AN ACT Relating to regulating the production, distribution, and sale of cannabis; amending RCW 66.08.026, 66.08.030, 66.08.050, 66.16.010, 66.16.041, 66.16.060, 66.16.070, 66.16.090, 66.16.120, 66.20.150, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.36.010, 69.50.101, 69.50.201, 69.50.204, 69.50.205, 69.50.4013, 69.50.410, 69.50.435, 66.44.010, 10.31.100, 66.44.040, 66.44.170, 66.44.240, 9.94A.518, 9A.16.120, 9.94A.650, 9.94A.660, 9.94A.734, 9.94A.735, 13.04.155, 38.38.762, 36.27.020, 46.09.470, 46.61.5249, 69.50.102, 69.50.4121, 66.36.010, 66.36.020, 66.36.040, 66.36.070, 66.36.090, 35A.66.020, 69.50.102, 69.50.110, 28B.10.575, 43.19.19054, 81.04.530, 69.04.530, 69.04.480, and 69.98.010; reenacting and amending RCW 66.04.010, 66.16.040, 13.40.0357, 69.50.505, and 69.50.505; adding a new section to chapter 43.23 RCW; adding new sections to chapter 66.12 RCW; adding a new section to chapter 70.96A RCW; adding new sections to chapter 66.44 RCW; adding a new section to chapter 66.32 RCW; adding a new section to chapter 35A.66 RCW; adding new sections to chapter 66.40 RCW; adding a new chapter to Title 66 RCW; creating new sections; repealing RCW 69.50.4014; prescribing penalties; providing effective dates; and declaring an emergency.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

PART I

INTENT

NEW SECTION. Sec. 1. (1) The legislature finds that:
(a) The regulation and taxation of cannabis will generate revenue for health care programs, including effective drug education programs. Producing, selling, and shipping cannabis within Washington will also help create jobs in the agricultural sector;
(b) Regulating and selling cannabis will conserve state resources during the current period of fiscal constraint and create significant state revenue for health care and substance abuse treatment and prevention. Each year millions of dollars are wasted on prosecution of cannabis-related offenses. Regulation of cannabis will eliminate these expenses in addition to generating revenue; and
(c) The state has an effective system for the regulation and taxation of alcohol.
(2) Therefore, the legislature intends to promote commerce and competition within Washington by eliminating penalties for the possession and consumption of cannabis, regulating and taxing the sale of cannabis by state government, and licensing cannabis growers.

PART II

LIQUOR CONTROL BOARD

Sec. 2. 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) "Cannabis" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,
or preparation of the plant, its seeds, or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purposes of this title, the term "cannabis" includes cannabis products and does not include hemp or hemp products.

(9) "Cannabis farmer" means any person engaged in the agriculture business, licensed with the department of agriculture, and who grows cannabis for sale in state liquor stores on behalf of the board.

(10) "Cannabis labeling" means all labels and other written, printed, or graphic matter (a) upon any cannabis, hemp, or hemp product, or any of its containers or wrappers, or (b) accompanying such cannabis and hemp.

(11) "Cannabis licensed producer" means a person licensed by the department of agriculture to produce, process, package, and offer for sale at wholesale cannabis, hemp, and hemp products in accordance with rules adopted by the department of agriculture pursuant to the terms of this title.

(12) "Cannabis licensed seller" means a person licensed by the department of health to repackage and sell at retail cannabis and hemp in accordance with rules adopted by the department of health pursuant to the terms of this title.

(13) "Cannabis package" means any container or receptacle used for holding cannabis or hemp.

(14) "Cannabis products" means products containing cannabis or cannabis extracts that have a measurable THC concentration and are intended for human consumption or application including, but not limited to, edible products, tinctures, and lotions. The term "cannabis products" does not include useable cannabis or products made from hemp.

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

(16) "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 or cannabis to any use, whether by drinking or otherwise.

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

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

(20) "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.

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

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

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

(24) "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.

(25) "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.

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

(27) "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.

(28) "Fund" means 'liquor revolving fund.'
"Hemp" means varieties of the Cannabis plant that have a THC concentration of less than three-tenths of one percent, the mature stalks of the Cannabis plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For purposes of this title, the term "hemp" does not include hemp products.

"Hemp products" means products made from hemp and intended for human consumption or industrial purposes that do not contain a measurable THC concentration.

"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.

"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.

"Imprisonment" means confinement in the county jail.

"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.

"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."

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

"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.

"Package" means any container or receptacle used for holding liquor or cannabis.

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

"Permit" means a permit for the purchase of liquor or cannabis under this title.

"Person" means an individual, copartnership, association, or corporation.

"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.

"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.

"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.

"Regulations" means regulations made by the board under the powers conferred by this title.

"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.

"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.

