AN ACT Relating to marijuana; amending RCW 9.94A.518, 9.94A.650, 9A.16.120, 9.92.070, 13.04.155, 28B.10.575, 35A.66.020, 36.27.020, 38.38.762, 43.19.19054, 66.08.026, 66.08.030, 66.08.050, 66.08.060, 66.08.080, 66.08.090, 66.08.095, 66.08.120, 66.08.130, 66.08.70, 66.08.075, 66.12.020, 66.12.060, 66.16.010, 66.16.041, 66.16.060, 66.16.070, 66.16.090, 66.16.120, 66.20.100, 66.20.150, 66.20.160, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.32.010, 66.32.030, 66.32.040, 66.32.070, 66.32.090, 66.36.010, 66.40.010, 66.40.020, 66.40.040, 66.40.110, 66.40.120, 66.40.140, 66.40.150, 66.44.010, 66.44.040, 66.44.060, 66.44.100, 66.44.130, 66.44.140, 66.44.150, 66.44.160, 66.44.170, 66.44.200, 66.44.210, 66.44.240, 66.44.250, 66.44.265, 66.44.270, 66.44.290, 66.44.292, 66.44.300, 66.44.310, 66.44.325, 66.98.010, 69.04.480, 69.50.204, 69.51A.005, 69.51A.010, and 69.51A.060; reenacting and amending RCW 13.40.0357, 66.04.010, 66.16.040, and 69.50.505; adding a new section to chapter 9.94A RCW; adding new sections to chapter 66.08 RCW; adding a new section to chapter 66.12 RCW; adding new sections to chapter 66.24 RCW; adding a new section to chapter 66.32 RCW; adding a new section to chapter 70.96A RCW; repealing RCW 69.50.4014, 69.51A.020, 69.51A.030, 69.51A.040, and 69.51A.050; and providing an effective date.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 9.94A RCW to read as follows:

It is the intent of the legislature to:
(1) Legalize marijuana and its derivatives;
(2) Remove all existing civil and criminal penalties for adults twenty-one years of age or older who cultivate, possess, transport, sell, or use marijuana, without impacting existing laws proscribing dangerous activities while under the influence of marijuana, or certain conduct that exposes younger persons to marijuana;
(3) Raise funds and discourage substance abuse by the imposition of a tax on the legal sale of marijuana, the proceeds of which will support drug education and awareness; and
(4) Impose a set of rules and laws concerning marijuana comparable to those imposed on alcohol.

Sec. 2. RCW 9.94A.518 and 2003 c 53 s 57 are each amended to read as follows:

TABLE 4
DRUG OFFENSES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
III Any felony offense under chapter 69.50 RCW with a deadly weapon special verdict under RCW
((9.94A.602)) 9.94A.825
Controlled Substance Homicide (RCW 69.50.415)
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
Involving a minor in drug dealing (RCW 69.50.4015)
Manufacture of methamphetamine
(RCW 69.50.401(2)(b))

Over 18 and deliver heroin,

methamphetamine, a narcotic from
Schedule I or II, or flunitrazepam
from Schedule IV to someone
under 18 (RCW 69.50.406)

Over 18 and deliver narcotic from
Schedule III, IV, or V or a
nonnarcotic, except flunitrazepam
or methamphetamine, from
Schedule I-V to someone under 18
and 3 years junior (RCW
69.50.406)

Possession of Ephedrine,
Pseudoephedrine, or Anhydrous
Ammonia with intent to
manufacture
methamphetamine (RCW
69.50.440)

Selling for profit (controlled or
counterfeit) any controlled
substance (RCW 69.50.410)

II Create, deliver, or possess a counterfeit
controlled substance (RCW
69.50.4011)

Deliver or possess with intent to deliver
methamphetamine (RCW
69.50.401(2)(b))

Delivery of a material in lieu of a
controlled substance (RCW
69.50.4012)

Maintaining a Dwelling or Place for
Controlled Substances (RCW
69.50.402(1)(f))
Manufacture, deliver, or possess with intent to deliver amphetamine
(RCW 69.50.401(2)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(2)(a))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(2) (c) through (e))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V (RCW 69.50.4013)

Possession of Controlled Substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.4013)

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Sec. 3. RCW 9.94A.650 and 2008 c 231 s 29 are each amended to read as follows:

(1) This section applies to offenders who have never been previously convicted of a felony in this state, federal court, or another state, and who have never participated in a program of deferred prosecution for a felony, and who are convicted of a felony that is not:

(a) Classified as a violent offense or a sex offense under this chapter;

(b) Manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV;

(c) Manufacture, delivery, or possession with intent to deliver a methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2);

(d) The selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204((except leaves and flowering tops of marihuana)); or

(e) Felony driving while under the influence of intoxicating liquor or any drug or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(2) In sentencing a first-time offender the court may waive the imposition of a sentence within the standard sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses.

(3) The court may impose up to one year of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed two years.

(4) As a condition of community custody, in addition to any conditions authorized in RCW 9.94A.703, the court may order the offender to pay all court-ordered legal financial obligations and/or perform community restitution work.

Sec. 4. RCW 9A.16.120 and 2003 c 219 s 1 are each amended to read as follows:

(1) In a criminal action brought against the detainer by reason of a person having been detained on or in the immediate vicinity of the
premises of an outdoor music festival or related campground for the
purpose of pursuing an investigation or questioning by a law
enforcement officer as to the lawfulness of the consumption or
possession of alcohol, marijuana, or illegal drugs, it is a defense
that the detained person was detained in a reasonable manner and for
not more than a reasonable time to permit the investigation or
questioning by a law enforcement officer, and that a peace officer,
owner, operator, employee, or agent of the outdoor music festival had
reasonable grounds to believe that the person so detained was
unlawfully consuming or attempting to unlawfully consume or possess,
alcohol, marijuana, or illegal drugs on the premises.

(2) For the purposes of this section:
   (a) "Illegal drug" means a controlled substance under chapter 69.50
   RCW for which the person detained does not have a valid prescription or
   that is not being consumed in accordance with the prescription
directions and warnings, or a legend drug under chapter 69.41 RCW for
   which the person does not have a valid prescription or that is not
   being consumed in accordance with the prescription directions and
   warnings.
   (b) "Outdoor music festival" has the same meaning as in RCW
   70.108.020, except that no minimum time limit is required.
   (c) "Reasonable grounds" include, but are not limited to:
      (i) Exhibiting the effects of having consumed liquor, which means
      that a person has the odor of liquor on his or her breath, or that by
      speech, manner, appearance, behavior, lack of coordination, or
      otherwise exhibits that he or she has consumed liquor, and either:
      (A) Is in possession of or in close proximity to a container that
      has or recently had liquor in it; or
      (B) Is shown by other evidence to have recently consumed liquor; or
      (ii) Exhibiting the effects of having consumed an illegal drug,
      which means that a person by speech, manner, appearance, behavior, lack
      of coordination, or otherwise exhibits that he or she has consumed an
      illegal drug, and either:
      (A) Is in possession of an illegal drug; or
      (B) Is shown by other evidence to have recently consumed an illegal
      drug.
      (d) "Reasonable time" means the time necessary to permit the person
   detained to make a statement or to refuse to make a statement, and the
time necessary to allow a law enforcement officer to determine the
lawfulness of the consumption or possession of alcohol, marijuana, or
illegal drugs. "Reasonable time" may not exceed one hour.

Sec. 5.  RCW 9.92.070 and 1987 c 3 s 4 are each amended to read as
follows:

Hereafter whenever any judge of any superior court or a district or
municipal judge shall sentence any person to pay any fine and costs,
the judge may, in the judge's discretion, provide that such fine and
costs may be paid in certain designated installments, or within certain
designated period or periods; and if such fine and costs shall be paid
by the defendant in accordance with such order no commitment or
imprisonment of the defendant shall be made for failure to pay such
fine or costs. PROVIDED, that the provisions of this section shall not
apply to any sentence given for the violation of any of the liquor or
marijuana laws of this state.

Sec. 6.  RCW 13.04.155 and 2000 c 27 s 1 are each amended to read
as follows:

(1) Whenever a minor enrolled in any common school is convicted in
adult criminal court, or adjudicated or entered into a diversion
agreement with the juvenile court on any of the following offenses, the
court must notify the principal of the student's school of the
disposition of the case, after first notifying the parent or legal
guardian that such notification will be made:

(a) A violent offense as defined in RCW 9.94A.030;
(b) A sex offense as defined in RCW 9.94A.030;
(c) Inhaling toxic fumes under chapter 9.47A RCW;
(d) A controlled substances violation under chapter 69.50 RCW;
(e) A liquor or marijuana violation under RCW 66.44.270; and
(f) Any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48
RCW.

(2) The principal must provide the information received under
subsection (1) of this section to every teacher of any student who
qualifies under subsection (1) of this section and any other personnel
who, in the judgment of the principal, supervises the student or for
security purposes should be aware of the student's record. The
principal must provide the information to teachers and other personnel
based on any written records that the principal maintains or receives from a juvenile court administrator or a law enforcement agency regarding the student.

(3) Any information received by a principal or school personnel under this section is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

Sec. 7.  RCW 13.40.0357 and 2008 c 230 s 3 and 2008 c 158 s 1 are each reenacted and amended to read as follows:

<table>
<thead>
<tr>
<th>DESCRIPTION AND OFFENSE CATEGORY</th>
<th>JUVENILE DISPOSITION</th>
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<tr>
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<tr>
<td>DESCRIPTION</td>
<td>JUVENILE DISPOSITION</td>
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</table>

**Arson and Malicious Mischief**

A  Arson 1 (9A.48.020)  B+

B  Arson 2 (9A.48.030)  C

C  Reckless Burning 1 (9A.48.040)  D

D  Reckless Burning 2 (9A.48.050)  E

B  Malicious Mischief 1 (9A.48.070)  C

C  Malicious Mischief 2 (9A.48.080)  D

D  Malicious Mischief 3 (9A.48.090(2)(a) and (c))  E

E  Malicious Mischief 3 (9A.48.090(2)(b))  E

E  Tampering with Fire Alarm Apparatus (9.40.100)  E

E  Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)  E

A  Possession of Incendiary Device (9.40.120)  B+

**Assault and Other Crimes Involving Physical Harm**

A  Assault 1 (9A.36.011)  B+
B+ Assault 2 (9A.36.021) C+
C+ Assault 3 (9A.36.031) D+
D+ Assault 4 (9A.36.041) E
B+ Drive-By Shooting (9A.36.045) C+
D+ Reckless Endangerment (9A.36.050) E
C+ Promoting Suicide Attempt (9A.36.060) D+
D+ Coercion (9A.36.070) E
C+ Custodial Assault (9A.36.100) D+

**Burglary and Trespass**

B+ Burglary 1 (9A.52.020) C+
B Residential Burglary (9A.52.025) C
B Burglary 2 (9A.52.030) C
D Burglary Tools (Possession of) (9A.52.060) E
D Criminal Trespass 1 (9A.52.070) E
E Criminal Trespass 2 (9A.52.080) E
C Mineral Trespass (78.44.330) C
C Vehicle Prowling 1 (9A.52.095) D
D Vehicle Prowling 2 (9A.52.100) E

