
HOUSE BILL 1614

State of Washington

68th Legislature

2023 Regular Session

By Representatives Kloba, Ormsby, Doglio, Goodman, Wylie, Fosse, Gregerson, Morgan, and Reed

Read first time 01/26/23. Referred to Committee on Regulated Substances & Gaming.

1 AN ACT Relating to the home cultivation of cannabis; amending RCW
2 69.50.4013 and 7.80.120; reenacting and amending RCW 69.50.505 and
3 69.50.101; and prescribing penalties.

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

5 **Sec. 1.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to
6 read as follows:

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

12 (2) Except as provided in RCW 69.50.4014, any person who violates
13 this section is guilty of a class C felony punishable under chapter
14 9A.20 RCW.

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

20 (b) The possession of cannabis, useable cannabis, cannabis
21 concentrates, and cannabis-infused products being physically

1 transported or delivered within the state, in amounts not exceeding
2 those that may be established under RCW 69.50.385(3), by a licensed
3 employee of a common carrier when performing the duties authorized in
4 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
5 this section, this chapter, or any other provision of Washington
6 state law.

7 (4) (a) The delivery by a person (~~((twenty-one))~~) 21 years of age or
8 older to one or more persons (~~((twenty-one))~~) 21 years of age or older,
9 during a single (~~((twenty-four))~~) 24 hour period, for noncommercial
10 purposes and not conditioned upon or done in connection with the
11 provision or receipt of financial consideration, of any of the
12 following cannabis products, is not a violation of this section, this
13 chapter, or any other provisions of Washington state law:

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

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

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

18 (iv) (~~((Three and one-half))~~) 3.5 grams of cannabis concentrates.

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

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

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

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

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

35 (7) (a) It is not a violation of this section, this chapter, or
36 any other provision of Washington state law for a person 21 years of
37 age or older to produce or possess no more than six plants on the
38 premises of the housing unit occupied by the person, if the person
39 complies with the requirements of this subsection.

1 (b) It is not a violation of this section, this chapter, or any
2 other provision of Washington state law for a person 21 years of age
3 or older to produce or possess cannabis, including all stalks and
4 roots, produced from no more than six plants grown by the person on
5 the premises of the housing unit occupied by the person, subject to
6 the limitations provided in (c) of this subsection, if the person
7 complies with the requirements of this subsection.

8 (c) The quantity of cannabis and cannabis products a person may
9 produce or possess under this subsection is subject to the following
10 limits:

11 (i) A person may not possess cannabis capable of being processed
12 into useable cannabis, cannabis-infused products, or cannabis
13 concentrates, unless the person possesses fewer than 16 ounces of
14 useable cannabis, irrespective of source;

15 (ii) A person may not produce or possess a total of more than 16
16 ounces of cannabis-infused products in solid form, irrespective of
17 source;

18 (iii) A person may not produce or possess a total of more than 72
19 ounces of cannabis-infused products in liquid form, irrespective of
20 source; and

21 (iv) A person may not produce or possess a total of more than
22 seven grams of cannabis concentrates, irrespective of source.

23 (d) No more than 15 plants may be grown at any one time on the
24 premises of a single housing unit, regardless of the number of
25 residents living on the premises of the housing unit.

26 (e) All plants grown under this subsection must be clearly marked
27 with the name, residential address, and date of birth of the person
28 growing the plants, and the date on which the plants were planted.

29 (f) All cannabis capable of being processed into useable
30 cannabis, cannabis-infused products, or cannabis concentrates must be
31 clearly marked with the name, date of birth, and residential address
32 of the person who grew the plants from which the cannabis is derived,
33 the date on which the plants were planted, and the date on which the
34 plants were harvested.

35 (g) All containers containing more than one ounce of useable
36 cannabis must be clearly marked with the name, date of birth,
37 residential address of the person who grew the plants from which the
38 useable cannabis is derived, the date on which the plants were
39 planted, and the date on which the plants were harvested. Any

1 containers containing one ounce or less of useable cannabis are not
2 required to be labeled.

3 (h) Any extraction or separation of resin from cannabis and any
4 production or processing of any form of cannabis concentrates or
5 cannabis-infused products must be performed in accordance with rules
6 adopted under RCW 69.51A.270.

7 (i) This subsection does not apply to plants or useable cannabis
8 possessed or delivered other than on the premises of the housing unit
9 at which the plants were grown.

10 (j) Nothing in this subsection prevents or restricts a property
11 owner from prohibiting the cultivation of plants by a renter or
12 lessee upon or within the property under the terms of a rental
13 agreement, lease, or other contract.

14 (k) The production, possession, delivery, and acquisition of
15 plants or cannabis capable of being processed into useable cannabis,
16 cannabis-infused products, or cannabis concentrates, and useable
17 cannabis under this subsection may not form the basis of a seizure or
18 forfeiture action pursuant to RCW 69.50.505.

19 (l) A person 21 years of age or older who possesses cannabis in
20 compliance with this subsection is considered an ultimate user who
21 may not sell cannabis, useable cannabis, cannabis concentrates, or
22 cannabis-infused products produced from the person's plants, and is
23 not required to obtain a registration under RCW 69.50.302 or a
24 license under RCW 69.50.325.

25 (m) No production, processing, or possession of plants or
26 cannabis from those plants, as authorized in this subsection, may
27 occur in a housing unit that is used to provide early childhood
28 education and early learning services by a family day care provider
29 as defined in RCW 43.216.010 or a foster family home as defined in
30 RCW 74.15.020.