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

"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.

"Store" means a state liquor store established under this title.

"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.

"THC concentration" means percent of tetrahydrocannabinol content per weight or volume of useable cannabis, cannabis product, hemp, or hemp product.
(53) "Useable cannabis" means the harvested dried leaves and flowers of the Cannabis plant family Moraceae. Useable cannabis excludes stems, stalks, seeds, and roots. For the purposes of this title, the term "useable cannabis" does not include hemp.

(54)(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."

(44) (55) "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.

(45) (56) "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.

(46) (57) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.
Sec. 3. 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 and the cannabis 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 cannabis, hemp products, 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 cannabis, hemp products, liquor, and lottery tickets, agency commissions for contract liquor stores, transaction fees associated with credit or debit card purchases for cannabis, hemp products, 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. 4. 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 cannabis 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 cannabis by the state and the furnishing of liquor and cannabis to stores established under this title;

(d) Determining the classes, varieties, and brands of liquor and cannabis 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 cannabis;

(f) Providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each variety of liquor and cannabis 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 cannabis seal, official label, and stamp, and determining the manner in which they shall be attached to every package of cannabis sold or sealed under this title, including the prescribing of different official seals or different official labels for the different varieties of cannabis;

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

((jj)) 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;

((k)) 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;

((l)) 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;

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

((n)) 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;

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

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

((q)) 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;

((r)) 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;

((44)) (s) 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;

((44)) (t) 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;

((44)) (u) Specifying and regulating the time and periods when, and the manner, methods, and means by which authorized cannabis farmers and authorized transporters shall deliver cannabis within the state; and the time and periods when, and the manner, methods, and means by which cannabis 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;

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

((44)) (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;

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

(z) Providing forms to be used by cannabis farmers for reporting the gross amount of cannabis 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;

((44)) (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 cannabis produced, sold, packaged, or handled by licensed cannabis farmers 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 illegal cannabis produced, sold, or offered for sale within this state which do not conform in all respect to the standards prescribed by this title or the regulations of the board.

Sec. 5. 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.
In addition, the board may appoint, in its discretion, a manufacturer that also manufactures liquor or cannabis products other than wine under a license under this title, as a contract liquor store for the purpose of sale of liquor or cannabis products of its own manufacture on the licensed premises only.

(a) Contract liquor stores shall be authorized to sell liquor under the guidelines provided by law, rule, or contract, and additional rules and regulations consistent with this title as the board may require.

(b) Contract liquor stores shall be authorized to sell cannabis 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 cannabis 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;

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

(7) 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;

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

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

(10) 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)) (11) 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;

((11)) (12) 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. 6. The board shall adopt rules by December 31,
2011, that establishes the procedures and criteria necessary to
implement the following:

1) Authorizing and implementing the sale of cannabis, cannabis
products, hemp, and hemp products in state liquor stores and state
contracted liquor stores;

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

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

4) Establishing rules, regulations, permits, and fees for
cannabis farmers;

5) Determining the quantity of cannabis each cannabis farmer may
cultivate, grow, and store annually;
(6) Determining how cannabis and hemp products 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 cannabis sold, packaged, or handled by licensed cannabis farmers, the board, and liquor stores, while providing for an exemption for persons cultivating cannabis for personal home use which and would not be subject to the same rules, regulations, permits, and fees as required for cannabis farmers.

NEW SECTION. Sec. 7. (1) Every order for the purchase of cannabis shall be authorized by the board, and no order for cannabis 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 cannabis on consignment.

NEW SECTION. Sec. 8. 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 or growing of cannabis, or in any cannabis sold under this title, or derive any profit or remuneration from the sale of cannabis, 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.

NEW SECTION. Sec. 9. No employee shall sell cannabis in any other place, nor at any other time, nor otherwise than as authorized by the board under this title and the regulations.

NEW SECTION. Sec. 10. The liquor control board may provide cannabis at no charge, including cannabis forfeited under chapter 66.32.
RCW, to recognized law enforcement agencies within the state when the
law enforcement agency will be using the cannabis for bona fide law
enforcement training or investigation purposes.

NEW SECTION. Sec. 11. (1) The board shall not advertise cannabis
in any form or through any medium whatsoever.
(2) In-store cannabis 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
cannabis.

NEW SECTION. Sec. 12. No municipality or county shall have power
to license the sale of, or impose an excise tax upon, cannabis as
defined in RCW 66.04.010, 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 cannabis, 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.

NEW SECTION. Sec. 13. 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 any cannabis farmer.

NEW SECTION. Sec. 14. (1) Every order for the purchase of
cannabis and hemp products shall be authorized by the board, and no
order for cannabis or hemp products 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
NEW SECTION. Sec. 15. 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 his or her termination thereof, represent directly or indirectly any manufacturer or wholesaler of cannabis in the sale of cannabis to the board.