**Drugs**

E Possession/Consumption of Alcohol (66.44.270) E
C Illegally Obtaining Legend Drug (69.41.020) D
C+ Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a)) D+
E Possession of Legend Drug (69.41.030(2)(b)) E
B+ Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b)) B+
C Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c)) C
E Possession of Marihuana (140 grams (69.50.401(4))) E
C Fraudulently Obtaining Controlled Substance (69.50.403) C
|   | C+ | Sale of Controlled Substance for Profit  
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<tr>
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<th>(69.50.410)</th>
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<tr>
<td>3</td>
<td>E</td>
<td>Unlawful Inhalation (9.47A.020)</td>
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| 4 | B  | Violation of Uniform Controlled Substances  
   |   | Act - Narcotic, Methamphetamine, or  
   |   | Flunitrazepam Counterfeit Substances  
   |   | (69.50.4011(2) (a) or (b)) | B |
| 7 | C  | Violation of Uniform Controlled Substances  
   |   | Act - Nonnarcotic Counterfeit Substances  
   |   | (69.50.4011(2) (c), (d), or (e)) | C |
| 10 | C  | Violation of Uniform Controlled Substances  
   |   | Act - Possession of a Controlled Substance  
   |   | (69.50.4013) | C |
| 14 | C  | Violation of Uniform Controlled Substances  
   |   | Act - Possession of a Controlled Substance  
   |   | (69.50.4012) | C |
| 17 |   | **Firearms and Weapons** | |
| 18 | B  | Theft of Firearm (9A.56.300) | C |
| 19 | B  | Possession of Stolen Firearm (9A.56.310) | C |
| 20 | E  | Carrying Loaded Pistol Without Permit  
   |   | (9.41.050) | E |
| 22 | C  | Possession of Firearms by Minor (<18)  
   |   | (9.41.040(2)(a)(iii)) | C |
| 24 | D+ | Possession of Dangerous Weapon  
   |   | (9.41.250) | E |
| 26 | D  | Intimidating Another Person by use of  
<p>|   | Weapon (9.41.270) | E |
| 28 |   | <strong>Homicide</strong> | |
| 29 | A+ | Murder 1 (9A.32.030) | A |
| 30 | A+ | Murder 2 (9A.32.050) | B+ |
| 31 | B+ | Manslaughter 1 (9A.32.060) | C+ |
| 32 | C+ | Manslaughter 2 (9A.32.070) | D+ |
| 33 | B+ | Vehicular Homicide (46.61.520) | C+ |
| 34 |   | <strong>Kidnapping</strong> | |
| 35 | A  | Kidnap 1 (9A.40.020) | B+ |
| 36 | B+ | Kidnap 2 (9A.40.030) | C+ |</p>
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<td><strong>Motor Vehicle Related Crimes</strong></td>
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</table>
Driving While Under the Influence (46.61.502 and 46.61.504)  
Felony Driving While Under the Influence (46.61.502(6))  
Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))

Other

Animal Cruelty 1 (16.52.205)  
Bomb Threat (9.61.160)  
Escape 1 (9A.76.110)  
Escape 2 (9A.76.120)  
Escape 3 (9A.76.130)  
Obscene, Harassing, Etc., Phone Calls (9.61.230)

Other Offense Equivalent to an Adult Class

A Felony  
B Felony  
C Felony  
D Felony  
E Felony

Other Offense Equivalent to an Adult Gross Misdemeanor

Other Offense Equivalent to an Adult Misdemeanor

Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)

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Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement
If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, D, or RCW 13.40.167.

<table>
<thead>
<tr>
<th>OPTION A</th>
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<tbody>
<tr>
<td><strong>JUVENILE OFFENDER SENTENCING GRID</strong></td>
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<td><strong>STANDARD RANGE</strong></td>
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<table>
<thead>
<tr>
<th>A+</th>
<th>180 WEEKS TO AGE 21 YEARS</th>
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<tr>
<td>A</td>
<td>103 WEEKS TO 129 WEEKS</td>
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<thead>
<tr>
<th>A-</th>
<th>15-36</th>
<th>52-65</th>
<th>80-100</th>
<th>103-129</th>
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EXCEPT

30-40 WEEKS FOR 15-17 YEAR OLDS

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<th>Current Offense Category</th>
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<tr>
<th>C</th>
<th>LS</th>
<th>15-36 WEEKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Sanctions:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 to 30 Days</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D+</th>
<th>LS</th>
<th>0 to 12 Months Community Supervision</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>0 to 150 Hours Community Restitution</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D</th>
<th>LS</th>
<th>$0 to $500 Fine</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>E</th>
<th>LS</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>PRIOR ADJUDICATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4 or more</td>
</tr>
</tbody>
</table>
NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and
(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

(a) Adjudicated of an A+ offense;

(b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); or

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

OR

OPTION C

CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR
OPTION D
MANIFEST INJUSTICE

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 8. RCW 28B.10.575 and 1996 c 17 s 2 are each amended to read as follows:

(1) Each public institution of higher education shall notify all students applying for college or university-owned student housing of the availability of housing in an area in which all liquor and marijuana use is prohibited.

(2) Each public institution of higher education, upon request, shall provide students access to student housing on a residence hall floor, designated area, or in a building where liquor and marijuana use is prohibited.

(3) Each public institution shall have in place, and distribute to students in college or university-owned student housing, a process for reporting violations and complaints of liquor, marijuana, and illegal drug use.

(4) Each public institution shall have in place, distribute to students, and vigorously enforce policies and procedures for investigating complaints regarding liquor, marijuana, and illegal drug use in college or university-owned student housing, including the sanctions that may be applied for violations of the institution's liquor, marijuana, and illegal drug use policies.

(5) Students who violate the institution's liquor, marijuana, and illegal drug use policies are subject to disciplinary action. Sanctions that may be applied for violations of the institution's liquor, marijuana, or illegal drug use policies include warnings, restitution for property damage, probation, expulsion from college or university-owned housing, and suspension from the institution.

(6) As used in this section:

(a) "Liquor" has the meaning in RCW 66.04.010; ((and))

(b) "Marijuana" has the meaning in RCW 69.50.101; and

(c) "Illegal drug use" refers to the unlawful use of controlled substances under chapter 69.50 RCW or legend drugs under chapter 69.41 RCW.
Sec. 9. RCW 35A.66.020 and 1967 ex.s. c 119 s 35A.66.020 are each amended to read as follows:

The qualified electors of any code city may petition for an election upon the question of whether the sale of liquor and marijuana shall be permitted within the boundaries of such city as provided by chapter 66.40 RCW, and shall be governed by the procedure therein, and may regulate music, dancing and entertainment as authorized by RCW 66.28.080: PROVIDED, That every code city shall enforce state laws relating to the investigation and prosecution of all violations of Title 66 RCW relating to control of alcoholic beverages and shall be entitled to retain the fines collected therefrom as therein provided. Every code city shall also share in the allocation and distribution of liquor and marijuana profits and excise as provided in RCW 82.08.170, 66.08.190, and 66.08.210, and make reports of seizure as required by RCW 66.32.090, and otherwise regulate by ordinances not in conflict with state law or liquor board regulations.

Sec. 10. RCW 36.27.020 and 1995 c 194 s 4 are each amended to read as follows:

The prosecuting attorney shall:

(1) Be legal adviser of the legislative authority, giving (it) his or her written opinion when required by the legislative authority or the chairperson thereof touching any subject which the legislative authority may be called or required to act upon relating to the management of county affairs;

(2) Be legal adviser to all county and precinct officers and school directors in all matters relating to their official business, and when required draw up all instruments of an official nature for the use of said officers;

(3) Appear for and represent the state, county, and all school districts subject to the supervisory control and direction of the attorney general in all criminal and civil proceedings in which the state or the county or any school district in the county may be a party;

(4) Prosecute all criminal and civil actions in which the state or the county may be a party, defend all suits brought against the state or the county, and prosecute actions upon forfeited recognizances and
bonds and actions for the recovery of debts, fines, penalties, and
forfeitures accruing to the state or the county;

(5) Attend and appear before and give advice to the grand jury when
cases are presented to it for consideration and draw all indictments
when required by the grand jury;

(6) Institute and prosecute proceedings before magistrates for the
arrest of persons charged with or reasonably suspected of felonies when
the prosecuting attorney has information that any such offense has been
committed and the prosecuting attorney shall for that purpose attend
when required by them if the prosecuting attorney is not then in
attendance upon the superior court;

(7) Carefully tax all cost bills in criminal cases and take care
that no useless witness fees are taxed as part of the costs and that
the officers authorized to execute process tax no other or greater fees
than the fees allowed by law;

(8) Receive all cost bills in criminal cases before district judges
at the trial of which the prosecuting attorney was not present, before
they are lodged with the legislative authority for payment, whereupon
the prosecuting attorney may retax the same and the prosecuting
attorney must do so if the legislative authority deems any bill
exorbitant or improperly taxed;

(9) Present all violations of the election laws which may come to
the prosecuting attorney's knowledge to the special consideration of
the proper jury;

(10) Examine once in each year the official bonds of all county and
precinct officers and report to the legislative authority any defect in
the bonds of any such officer;

(11) Make an annual report to the governor as of the 31st of
December of each year setting forth the amount and nature of business
transacted by the prosecuting attorney in that year with such other
statements and suggestions as the prosecuting attorney may deem useful;

(12) Send to the state liquor control board at the end of each year
a written report of all prosecutions brought under the state liquor and
marijuana laws in the county during the preceding year, showing in each
case, the date of trial, name of accused, nature of charges,
disposition of case, and the name of the judge presiding;

(13) Seek to reform and improve the administration of criminal
justice and stimulate efforts to remedy inadequacies or injustice in substantive or procedural law.

Sec. 11. RCW 38.38.762 and 2009 c 378 s 25 are each amended to read as follows:

(1) Any person subject to this code who wrongfully uses, possesses, distributes, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces or organized militia a substance described in subsection (2) of this section shall be punished as a court-martial may direct.

(2) The substances referred to in subsection (1) of this section are the following:

(a) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and ((marijuana and)) any compound or derivative of any such substance;

(b) Any substance not specified in (a) of this subsection that is listed on a schedule of controlled substances prohibited by the United States army; or

(c) Any other substance not specified in this subsection that is listed in Schedules I through V of section 202 of the federal controlled substances act, 21 U.S.C. Sec. 812, as amended.

Sec. 12. RCW 43.19.19054 and 1975-'76 2nd ex.s. c 21 s 7 are each amended to read as follows:

The provisions of RCW 43.19.1905 shall not apply to materials, supplies, and equipment purchased for resale to other than public agencies by state agencies, including educational institutions. In addition, RCW 43.19.1905 shall not apply to liquor or marijuana purchased by the state for resale under the provisions of Title 66 RCW.

Sec. 13. RCW 66.04.010 and 2009 c 373 s 1 and 2009 c 271 s 2 are each reenacted and amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the
possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Authorized representative" means a person who:
   (a) Is required to have a federal basic permit issued pursuant to the federal alcohol administration act, 27 U.S.C. Sec. 204;
   (b) Has its business located in the United States outside of the state of Washington;
   (c) Acquires ownership of beer or wine for transportation into and resale in the state of Washington; and which beer or wine is produced by a brewery or winery in the United States outside of the state of Washington; and
   (d) Is appointed by the brewery or winery referenced in (c) of this subsection as its authorized representative for marketing and selling its products within the United States in accordance with a written agreement between the authorized representative and such brewery or winery pursuant to this title.

(3) "Beer" means any malt beverage, flavored malt beverage, or malt liquor as these terms are defined in this chapter.

(4) "Beer distributor" means a person who buys beer from a domestic brewery, microbrewery, beer certificate of approval holder, or beer importers, or who acquires foreign produced beer from a source outside of the United States, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(5) "Beer importer" means a person or business within Washington who purchases beer from a beer certificate of approval holder or who acquires foreign produced beer from a source outside of the United States for the purpose of selling the same pursuant to this title.

(6) "Board" means the liquor control board, constituted under this title.

(7) "Brewer" or "brewery" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic
brewery license, only the privileges of storing, selling to licensed
beer distributors, and exporting beer from the state.