31 (n) For purposes of this subsection, "housing unit" has the
32 meaning provided in RCW 69.51A.010.

33 (8) (a) The production, processing, or possession of plants or
34 cannabis from those plants, as authorized in subsection (7) of this
35 section, may not result in cannabis being readily smelled from a
36 public place or the private property of another housing unit.

37 (b) It is unlawful for a person to produce or possess plants or
38 cannabis from those plants, as otherwise authorized under subsection
39 (7) of this section, if the plants or cannabis are visible within the
40 ordinary public view. For purposes of this subsection, "ordinary

1 public view" means within the sight line with normal visual range of
2 a person, unassisted by any elevating devices, visual aids, or manned
3 or unmanned aircraft, from a public street or sidewalk adjacent to
4 real property, or from within an adjacent property.

5 (c) A violation of (a) or (b) of this subsection is a class 3
6 civil infraction punishable as provided in chapter 7.80 RCW.

7 (9) (a) Except as provided in (c) of this subsection, a person who
8 stores or leaves cannabis that was produced on the premises of the
9 person's housing unit in accordance with subsection (7) of this
10 section in a location where the person knows, or reasonably should
11 know, that a person under age 21 may have access to the cannabis:

12 (i) Is guilty of community endangerment due to unsafe storage of
13 homegrown cannabis in the first degree if a person under age 21
14 obtains access and possession of the cannabis and is convicted of the
15 crime of driving or being in physical control of a motor vehicle
16 after consuming cannabis under RCW 46.61.503 involving the
17 consumption of the cannabis produced under subsection (7) of this
18 section; or

19 (ii) Is guilty of community endangerment due to unsafe storage of
20 homegrown cannabis in the second degree if a person under age 21
21 obtains access and possession of the cannabis and:

22 (A) The person under age 21 is found in possession of the
23 cannabis off of the premises of the housing unit at which the
24 cannabis was produced; or

25 (B) The person under age 21 is found to have consumed the
26 cannabis on or off the premises of the housing unit at which the
27 cannabis was grown.

28 (b) Community endangerment due to unsafe storage of homegrown
29 cannabis in the first degree or second degree is a class 1 civil
30 infraction, punishable under RCW 7.80.120.

31 (c) Subsection (9) (a) of this section does not apply if:

32 (i) The cannabis was in a securely stored area, or secured in a
33 locked, secured container; or

34 (ii) The cannabis was obtained by a person under age 21 who did
35 not reside in the housing unit or have permission from the owner or
36 lawful occupant to enter the housing unit.

37 (d) A prosecuting attorney may decline to prosecute a violation
38 of this subsection, even though technically sufficient evidence to
39 prosecute exists, in situations where prosecution would serve no
40 public purpose or would defeat the purpose of the law in question.

1 (e) Nothing in this section mandates how or where home-produced
2 cannabis must be stored.

3 (10)(a) The board may provide mutual law enforcement assistance
4 to a law enforcement agency with primary territorial jurisdiction
5 investigating or enforcing subsections (7) through (9) of this
6 section if such a law enforcement agency requests mutual law
7 enforcement assistance in accordance with chapter 10.93 RCW and under
8 the authority of law. For purposes of this subsection, "mutual law
9 enforcement assistance" and "agency with primary territorial
10 jurisdiction" have the meanings provided in RCW 10.93.020.

11 (b) Except as provided in (a) of this subsection, the board has
12 no authority or responsibility to investigate or enforce requirements
13 in subsections (7) through (9) of this section. Nothing in this
14 subsection limits the board's authority to enforce state laws related
15 to commercial cannabis production, processing, or sales, when there
16 is evidence of a violation of another provision of this chapter.

17 **Sec. 2.** RCW 7.80.120 and 2022 c 105 s 1 are each amended to read
18 as follows:

19 (1) A person found to have committed a civil infraction shall be
20 assessed a monetary penalty.

21 (a) The maximum penalty and the default amount for a class 1
22 civil infraction shall be \$250, not including statutory assessments,
23 except for an infraction of state law involving (i) potentially
24 dangerous litter as specified in RCW 70A.200.060(4) or violent video
25 or computer games under RCW 9.91.180, in which case the maximum
26 penalty and default amount is \$500; or (ii) a person's refusal to
27 submit to a test or tests pursuant to RCW 79A.60.040 and 79A.60.700,
28 in which case the maximum penalty and default amount is \$1,000; or
29 (iii) the misrepresentation of service animals under RCW 49.60.214,
30 in which case the maximum penalty and default amount is \$500; or (iv)
31 untraceable firearms pursuant to RCW 9.41.326 or unfinished frames or
32 receivers pursuant to RCW 9.41.327, in which case the maximum penalty
33 and default amount is \$500; or (v) community endangerment due to
34 unsafe storage of homegrown cannabis in the first degree under RCW
35 69.50.4013, in which case the maximum penalty and default amount is
36 \$750;

37 (b) The maximum penalty and the default amount for a class 2
38 civil infraction shall be \$125, not including statutory assessments;

1 (c) The maximum penalty and the default amount for a class 3
2 civil infraction shall be \$50, not including statutory assessments;
3 and

4 (d) The maximum penalty and the default amount for a class 4
5 civil infraction shall be \$25, not including statutory assessments.

6 (2) The supreme court shall prescribe by rule the conditions
7 under which local courts may exercise discretion in assessing fines
8 for civil infractions.