NEW SECTION. Sec. 16. Nothing in this title shall apply to or prevent the sale of cannabis by any person to the board.

Sec. 17. 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 cannabis in accordance with the provisions of this title and the regulations: PROVIDED, That the prices of all liquor and cannabis 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. 18. 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 cannabis to any
person of legal age to purchase alcoholic beverages and cannabis and
may also sell to holders of permits such liquor and cannabis as may be
purchased under such permits.

Where there may be a question of a person's right to purchase
liquor or cannabis 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 cannabis sold under this section shall be delivered until the purchaser has paid for the liquor or cannabis 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. 19. 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 cannabis 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 cannabis 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 cannabis.

Sec. 20. 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 cannabis shall be delivered to any purchaser at a state liquor store in a packaged sealed with the official cannabis label or seal.

Sec. 21. 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 cannabis on the store premises.

Sec. 22. 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 cannabis 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 cannabis. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 23. 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 cannabis if doing so would violate their religious beliefs.

PART III
LICENSE PROCEDURES

NEW SECTION. Sec. 24. Pursuant to section 25 of this act, there shall be a license for farmers of cannabis and manufacturers of hemp products. The license shall provide authorization for cannabis farmers and manufacturers to produce, manufacture, grow, cultivate, transport, and sell cannabis and hemp products within the state of Washington. The annual fee for a cannabis farmer's license shall be five thousand dollars. For the purposes of chapter 66.28 RCW, a grower licensee shall be deemed a manufacturer.
NEW SECTION. Sec. 25. (1) There shall be a license for persons to produce cannabis, cannabis products, hemp, and hemp products regulated by the board.

(2) Every producer's license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license.

(3) For the purpose of considering any application for a producer's license, or the renewal of a license, the board may cause an inspection of the applicant's or licensee's production facilities to be made, and may inquire into all matters in connection with the construction and operation of the facilities. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, or renewal or denial thereof, the board may consider any prior criminal conduct of the applicant including an administrative violation history record with the board and 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. The provisions of RCW 9.95.240, 9.94A.640, and chapter 9.96A RCW shall not apply to such cases. Subject to the provisions of this section, the board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (9)(c) and (12) of this section. The board may grant authority to approve an uncontested or unopposed license to any staff member the department designates in writing. Conditions for granting such authority shall be adopted by rule. No license to produce cannabis, cannabis products, hemp, and hemp products may be issued to:

(a) A person doing business as a sole proprietor who has not resided in the state for at least one month prior to receiving a license;

(b) A partnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;
(c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee; or

(d) A corporation or a limited liability company, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(4)(a) The board may, in its discretion, suspend or cancel any license to produce cannabis, hemp, and hemp products; and all rights of the licensee to produce, process, package, or offer for sale at wholesale cannabis, hemp, and hemp products thereunder shall be suspended or terminated, as the case may be. The decision to suspend or cancel the license shall be an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW.

(b) The board shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

(d) Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the liquor control board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be...
lawfully interrogated, the judge of the superior court of the county in
which the person resides, on application of any member of the board or
administrative law judge, shall compel obedience by contempt
proceedings, as in the case of disobedience of the requirements of a
subpoena issued from said court or a refusal to testify therein.

(5) Upon receipt of notice of the suspension or cancellation of a
license to produce cannabis, cannabis products, hemp, and hemp products
the licensee shall forthwith deliver up the license to the board.
Where the license has been suspended only, the board shall return the
license to the licensee at the expiration or termination of the period
of suspension. The board shall notify the department of health, and
the department of health shall notify all licensed sellers of cannabis
and hemp in the state of the suspension or cancellation of the license;
and no employee or agent of any licensed seller may allow or cause any
 cannabis or hemp to be delivered to the premises of a licensed seller's
 shop from or on behalf of the producer whose license has been suspended
 or canceled.

(6)(a) At the time of the original issuance of a license to produce
 cannabis, cannabis products, hemp, and hemp products, the board shall
 prorate the license fee charged to the new licensee according to the
 number of calendar quarters, or portion thereof, remaining until the
 first renewal of that license is required.

(b) Unless sooner canceled, every license to produce cannabis,
cannabis products, hemp, and hemp products issued by the board shall
expire at midnight of the thirtieth day of June of the fiscal year for
which it was issued. However, if the board deems it feasible and
desirable to do so, it may establish, by rule pursuant to chapter 34.05
RCW, a system for staggering the annual renewal dates for licenses to
cannabis, cannabis products, hemp, and hemp products. If such a system
of staggered annual renewal dates is established by the board, the
license fees provided by this chapter shall be appropriately prorated
during the first year that the system is in effect.