(8) "Club" means an organization of persons, incorporated or
unincorporated, operated solely for fraternal, benevolent, educational,
athletic or social purposes, and not for pecuniary gain.

(9) "Confection" means a preparation of sugar, honey, or other
natural or artificial sweeteners in combination with chocolate, fruits,
nuts, dairy products, or flavorings, in the form of bars, drops, or
pieces.

(10) "Consume" includes the putting of liquor to any use, whether
by drinking or otherwise.

(11) "Contract liquor store" means a business that sells liquor or
marijuana on behalf of the board through a contract with a contract
liquor store manager.

(12) "Craft distillery" means a distillery that pays the reduced
licensing fee under RCW 66.24.140.

(13) "Dentist" means a practitioner of dentistry duly and regularly
licensed and engaged in the practice of his or her profession within
the state pursuant to chapter 18.32 RCW.

(14) "Distiller" means a person engaged in the business of
distilling spirits.

(15) "Domestic brewery" means a place where beer and malt liquor
are manufactured or produced by a brewer within the state.

(16) "Domestic winery" means a place where wines are manufactured
or produced within the state of Washington.

(17) "Drug store" means a place whose principal business is, the
sale of drugs, medicines and pharmaceutical preparations and maintains
a regular prescription department and employs a registered pharmacist
during all hours the drug store is open.

(18) "Druggist" means any person who holds a valid certificate and
is a registered pharmacist and is duly and regularly engaged in
carrying on the business of pharmaceutical chemistry pursuant to
chapter 18.64 RCW.

(19) "Employee" means any person employed by the board.

(20) "Flavored malt beverage" means:

(a) A malt beverage containing six percent or less alcohol by
volume to which flavoring or other added nonbeverage ingredients are
added that contain distilled spirits of not more than forty-nine percent of the beverage's overall alcohol content; or

(b) A malt beverage containing more than six percent alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than one and one-half percent of the beverage's overall alcohol content.

(21) "Fund" means 'liquor revolving fund.'

(22) "Hotel" means buildings, structures, and grounds, having facilities for preparing, cooking, and serving food, that are kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests. The buildings, structures, and grounds must be located on adjacent property either owned or leased by the same person or persons.

(23) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to the board or for export.

(24) "Imprisonment" means confinement in the county jail.

(25) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(26) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the
purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(27) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(28) "Marijuana" has the same meaning as in RCW 69.50.101.

(29) "Marijuana farm grower" means any person engaged in the agriculture business, licensed with the department of agriculture, and who grows marijuana for sale in state liquor stores on behalf of the board.

(30) "Nightclub" means an establishment that provides entertainment and has as its primary source of revenue (a) the sale of alcohol for consumption on the premises, (b) cover charges, or (c) both, and has an occupancy load of one hundred or more.

((29)) (31) "Package" means any container or receptacle used for holding liquor.

((30)) (32) "Passenger vessel" means any boat, ship, vessel, barge, or other floating craft of any kind carrying passengers for compensation.

((31)) (33) "Permit" means a permit for the purchase of liquor under this title.

((32)) (34) "Person" means an individual, copartnership, association, or corporation.

((33)) (35) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.71 RCW.

((34)) (36) "Prescription" means a memorandum signed by a physician and given by him or her to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

((35)) (37) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and
the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

((36)) (38) "Regulations" means regulations made by the board under the powers conferred by this title.

((37)) (39) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

((38)) (40) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his or her agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

((39)) (41) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

((40)) (42) "Spirits" means any beverage which contains alcohol obtained by distillation, except flavored malt beverages, but including wines exceeding twenty-four percent of alcohol by volume.

((41)) (43) "Store" means a state liquor store established under this title.

((42)) (44) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

((43)) (45)(a) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation,
and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (i) Wines that are both sealed or capped by cork closure and aged two years or more; and (ii) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

(b) This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

   "Wine distributor" means a person who buys wine from a domestic winery, wine certificate of approval holder, or wine importer, or who acquires foreign produced wine from a source outside of the United States, for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

   "Wine importer" means a person or business within Washington who purchases wine from a wine certificate of approval holder or who acquires foreign produced wine from a source outside of the United States for the purpose of selling the same pursuant to this title.

   "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

Sec. 14. RCW 66.08.026 and 2008 c 67 s 1 are each amended to read as follows:

   Administrative expenses of the board shall be appropriated and paid from the liquor revolving fund. These administrative expenses shall include, but not be limited to: The salaries and expenses of the board and its employees, the cost of opening additional state liquor stores and warehouses, legal services, pilot projects, annual or other audits,
and other general costs of conducting the business of the board. The
administrative expenses shall not include costs of marijuana, liquor,
and lottery tickets purchased, the cost of transportation and delivery
to the point of distribution, the cost of operating, maintaining,
relocating, and leasing state liquor stores and warehouses, other costs
pertaining to the acquisition and receipt of marijuana, liquor, and
lottery tickets, agency commissions for contract liquor stores,
transaction fees associated with credit or debit card purchases for
marijuana or liquor in state liquor stores and in contract liquor
stores pursuant to RCW 66.16.040 and 66.16.041, sales tax, and those
amounts distributed pursuant to RCW 66.08.180, 66.08.190, 66.08.200,
66.08.210 and 66.08.220. Agency commissions for contract liquor stores
shall be established by the liquor control board after consultation
with and approval by the director of the office of financial
management. All expenditures and payment of obligations authorized by
this section are subject to the allotment requirements of chapter 43.88
RCW.

Sec. 15. RCW 66.08.030 and 2002 c 119 s 2 are each amended to read
as follows:
(1) For the purpose of carrying into effect the provisions of this
title according to their true intent or of supplying any deficiency
therein, the board may make such regulations not inconsistent with the
spirit of this title as are deemed necessary or advisable. All
regulations so made shall be a public record and shall be filed in the
office of the code reviser, and thereupon shall have the same force and
effect as if incorporated in this title. Such regulations, together
with a copy of this title, shall be published in pamphlets and shall be
distributed as directed by the board.
(2) Without thereby limiting the generality of the provisions
contained in subsection (1) of this section, it is declared that the
power of the board to make regulations in the manner set out in that
subsection shall extend to:
(a) Regulating the equipment and management of stores and
warehouses in which state liquor and marijuana is sold or kept, and
prescribing the books and records to be kept therein and the reports to
be made thereon to the board;
(b) Prescribing the duties of the employees of the board, and regulating their conduct in the discharge of their duties;

c) Governing the purchase of liquor and marijuana by the state and the furnishing of liquor and marijuana to stores established under this title;

d) Determining the classes, varieties, and brands of liquor and marijuana to be kept for sale at any store;

e) Prescribing, subject to RCW 66.16.080, the hours during which the state liquor stores shall be kept open for the sale of liquor and marijuana;

(f) Providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each variety of liquor and marijuana kept for sale under this title;

g) Prescribing an official seal and official labels and stamps and determining the manner in which they shall be attached to every package of liquor sold or sealed under this title, including the prescribing of different official seals or different official labels for different classes of liquor;

(h) Prescribing an official seal and official labels and stamps, and determining the manner in which they shall be attached to every package of marijuana sold or sealed under this title, including the prescribing of different official seals or different official labels for the different varieties of marijuana;

(i) Providing for the payment by the board in whole or in part of the carrying charges on liquor and marijuana shipped by freight or express;

((4)) (j) Prescribing forms to be used for purposes of this title or the regulations, and the terms and conditions to be contained in permits and licenses issued under this title, and the qualifications for receiving a permit or license issued under this title, including a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation;
Prescribing the fees payable in respect of permits and licenses issued under this title for which no fees are prescribed in this title, and prescribing the fees for anything done or permitted to be done under the regulations;

Prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same shall be kept and disposed of, and providing for the inspection of the same at any time at the instance of the board;

Regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale;

Prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the board, and providing for inspection of the records so kept;

Prescribing the kinds and quantities of liquor and marijuana for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period;

Prescribing the manner of giving and serving notices required by this title or the regulations, where not otherwise provided for in this title;

Regulating premises in which liquor is kept for export from the state, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the board, and providing for the inspection of the premises and the books, records and the liquor so kept;

Prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;

Prescribing the conditions, accommodations and qualifications requisite for the obtaining of licenses to sell beer and wines, and regulating the sale of beer and wines thereunder;

Specifying and regulating the time and periods when, and the manner, methods, and means by which manufacturers shall deliver liquor within the state; and the time and periods when, and the manner,
methods, and means by which liquor may lawfully be conveyed or carried within the state;

((u)) Specifying and regulating the time and periods when, and the manner, methods, and means by which authorized marijuana farmer growers shall deliver marijuana within the state; and the time and periods when, and the manner, methods, and means by which marijuana may lawfully be conveyed or carried within the state;

(v) Providing for the making of returns by brewers of their sales of beer shipped within the state, or from the state, showing the gross amount of such sales and providing for the inspection of brewers' books and records, and for the checking of the accuracy of any such returns;

((w)) Providing for the making of returns by the wholesalers of beer whose breweries are located beyond the boundaries of the state;

((x)) Providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and exported from the state, and to whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;

(y) Providing forms to be used for purposes of providing for the inspection of the premises of any marijuana farm grower, and his or her books and records;

(z) Providing forms to be used by marijuana farm growers for reporting the gross amount of marijuana produced, sold, transferred, and distributed to each state liquor store and contract liquor store;

(aa) Providing for the giving of fidelity bonds by any or all of the employees of the board: PROVIDED, That the premiums therefor shall be paid by the board;

(bb) Providing for the shipment by mail or common carrier of liquor to any person holding a permit and residing in any unit which has, by election pursuant to this title, prohibited the sale of liquor therein;

(cc) Prescribing methods of manufacture, conditions of sanitation, standards of ingredients, quality, and identity of alcoholic beverages manufactured, sold, bottled, or handled by licensees and the board; and conducting from time to time, in the interest of the public health and general welfare, scientific studies
and research relating to alcoholic beverages and the use and effect thereof;

(dd) Working in conjunction with the department of agriculture in prescribing methods of growing, conditions of sanitation, standards of ingredients, quality, and identity of marijuana sold, packaged, or handled by licensed marijuana farm growers and the board;

(ee) Seizing, confiscating, and destroying all alcoholic beverages manufactured, sold or offered for sale within this state which do not conform in all respects to the standards prescribed by this title or the regulations of the board: PROVIDED, Nothing herein contained shall be construed as authorizing the liquor board to prescribe, alter, limit or in any way change the present law as to the quantity or percentage of alcohol used in the manufacturing of wine or other alcoholic beverages.

(ff) Seizing, confiscating, and destroying all marijuana plants grown, sold, or offered for sale within this state which do not conform in all respects to the standards prescribed by this title or the regulations of the board.

Sec. 16. RCW 66.08.050 and 2005 c 151 s 3 are each amended to read as follows:

The board, subject to the provisions of this title and the rules, shall:

(1) Determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

(2) Appoint in cities and towns and other communities, in which no state liquor store is located, contract liquor stores.