9 (3) Whenever a monetary penalty is imposed by a court under this
10 chapter it is immediately payable. If the person is unable to pay at
11 that time the court may grant an extension of the period in which the
12 penalty may be paid. If the penalty is not paid on or before the time
13 established for payment, the court may proceed to collect the penalty
14 in the same manner as other civil judgments and may notify the
15 prosecuting authority of the failure to pay.

16 (4) The court may also order a person found to have committed a
17 civil infraction to make restitution.

18 **Sec. 3.** RCW 69.50.505 and 2022 c 162 s 1 and 2022 c 16 s 98 are
19 each reenacted and amended to read as follows:

20 (1) The following are subject to seizure and forfeiture and no
21 property right exists in them:

22 (a) All controlled substances which have been manufactured,
23 distributed, dispensed, acquired, or possessed in violation of this
24 chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals,
25 as defined in RCW 64.44.010, used or intended to be used in the
26 manufacture of controlled substances;

27 (b) All raw materials, products, and equipment of any kind which
28 are used, or intended for use, in manufacturing, compounding,
29 processing, delivering, importing, or exporting any controlled
30 substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

31 (c) All property which is used, or intended for use, as a
32 container for property described in (a) or (b) of this subsection;

33 (d) All conveyances, including aircraft, vehicles, or vessels,
34 which are used, or intended for use, in any manner to facilitate the
35 sale, delivery, or receipt of property described in (a) or (b) of
36 this subsection, except that:

37 (i) No conveyance used by any person as a common carrier in the
38 transaction of business as a common carrier is subject to forfeiture
39 under this section unless it appears that the owner or other person

1 in charge of the conveyance is a consenting party or privy to a
2 violation of this chapter or chapter 69.41 or 69.52 RCW;

3 (ii) No conveyance is subject to forfeiture under this section by
4 reason of any act or omission established by the owner thereof to
5 have been committed or omitted without the owner's knowledge or
6 consent;

7 (iii) No conveyance is subject to forfeiture under this section
8 if used in the receipt of only an amount of cannabis for which
9 possession constitutes a misdemeanor under RCW 69.50.4014;

10 (iv) A forfeiture of a conveyance encumbered by a bona fide
11 security interest is subject to the interest of the secured party if
12 the secured party neither had knowledge of nor consented to the act
13 or omission; and

14 (v) When the owner of a conveyance has been arrested under this
15 chapter or chapter 69.41 or 69.52 RCW the conveyance in which the
16 person is arrested may not be subject to forfeiture unless it is
17 seized or process is issued for its seizure within ten days of the
18 owner's arrest;

19 (e) All books, records, and research products and materials,
20 including formulas, microfilm, tapes, and data which are used, or
21 intended for use, in violation of this chapter or chapter 69.41 or
22 69.52 RCW;

23 (f) All drug paraphernalia other than paraphernalia possessed,
24 sold, or used solely to facilitate cannabis-related activities that
25 are not violations of this chapter;

26 (g) All moneys, negotiable instruments, securities, or other
27 tangible or intangible property of value furnished or intended to be
28 furnished by any person in exchange for a controlled substance in
29 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible
30 or intangible personal property, proceeds, or assets acquired in
31 whole or in part with proceeds traceable to an exchange or series of
32 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
33 and all moneys, negotiable instruments, and securities used or
34 intended to be used to facilitate any violation of this chapter or
35 chapter 69.41 or 69.52 RCW. A forfeiture of money, negotiable
36 instruments, securities, or other tangible or intangible property
37 encumbered by a bona fide security interest is subject to the
38 interest of the secured party if, at the time the security interest
39 was created, the secured party neither had knowledge of nor consented
40 to the act or omission. No personal property may be forfeited under

1 this subsection (1)(g), to the extent of the interest of an owner, by
2 reason of any act or omission which that owner establishes was
3 committed or omitted without the owner's knowledge or consent; and

4 (h) All real property, including any right, title, and interest
5 in the whole of any lot or tract of land, and any appurtenances or
6 improvements which are being used with the knowledge of the owner for
7 the manufacturing, compounding, processing, delivery, importing, or
8 exporting of any controlled substance, or which have been acquired in
9 whole or in part with proceeds traceable to an exchange or series of
10 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
11 if such activity is not less than a class C felony and a substantial
12 nexus exists between the commercial production or sale of the
13 controlled substance and the real property. However:

14 (i) No property may be forfeited pursuant to this subsection
15 (1)(h), to the extent of the interest of an owner, by reason of any
16 act or omission committed or omitted without the owner's knowledge or
17 consent;

18 (ii) The bona fide gift of a controlled substance, legend drug,
19 or imitation controlled substance shall not result in the forfeiture
20 of real property;

21 (iii) The acquisition, delivery, production, or possession of
22 cannabis, useable cannabis, cannabis concentrates, or cannabis-
23 infused products, including in the manner and in the amount provided
24 in RCW 69.50.4013(7), shall not result in the forfeiture of real
25 property unless the cannabis is possessed for commercial purposes
26 that are unlawful under Washington state law, the amount possessed is
27 ((~~five or more plants or one pound or more~~) 16 or more plants or,
28 except as authorized in RCW 69.50.4013(7), more than one pound of
29 cannabis, and a substantial nexus exists between the possession of
30 cannabis and the real property. In such a case, the intent of the
31 offender shall be determined by the preponderance of the evidence,
32 including the offender's prior criminal history, the amount of
33 cannabis possessed by the offender, the sophistication of the
34 activity or equipment used by the offender, whether the offender was
35 licensed to produce, process, or sell cannabis, or was an employee of
36 a licensed producer, processor, or retailer, and other evidence which
37 demonstrates the offender's intent to engage in unlawful commercial
38 activity;

39 (iv) The unlawful sale of cannabis or a legend drug shall not
40 result in the forfeiture of real property unless the sale was forty

1 grams or more in the case of cannabis or one hundred dollars or more
2 in the case of a legend drug, and a substantial nexus exists between
3 the unlawful sale and the real property; and

4 (v) A forfeiture of real property encumbered by a bona fide
5 security interest is subject to the interest of the secured party if
6 the secured party, at the time the security interest was created,
7 neither had knowledge of nor consented to the act or omission.

