

---

HOUSE BILL 1802

---

State of Washington

68th Legislature

2023 Regular Session

By Representatives Cheney, Graham, Rude, Walsh, Waters, and McClintock

Read first time 02/09/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to minors in possession of alcohol, cannabis, or  
2 controlled substances; amending RCW 66.44.270, 69.50.4013, and  
3 69.50.4013; providing an effective date; providing an expiration  
4 date; and declaring an emergency.

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

6 **Sec. 1.** RCW 66.44.270 and 2015 c 59 s 2 are each amended to read  
7 as follows:

8 (1) It is unlawful for any person to sell, give, or otherwise  
9 supply liquor to any person under the age of (~~twenty-one~~) 21 years  
10 or permit any person under that age to consume liquor on his or her  
11 premises or on any premises under his or her control. For the  
12 purposes of this subsection, "premises" includes real property,  
13 houses, buildings, and other structures, and motor vehicles and  
14 watercraft. A violation of this subsection is a gross misdemeanor  
15 punishable as provided for in chapter 9A.20 RCW.

16 (2)(a) It is unlawful for any person under the age of (~~twenty-~~  
17 ~~one~~) 21 years to knowingly possess, consume, or otherwise acquire  
18 any liquor, cannabis, cannabis-infused products, cannabis  
19 concentrates, regardless of THC concentration, or any other  
20 controlled substance as defined in RCW 69.50.101. A violation of this

1 subsection is a gross misdemeanor punishable as provided for in  
2 chapter 9A.20 RCW.

3 (b) It is unlawful for a person under the age of (~~twenty-one~~)  
4 21 years to be in a public place, or to be in a motor vehicle in a  
5 public place, while exhibiting the effects of having consumed liquor.  
6 For purposes of this subsection, exhibiting the effects of having  
7 consumed liquor means that a person has the odor of liquor on his or  
8 her breath and either: (i) Is in possession of or close proximity to  
9 a container that has or recently had liquor in it; or (ii) by speech,  
10 manner, appearance, behavior, lack of coordination, or otherwise,  
11 exhibits that he or she is under the influence of liquor. This  
12 subsection (2)(b) does not apply if the person is in the presence of  
13 a parent or guardian or has consumed or is consuming liquor under  
14 circumstances described in subsection (~~(4), (5), or (7)~~) (5), (6),  
15 or (8) of this section.

16 (3) Subsections (1) and (2)(a) of this section do not apply to  
17 liquor given or permitted to be given to a person under the age of  
18 (~~twenty-one~~) 21 years by a parent or guardian and consumed in the  
19 presence of the parent or guardian. This subsection shall not  
20 authorize consumption or possession of liquor by a person under the  
21 age of (~~twenty-one~~) 21 years on any premises licensed under chapter  
22 66.24 RCW.

23 (4) Subsection (2)(a) of this section does not apply to:

24 (a) A person under the age of 21 years in possession of a  
25 controlled substance as defined in RCW 69.50.101 that was obtained  
26 directly from, or pursuant to, a valid prescription or order of a  
27 practitioner while acting in the course of his or her professional  
28 practice, or except as otherwise authorized by chapter 69.50 RCW; or

29 (b) The possession by a qualifying patient or designated provider  
30 of cannabis concentrates, useable cannabis, cannabis-infused  
31 products, or plants in accordance with chapter 69.51A RCW.

32 (5) This section does not apply to liquor given for medicinal  
33 purposes to a person under the age of (~~twenty-one~~) 21 years by a  
34 parent, guardian, physician, or dentist.

35 (~~(5)~~) (6) This section does not apply to liquor given to a  
36 person under the age of (~~twenty-one~~) 21 years when such liquor is  
37 being used in connection with religious services and the amount  
38 consumed is the minimal amount necessary for the religious service.

1       (~~(6)~~) (7) This section does not apply to liquor provided to  
2 students under (~~(twenty-one)~~) 21 years of age in accordance with a  
3 special permit issued under RCW 66.20.010(12).

4       (~~(7)~~) (8)(a) A person under the age of (~~(twenty-one)~~) 21 years  
5 acting in good faith who seeks medical assistance for someone  
6 experiencing alcohol poisoning shall not be charged or prosecuted  
7 under subsection (2)(a) of this section, if the evidence for the  
8 charge was obtained as a result of the person seeking medical  
9 assistance.