(a) In addition, the board may appoint, in its discretion, a manufacturer that also manufactures liquor products other than wine under a license under this title, as a contract liquor store for the purpose of sale of liquor products of its own manufacture on the licensed premises only. (Such) Contract liquor stores shall be (i) authorized to sell liquor under the guidelines provided by law, rule, or contract, and (such contract liquor stores shall be) (ii) subject to (such) additional rules and regulations consistent with this title as the board may require.
(b) Contract liquor stores shall be (i) authorized to sell marijuana under the guidelines provided by law, rules, or contract, and subject to additional rules and regulations consistent with this title as the board may require;

(3) Establish all necessary warehouses for the storing and bottling, diluting, and rectifying of stocks of liquors for the purposes of this title;

(4) Establish all necessary warehouses for the storing and packaging of marijuana for the purposes of this title;

(5) Provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;

(5) Determine the nature, form, and capacity of all packages to be used for containing liquor and marijuana kept for sale under this title;

(6) Execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(7) Pay all customs, duties, excises, charges, and obligations whatsoever relating to the business of the board;

(8) Require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

(9) Perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the board and the commission;

(10) Accept and deposit into the general fund-local account and disburse, subject to appropriation, federal grants or other funds or donations from any source for the purpose of improving public awareness of the health risks associated with alcohol consumption by youth and the abuse of alcohol by adults in Washington state. The board's alcohol awareness program shall cooperate with federal and state agencies, interested organizations, and individuals to effect an active public beverage alcohol awareness program;
Perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation, and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor: PROVIDED, That the board shall have no authority to regulate the content of spoken language on licensed premises where wine and other liquors are served and where there is not a clear and present danger of disorderly conduct being provoked by such language.

NEW SECTION. Sec. 17. The board shall adopt rules by December 31, 2010, that establishes the procedures and criteria necessary to implement the following:

(1) Authorizing and implementing the sale of marijuana in state liquor stores and state contracted liquor stores;

(2) Establishing agency commissions for contract liquor stores to purchase and sell marijuana after consultation with and approval by the director of the office of financial management;

(3) Licensing farmers to grow marijuana crops and sell, distribute, and transport such marijuana to state liquor stores;

(4) Establishing rules, regulations, permits, and fees for marijuana farm growers;

(5) Determining the quantity of marijuana each marijuana farm grower may cultivate, grow, and store annually;

(6) Determining how marijuana shall be packaged and labeled with an official state seal prior to transporting and distributing to each state liquor store;

(7) Working in conjunction with the department of agriculture in prescribing methods of growing, conditions of sanitation, standards of ingredients, quality, and identity of marijuana sold, packaged, or handled by licensed marijuana farm growers, the board, and liquor stores.

Sec. 18. RCW 66.08.060 and 2005 c 231 s 3 are each amended to read as follows:

(1) The board shall not advertise liquor or marijuana in any form or through any medium whatsoever.
(2) In-store liquor and marijuana merchandising is not advertising for the purposes of this section.

(3) The board shall have power to adopt any and all reasonable rules as to the kind, character, and location of advertising of liquor and marijuana.

NEW SECTION. Sec. 19. (1) Every order for the purchase of marijuana shall be authorized by the board, and no order for marijuana shall be valid or binding unless it is so authorized and signed by the board or its authorized designee.

(2) A duplicate of every such order shall be kept on file in the office of the board.

(3) All cancellations of such orders made by the board shall be signed in the same manner and duplicates of such cancellations kept on file in the office of the board. Nothing in this title shall be construed as preventing the board from accepting marijuana on consignment.

Sec. 20. RCW 66.08.080 and 1994 c 154 s 313 are each amended to read as follows:

Except as provided by chapter 42.52 RCW, no member of the board and no employee of the board shall have any interest, directly or indirectly, in the manufacture of liquor, in the growing of marijuana, or in any liquor or marijuana sold under this title, or derive any profit or remuneration from the sale of liquor or marijuana, other than the salary or wages payable to him or her in respect of his or her office or position, and shall receive no gratuity from any person in connection with such business.

Sec. 21. RCW 66.08.090 and 1933 ex.s. c 62 s 31 are each amended to read as follows:

No employee shall sell liquor or marijuana in any other place, nor at any other time, nor otherwise than as authorized by the board under this title and the regulations.

Sec. 22. RCW 66.08.095 and 1993 c 26 s 3 are each amended to read as follows:

The liquor control board may provide liquor or marijuana at no
charge, including liquor and marijuana forfeited under chapter 66.32
RCW, to recognized law enforcement agencies within the state when the
law enforcement agency will be using the liquor or marijuana for bona
fide law enforcement training or investigation purposes.

Sec. 23. RCW 66.08.120 and 1933 ex.s. c 62 s 29 are each amended
to read as follows:
No municipality or county shall have power to license the sale of,
or impose an excise tax upon, liquor as defined in this title or
marijuana as defined in RCW 69.50.101, or to license the sale or
distribution thereof in any manner; and any power now conferred by law
on any municipality or county to license premises which may be licensed
under this section, or to impose an excise tax upon liquor or
marijuana, or to license the sale and distribution thereof, as defined
in this title, shall be suspended and shall be of no further effect:
PROVIDED, That municipalities and counties shall have power to adopt
police ordinances and regulations not in conflict with this title or
with the regulations made by the board.

Sec. 24. RCW 66.08.130 and 1981 1st ex.s. c 5 s 4 are each amended
to read as follows:
For the purpose of obtaining information concerning any matter
relating to the administration or enforcement of this title, the board,
or any person appointed by it in writing for the purpose, may inspect
the books and records of:
(1) Any manufacturer;
(2) Any license holder;
(3) Any drug store holding a permit to sell on prescriptions;
(4) Any marijuana farm grower;
(5) The freight and express books and records and all waybills,
bills of lading, receipts, and documents in the possession of any
common carrier doing business within the state, containing any
information or record relating to any goods shipped or carried, or
consigned, or received for shipment or carriage within the state.
Every manufacturer, license holder, marijuana farm grower, drug store
holding a permit to sell on prescriptions, and common carrier, and
every owner or officer or employee of the foregoing, who neglects or
refuses to produce and submit for inspection any book, record, or
document referred to in this section when requested to do so by the
board or by a person so appointed by it shall be guilty of a violation
of this title.

Sec. 25. RCW 66.08.070 and 1985 c 226 s 2 are each amended to read
as follows:

(1) Every order for the purchase of liquor and marijuana shall be
authorized by the board, and no order for liquor and marijuana shall be
valid or binding unless it is so authorized and signed by the board or
its authorized designee.

(2) A duplicate of every such order shall be kept on file in the
office of the board.

(3) All cancellations of such orders made by the board shall be
signed in the same manner and duplicates thereof kept on file in the
office of the board. Nothing in this title shall be construed as
preventing the board from accepting liquor on consignment.

(4) In the purchase of wine or malt beverages the board shall not
require, as a term or condition of purchase, any warranty or
affirmation with respect to the relationship of the price charged the
board to any price charged any other buyer.

Sec. 26. RCW 66.08.075 and 1937 c 217 s 5 are each amended to read
as follows:

No official or employee of the liquor control board of the state of
Washington shall, during his or her term of office or employment, or
for a period of two years immediately following ((the)) his or her
termination thereof, represent directly or indirectly any manufacturer
or wholesaler of liquor or marijuana in the sale of liquor or marijuana
to the board.

NEW SECTION. Sec. 27. (1) There shall be a fund, known as the
"marijuana revolving fund" which shall consist of all license fees,
permit fees, penalties, forfeitures, taxes, and all other moneys,
income, or revenue received by the board from marijuana. The state
treasurer shall be custodian of the fund.

(2) Moneys in the marijuana revolving fund shall be distributed by
the board every three months. Ninety-eight percent of the funds shall
be transferred to the division of alcohol and substance abuse of the
department of social and health services for substance abuse treatment and prevention and the remaining two percent shall be retained by the board for administration.

Sec. 28. RCW 66.12.020 and 1933 ex.s. c 62 s 48 are each amended to read as follows:

Nothing in this title shall apply to or prevent the sale of liquor or marijuana by any person to the board.

NEW SECTION. Sec. 29. A new section is added to chapter 66.12 RCW to read as follows:

(1) Nothing in this title shall prevent any person licensed to grow marijuana from keeping marijuana in his or her warehouse or place of business.

(2) No person shall import marijuana into the state from any other state or country, except, as herein otherwise provided, for use or sale in the state, except the board.

Sec. 30. RCW 66.12.060 and 1933 ex.s. c 62 s 50 are each amended to read as follows:

Nothing in this title shall apply to or prevent the sale, purchase or consumption:

(1) Of any pharmaceutical preparation containing marijuana;

(2) Of any pharmaceutical preparation containing liquor which is prepared by a druggist according to a formula of the pharmacopoeia of the United States, or the dispensatory of the United States; (or)

(3) Of any proprietary or patent medicine; or

(4) Of wood alcohol or denatured alcohol, except in the case of the sale, purchase, or consumption of wood alcohol or denatured alcohol for beverage purposes, either alone or combined with any other liquid or substance.

Sec. 31. RCW 66.16.010 and 2005 c 518 s 935 are each amended to read as follows:

(1) There shall be established at such places throughout the state as the liquor control board, constituted under this title, shall deem advisable, stores to be known as "state liquor stores," for the sale of liquor and marijuana in accordance with the provisions of this title.
and the regulations: PROVIDED, That the prices of all liquor and
marijuana shall be fixed by the board from time to time so that the net
annual revenue received by the board therefrom shall not exceed thirty-
five percent. ((Effective no later than July 1, 2005, the liquor
control board shall add an equivalent surcharge of $0.42 per liter on
all retail sales of spirits, excluding licensee, military, and tribal
sales. The intent of this surcharge is to raise revenue for the
general fund state for the 2003-2005 and 2005-2007 bienniums. The
board shall remove the surcharge June 30, 2007.))

(2) The liquor control board may, from time to time, fix the
special price at which pure ethyl alcohol may be sold to physicians and
dentists and institutions regularly conducted as hospitals, for use or
consumption only in such hospitals; and may also fix the special price
at which pure ethyl alcohol may be sold to schools, colleges and
universities within the state for use for scientific purposes. Regularly conducted hospitals may have right to purchase pure ethyl
alcohol on a federal permit.

(3) The liquor control board may also fix the special price at
which pure ethyl alcohol may be sold to any department, branch or
institution of the state of Washington, federal government, or to any
person engaged in a manufacturing or industrial business or in
scientific pursuits requiring alcohol for use therein.

(4) The liquor control board may also fix a special price at which
pure ethyl alcohol may be sold to any private individual, and shall
make regulations governing such sale of alcohol to private individuals
as shall promote, as nearly as may be, the minimum purchase of such
alcohol by such persons.

Sec. 32. RCW 66.16.040 and 2005 c 206 s 1, 2005 c 151 s 5, and
2005 c 102 s 1 are each reenacted and amended to read as follows:

Except as otherwise provided by law, an employee in a state liquor
store or contract liquor store may sell liquor and marijuana to any
person of legal age to purchase alcoholic beverages and marijuana and
may also sell to holders of permits such liquor and marijuana as may be
purchased under such permits.

Where there may be a question of a person's right to purchase
liquor or marijuana by reason of age, such person shall be required to
present any one of the following officially issued cards of identification which shows his/her correct age and bears his/her signature and photograph:

(1) Driver's license, instruction permit or identification card of any state or province of Canada, or "identicard" issued by the Washington state department of licensing pursuant to RCW 46.20.117.

(2) United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents, which may include an imbedded, digital signature in lieu of a visible signature.

(3) Passport.

(4) Merchant Marine identification card issued by the United States Coast Guard.

(5) Enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses. At least ninety days prior to implementation of an enrollment card under this subsection, the appropriate tribal authority shall give notice to the board. The board shall publish and communicate to licensees regarding the implementation of each new enrollment card.

The board may adopt such regulations as it deems proper covering the cards of identification listed in this section.