8 (2) Real or personal property subject to forfeiture under this
9 chapter may be seized by any commission inspector or law enforcement
10 officer of this state upon process issued by any superior court
11 having jurisdiction over the property. Seizure of real property shall
12 include the filing of a lis pendens by the seizing agency. Real
13 property seized under this section shall not be transferred or
14 otherwise conveyed until ninety days after seizure or until a
15 judgment of forfeiture is entered, whichever is later: PROVIDED, That
16 real property seized under this section may be transferred or
17 conveyed to any person or entity who acquires title by foreclosure or
18 deed in lieu of foreclosure of a security interest. Seizure of
19 personal property without process may be made if:

20 (a) The seizure is incident to an arrest or a search under a
21 search warrant or an inspection under an administrative inspection
22 warrant;

23 (b) The property subject to seizure has been the subject of a
24 prior judgment in favor of the state in a criminal injunction or
25 forfeiture proceeding based upon this chapter;

26 (c) A commission inspector or law enforcement officer has
27 probable cause to believe that the property is directly or indirectly
28 dangerous to health or safety; or

29 (d) The commission inspector or law enforcement officer has
30 probable cause to believe that the property was used or is intended
31 to be used in violation of this chapter.

32 (3) In the event of seizure pursuant to subsection (2) of this
33 section, proceedings for forfeiture shall be deemed commenced by the
34 seizure. The law enforcement agency under whose authority the seizure
35 was made shall cause notice to be served within fifteen days
36 following the seizure on the owner of the property seized and the
37 person in charge thereof and any person having any known right or
38 interest therein, including any community property interest, of the
39 seizure and intended forfeiture of the seized property. Service of
40 notice of seizure of real property shall be made according to the

1 rules of civil procedure. However, the state may not obtain a default
2 judgment with respect to real property against a party who is served
3 by substituted service absent an affidavit stating that a good faith
4 effort has been made to ascertain if the defaulted party is
5 incarcerated within the state, and that there is no present basis to
6 believe that the party is incarcerated within the state. Notice of
7 seizure in the case of property subject to a security interest that
8 has been perfected by filing a financing statement in accordance with
9 chapter 62A.9A RCW, or a certificate of title, shall be made by
10 service upon the secured party or the secured party's assignee at the
11 address shown on the financing statement or the certificate of title.
12 The notice of seizure in other cases may be served by any method
13 authorized by law or court rule including but not limited to service
14 by certified mail with return receipt requested. Service by mail
15 shall be deemed complete upon mailing within the fifteen day period
16 following the seizure.

17 (4) If no person notifies the seizing law enforcement agency in
18 writing of the person's claim of ownership or right to possession of
19 items specified in subsection (1)(d), (g), or (h) of this section
20 within forty-five days of the service of notice from the seizing
21 agency in the case of personal property and ninety days in the case
22 of real property, the item seized shall be deemed forfeited. The
23 community property interest in real property of a person whose spouse
24 or domestic partner committed a violation giving rise to seizure of
25 the real property may not be forfeited if the person did not
26 participate in the violation.

27 (5) If any person notifies the seizing law enforcement agency in
28 writing of the person's claim of ownership or right to possession of
29 items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h)
30 of this section within forty-five days of the service of notice from
31 the seizing agency in the case of personal property and ninety days
32 in the case of real property, the person or persons shall be afforded
33 a reasonable opportunity to be heard as to the claim or right. The
34 notice of claim may be served by any method authorized by law or
35 court rule including, but not limited to, service by first-class
36 mail. Service by mail shall be deemed complete upon mailing within
37 the forty-five day period following service of the notice of seizure
38 in the case of personal property and within the ninety-day period
39 following service of the notice of seizure in the case of real
40 property. The hearing shall be before the chief law enforcement

1 officer of the seizing agency or the chief law enforcement officer's
2 designee, except where the seizing agency is a state agency as
3 defined in RCW 34.12.020(4), the hearing shall be before the chief
4 law enforcement officer of the seizing agency or an administrative
5 law judge appointed under chapter 34.12 RCW, except that any person
6 asserting a claim or right may remove the matter to a court of
7 competent jurisdiction. Removal of any matter involving personal
8 property may only be accomplished according to the rules of civil
9 procedure. The person seeking removal of the matter must serve
10 process against the state, county, political subdivision, or
11 municipality that operates the seizing agency, and any other party of
12 interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-
13 five days after the person seeking removal has notified the seizing
14 law enforcement agency of the person's claim of ownership or right to
15 possession. The court to which the matter is to be removed shall be
16 the district court when the aggregate value of personal property is
17 within the jurisdictional limit set forth in RCW 3.66.020. A hearing
18 before the seizing agency and any appeal therefrom shall be under
19 Title 34 RCW. In all cases, the burden of proof is upon the law
20 enforcement agency to establish, by a preponderance of the evidence,
21 that the property is subject to forfeiture.