10       (b) A person under the age of (~~(twenty-one)~~) 21 years who  
11 experiences alcohol poisoning and is in need of medical assistance  
12 shall not be charged or prosecuted under subsection (2)(a) of this  
13 section, if the evidence for the charge was obtained as a result of  
14 the poisoning and need for medical assistance.

15       (c) The protection in this subsection shall not be grounds for  
16 suppression of evidence in other criminal charges.

17       (~~(8)~~) (9) Conviction or forfeiture of bail for a violation of  
18 this section by a person under the age of (~~(twenty-one)~~) 21 years at  
19 the time of such conviction or forfeiture shall not be a  
20 disqualification of that person to acquire a license to sell or  
21 dispense any liquor after that person has attained the age of  
22 (~~(twenty-one)~~) 21 years.

23       (10) When a law enforcement officer has probable cause to believe  
24 a violation of subsection (2)(a) of this section has occurred where  
25 the person under the age of 21 is driving a vehicle and there are any  
26 other persons under the age of 18 riding as passengers in the  
27 vehicle, the law enforcement officer shall make every effort to  
28 contact the parent or guardian of the passenger and inform the parent  
29 or guardian that the passenger was in the vehicle with a person under  
30 the age of 21 in possession of alcohol, cannabis, or any other  
31 controlled substance.

32       **Sec. 2.** RCW 69.50.4013 and 2022 c 16 s 85 are each amended to  
33 read as follows:

34       (1) It is unlawful for any person 21 years of age or older to  
35 knowingly possess a controlled substance unless the substance was  
36 obtained directly from, or pursuant to, a valid prescription or order  
37 of a practitioner while acting in the course of his or her  
38 professional practice, or except as otherwise authorized by this  
39 chapter.

1 (2) Except as provided in RCW 69.50.4014, any person who violates  
2 this section is guilty of a misdemeanor.

3 (3) The prosecutor is encouraged to divert cases under this  
4 section for assessment, treatment, or other services.

5 (4) (a) The possession, by a person (~~(twenty-one)~~) 21 years of age  
6 or older, of useable cannabis, cannabis concentrates, or cannabis-  
7 infused products in amounts that do not exceed those set forth in RCW  
8 69.50.360(3) is not a violation of this section, this chapter, or any  
9 other provision 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 (5) (a) The delivery by a person (~~(twenty-one)~~) 21 years of age or  
19 older to one or more persons (~~(twenty-one)~~) 21 years of age or older,  
20 during a single (~~(twenty-four)~~) 24 hour period, for noncommercial  
21 purposes and not conditioned upon or done in connection with the  
22 provision or receipt of financial consideration, of any of the  
23 following cannabis products, is not a violation of this section, this  
24 chapter, or any other provisions of Washington state law:

- 25 (i) One-half ounce of useable cannabis;
- 26 (ii) Eight ounces of cannabis-infused product in solid form;
- 27 (iii) (~~(Thirty-six)~~) 36 ounces of cannabis-infused product in  
28 liquid form; or
- 29 (iv) Three and one-half grams of cannabis concentrates.

30 (b) The act of delivering cannabis or a cannabis product as  
31 authorized under this subsection (5) must meet one of the following  
32 requirements:

- 33 (i) The delivery must be done in a location outside of the view  
34 of general public and in a nonpublic place; or
- 35 (ii) The cannabis or cannabis product must be in the original  
36 packaging as purchased from the cannabis retailer.

37 (6) No person under (~~(twenty-one)~~) 21 years of age may possess,  
38 manufacture, sell, or distribute cannabis, cannabis-infused products,  
39 or cannabis concentrates, regardless of THC concentration. This does  
40 not include qualifying patients with a valid authorization.

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

6 **Sec. 3.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to  
7 read as follows:

8 (1) It is unlawful for any person 21 years of age or older to  
9 possess a controlled substance unless the substance was obtained  
10 directly from, or pursuant to, a valid prescription or order of a  
11 practitioner while acting in the course of his or her professional  
12 practice, or except as otherwise authorized by this chapter.

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

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

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

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

- 36 (i) One-half ounce of useable cannabis;  
37 (ii) Eight ounces of cannabis-infused product in solid form;  
38 (iii) (~~(Thirty-six)~~) 36 ounces of cannabis-infused product in  
39 liquid form; or

1 (iv) Three and one-half grams of cannabis concentrates.

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

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

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

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

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

18 NEW SECTION. **Sec. 4.** Section 2 of this act expires July 1,  
19 2023.

20 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of  
22 the state government and its existing public institutions, and takes  
23 effect immediately, except for section 3 of this act which takes  
24 effect July 1, 2023.

--- END ---