No liquor or marijuana sold under this section shall be delivered until the purchaser has paid for the liquor or marijuana in cash, except as allowed under RCW 66.16.041. The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

Sec. 33. RCW 66.16.041 and 2005 c 151 s 6 are each amended to read as follows:

(1) The state liquor control board shall accept bank credit card and debit cards for purchases in state liquor stores, under such rules as the board may adopt. The board shall authorize contract liquor stores appointed under RCW 66.08.050 to accept bank credit cards and debit cards for liquor and marijuana purchases under this title, under such rules as the board may adopt.
(2) If a contract liquor store chooses to use credit or debit cards for liquor and marijuana purchases, the board shall provide equipment and installation and maintenance of the equipment necessary to implement the use of credit and debit cards. Any equipment provided by the board to a contract liquor store for this purpose may be used only for the purchase of liquor and marijuana.

**Sec. 34.** RCW 66.16.060 and 1943 c 216 s 1 are each amended to read as follows:

(1) The board may in its discretion by regulation prescribe that any or all liquors other than malt liquor shall be delivered to any purchaser at a state liquor store only in a package sealed with the official seal.

(2) The board may in its discretion by rule prescribe that all marijuana shall be delivered to any purchaser at a state liquor store in a packaged sealed with the official seal.

**Sec. 35.** RCW 66.16.070 and 1933 ex.s. c 62 s 10 are each amended to read as follows:

No employee in a state liquor store shall open or consume, or allow to be opened or consumed any liquor or marijuana on the store premises.

**Sec. 36.** RCW 66.16.090 and 1933 ex.s. c 62 s 89 are each amended to read as follows:

All records whatsoever of the board showing purchases by any individual of liquor or marijuana shall be deemed confidential, and, except subject to audit by the state auditor, shall not be permitted to be inspected by any person whatsoever, except by employees of the board to the extent permitted by the regulations; and no member of the board and no employee whatsoever shall give out any information concerning such records and neither such records nor any information relative thereto which shall make known the name of any individual purchaser shall be competent to be admitted as evidence in any court or courts except in prosecutions for illegal possession of and/or sale of liquor or marijuana. Any person violating the provisions of this section shall be guilty of a misdemeanor.
Sec. 37. RCW 66.16.120 and 2005 c 231 s 5 are each amended to read as follows:

Employees in state liquor stores, including agency vendor liquor stores, may not be required to work on their Sabbath for the purpose of selling liquor or marijuana if doing so would violate their religious beliefs.

Sec. 38. RCW 66.20.100 and 1933 ex.s. c 62 s 20 are each amended to read as follows:

Any physician who deems liquor or marijuana necessary for the health of a patient, whether an interdicted person or not, whom he or she has seen or visited professionally may give to the patient a prescription therefor, signed by the physician, or the physician may administer the liquor or marijuana to the patient, for which purpose the physician may administer the liquor or marijuana purchased by him or her under special permit and may charge for the liquor or marijuana so administered; but no prescription shall be given or liquor or marijuana be administered by a physician except to bona fide patients in cases of actual need, and when in the judgment of the physician the use of liquor or marijuana as medicine in the quantity prescribed or administered is necessary; and any physician who administers liquor or marijuana in evasion or violation of this title shall be guilty of a violation of this title.

Sec. 39. RCW 66.20.150 and 1933 ex.s. c 62 s 41 are each amended to read as follows:

No person shall purchase or attempt to purchase liquor or marijuana under a permit which is suspended, or which has been canceled, or of which he or she is not the holder.

Sec. 40. RCW 66.20.160 and 2005 c 151 s 8 are each amended to read as follows:

Words and phrases as used in RCW 66.20.160 to 66.20.210, inclusive, shall have the following meaning:

"Card of identification" means any one of those cards described in RCW 66.16.040.

"Licensee" means the holder of a retail liquor license issued by the board, and includes any employee or agent of the licensee.
"Store employee" means a person employed in a state liquor store to sell liquor and marijuana.

Sec. 41. RCW 66.20.170 and 1973 1st ex.s. c 209 s 5 are each amended to read as follows:

A card of identification may for the purpose of this title and for the purpose of procuring liquor or marijuana, be accepted as an identification card by any licensee or store employee and as evidence of legal age of the person presenting such card, provided the licensee or store employee complies with the conditions and procedures prescribed herein and such regulations as may be made by the board.

Sec. 42. RCW 66.20.180 and 2005 c 151 s 9 are each amended to read as follows:

A card of identification shall be presented by the holder thereof upon request of any licensee, store employee, contract liquor store manager, contract liquor store employee, peace officer, or enforcement officer of the board for the purpose of aiding the licensee, store employee, contract liquor store manager, contract liquor store employee, peace officer, or enforcement officer of the board to determine whether or not such person is of legal age to purchase liquor or marijuana when such person desires to procure liquor or marijuana from a licensed establishment or state liquor store or contract liquor store.

Sec. 43. RCW 66.20.190 and 1981 1st ex.s. c 5 s 9 are each amended to read as follows:

In addition to the presentation by the holder and verification by the licensee or store employee of such card of identification, the licensee or store employee who is still in doubt about the true age of the holder shall require the person whose age may be in question to sign a certification card and record an accurate description and serial number of his or her card of identification thereon. Such statement shall be upon a five-inch by eight-inch file card, which card shall be filed alphabetically by the licensee or store employee at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card shall be subject to examination by any peace officer or agent or employee of the
board at all times. The certification card shall also contain in bold-
face type a statement stating that the signer understands that
conviction for unlawful purchase of alcoholic beverages and marijuana
or misuse of the certification card may result in criminal penalties
including imprisonment or fine or both.

Sec. 44. RCW 66.20.200 and 2003 c 53 s 295 are each amended to
read as follows:

(1) It shall be unlawful for the owner of a card of identification
to transfer the card to any other person for the purpose of aiding such
person to procure alcoholic beverages or marijuana from any licensee or
store employee. Any person who shall permit his or her card of
identification to be used by another or transfer such card to another
for the purpose of aiding such transferee to obtain alcoholic beverages
or marijuana from a licensee or store employee or gain admission to a
premises or portion of a premises classified by the board as off-limits
to persons under twenty-one years of age, shall be guilty of a
misdemeanor punishable as provided by RCW 9A.20.021, except that a
minimum fine of two hundred fifty dollars shall be imposed and any
sentence requiring community restitution shall require not fewer than
twenty-five hours of community restitution.

(2) Any person not entitled thereto who unlawfully procures or has
issued or transferred to him or her a card of identification, and any
person who possesses a card of identification not issued to him or her,
and any person who makes any false statement on any certification card
required by RCW 66.20.190, to be signed by him or her, shall be guilty
of a misdemeanor punishable as provided by RCW 9A.20.021, except that
a minimum fine of two hundred fifty dollars shall be imposed and any
sentence requiring community restitution shall require not fewer than
twenty-five hours of community restitution.

Sec. 45. RCW 66.20.210 and 1973 1st ex.s. c 209 s 9 are each
amended to read as follows:

No licensee or the agent or employee of the licensee, or store
employee, shall be prosecuted criminally or be sued in any civil action
for serving liquor or marijuana to a person under legal age to purchase
liquor or marijuana if such person has presented a card of
identification in accordance with RCW 66.20.180, and has signed a
certification card as provided in RCW 66.20.190.

Such card in the possession of a licensee may be offered as a
defense in any hearing held by the board for serving liquor or
providing marijuana to the person who signed the card and may be
considered by the board as evidence that the licensee acted in good
faith.

NEW SECTION.  Sec. 46.  There shall be a license to farmers of
marijuana, including all kinds of manufacturers, authorizing licensees
to produce, manufacture, grow, transport within the state of
Washington, and sell marijuana. The annual fee for a grower's license
shall be five hundred dollars per annum. For the purposes of chapter
66.28 RCW, a grower licensee shall be deemed a manufacturer.

NEW SECTION.  Sec. 47.  (1) There is hereby imposed upon all
marijuana sold to the public over the age of twenty-one and the
Washington state liquor control board, within the state a tax at the
rate of fifteen percent per gram of marijuana sold.

(2) All revenues collected from the tax imposed under subsection
(1) of this section shall be deposited in the marijuana revolving fund
with the state treasurer.

Sec. 48.  RCW 66.32.010 and 1955 c 39 s 3 are each amended to read
as follows:

Except as permitted by the board, no liquor or marijuana shall be
kept or had by any person within this state unless the package in which
the liquor or marijuana was contained had, while containing that liquor
or marijuana, been sealed with the official seal adopted by the board,
except in the case of:

(1) Liquor imported by the board; or

(2) Liquor manufactured in the state for sale to the board or for
export; or

(3) Beer, purchased in accordance with the provisions of law; or

(4) Wine or beer exempted in RCW 66.12.010.

NEW SECTION.  Sec. 49.  A new section is added to chapter 66.32 RCW
to read as follows:
If, upon the sworn complaint of any person, it is made to appear to any judge of the superior court or district court, that there is probable cause to believe that marijuana is being grown, manufactured, sold, bartered, exchanged, given away, furnished, or otherwise disposed of or kept in violation of the provisions of this title, such judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to a civil officer of the state duly authorized to enforce or assist in enforcing any law thereof, or to an inspector of the board, commanding the civil officer or inspector to search the premises, room, house, building, boat, vehicle, structure, or place designated and described in the complaint and warrant, and to seize all marijuana there found, together with the vessels in which it is contained, and all implements, furniture, and fixtures used or kept for the illegal growing, manufacture, sale, barter, exchange, giving away, furnishing, or otherwise disposing of the marijuana, and to safely keep the same, and to make a return of the warrant within ten days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession they were found, if any, and if no person is found in the possession of the articles, the return shall so state.

Sec. 50. RCW 66.32.030 and 1955 c 39 s 5 are each amended to read as follows:
A copy of the warrant, together with a detailed receipt for the property taken shall be served upon the person found in possession of any intoxicating liquor or marijuana, furniture, or fixtures so seized, and if no person is found in possession thereof, a copy of the warrant and receipt shall be left in a conspicuous place upon the premises wherein they are found.

Sec. 51. RCW 66.32.040 and 1993 c 26 s 1 are each amended to read as follows:
All liquor or marijuana seized pursuant to the authority of a search warrant or an arrest shall, upon adjudication that it was kept in violation of this title, be forfeited and upon forfeiture be disposed of by the agency seizing the liquor or marijuana.
Sec. 52. RCW 66.32.070 and 1987 c 202 s 222 are each amended to read as follows:

If, upon the hearing, the evidence warrants, or, if no person appears as claimant, the judge shall thereupon enter a judgment of forfeiture, and order such articles destroyed forthwith: PROVIDED, That if, in the opinion of the judge, any of the forfeited articles other than intoxicating liquors or marijuana are of value and adapted to any lawful use, the judge shall, as a part of the order and judgment, direct that the articles other than intoxicating liquor or marijuana be sold as upon execution by the officer having them in custody, and the proceeds of the sale after payment of all costs of the proceedings shall be paid into the respective liquor revolving fund or marijuana revolving fund.

Sec. 53. RCW 66.32.090 and 1993 c 26 s 2 are each amended to read as follows:

In every case in which liquor or marijuana is seized by a sheriff or deputy of any county or by a police officer of any municipality or by a member of the Washington state patrol, or any other authorized peace officer or inspector, it shall be the duty of the sheriff or deputy of any county, or chief of police of the municipality, or the chief of the Washington state patrol, as the case may be, to forthwith report in writing to the board of particulars of such seizure.

