a result of the person seeking medical assistance.

(b) A person under the age of ((~~twenty~~‑~~one~~)) 21 years who experiences alcohol poisoning and is in need of medical assistance shall not be charged or prosecuted under subsection (2)(a) of this section, if the evidence for the charge was obtained as a result of the poisoning and need for medical assistance.

(c) The protection in this subsection shall not be grounds for suppression of evidence in other criminal charges.

((~~(8)~~)) (9) Conviction or forfeiture of bail for a violation of this section by a person under the age of ((~~twenty-one~~)) 21 years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor after that person has attained the age of ((~~twenty-one~~)) 21 years.

(10) When a law enforcement officer has probable cause to believe a violation of subsection (2)(a) of this section has occurred where the person under the age of 21 is driving a vehicle and there are any other persons under the age of 18 riding as passengers in the vehicle, the law enforcement officer shall make every effort to contact the parent or guardian of the passenger and inform the parent or guardian that the passenger was in the vehicle with a person under the age of 21 in possession of alcohol, cannabis, or any other controlled substance.

**Sec.**  RCW 69.50.4013 and 2022 c 16 s 85 are each amended to read as follows:

(1) It is unlawful for any person 21 years of age or older 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 misdemeanor.

(3) The prosecutor is encouraged to divert cases under this section for assessment, treatment, or other services.

(4)(a) The possession, by a person ((~~twenty-one~~)) 21 years of age or older, of useable cannabis, cannabis concentrates, or cannabis-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 cannabis, useable cannabis, cannabis concentrates, and cannabis-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.

(5)(a) The delivery by a person ((~~twenty-one~~)) 21 years of age or older to one or more persons ((~~twenty-one~~)) 21 years of age or older, during a single ((~~twenty-four~~)) 24 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 cannabis products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable cannabis;

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

(iii) ((~~Thirty-six~~)) 36 ounces of cannabis-infused product in liquid form; or

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

(b) The act of delivering cannabis or a cannabis product as authorized under this subsection (5) 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 cannabis or cannabis product must be in the original packaging as purchased from the cannabis retailer.

(6) No person under ((~~twenty-one~~)) 21 years of age may possess, manufacture, sell, or distribute cannabis, cannabis-infused products, or cannabis concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(7) The possession by a qualifying patient or designated provider of cannabis concentrates, useable cannabis, cannabis-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 69.50.4013 and 2022 c 16 s 86 are each amended to read as follows:

(1) It is unlawful for any person 21 years of age or older 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~~)) 21 years of age or older, of useable cannabis, cannabis concentrates, or cannabis-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 cannabis, useable cannabis, cannabis concentrates, and cannabis-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~~)) 21 years of age or older to one or more persons ((~~twenty-one~~)) 21 years of age or older, during a single ((~~twenty-four~~)) 24 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 cannabis products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable cannabis;

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

(iii) ((~~Thirty-six~~)) 36 ounces of cannabis-infused product in liquid form; or

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

(b) The act of delivering cannabis or a cannabis 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 cannabis or cannabis product must be in the original packaging as purchased from the cannabis retailer.

(5) No person under ((~~twenty-one~~))21 years of age may possess, manufacture, sell, or distribute cannabis, cannabis-infused products, or cannabis 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 cannabis concentrates, useable cannabis, cannabis-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.

NEW SECTION. **Sec.**  Section 2 of this act expires July 1, 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, except for section 3 of this act which takes effect July 1, 2023.

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