22 The seizing law enforcement agency shall promptly return the
23 article or articles to the claimant upon a determination by the
24 administrative law judge or court that the claimant is the present
25 lawful owner or is lawfully entitled to possession thereof of items
26 specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of
27 this section.

28 (6) In any proceeding to forfeit property under this title, where
29 the claimant substantially prevails, the claimant is entitled to
30 reasonable attorneys' fees reasonably incurred by the claimant. In
31 addition, in a court hearing between two or more claimants to the
32 article or articles involved, the prevailing party is entitled to a
33 judgment for costs and reasonable attorneys' fees.

34 (7) When property is forfeited under this chapter the commission
35 or seizing law enforcement agency may:

36 (a) Retain it for official use or upon application by any law
37 enforcement agency of this state release such property to such agency
38 for the exclusive use of enforcing the provisions of this chapter;

39 (b) Sell that which is not required to be destroyed by law and
40 which is not harmful to the public;

1 (c) Request the appropriate sheriff or director of public safety
2 to take custody of the property and remove it for disposition in
3 accordance with law; or

4 (d) Forward it to the drug enforcement administration for
5 disposition.

6 (8)(a) When property is forfeited, the seizing agency shall keep
7 a record indicating the identity of the prior owner, if known, a
8 description of the property, the disposition of the property, the
9 value of the property at the time of seizure, and the amount of
10 proceeds realized from disposition of the property.

11 (b) Each seizing agency shall retain records of forfeited
12 property for at least seven years.

13 (c) Each seizing agency shall file a report including a copy of
14 the records of forfeited property with the state treasurer each
15 calendar quarter.

16 (d) The quarterly report need not include a record of forfeited
17 property that is still being held for use as evidence during the
18 investigation or prosecution of a case or during the appeal from a
19 conviction.

20 (9)(a) By January 31st of each year, each seizing agency shall
21 remit to the state an amount equal to ten percent of the net proceeds
22 of any property forfeited during the preceding calendar year for
23 deposit into the behavioral health loan repayment program account
24 created in RCW 28B.115.135 through June 30, 2027, and into the state
25 general fund thereafter.

26 (b) The net proceeds of forfeited property is the value of the
27 forfeitable interest in the property after deducting the cost of
28 satisfying any bona fide security interest to which the property is
29 subject at the time of seizure; and in the case of sold property,
30 after deducting the cost of sale, including reasonable fees or
31 commissions paid to independent selling agents, and the cost of any
32 valid landlord's claim for damages under subsection (15) of this
33 section.

34 (c) The value of sold forfeited property is the sale price. The
35 value of retained forfeited property is the fair market value of the
36 property at the time of seizure, determined when possible by
37 reference to an applicable commonly used index, such as the index
38 used by the department of licensing for valuation of motor vehicles.
39 A seizing agency may use, but need not use, an independent qualified
40 appraiser to determine the value of retained property. If an

1 appraiser is used, the value of the property appraised is net of the
2 cost of the appraisal. The value of destroyed property and retained
3 firearms or illegal property is zero.

4 (10) Forfeited property and net proceeds not required to be
5 remitted to the state shall be retained by the seizing law
6 enforcement agency exclusively for the expansion and improvement of
7 controlled substances related law enforcement activity. Money
8 retained under this section may not be used to supplant preexisting
9 funding sources.

10 (11) Controlled substances listed in Schedule I, II, III, IV, and
11 V that are possessed, transferred, sold, or offered for sale in
12 violation of this chapter are contraband and shall be seized and
13 summarily forfeited to the state. Controlled substances listed in
14 Schedule I, II, III, IV, and V, which are seized or come into the
15 possession of the commission, the owners of which are unknown, are
16 contraband and shall be summarily forfeited to the commission.

17 (12) Species of plants from which controlled substances in
18 Schedules I and II may be derived which have been planted or
19 cultivated in violation of this chapter, or of which the owners or
20 cultivators are unknown, or which are wild growths, may be seized and
21 summarily forfeited to the commission.

22 (13) The failure, upon demand by a commission inspector or law
23 enforcement officer, of the person in occupancy or in control of land
24 or premises upon which the species of plants are growing or being
25 stored to produce an appropriate registration or proof that he or she
26 is the holder thereof constitutes authority for the seizure and
27 forfeiture of the plants.

28 (14) Upon the entry of an order of forfeiture of real property,
29 the court shall forward a copy of the order to the assessor of the
30 county in which the property is located. Orders for the forfeiture of
31 real property shall be entered by the superior court, subject to
32 court rules. Such an order shall be filed by the seizing agency in
33 the county auditor's records in the county in which the real property
34 is located.

35 (15)(a) A landlord may assert a claim against proceeds from the
36 sale of assets seized and forfeited under subsection (7)(b) of this
37 section, only if:

38 (i) A law enforcement officer, while acting in his or her
39 official capacity, directly caused damage to the complaining

1 landlord's property while executing a search of a tenant's residence;
2 and

3 (ii) The landlord has applied any funds remaining in the tenant's
4 deposit, to which the landlord has a right under chapter 59.18 RCW,
5 to cover the damage directly caused by a law enforcement officer
6 prior to asserting a claim under the provisions of this section;

7 (A) Only if the funds applied under (a)(ii) of this subsection
8 are insufficient to satisfy the damage directly caused by a law
9 enforcement officer, may the landlord seek compensation for the
10 damage by filing a claim against the governmental entity under whose
11 authority the law enforcement agency operates within thirty days
12 after the search;

13 (B) Only if the governmental entity denies or fails to respond to
14 the landlord's claim within sixty days of the date of filing, may the
15 landlord collect damages under this subsection by filing within
16 thirty days of denial or the expiration of the sixty-day period,
17 whichever occurs first, a claim with the seizing law enforcement
18 agency. The seizing law enforcement agency must notify the landlord
19 of the status of the claim by the end of the thirty-day period.
20 Nothing in this section requires the claim to be paid by the end of
21 the sixty-day or thirty-day period.