Sec. 54. RCW 66.36.010 and 1939 c 172 s 9 are each amended to read as follows:

Any ground, farm, room, house, building, boat, vehicle, structure, or place, except premises licensed under this title, where liquor or marijuana, as defined in this title, is grown, manufactured, kept, sold, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this title or of the laws of this state relating to the growing, manufacture, importation, transportation, possession, distribution, and sale of liquor or marijuana, and all property kept in and used in maintaining such a place, are hereby declared to be a common nuisance. The prosecuting attorney of the county in which such nuisance is situated shall institute and maintain an action in the superior court of such county in the name of the state of Washington to abate and perpetually enjoin
such nuisance. The plaintiff shall not be required to give bond in
such action, and restraining orders, temporary injunctions and
permanent injunctions may be granted in said cause as in other
injunction proceedings, and upon final judgment against the defendant,
such court may also order that said ground, farm, room, house,
building, boat, vehicle, structure or place, shall be closed for a
period of one year; or until the owner, lessee, tenant or occupant
thereof shall give bond with sufficient surety, to be approved by the
court making the order, in the penal sum of not less than one thousand
dollars payable to the state of Washington, and conditioned that liquor
or marijuana will not thereafter be grown, manufactured, kept, sold,
bartered, exchanged, given away, furnished or otherwise disposed of
thereon or therein in violation of the provisions of this title or of
the laws of this state relating to the growing, manufacture,
importation, transportation, possession, distribution and sale of
liquor and marijuana, and that he or she will pay all fines, costs and
damages assessed against him or her for any violation of this title or
of the laws of this state relating to the growing, manufacture,
importation, transportation, possession, distribution and sale of
liquor or marijuana. If any condition of such bond be violated, the
whole amount may be recovered as a penalty for the use of the county
wherein the premises are situated.

In all cases where any person has been convicted of a violation of
this title or the laws of this state relating to the growing, manufacture,
importation, transportation, possession, distribution and sale of liquor or marijuana an action may be brought in the superior
court of the county in which the premises are situated, to abate as a
nuisance any real estate or other property involved in the commission
of said offense, and in any such action a certified copy of the record
of such conviction shall be admissible in evidence and prima facie
evidence that the ground, farm, room, house, building, boat, vehicle,
structure or place against which such action is brought is a public
nuisance.

Sec. 55. RCW 66.40.010 and 1957 c 263 s 3 are each amended to read
as follows:

For the purpose of an election upon the question of whether the
sale of liquors or marijuana shall be permitted, the election unit shall be any incorporated city or town, or all that portion of any county not included within the limits of incorporated cities and towns.

Sec. 56. RCW 66.40.020 and 1933 ex.s. c 62 s 83 are each amended to read as follows:

Within any unit referred to in RCW 66.40.010, upon compliance with the conditions hereinafter prescribed, there may be held, at the time and as a part of any general election, an election upon the question of whether the sale of liquor or marijuana shall be permitted within such unit; and in the event that any such election is held in any such unit, no other election under this section shall be held prior to the next succeeding general election.

Sec. 57. RCW 66.40.040 and 1933 ex.s. c 62 s 84 are each amended to read as follows:

Any unit referred to in RCW 66.40.010 may hold such election upon the question of whether the sale of liquor or marijuana shall be permitted within the boundaries of such unit, upon the filing with the county auditor of the county within which such unit is located, of a petition subscribed by qualified electors of the unit equal in number to at least thirty percent of the electors voting at the last general election within such unit. Such petition shall designate the unit in which the election is desired to be had, the date upon which the election is desired to be held, and the question that is desired to be submitted. The persons signing such a petition shall state their post office address, the name or number of the precinct in which they reside, and in case the subscriber be a resident of a city, the street and house number, if any, of his or her residence, and the date of signature. Said petition shall be filed not less than sixty days nor more than ninety days prior to the date upon which the election is to be held. No signature shall be valid unless the above requirements are complied with, and unless the date of signing the same is less than ninety days preceding the date of filing. No signature shall be withdrawn after the filing of such petition. Such petition may consist of one or more sheets and shall be fastened together as one document, filed as a whole, and when filed shall not be withdrawn or added to. Such petition shall be a public document and shall be subject to the
inspection of the public. Upon the request of anyone filing such a
petition and paying, or tendering to the county auditor one dollar for
each hundred names, or fraction thereof, signed thereto, together with
a copy thereof, said county auditor shall immediately compare the
original and copy and attach to such copy and deliver to such person
his or her official certificate that such copy is a true copy of the
original, stating the date when such original was filed in his or her
office; and said officer shall furnish, upon the demand of any person,
a copy of said petition, upon payment of the same fee required for the
filing of original petitions.

Sec. 58. RCW 66.40.110 and 1933 ex.s. c 62 s 86 are each amended
to read as follows:
(1) In respect to the sale of liquor, upon the ballot to be used at
such general election the question shall be submitted in the following
form:
"Shall the sale of liquor be permitted within . . . . . . (here
specify the unit in which election is to be held)." Immediately below
said question shall be placed the alternative answers, as follows:
"For sale of liquor.................................( )
Against sale of liquor...............................( )."
Each person desiring to vote in favor of permitting the sale of
liquor within the unit in which the election is to be held shall
designate his or her choice beside the words "For sale of liquor", and
those desiring to vote against the permitting of the sale of liquor
within such unit shall designate their choice beside the words "Against
sale of liquor", and the ballot shall be counted accordingly.
(2) In respect to the sale of marijuana, upon the ballot to be used
at such general election the question shall be submitted in the
following form:
"Shall the sale of marijuana be permitted within . . . . . . (here
specify the unit in which election is to be held)." Immediately below
said question shall be placed the alternative answers, as follows:
"For sale of marijuana ………………… ( )
Against sale of marijuana ………………… ( )."

Each person desiring to vote in favor of permitting the sale of marijuana within the unit in which the election is to be held shall designate his or her choice beside the words "For sale of marijuana", and those desiring to vote against the permitting of the sale of marijuana within such unit shall designate their choice beside the words "Against sale of marijuana", and the ballot shall be counted accordingly.

Sec. 59. RCW 66.40.120 and 1933 ex.s. c 62 s 87 are each amended to read as follows:

The returns of any such election shall be canvassed in the manner provided by law. If the majority of qualified electors voting upon said question at said election shall have voted "For sale of liquor or marijuana" within the unit in which the election is held, the sale of liquor or marijuana may be continued in accordance with the provisions of this title. If the majority of the qualified electors voting on such question at any such election shall vote "Against sale of liquor or marijuana", then, within thirty days after such canvass no sale or purchase of liquor or marijuana, save as herein provided, shall be made within such unit until such permission so to do be subsequently granted at an election held for that purpose under the provisions of this title.

Sec. 60. RCW 66.40.140 and 1933 ex.s. c 62 s 88 are each amended to read as follows:

Whenever a majority of qualified voters voting upon said question in any such unit shall have voted "Against sale of liquor or marijuana", the county auditor shall file with the liquor control board a certificate showing the result of the canvass at such election; and thereafter, except as hereinafter provided, it shall not be lawful for a liquor store to be operated therein nor for licensees to maintain and operate licensed premises therein except as hereinafter provided:
(1) As to any stores maintained by the board within any such unit at the time of such licensing, the board shall have a period of thirty days from and after the date of the canvass of the vote upon such election to continue operation of its store or stores therein.

(2) As to any premises licensed hereunder within any such unit at the time of such election, such licensee shall have a period of sixty days from and after the date of the canvass of the vote upon such election in which to discontinue operation of its store or stores therein.

(3) Nothing herein contained shall prevent any distillery, brewery, rectifying plant, or winery or the licensed operators thereof from selling its manufactured product, manufactured within such unit, outside the boundaries thereof.

(4) Nothing herein contained shall prevent any person residing in any unit in which the sale of liquor or marijuana shall have been forbidden by popular vote as herein provided, who is otherwise qualified to receive and hold a permit under this title, from lawfully purchasing without the unit and transporting into or receiving within the unit, liquor or marijuana lawfully purchased by him or her outside the boundaries of such unit.

Sec. 61. RCW 66.40.150 and 1949 c 93 s 1 are each amended to read as follows:

No election in any unit referred to in RCW 66.40.010, 66.40.020, 66.40.040, 66.40.100, 66.40.110, 66.40.120 and 66.40.140, upon the question of whether the sale of liquor or marijuana shall be permitted within the boundaries of such unit shall be held at the same time as an election is held in the same unit upon the question of whether the sale of liquor or marijuana under the provisions of RCW 66.40.030 shall be permitted. In the event valid and sufficient petitions are filed which would otherwise place both questions on the same ballot that question upon which the petition was filed with the county auditor first shall be placed on the ballot to the exclusion of the other.

Sec. 62. RCW 66.44.010 and 1998 c 18 s 1 are each amended to read as follows:

(1) All county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this title,
and the penal laws of this state relating to (a) the manufacture, importation, transportation, possession, distribution and sale of liquor, and (b) the growing, cultivating, transportation, possession, distribution, and sale of marijuana or cannabis. All fines imposed for violations of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor and the growing, cultivating, transportation, possession, distribution, and sale of marijuana or cannabis shall belong to the county, city or town wherein the court imposing the fine is located, and shall be placed in the general fund for payment of the salaries of those engaged in the enforcement of the provisions of this title and the penal laws of this state relating to the growing, cultivating, transportation, possession, distribution, and sale of marijuana or cannabis, or the manufacture, importation, transportation, possession, distribution and sale of liquor: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) In addition to any and all other powers granted, the board shall have the power to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor and the growing, cultivating, transportation, possession, distribution, and sale of marijuana or cannabis.

(3) In addition to the other duties under this section, the board shall enforce chapters 82.24 and 82.26 RCW.

(4) The board may appoint and employ, assign to duty and fix the compensation of, officers to be designated as liquor enforcement officers. Such liquor enforcement officers shall have the power, under the supervision of the board, to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor and the growing, cultivating, transportation, possession, distribution, and sale of marijuana or cannabis. They shall have the power and authority to serve and execute all warrants and process of law issued by the courts in enforcing the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of
liquor and the growing, cultivating, transportation, possession, distribution, and sale of marijuana or cannabis, and the provisions of chapters 82.24 and 82.26 RCW. They shall have the power to arrest without a warrant any person or persons found in the act of violating any of the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, the growing, cultivating, transportation, possession, distribution, and sale of marijuana or cannabis, and the provisions of chapters 82.24 and 82.26 RCW.

Sec. 63. RCW 66.44.040 and 1933 ex.s. c 62 s 57 are each amended to read as follows:

In describing the offense respecting the sale, or keeping for sale or other disposal, of liquor or marijuana, or the having, keeping, giving, purchasing, or consumption of liquor or marijuana in any information, summons, conviction, warrant, or proceeding under this title, it shall be sufficient to simply state the sale, or keeping for sale or disposal, having, keeping, giving, purchasing, or consumption of liquor or marijuana, without stating the name or kind of such liquor or marijuana or the price thereof, or to whom it was sold or disposed of, or by whom consumed, or from whom it was purchased or received; and it shall not be necessary to state the quantity of liquor or marijuana so sold, kept for sale, disposed of, had, kept, given, purchased, or consumed, except in the case of offenses where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

Sec. 64. RCW 66.44.060 and 1933 ex.s. c 62 s 59 are each amended to read as follows:

In any proceeding under this title, proof of one unlawful sale of liquor or marijuana shall suffice to establish prima facie the intent or purpose of unlawfully keeping liquor or marijuana for sale in violation of this title.

Sec. 65. RCW 66.44.100 and 1999 c 189 s 3 are each amended to read as follows:

Except as permitted by this title, no person shall open the package containing liquor or marijuana in a public place, consume liquor in a
public place, or smoke marijuana in a public place. Every person who
violates any provision of this section shall be guilty of a class 3
civil infraction under chapter 7.80 RCW.

Sec. 66. RCW 66.44.130 and 1955 c 289 s 3 are each amended to read
as follows:
Except as otherwise provided in this title((7)),:
(1) Every person who sells by the drink or bottle, any liquor shall
be guilty of a violation of this title; and
(2) Every person who sells marijuana shall be guilty of a violation
of this title.

