

**HB 2000 - S AMD 465**

By Senators Fain, Nelson

**ADOPTED 04/24/2015**

1 Strike everything after the enacting clause and insert the  
2 following:

3  
4 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.06 RCW  
5 to read as follows:

6 The legislature intends to further the government-to-government  
7 relationship between the state of Washington and federally recognized  
8 Indian tribes in the state of Washington by authorizing the governor to  
9 enter into agreements concerning the regulation of marijuana. Such  
10 agreements may include provisions pertaining to: The lawful commercial  
11 production, processing, sale, and possession of marijuana for both  
12 recreational and medical purposes; marijuana-related research  
13 activities; law enforcement, both criminal and civil; and taxation. The  
14 legislature finds that these agreements will facilitate and promote a  
15 cooperative and mutually beneficial relationship between the state and  
16 the tribes regarding matters relating to the legalization of marijuana,  
17 particularly in light of the fact that federal Indian law precludes the  
18 state from enforcing its civil regulatory laws in Indian country. Such  
19 cooperative agreements will enhance public health and safety, ensure a  
20 lawful and well-regulated marijuana market, encourage economic  
21 development, and provide fiscal benefits to both the tribes and the  
22 state.

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

26 (1) The governor may enter into agreements with federally recognized  
27 Indian tribes concerning marijuana. Marijuana agreements may address

1 any marijuana-related issue that involves both state and tribal  
2 interests or otherwise has an impact on tribal-state relations. Such  
3 agreements may include, but are not limited to, the following provisions  
4 and subject matter:

5 (a) Criminal and civil law enforcement;

6 (b) Regulatory issues related to the commercial production,  
7 processing, sale, and possession of marijuana, and processed marijuana  
8 products, for both recreational and medical purposes;

9 (c) Medical and pharmaceutical research involving marijuana;

10 (d) Taxation in accordance with subsection (2) of this section;

11 (e) Any tribal immunities or preemption of state law regarding the  
12 production, processing, or marketing of marijuana; and

13 (f) Dispute resolution, including the use of mediation or other  
14 nonjudicial process.

15 (2)(a) Each marijuana agreement adopted under this section must  
16 provide for a tribal marijuana tax that is at least one hundred percent  
17 of the state marijuana excise tax imposed under RCW 69.50.535 and state  
18 and local sales and use taxes on sales of marijuana. Marijuana agreements  
19 apply to sales in which tribes, tribal enterprises, or tribal member-  
20 owned businesses (i) deliver or cause delivery to be made to or receive  
21 delivery from a marijuana producer, processor, or retailer licensed  
22 under chapter 69.50 RCW or (ii) physically transfer possession of the  
23 marijuana from the seller to the buyer within Indian country.

24 (b) The tribe may allow an exemption from tax for sales to the  
25 tribe, tribal enterprises, tribal member-owned businesses, or tribal  
26 members on marijuana grown, produced, or processed within its Indian  
27 country, or for activities to the extent they are exempt under state or  
28 federal law from the state marijuana excise tax imposed under RCW  
29 69.50.535 or state and local sales or use taxes on sales of marijuana.  
30 Medical marijuana products used in the course of medical treatments by  
31 a clinic, hospital, or similar facility owned and operated by a federally  
32 recognized Indian tribe within its Indian country may be exempted from  
33 tax under the terms of an agreement entered into under this section.

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

4 (a) Preservation of public health and safety;

5 (b) Ensuring the security of production, processing, retail, and  
6 research facilities; and

7 (c) Cross-border commerce in marijuana.

8 (4) The governor may delegate the power to negotiate marijuana  
9 agreements to the state liquor control board. In conducting such  
10 negotiations, the state liquor control board must, when necessary,  
11 consult with the governor and/or the department of revenue.

12 (5) The definitions in this subsection apply throughout this section  
13 unless the context clearly requires otherwise.

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

15 (b) "Indian tribe" or "tribe" means a federally recognized Indian  
16 tribe located within the geographical boundaries of the state of  
17 Washington.

18 (c) "Marijuana" means "marijuana," "marijuana concentrates,"  
19 "marijuana-infused products," and "useable marijuana," as those terms  
20 are defined in RCW 69.50.101.

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

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

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

32 The taxes imposed by this chapter do not apply to the retail sale  
33 of marijuana, useable marijuana, marijuana concentrates, and marijuana-  
34 infused products covered by an agreement entered into under section 2

1 of this act. "Marijuana," "useable marijuana," "marijuana concentrates,"  
2 and "marijuana-infused products" have the same meaning as defined in  
3 RCW 69.50.101.

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

7 The taxes imposed by this chapter do not apply to the use of  
8 marijuana, useable marijuana, marijuana concentrates, and marijuana-  
9 infused products covered by an agreement entered into under section 2  
10 of this act. "Marijuana," "useable marijuana," "marijuana concentrates,"  
11 and "marijuana-infused products" have the same meaning as defined in  
12 RCW 69.50.101.

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

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

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

25 (2) Possession of quantities of marijuana concentrates, useable  
26 marijuana, or marijuana-infused products that do not exceed the maximum  
27 amounts established by the state liquor control board under RCW  
28 69.50.345(5); (~~and~~)

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

33 (a) One ounce of useable marijuana;

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

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

3 (d) Seven grams of marijuana concentrate; and

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

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

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

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

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

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

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

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

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

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

9 (2) Delivery, distribution, and sale of marijuana to a marijuana  
10 processor or another marijuana producer validly licensed under chapter  
11 3, Laws of 2013; and

12 (3) Delivery, distribution, and sale of marijuana or useable  
13 marijuana to a federally recognized Indian tribe as permitted under an  
14 agreement between the state and the tribe entered into under section 2  
15 of this act."

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18 **HB 2000** - S COMM AMD

19 By Committee on Ways & Means

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22 On page 1, line 3 of the title, after "marijuana;" strike the  
23 remainder of the title and insert "amending RCW 69.50.360, 69.50.363,  
24 and 69.50.366; adding new sections to chapter 43.06 RCW; adding a new  
25 section to chapter 69.50 RCW; adding a new section to chapter 82.08 RCW;  
26 and adding a new section to chapter 82.12 RCW."

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