
HOUSE BILL 2175

State of Washington 62nd Legislature 2011 2nd Special Session

By Representatives Appleton, Upthegrove, Green, Reykdal, Jinkins, Hunt, Moscoso, Ryu, Fitzgibbon, Carlyle, Tharinger, Billig, Pedersen, and Roberts

Read first time 12/14/11. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to penalties for marihuana or cannabis type
2 substance; amending RCW 69.50.4014, 69.50.408, and 69.50.412; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 69.50.4014 and 2003 c 53 s 335 are each amended to
6 read as follows:

7 Except as provided in RCW 69.50.401(2)(c), any person found guilty
8 of possession of (~~forty grams or~~):

9 (1) Less than one-half ounce of marihuana (~~is guilty of a~~
10 misdemeanor)) shall be punished as follows:

11 (a) For a first offense, a class 1 civil infraction under RCW
12 7.80.120 with a monetary penalty of one hundred fifty dollars; or

13 (b) For a second or subsequent offense, a class 1 civil infraction
14 under RCW 7.80.120 with a monetary penalty of at least two hundred
15 dollars but no more than five hundred dollars;

16 (2) At least one-half ounce but no more than one and one-half ounce
17 of marihuana is guilty of a misdemeanor.

1 **Sec. 2.** RCW 69.50.408 and 2003 c 53 s 341 are each amended to read
2 as follows:

3 (1) Any person convicted of a second or subsequent offense under
4 this chapter may be imprisoned for a term up to twice the term
5 otherwise authorized, fined an amount up to twice that otherwise
6 authorized, or both.

7 (2) For purposes of this section, an offense is considered a second
8 or subsequent offense, if, prior to his or her conviction of the
9 offense, the offender has at any time been convicted under this chapter
10 or under any statute of the United States or of any state relating to
11 narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic
12 drugs.

13 (3) This section does not apply to offenses under RCW 69.50.4013 or
14 69.50.4014.

15 **Sec. 3.** RCW 69.50.412 and 2002 c 213 s 1 are each amended to read
16 as follows:

17 (1) It is unlawful for any person to use drug paraphernalia to
18 plant, propagate, cultivate, grow, harvest, manufacture, compound,
19 convert, produce, process, prepare, test, analyze, pack, repack, store,
20 contain, conceal, inject, ingest, inhale, or otherwise introduce into
21 the human body a controlled substance, other than a cannabis type
22 substance in a quantity of less than one-half ounce. Any person who
23 violates this subsection is guilty of a misdemeanor.

24 (2) It is unlawful for any person to deliver, possess with intent
25 to deliver, or manufacture with intent to deliver drug paraphernalia,
26 knowing, or under circumstances where one reasonably should know, that
27 it will be used to plant, propagate, cultivate, grow, harvest,
28 manufacture, compound, convert, produce, process, prepare, test,
29 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale,
30 or otherwise introduce into the human body a controlled substance,
31 other than a cannabis type substance in a quantity of less than one-
32 half ounce. Any person who violates this subsection is guilty of a
33 misdemeanor.

34 (3) It is unlawful for any person to: (a) Use drug paraphernalia
35 to plant, propagate, cultivate, grow, harvest, manufacture, compound,
36 convert, produce, process, prepare, test, analyze, pack, repack, store,
37 contain, conceal, inject, ingest, inhale, or otherwise introduce into

1 the human body, less than one-half ounce of a cannabis type substance,
2 or (b) deliver, possess with intent to deliver, or manufacture with
3 intent to deliver drug paraphernalia, knowing, or under circumstances
4 where one reasonably should know, that it will be used to plant,
5 propagate, cultivate, grow, harvest, manufacture, compound, convert,
6 produce, process, prepare, test, analyze, pack, repack, store, contain,
7 conceal, inject, ingest, inhale, or otherwise introduce into the human
8 body, less than one ounce of a cannabis type substance. A person who
9 violates this subsection is guilty of a class 1 civil infraction under
10 RCW 7.80.120.

11 (4) Any person eighteen years of age or over who violates
12 subsection (2) of this section by delivering drug paraphernalia to a
13 person under eighteen years of age who is at least three years his
14 junior is guilty of a gross misdemeanor.

15 ((+4)) (5) It is unlawful for any person to place in any
16 newspaper, magazine, handbill, or other publication any advertisement,
17 knowing, or under circumstances where one reasonably should know, that
18 the purpose of the advertisement, in whole or in part, is to promote
19 the sale of objects designed or intended for use as drug paraphernalia.
20 Any person who violates this subsection is guilty of a misdemeanor.

21 ((+5)) (6) It is lawful for any person over the age of eighteen to
22 possess sterile hypodermic syringes and needles for the purpose of
23 reducing bloodborne diseases.

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