Sec. 67. RCW 66.44.140 and 1980 c 140 s 4 are each amended to read
as follows:
Every person who shall sell or offer for sale, or transport in any
manner, any spirituous liquor or marijuana, without government stamp or
seal attached thereto, or who shall operate without a license, any
still or other device for the production of spirituous liquor or
marijuana, or shall have in his or her possession or under his or her
control any mash capable of being distilled into spirituous liquor
except as provided in RCW 66.12.130, shall be guilty of a gross
misdemeanor and upon conviction thereof shall upon his or her first
conviction be fined not less than five hundred dollars and confined in
the county jail not less than six months, and upon second and
subsequent conviction shall be fined not less than one thousand dollars
and confined in the county jail not less than one year.

Sec. 68. RCW 66.44.150 and 1955 c 289 s 5 are each amended to read
as follows:
If any person in this state buys alcoholic beverages or marijuana
from any person other than the board, a state liquor store, or some
person authorized by the board to sell them, he or she shall be guilty
of a misdemeanor.

Sec. 69. RCW 66.44.160 and 1955 c 289 s 6 are each amended to read
as follows:
Except as otherwise provided in this title, any person who has or
keeps or transports alcoholic beverages or marijuana other than those
purchased from the board, a state liquor store, or some person authorized by the board to sell them, shall be guilty of a violation of this title.

Sec. 70. RCW 66.44.170 and 1955 c 289 s 7 are each amended to read as follows:

Any person who keeps or possesses liquor or marijuana upon his or her person or in any place, or on premises conducted or maintained by him or her as principal or agent with the intent to sell it contrary to provisions of this title, shall be guilty of a violation of this title. The possession of liquor or marijuana by the principal or agent on premises conducted or maintained, under federal authority, as a retail dealer in liquors or marijuana, shall be prima facie evidence of the intent to sell liquor.

Sec. 71. RCW 66.44.200 and 1998 c 259 s 1 are each amended to read as follows:

(1) No person shall sell any liquor or marijuana to any person apparently under the influence of liquor or marijuana.

(2)(a) No person who is apparently under the influence of liquor or marijuana may purchase or consume liquor or marijuana on any premises licensed by the board.

(b) A violation of this subsection is an infraction punishable by a fine of not more than five hundred dollars.

(c) A defendant's intoxication may not be used as a defense in an action under this subsection.

(d) (Until July 1, 2000,) Every establishment licensed under RCW 66.24.330 or 66.24.420 shall conspicuously post in the establishment notice of the prohibition against the purchase or consumption of liquor or marijuana under this subsection.

(3) An administrative action for violation of subsection (1) of this section and an infraction issued for violation of subsection (2) of this section arising out of the same incident are separate actions and the outcome of one shall not determine the outcome of the other.

Sec. 72. RCW 66.44.210 and 1933 ex.s. c 62 s 38 are each amended to read as follows:

Except in the case of liquor or marijuana administered by a
physician or dentist or sold upon a prescription in accordance with the provisions of this title, no person shall procure or supply, or assist directly or indirectly in procuring or supplying, liquor or marijuana for or to anyone whose permit is suspended or has been canceled.

Sec. 73. RCW 66.44.240 and 1983 c 165 s 29 are each amended to read as follows:
Every person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person, who knowingly permits any person to smoke marijuana or drink any intoxicating liquor in any public conveyance, except in the compartment where such liquor is sold or served under the authority of a license lawfully issued, is guilty of a misdemeanor. This section does not apply to a public conveyance that is commercially chartered for group use or a for-hire vehicle licensed under city, county, or state law.

Sec. 74. RCW 66.44.250 and 1983 c 165 s 30 are each amended to read as follows:
Every person who smokes marijuana or drinks any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, is guilty of a misdemeanor. With respect to a public conveyance that is commercially chartered for group use and with respect to a for-hire vehicle licensed under city, county, or state law, this section applies only to the driver of the vehicle.

Sec. 75. RCW 66.44.265 and 1971 ex.s. c 112 s 2 are each amended to read as follows:
It shall be unlawful for a candidate for office or for nomination thereto whose name appears upon the ballot at any election to give to or purchase for another person, not a member of his or her family, any liquor or marijuana in or upon any premises licensed by the state for the sale of any marijuana or any such liquor by the drink during the hours that the polls are open on the day of such election.

Sec. 76. RCW 66.44.270 and 1998 c 4 s 1 are each amended to read as follows:
(1) It is unlawful for any person to sell, give, or otherwise supply liquor or marijuana to any person under the age of twenty-one years or permit any person under that age to consume liquor or smoke marijuana on his or her premises or on any premises under his or her control. For the purposes of this subsection, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

(2)(a) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor or marijuana. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

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

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

(4) This section does not apply to liquor or marijuana given for medicinal purposes to a person under the age of twenty-one years by a parent, guardian, physician, or dentist.

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

(6) Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor or to grow or sell marijuana after that person has attained the age of twenty-one years.

Sec. 77. RCW 66.44.290 and 2003 c 53 s 301 are each amended to read as follows:

(1) Every person under the age of twenty-one years who purchases or attempts to purchase liquor or marijuana shall be guilty of a violation of this title. This section does not apply to persons between the ages of eighteen and twenty-one years who are participating in a controlled purchase program authorized by the liquor control board under rules adopted by the board. Violations occurring under a private, controlled purchase program authorized by the liquor control board may not be used for criminal or administrative prosecution.

(2) An employer who conducts an in-house controlled purchase program authorized under this section shall provide his or her employees a written description of the employer's in-house controlled purchase program. The written description must include notice of actions an employer may take as a consequence of an employee's failure to comply with company policies regarding the sale of alcohol or marijuana during an in-house controlled purchase.

(3) An in-house controlled purchase program authorized under this section shall be for the purposes of employee training and employer self-compliance checks. An employer may not terminate an employee solely for a first-time failure to comply with company policies regarding the sale of alcohol or marijuana during an in-house controlled purchase program authorized under this section.

(4) Every person between the ages of eighteen and twenty, inclusive, who is convicted of a violation of this section is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any
sentence requiring community restitution shall require not fewer than twenty-five hours of community restitution.

Sec. 78. RCW 66.44.292 and 1981 1st ex.s. c 5 s 23 are each amended to read as follows:

The Washington state liquor control board shall furnish notification of any hearing or hearings held, wherein any licensee or his or her employee is found to have sold liquor or marijuana to a minor, to the prosecuting attorney of the county in which the sale took place, upon which the prosecuting attorney may formulate charges against said minor or minors for such violation of RCW 66.44.290 as may appear.

Sec. 79. RCW 66.44.300 and 1994 c 201 s 7 are each amended to read as follows:

Any person who invites a minor into a public place where liquor or marijuana is sold and treats, gives, or purchases liquor or marijuana for such minor, or permits a minor to treat, give, or purchase liquor or marijuana for the adult; or holds out such minor to be twenty-one years of age or older to the owner or employee of the liquor establishment, a law enforcement officer, or a liquor enforcement officer shall be guilty of a misdemeanor.

Sec. 80. RCW 66.44.310 and 2007 c 370 s 12 are each amended to read as follows:

1. Except as otherwise provided by RCW 66.44.316, 66.44.350, and 66.24.590, it shall be a misdemeanor:

(a) To serve or allow to remain in any area classified by the board as off-limits to any person under the age of twenty-one years;

(b) For any person under the age of twenty-one years to enter or remain in any area classified as off-limits to such a person, but persons under twenty-one years of age may pass through a restricted area in a facility holding a spirits, beer, and wine private club license;

(c) For any person under the age of twenty-one years to represent his or her age as being twenty-one or more years for the purpose of purchasing liquor or marijuana or securing admission to, or remaining in any area classified by the board as off-limits to such a person.
(2) The Washington state liquor control board shall have the power and it shall be its duty to classify licensed premises or portions of licensed premises as off-limits to persons under the age of twenty-one years of age.

Sec. 81. RCW 66.44.325 and 2002 c 175 s 43 are each amended to read as follows:

Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcoholic beverages or marijuana shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community restitution shall require not fewer than twenty-five hours of community restitution: PROVIDED, That corroborative testimony of a witness other than the minor shall be a condition precedent to conviction.

Sec. 82. RCW 66.98.010 and 1933 ex.s. c 62 s 1 are each amended to read as follows:

This act may be cited as the "Washington State Liquor and Marijuana Act."

Sec. 83. RCW 69.04.480 and 2009 c 549 s 1023 are each amended to read as follows:

A drug or device shall be deemed to be misbranded if it is for use by human beings and contains any quantity of the narcotic or hypnotic substance alpha euaine, barbituric acid, beta euaine, bromal, ((cannabis,)) carbromal, chloral, coca, cocaine, codeine, heroin, ((marijuana,)) morphine, opium, paraldehyde, peyote, or sulphomethane; or any chemical derivative of such substance, which derivative has been designated as habit forming by regulations promulgated under section 502(d) of the federal act; unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning--May be habit forming."

Sec. 84. RCW 69.50.204 and 1993 c 187 s 4 are each amended to read as follows:

Unless specifically excepted by state or federal law or regulation
or more specifically included in another schedule, the following
controlled substances are listed in Schedule I:

(a) Any of the following opiates, including their isomers, esters,
ethers, salts, and salts of isomers, esters, and ethers whenever the
existence of these isomers, esters, ethers, and salts is possible
within the specific chemical designation:

1. Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
piperidinyl]-N-phenylacetamide);
2. Acetylmethadol;
3. Allylprodine;
4. Alphacetylmethadol;
5. Alphameprodine;
6. Alphamethadol;
7. Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-
4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
propanilido) piperidine);
8. Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
piperidinyl]-N-phenylpropanamide);
9. Benzethidine;
10. Betacetylmethadol;
11. Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
piperidinyl]-N-phenylpropanamide);
12. Beta-hydroxy-3-methylfentanyl some trade or other names: N-
[1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;
13. Betameprodine;
14. Betamethadol;
15. Betaprodine;
16. Clonitazene;
17. Dextromoramide;
18. Diamprome;
19. Diethylthiambutene;
20. Difenoxin;
21. Dimenoxadol;
22. Dimepheptanol;
23. Dimethylthiambutene;
24. Dioxaphetyl butyrate;
25. Dipipanone;
26. Ethylmethylthiambutene;
27. Etonitazene;
28. Etoxeridine;
29. Furethidine;
30. Hydroxypethidine;
31. Ketobemidone;
32. Levomoramide;
33. Levophenacylmorphan;
34. 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
35. 3-Methylthiofentanyl (N-[[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
36. Morpheridine;
37. MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
38. Noracymethadol;
39. Norlevorphanol;
40. Normethadone;
41. Norpipanone;
42. Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);
43. PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
44. Phenadoxone;
45. Phenampromide;
46. Phenomorphan;
47. Phenoperidine;
48. Piritramide;
49. Proheptazine;
50. Properidine;
51. Propiram;
52. Racemoramide;
53. Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
54. Tilidine;
55. Trimeperidine.

(b) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) Acetorphine;
(2) Acetyldihydrocodeine;
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) 3,4-methylenedioxy-N-ethylamphetamine some trade or other names: N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;
(9)  N-hydroxy-3,4-methylenedioxyamphetamine some trade or other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA;
(10) Dihydromorphine;
(11) Drotebanol;
(12) Etorphine, except hydrochloride salt;
(13) Heroin;
(14) Hydromorphinol;
(15) Methyldesorphine;
(16) Methyldihydromorphine;
(17) Morphine methylbromide;
(18) Morphine methylsulfonate;
(19) Morphine-N-Oxide;
(20) Myrophine;
(21) Nicocodeine;
(22) Nicomorphine;
(23) Normorphine;
(24) Pholcodine;
(25) Thebacon.