22 (b) For any claim filed under (a)(ii) of this subsection, the law
23 enforcement agency shall pay the claim unless the agency provides
24 substantial proof that the landlord either:

25 (i) Knew or consented to actions of the tenant in violation of
26 this chapter or chapter 69.41 or 69.52 RCW; or

27 (ii) Failed to respond to a notification of the illegal activity,
28 provided by a law enforcement agency under RCW 59.18.075, within
29 seven days of receipt of notification of the illegal activity.

30 (16) The landlord's claim for damages under subsection (15) of
31 this section may not include a claim for loss of business and is
32 limited to:

33 (a) Damage to tangible property and clean-up costs;

34 (b) The lesser of the cost of repair or fair market value of the
35 damage directly caused by a law enforcement officer;

36 (c) The proceeds from the sale of the specific tenant's property
37 seized and forfeited under subsection (7)(b) of this section; and

38 (d) The proceeds available after the seizing law enforcement
39 agency satisfies any bona fide security interest in the tenant's

1 property and costs related to sale of the tenant's property as
2 provided by subsection (9)(b) of this section.

3 (17) Subsections (15) and (16) of this section do not limit any
4 other rights a landlord may have against a tenant to collect for
5 damages. However, if a law enforcement agency satisfies a landlord's
6 claim under subsection (15) of this section, the rights the landlord
7 has against the tenant for damages directly caused by a law
8 enforcement officer under the terms of the landlord and tenant's
9 contract are subrogated to the law enforcement agency.

10 **Sec. 4.** RCW 69.50.101 and 2022 c 16 s 51 are each reenacted and
11 amended to read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (a) "Administer" means to apply a controlled substance, whether
15 by injection, inhalation, ingestion, or any other means, directly to
16 the body of a patient or research subject by:

17 (1) a practitioner authorized to prescribe (or, by the
18 practitioner's authorized agent); or

19 (2) the patient or research subject at the direction and in the
20 presence of the practitioner.

21 (b) "Agent" means an authorized person who acts on behalf of or
22 at the direction of a manufacturer, distributor, or dispenser. It
23 does not include a common or contract carrier, public
24 warehouseperson, or employee of the carrier or warehouseperson.

25 (c) "Board" means the Washington state liquor and cannabis board.

26 (d) "Cannabis" means all parts of the plant *Cannabis*, whether
27 growing or not, with a THC concentration greater than 0.3 percent on
28 a dry weight basis; the seeds thereof; the resin extracted from any
29 part of the plant; and every compound, manufacture, salt, derivative,
30 mixture, or preparation of the plant, its seeds or resin. The term
31 does not include:

32 (1) The mature stalks of the plant, fiber produced from the
33 stalks, oil or cake made from the seeds of the plant, any other
34 compound, manufacture, salt, derivative, mixture, or preparation of
35 the mature stalks (except the resin extracted therefrom), fiber, oil,
36 or cake, or the sterilized seed of the plant which is incapable of
37 germination; or

38 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds
39 used for licensed hemp production under chapter 15.140 RCW.

1 (e) "Cannabis concentrates" means products consisting wholly or
2 in part of the resin extracted from any part of the plant *Cannabis*
3 and having a THC concentration greater than ten percent.

4 (f) "Cannabis processor" means a person licensed by the board to
5 process cannabis into cannabis concentrates, useable cannabis, and
6 cannabis-infused products, package and label cannabis concentrates,
7 useable cannabis, and cannabis-infused products for sale in retail
8 outlets, and sell cannabis concentrates, useable cannabis, and
9 cannabis-infused products at wholesale to cannabis retailers.

10 (g) "Cannabis producer" means a person licensed by the board to
11 produce and sell cannabis at wholesale to cannabis processors and
12 other cannabis producers.

13 (h) "Cannabis products" means useable cannabis, cannabis
14 concentrates, and cannabis-infused products as defined in this
15 section.

16 (i) "Cannabis researcher" means a person licensed by the board to
17 produce, process, and possess cannabis for the purposes of conducting
18 research on cannabis and cannabis-derived drug products.

19 (j) "Cannabis retailer" means a person licensed by the board to
20 sell cannabis concentrates, useable cannabis, and cannabis-infused
21 products in a retail outlet.

22 (k) "Cannabis-infused products" means products that contain
23 cannabis or cannabis extracts, are intended for human use, are
24 derived from cannabis as defined in subsection (d) of this section,
25 and have a THC concentration no greater than ten percent. The term
26 "cannabis-infused products" does not include either useable cannabis
27 or cannabis concentrates.

28 (l) "CBD concentration" has the meaning provided in RCW
29 69.51A.010.

30 (m) "CBD product" means any product containing or consisting of
31 cannabidiol.

32 (n) "Commission" means the pharmacy quality assurance commission.

33 (o) "Controlled substance" means a drug, substance, or immediate
34 precursor included in Schedules I through V as set forth in federal
35 or state laws, or federal or commission rules, but does not include
36 hemp or industrial hemp as defined in RCW 15.140.020.

