

SB 5340 - S AMD 563
By Senator King

ADOPTED 02/07/2024

1 Beginning on page 2, line 16, strike all of section 2 and insert
2 the following:

3 **"Sec. 2.** RCW 69.50.4013 and 2023 sp.s. c 1 s 2 are each amended
4 to read as follows:

5 (1) Except as otherwise authorized by this chapter, it is
6 unlawful for any person to:

7 (a) Knowingly possess a controlled substance unless the substance
8 was obtained directly from, or pursuant to, a valid prescription or
9 order of a practitioner while acting in the course of his or her
10 professional practice; or

11 (b) Knowingly use a controlled substance in a public place,
12 unless the substance was obtained directly from, or pursuant to, a
13 valid prescription or order of a practitioner while acting in the
14 course of his or her professional practice.

15 (2)(a) Except as provided in RCW 69.50.4014 or 69.50.445, a
16 violation of subsection (1)(a) or (b) of this section is a gross
17 misdemeanor punishable by imprisonment of up to 180 days in jail, or
18 by a fine of not more than \$1,000, or by both such imprisonment and
19 fine, however, if the defendant has two or more prior convictions
20 under subsection (1)(a) or (b) of this section occurring after July
21 1, 2023, a violation of subsection (1)(a) or (b) of this section is
22 punishable by imprisonment for up to 364 days, or by a fine of not
23 more than \$1,000, or by both such imprisonment and fine. The
24 prosecutor is encouraged to divert such cases for assessment,
25 treatment, or other services.

26 (b) No person may be charged under both subsection (1)(a) and (b)
27 of this section relating to the same course of conduct.

28 (c) In lieu of jail booking and referral to the prosecutor, law
29 enforcement is encouraged to offer a referral to assessment and
30 services available under RCW 10.31.110 or other program or entity
31 responsible for receiving referrals in lieu of legal system
32 involvement, which may include, but are not limited to, arrest and

1 jail alternative programs established under RCW 36.28A.450, law
2 enforcement assisted diversion programs established under RCW
3 71.24.589, and the recovery navigator program established under RCW
4 71.24.115.

5 (3) (a) The possession, by a person 21 years of age or older, of
6 useable cannabis, cannabis concentrates, or cannabis-infused products
7 in amounts that do not exceed those set forth in RCW 69.50.360(3) is
8 not a violation of this section, this chapter, or any other provision
9 of Washington state law.

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

18 (4) (a) The delivery by a person 21 years of age or older to one
19 or more persons 21 years of age or older, during a single 24 hour
20 period, for noncommercial purposes and not conditioned upon or done
21 in connection with the provision or receipt of financial
22 consideration, of any of the following cannabis products, is not a
23 violation of this section, this chapter, or any other provisions of
24 Washington state law:

25 (i) One-half ounce of useable cannabis;

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

27 (iii) 36 ounces of cannabis-infused product in liquid form unless
28 the cannabis-infused product in liquid form is packaged in individual
29 units containing no more than four milligrams of THC per unit; ((~~or~~))

30 (iv) 100 milligrams of THC within a cannabis-infused product in
31 liquid form if the product is packaged in individual units containing
32 no more than four milligrams of THC per unit; or

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

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

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

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

1 (5) No person under 21 years of age may manufacture, sell,
2 distribute, or knowingly possess cannabis, cannabis-infused products,
3 or cannabis concentrates, regardless of THC concentration. This does
4 not include qualifying patients with a valid authorization.

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

10 (7) For the purposes of this section, "public place" has the same
11 meaning as defined in RCW 66.04.010, but the exclusions in RCW
12 66.04.011 do not apply.

13 (8) For the purposes of this section, "use a controlled
14 substance" means to introduce the substance into the human body by
15 injection, inhalation, ingestion, or any other means."

EFFECT: Makes a technical change to the original bill to amend
the current version of RCW 69.50.4013 (relating to possession and use
of controlled substances), which was affected by a law enacted during
the 2023 1st Special Session.

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