(c) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation.

(1) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;
(2) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA;
(3) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine, PMA;
(4) 5-methoxy-3,4-methylenedioxy-amphetamine;
(5) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and "STP";
(6) 3,4-methylenedioxy amphetamine;
(7) 3,4-methylenedioxymethamphetamine (MDMA);
(8) 3,4,5-trimethoxy amphetamine;
(9) Bufotenine: Some trade or other names: 3-(beta-Dimethylaminoethyl)-5-hydroxindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;
(10) Diethyltryptamine: Some trade or other names: N,N-Diethyltryptamine; DET;
(11) Dimethyltryptamine: Some trade or other names: DMT;
(12) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2' 1,2) azepino (5,4-b) indole; Tabernanthe iboga;
(13) Lysergic acid diethylamide;
(14) ((Marihuana or marijuana, (15))) Mescaline;
(15)) ((Parahexyl-7374: Some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenza[b,d]pyran; synhexyl;
(16)) (Peyote, meaning all parts of the plant presently classified botanically as Lophophora Williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812 (c), Schedule I (c)(12));
(17) N-ethyl-3-piperidyl benzilate;
(18) N-methyl-3-piperidyl benzilate;
(19) Psilocybin;
(20) Psilocyn;
(21) Tetrahydrocannabinols, synthetic equivalents of the substances contained in the plant, or in the resinous extractives of
Cannabis, species, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

(i) Delta 1 - cis - or trans tetrahydrocannabinol, and their optical isomers, excluding tetrahydrocannabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration;

(ii) Delta 6 - cis - or trans tetrahydrocannabinol, and their optical isomers;

(iii) Delta 3,4 - cis - or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

((23)) (22) Ethylamine analog of phencyclidine: Some trade or other names: N-ethyl-1-phenylcyclohexalymine, (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

((24)) (23) Pyrrolidine analog of phencyclidine: Some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

((25)) (24) Thiophene analog of phencyclidine: Some trade or other names: 1-(1-[2-thienyl]-cyclohexyl)-pipendine; 2-thienylanalog of phencyclidine; TPCP; TCP;

((26)) (25) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other name is TCPy.

(d) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

(1) Mecloqualone;

(2) Methaqualone.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylline;
(2) (+)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

(3) N-ethylamphetamine;

(4) N,N-dimethylamphetamine: Some trade or other names: N,N-
alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

The controlled substances in this section may be rescheduled or
deleted as provided for in RCW 69.50.201.

Sec. 85. RCW 69.50.505 and 2009 c 479 s 46 and 2009 c 364 s 1 are
each reenacted and amended to read as follows:

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

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

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

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

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

(i) No conveyance used by any person as a common carrier in the
transaction of business as a common carrier is subject to forfeiture
under this section unless it appears that the owner or other person in
charge of the conveyance is a consenting party or privy to a violation
of this chapter or chapter 69.41 or 69.52 RCW;

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

(iii) No conveyance is subject to forfeiture under this section
if used in the receipt of only an amount of marijuana for which
possession constitutes a misdemeanor under RCW 69.50.4014;
(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

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

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

(f) All drug paraphernalia;

(g) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW. A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission. No personal property may be forfeited under this subsection (1)(g), to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

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

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

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

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

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

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

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

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

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

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

(3) In the event of seizure pursuant to subsection (2) of this
section, proceedings for forfeiture shall be deemed commenced by the
seizure. The law enforcement agency under whose authority the seizure
was made shall cause notice to be served within fifteen days following
the seizure on the owner of the property seized and the person in
charge thereof and any person having any known right or interest
therein, including any community property interest, of the seizure and
intended forfeiture of the seized property. Service of notice of
seizure of real property shall be made according to the rules of civil
procedure. However, the state may not obtain a default judgment with
respect to real property against a party who is served by substituted
service absent an affidavit stating that a good faith effort has been
made to ascertain if the defaulted party is incarcerated within the
state, and that there is no present basis to believe that the party is
incarcerated within the state. Notice of seizure in the case of
property subject to a security interest that has been perfected by
filing a financing statement in accordance with chapter 62A.9A RCW, or
a certificate of title, shall be made by service upon the secured party
or the secured party's assignee at the address shown on the financing
statement or the certificate of title. The notice of seizure in other
cases may be served by any method authorized by law or court rule
including but not limited to service by certified mail with return
receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

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

(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The notice of claim may be served by any method authorized by law or court rule including, but not limited to, service by first-class mail. Service by mail shall be deemed complete upon mailing within the forty-five day period following service of the notice of seizure in the case of personal property and within the ninety-day period following service of the notice of seizure in the case of real property. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law
enforcement agency of the person's claim of ownership or right to
possession. The court to which the matter is to be removed shall be
the district court when the aggregate value of personal property is
within the jurisdictional limit set forth in RCW 3.66.020. A hearing
before the seizing agency and any appeal therefrom shall be under Title
34 RCW. In all cases, the burden of proof is upon the law enforcement
agency to establish, by a preponderance of the evidence, that the
property is subject to forfeiture.

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

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

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

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

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

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

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

(8)(a) When property is forfeited, the seizing agency shall keep a
record indicating the identity of the prior owner, if known, a
description of the property, the disposition of the property, the value
of the property at the time of seizure, and the amount of proceeds
realized from disposition of the property.
(b) Each seizing agency shall retain records of forfeited property for at least seven years.

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

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

(9)(a) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the state general fund.

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

(c) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

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

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

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

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

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

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

(a) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and

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

(i) Only if the funds applied under (b) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;
(ii) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty-day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty-day period. Nothing in this section requires the claim to be paid by the end of the sixty-day or thirty-day period.

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

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

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

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

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

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

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

(d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (9)(b) of this section.

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

Sec. 86. RCW 69.51A.005 and 2007 c 371 s 2 are each amended to read as follows:
The people of Washington state find that some patients with terminal or debilitating illnesses, under their physician's care, may benefit from the medical use of marijuana. Some of the illnesses for which marijuana appears to be beneficial include chemotherapy-related nausea and vomiting in cancer patients; AIDS wasting syndrome; severe muscle spasms associated with multiple sclerosis and other spasticity disorders; epilepsy; acute or chronic glaucoma; and some forms of intractable pain.

The people find that humanitarian compassion necessitates that the decision to authorize the medical use of marijuana by patients with terminal or debilitating illnesses is a personal, individual decision, based upon their physician's professional medical judgment and discretion.

(Therefore, the people of the state of Washington intend that:
Qualifying patients with terminal or debilitating illnesses who, in the judgment of their physicians, may benefit from the medical use of marijuana, shall not be found guilty of a crime under state law for their possession and limited use of marijuana;
Persons who act as designated providers to such patients shall also not be found guilty of a crime under state law for assisting with the medical use of marijuana; and
Physicians also be excepted from liability and prosecution for the authorization of marijuana use to qualifying patients for whom, in the physician's professional judgment, medical marijuana may prove beneficial.)

Sec. 87. RCW 69.51A.010 and 2007 c 371 s 3 are each amended to read as follows:
The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.
(1) "Designated provider" means a person who:
(a) Is eighteen years of age or older;
(b) Has been designated in writing by a patient to serve as a designated provider under this chapter; and
(c) Is prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as designated provider; and
(d)) Is the designated provider to only one patient at any one
time.

(2) "Medical use of marijuana" means the production, possession, or
administration of marijuana, as defined in RCW 69.50.101(q), for the
exclusive benefit of a qualifying patient in the treatment of his or
her terminal or debilitating illness.

(3) "Qualifying patient" means a person who:
(a) Is a patient of a physician licensed under chapter 18.71 or
18.57 RCW;
(b) has been diagnosed by that physician as having a terminal or
debilitating medical condition;
(c) is a resident of the state of Washington at the time of such
diagnosis;
(d) has been advised by that physician about the risks and benefits
of the medical use of marijuana; and
(e) has been advised by that physician that they may benefit from
the medical use of marijuana.

(4) "Terminal or debilitating medical condition" means:
(a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis,
epilepsy or other seizure disorder, or spasticity disorders; or
(b) Intractable pain, limited for the purpose of this chapter to
mean pain unrelieved by standard medical treatments and medications; or
(c) Glaucoma, either acute or chronic, limited for the purpose of
this chapter to mean increased intraocular pressure unrelieved by
standard treatments and medications; or
(d) Crohn's disease with debilitating symptoms unrelieved by
standard treatments or medications; or
(e) Hepatitis C with debilitating nausea or intractable pain
unrelieved by standard treatments or medications; or
(f) Diseases, including anorexia, which result in nausea, vomiting,
wasting, appetite loss, cramping, seizures, muscle spasms, or
spasticity, when these symptoms are unrelieved by standard treatments
or medications; or
(g) Any other medical condition duly approved by the Washington
state medical quality assurance commission in consultation with the
board of osteopathic medicine and surgery as directed in this chapter.

(5) "Valid documentation" means:
(a) A statement signed by a qualifying patient's physician, or a copy of the qualifying patient's pertinent medical records, which states that, in the physician's professional opinion, the patient may benefit from the medical use of marijuana;

(b) Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035; and

(c) A copy of the physician statement described in (a) of this subsection shall have the same force and effect as the signed original.

Sec. 88. RCW 69.51A.060 and 2007 c 371 s 6 are each amended to read as follows:

(1) ((It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public. )) Nothing in this chapter requires any health insurance provider to be liable for any claim for reimbursement for the medical use of marijuana.

((2)) (2) Nothing in this chapter requires any physician to authorize the use of medical marijuana for a patient.

((3)) (3) Nothing in this chapter requires any accommodation of any on-site medical use of marijuana in any place of employment, in any school bus or on any school grounds, in any youth center, in any correctional facility, or smoking medical marijuana in any public place as that term is defined in RCW 70.160.020.

((4)) (4) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010((5)) (5)(a).

((5)) (5) No person shall be entitled to claim the affirmative defense provided in RCW 69.51A.040 for engaging in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway.)

NEW SECTION. Sec. 89. A new section is added to chapter 70.96A RCW to read as follows:

To be eligible to receive its share of marijuana taxes and profits, each city and county shall devote no less than two percent of its share of marijuana taxes and profits to the support of a program of drug
addiction approved by the alcoholism and other drug addiction board
authorized by RCW 70.96A.300 and the secretary.

NEW SECTION. Sec. 90. The following acts or parts of acts are
each repealed:
(1) RCW 69.50.4014 (Possession of forty grams or less of
marihuana--Penalty) and 2003 c 53 s 335;
(2) RCW 69.51A.020 (Construction of chapter) and 1999 c 2 s 3;
(3) RCW 69.51A.030 (Physicians excepted from state's criminal laws)
and 2007 c 371 s 4 & 1999 c 2 s 4;
(4) RCW 69.51A.040 (Failure to seize marijuana, qualifying
patients' affirmative defense) and 2007 c 371 s 5 & 1999 c 2 s 5; and
(5) RCW 69.51A.050 (Medical marijuana, lawful possession--State not
liable) and 1999 c 2 s 7.

NEW SECTION. Sec. 91. If any provision of this act or its
application to any person or circumstance is held invalid, the
remainder of the act or the application of the provision to other
persons or circumstances is not affected.

NEW SECTION. Sec. 92. Sections 17, 19, and 27 of this act are
each added to chapter 66.08 RCW.

NEW SECTION. Sec. 93. Sections 46 and 47 of this act are each
added to chapter 66.24 RCW.

NEW SECTION. Sec. 94. Sections 2 through 16 and 18 through 91 of
this act take effect July 1, 2011.

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