37 (p) (1) "Controlled substance analog" means a substance the
38 chemical structure of which is substantially similar to the chemical
39 structure of a controlled substance in Schedule I or II and:

1 (i) that has a stimulant, depressant, or hallucinogenic effect on
2 the central nervous system substantially similar to the stimulant,
3 depressant, or hallucinogenic effect on the central nervous system of
4 a controlled substance included in Schedule I or II; or

5 (ii) with respect to a particular individual, that the individual
6 represents or intends to have a stimulant, depressant, or
7 hallucinogenic effect on the central nervous system substantially
8 similar to the stimulant, depressant, or hallucinogenic effect on the
9 central nervous system of a controlled substance included in Schedule
10 I or II.

11 (2) The term does not include:

12 (i) a controlled substance;

13 (ii) a substance for which there is an approved new drug
14 application;

15 (iii) a substance with respect to which an exemption is in effect
16 for investigational use by a particular person under Section 505 of
17 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
18 chapter 69.77 RCW to the extent conduct with respect to the substance
19 is pursuant to the exemption; or

20 (iv) any substance to the extent not intended for human
21 consumption before an exemption takes effect with respect to the
22 substance.

23 (q) "Deliver" or "delivery" means the actual or constructive
24 transfer from one person to another of a substance, whether or not
25 there is an agency relationship.

26 (r) "Department" means the department of health.

27 (s) "Designated provider" has the meaning provided in RCW
28 69.51A.010.

29 (t) "Dispense" means the interpretation of a prescription or
30 order for a controlled substance and, pursuant to that prescription
31 or order, the proper selection, measuring, compounding, labeling, or
32 packaging necessary to prepare that prescription or order for
33 delivery.

34 (u) "Dispenser" means a practitioner who dispenses.

35 (v) "Distribute" means to deliver other than by administering or
36 dispensing a controlled substance.

37 (w) "Distributor" means a person who distributes.

38 (x) "Drug" means (1) a controlled substance recognized as a drug
39 in the official United States pharmacopoeia/national formulary or the
40 official homeopathic pharmacopoeia of the United States, or any

1 supplement to them; (2) controlled substances intended for use in the
2 diagnosis, cure, mitigation, treatment, or prevention of disease in
3 individuals or animals; (3) controlled substances (other than food)
4 intended to affect the structure or any function of the body of
5 individuals or animals; and (4) controlled substances intended for
6 use as a component of any article specified in (1), (2), or (3) of
7 this subsection. The term does not include devices or their
8 components, parts, or accessories.

9 (y) "Drug enforcement administration" means the drug enforcement
10 administration in the United States Department of Justice, or its
11 successor agency.

12 (z) "Electronic communication of prescription information" means
13 the transmission of a prescription or refill authorization for a drug
14 of a practitioner using computer systems. The term does not include a
15 prescription or refill authorization verbally transmitted by
16 telephone nor a facsimile manually signed by the practitioner.

17 (aa) "Immature plant or clone" means a plant or clone that has no
18 flowers, is less than twelve inches in height, and is less than
19 twelve inches in diameter.

20 (bb) "Immediate precursor" means a substance:

21 (1) that the commission has found to be and by rule designates as
22 being the principal compound commonly used, or produced primarily for
23 use, in the manufacture of a controlled substance;

24 (2) that is an immediate chemical intermediary used or likely to
25 be used in the manufacture of a controlled substance; and

26 (3) the control of which is necessary to prevent, curtail, or
27 limit the manufacture of the controlled substance.

28 (cc) "Isomer" means an optical isomer, but in subsection (gg)(5)
29 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
30 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
31 (42), and 69.50.210(c) the term includes any positional isomer; and
32 in RCW 69.50.204(a) (35), 69.50.204(c), and 69.50.208(a) the term
33 includes any positional or geometric isomer.

34 (dd) "Lot" means a definite quantity of cannabis, cannabis
35 concentrates, useable cannabis, or cannabis-infused product
36 identified by a lot number, every portion or package of which is
37 uniform within recognized tolerances for the factors that appear in
38 the labeling.

39 (ee) "Lot number" must identify the licensee by business or trade
40 name and Washington state unified business identifier number, and the

1 date of harvest or processing for each lot of cannabis, cannabis
2 concentrates, useable cannabis, or cannabis-infused product.

3 (ff) "Manufacture" means the production, preparation,
4 propagation, compounding, conversion, or processing of a controlled
5 substance, either directly or indirectly or by extraction from
6 substances of natural origin, or independently by means of chemical
7 synthesis, or by a combination of extraction and chemical synthesis,
8 and includes any packaging or repackaging of the substance or
9 labeling or relabeling of its container. The term does not include
10 the preparation, compounding, packaging, repackaging, labeling, or
11 relabeling of a controlled substance:

12 (1) by a practitioner as an incident to the practitioner's
13 administering or dispensing of a controlled substance in the course
14 of the practitioner's professional practice; or

15 (2) by a practitioner, or by the practitioner's authorized agent
16 under the practitioner's supervision, for the purpose of, or as an
17 incident to, research, teaching, or chemical analysis and not for
18 sale.

19 (gg) "Narcotic drug" means any of the following, whether produced
20 directly or indirectly by extraction from substances of vegetable
21 origin, or independently by means of chemical synthesis, or by a
22 combination of extraction and chemical synthesis:

23 (1) Opium, opium derivative, and any derivative of opium or opium
24 derivative, including their salts, isomers, and salts of isomers,
25 whenever the existence of the salts, isomers, and salts of isomers is
26 possible within the specific chemical designation. The term does not
27 include the isoquinoline alkaloids of opium.

