**5476 AMS WAGO S2947.1 - NOT FOR FLOOR USE**

**SB 5476** - S AMD TO S AMD (S-2939.2/21) **850**

By Senator Wagoner

**PULLED 04/15/2021**

On page 1, beginning on line 3, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, beginning on line 2, after "**CONTROLLED SUBSTANCES**" strike all material through "**DRUGS**" on line 3

Beginning on page 2, line 4, strike all of sections 2 through 11 and insert the following:

**"Sec.**  RCW 69.50.4013 and 2017 c 317 s 15 are each reenacted and amended to read as follows:

(1) It is unlawful for any person 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 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) 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) 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."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 28, line 36, strike "**SUBSTANCE USE RECOVERY SERVICES ADVISORY COMMITTEE**" and insert "**LEGISLATIVE WORK GROUP ON POSSESSION OF CONTROLLED SUBSTANCES**"

Beginning on page 28, line 37, strike all of section 12 and insert the following:

"NEW SECTION. **Sec.**  (1)(a) A legislative work group on possession of controlled substances is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives jointly shall appoint:

(A) One superior court judge;

(B) One drug court judge;

(C) One member representing a criminal defender association;

(D) One member representing a prosecutor association;

(E) One member representing law enforcement;

(F) One member representing cities; and

(G) One member representing counties.

(iv) Each legislative member shall appoint one community representative for a total of four community representatives.

(b) The work group shall choose its chair from among its legislative membership. The senior member of the largest caucus in the senate shall convene the initial meeting of the work group.

(2) The work group shall hold a series of public meetings to study the impact of *State v. Blake,* No. 96873-0, 2021 Wash. LEXIS 107 (February 25, 2021).

(3) Staff support for the work group must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the work group must be paid jointly by the senate and the house of representatives. Work group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The work group shall report its findings and recommendations to the appropriate committees of the legislature by June 30, 2022."

On page 31, beginning on line 30, strike all material through "***BLAKE***" on line 31

Beginning on page 31, line 32, strike all of sections 13 through 24 and insert the following:

**"PART IV**

**EXPIRATION DATE**

NEW SECTION. **Sec.**  This act expires June 30, 2023."

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On page 42, beginning on line 2, after "insert" strike all material through "emergency." on line 13 and insert "addressing the *State v. Blake* decision; amending RCW 69.50.4013; creating a new section; and providing an expiration date."

EFFECT: (1) Retains provisions requiring possession be "knowing" by the person possessing the controlled substance.

(2) Removes provisions relating to resentencing and release of persons impacted by *State v. Blake*.

(3) Removes provisions eliminating criminal penalties for personal use amounts of controlled substances, counterfeit substances, and legend drugs.

(4) Removes the contingency based on the committee report.

(5) Replaces the Substance Use Recovery Services Advisory Committee with a Legislative Work Group on the possession of controlled substances.

(6) Expires the act on June 30, 2023.