

SB 5476 - S AMD TO S AMD (S-2939.2/21) 850
By Senator Wagoner

PULLED 04/15/2021

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

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

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

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

8 "**Sec. 2.** RCW 69.50.4013 and 2017 c 317 s 15 are each reenacted
9 and amended to read as follows:

10 (1) It is unlawful for any person to knowingly possess a
11 controlled substance unless the substance was obtained directly from,
12 or pursuant to, a valid prescription or order of a practitioner while
13 acting in the course of his or her professional practice, or except
14 as otherwise authorized by this chapter.

15 (2) Except as provided in RCW 69.50.4014, any person who violates
16 this section is guilty of a class C felony punishable under chapter
17 9A.20 RCW.

18 (3)(a) The possession, by a person twenty-one years of age or
19 older, of useable marijuana, marijuana concentrates, or marijuana-
20 infused products in amounts that do not exceed those set forth in RCW
21 69.50.360(3) is not a violation of this section, this chapter, or any
22 other provision of Washington state law.

23 (b) The possession of marijuana, useable marijuana, marijuana
24 concentrates, and marijuana-infused products being physically
25 transported or delivered within the state, in amounts not exceeding
26 those that may be established under RCW 69.50.385(3), by a licensed
27 employee of a common carrier when performing the duties authorized in
28 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
29 this section, this chapter, or any other provision of Washington
30 state law.

1 (4) (a) The delivery by a person twenty-one years of age or older
2 to one or more persons twenty-one years of age or older, during a
3 single twenty-four hour period, for noncommercial purposes and not
4 conditioned upon or done in connection with the provision or receipt
5 of financial consideration, of any of the following marijuana
6 products, is not a violation of this section, this chapter, or any
7 other provisions of Washington state law:

8 (i) One-half ounce of useable marijuana;

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

10 (iii) Thirty-six ounces of marijuana-infused product in liquid
11 form; or

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

13 (b) The act of delivering marijuana or a marijuana product as
14 authorized under this subsection (4) must meet one of the following
15 requirements:

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

18 (ii) The marijuana or marijuana product must be in the original
19 packaging as purchased from the marijuana retailer.

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

24 (6) The possession by a qualifying patient or designated provider
25 of marijuana concentrates, useable marijuana, marijuana-infused
26 products, or plants in accordance with chapter 69.51A RCW is not a
27 violation of this section, this chapter, or any other provision of
28 Washington state law."

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

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

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

1 "NEW SECTION. **Sec. 12.** (1)(a) A legislative work group on
2 possession of controlled substances is established, with members as
3 provided in this subsection.

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

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

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

11 (A) One superior court judge;

12 (B) One drug court judge;

13 (C) One member representing a criminal defender association;

14 (D) One member representing a prosecutor association;

15 (E) One member representing law enforcement;

16 (F) One member representing cities; and

17 (G) One member representing counties.

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

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

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

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

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

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

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

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

5 Beginning on page 31, line 32, strike all of sections 13 through
6 24 and insert the following:

7 **"PART IV**
8 **EXPIRATION DATE**

9 NEW SECTION. **Sec. 13.** This act expires June 30, 2023."

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

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