28 (2) Synthetic opiate and any derivative of synthetic opiate,
29 including their isomers, esters, ethers, salts, and salts of isomers,
30 esters, and ethers, whenever the existence of the isomers, esters,
31 ethers, and salts is possible within the specific chemical
32 designation.

33 (3) Poppy straw and concentrate of poppy straw.

34 (4) Coca leaves, except coca leaves and extracts of coca leaves
35 from which cocaine, ecgonine, and derivatives or ecgonine or their
36 salts have been removed.

37 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

38 (6) Cocaine base.

39 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
40 thereof.

1 (8) Any compound, mixture, or preparation containing any quantity
2 of any substance referred to in (1) through (7) of this subsection.

3 (hh) "Opiate" means any substance having an addiction-forming or
4 addiction-sustaining liability similar to morphine or being capable
5 of conversion into a drug having addiction-forming or addiction-
6 sustaining liability. The term includes opium, substances derived
7 from opium (opium derivatives), and synthetic opiates. The term does
8 not include, unless specifically designated as controlled under RCW
9 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
10 and its salts (dextromethorphan). The term includes the racemic and
11 levorotatory forms of dextromethorphan.

12 (ii) "Opium poppy" means the plant of the species *Papaver*
13 *somniferum* L., except its seeds.

14 (jj) "Person" means individual, corporation, business trust,
15 estate, trust, partnership, association, joint venture, government,
16 governmental subdivision or agency, or any other legal or commercial
17 entity.

18 (kk) "Plant" has the meaning provided in RCW 69.51A.010.

19 (ll) "Poppy straw" means all parts, except the seeds, of the
20 opium poppy, after mowing.

21 (mm) "Practitioner" means:

22 (1) A physician under chapter 18.71 RCW; a physician assistant
23 under chapter 18.71A RCW; an osteopathic physician and surgeon under
24 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW
25 who is certified by the optometry board under RCW 18.53.010 subject
26 to any limitations in RCW 18.53.010; a dentist under chapter 18.32
27 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a
28 veterinarian under chapter 18.92 RCW; a registered nurse, advanced
29 registered nurse practitioner, or licensed practical nurse under
30 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
31 who is licensed under RCW 18.36A.030 subject to any limitations in
32 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
33 investigator under this chapter, licensed, registered or otherwise
34 permitted insofar as is consistent with those licensing laws to
35 distribute, dispense, conduct research with respect to or administer
36 a controlled substance in the course of their professional practice
37 or research in this state.

38 (2) A pharmacy, hospital or other institution licensed,
39 registered, or otherwise permitted to distribute, dispense, conduct

1 research with respect to or to administer a controlled substance in
2 the course of professional practice or research in this state.

3 (3) A physician licensed to practice medicine and surgery, a
4 physician licensed to practice osteopathic medicine and surgery, a
5 dentist licensed to practice dentistry, a podiatric physician and
6 surgeon licensed to practice podiatric medicine and surgery, a
7 licensed physician assistant or a licensed osteopathic physician
8 assistant specifically approved to prescribe controlled substances by
9 his or her state's medical commission or equivalent and his or her
10 supervising physician, an advanced registered nurse practitioner
11 licensed to prescribe controlled substances, or a veterinarian
12 licensed to practice veterinary medicine in any state of the United
13 States.

14 (nn) "Prescription" means an order for controlled substances
15 issued by a practitioner duly authorized by law or rule in the state
16 of Washington to prescribe controlled substances within the scope of
17 his or her professional practice for a legitimate medical purpose.

18 (oo) "Production" includes the manufacturing, planting,
19 cultivating, growing, or harvesting of a controlled substance.

20 (pp) "Qualifying patient" has the meaning provided in RCW
21 69.51A.010.

22 (qq) "Recognition card" has the meaning provided in RCW
23 69.51A.010.

24 (rr) "Retail outlet" means a location licensed by the board for
25 the retail sale of cannabis concentrates, useable cannabis, and
26 cannabis-infused products.

27 (ss) "Secretary" means the secretary of health or the secretary's
28 designee.

29 (tt) "State," unless the context otherwise requires, means a
30 state of the United States, the District of Columbia, the
31 Commonwealth of Puerto Rico, or a territory or insular possession
32 subject to the jurisdiction of the United States.

33 (uu) "THC concentration" means percent of delta-9
34 tetrahydrocannabinol content per dry weight of any part of the plant
35 *Cannabis*, or per volume or weight of cannabis product, or the
36 combined percent of delta-9 tetrahydrocannabinol and
37 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
38 regardless of moisture content.

39 (vv) "Ultimate user" means an individual who lawfully possesses a
40 controlled substance for the individual's own use or for the use of a

1 member of the individual's household or for administering to an
2 animal owned by the individual or by a member of the individual's
3 household.

4 (ww) "Useable cannabis" means dried cannabis flowers. The term
5 "useable cannabis" does not include either cannabis-infused products
6 or cannabis concentrates.

7 (xx) "Youth access" means the level of interest persons under the
8 age of twenty-one may have in a vapor product, as well as the degree
9 to which the product is available or appealing to such persons, and
10 the likelihood of initiation, use, or addiction by adolescents and
11 young adults.

12 (yy) "Commercial activity" means an activity related to or
13 connected with buying, selling, or bartering.

14 NEW SECTION. **Sec. 5.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

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