(7) Every license issued under this section shall be subject to all
conditions and restrictions imposed by this title or by rules adopted
by the board. All conditions and restrictions imposed by the board in
the issuance of an individual license shall be listed on the face of
the individual license along with the trade name, address, and
expiration date.
(8) Every licensed cannabis producer shall post and keep posted its license, or licenses, in a conspicuous place on the premises of its production facility or facilities.

(9)(a) Before the board issues a new or renewal license to produce cannabis, hemp, and hemp products to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns.

(b) The incorporated city or town through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after the date of transmittal of such notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewal license is asked. The board may extend the time period for submitting written objections.

(c) The written objections shall include a statement of all facts upon which such objections are based, and in case written objections are filed, the city or town or county legislative authority may request and the board may in its discretion hold a hearing subject to the applicable provisions of Title 34 RCW. If the board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If such a hearing is held at the request of the applicant, board representatives shall present and defend the board's initial decision to deny a license or renewal.

(d) Upon the granting of a license to produce cannabis, hemp, and hemp products under this title the board shall send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(10)(a) Before the board issues a license to produce cannabis, hemp, and hemp products to any applicant, it shall give (i) due consideration to the location of the business to be conducted under
such license with respect to the proximity of churches, schools, and public institutions and (ii) written notice, with receipt verification, of the application to public institutions identified by the board as appropriate to receive such notice, churches, and schools within five hundred feet of the premises to be licensed. The board shall not issue a license to produce cannabis, hemp, and hemp products covering any premises within five hundred feet of the premises of any tax supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the main entrance of the school to the nearest public entrance of the premises proposed for license if, after receipt by the school of the notice as provided in this subsection, the board receives written objection, within twenty days after receiving such notice, from an official representative or representatives of the school indicating to the board that there is an objection to the issuance of such license because of proximity to the school. The board may extend the time period for submitting objections. For the purpose of this subsection, "church" means a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith and "public institution" means institutions of higher education, parks, community centers, libraries, and transit centers.

(b) It is the intent under this subsection (10) that a license to produce cannabis, hemp, and hemp products shall not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which is within five hundred feet of the proposed licensee. The board shall fully consider and give substantial weight to objections filed by private schools. If a license to produce cannabis, hemp, and hemp products is issued despite the proximity of a private school, the board shall state in a letter addressed to the private school the board's reasons for issuing the license.

(11)(a) Nothing in this section prohibits the board, in its discretion, from issuing a temporary license to produce cannabis, hemp, and hemp products to an applicant to operate a production facility during the period the application for the license is pending. The board may establish a fee for a temporary license by rule.

(b) A temporary license issued by the board under this section shall be for a period not to exceed one hundred twenty days. A
temporary license may be extended at the discretion of the board for
additional periods of sixty days upon payment of an additional fee and
upon compliance with all conditions required in this section.

(c) Refusal by the board to issue or extend a temporary license
shall not entitle the applicant to request a hearing. A temporary
license may be canceled or suspended summarily at any time if the board
determines that good cause for cancellation or suspension exists. For
the purpose of obtaining information relating to the issuance of a
temporary license, the board, or any person appointed by it in writing
for the purpose, may inspect the books and records of the holder of the
temporary license.

(d) Application for a temporary license shall be on such form as
the board shall prescribe. If an application for a temporary license
is withdrawn before issuance or is refused by the board, the fee that
accompanied such application shall be refunded in full.

(12) In determining whether to grant or deny a license to produce
cannabis, hemp, and hemp products or renewal of any license to produce
cannabis, hemp, and hemp products the board shall give substantial
weight to objections from an incorporated city or town or county
legislative authority based upon chronic illegal activity associated
with the applicant's operation of the premises proposed to be licensed
or the applicant's operation of any other licensed premises, or the
conduct of the applicant's employees, agents, or business contacts
inside or outside the licensed premises. "Chronic illegal activity"
means a pervasive pattern of activity that threatens the public health,
safety, and welfare of the city, town, or county including, but not
limited to, assaults, robberies, disturbances, disorderly conduct, or
other criminal law violations, or as documented in crime statistics,
police reports, emergency medical response data, calls for service,
field data, or similar records of a law enforcement agency for the
city, town, county, or any other municipal corporation or any state
agency.

NEW SECTION. Sec. 26. The action, order, or decision of the board
as to any denial of an application for the issuance or reissuance of a
producer's license or as to any revocation, suspension, or modification
of any producer's license shall be an adjudicative proceeding and
subject to the applicable provisions of chapter 34.05 RCW.
(1) An opportunity for a hearing may be provided an applicant for
the issuance or reissuance of a producer's license prior to the
disposition of the application, and if no such opportunity for a prior
hearing is provided then an opportunity for a hearing to reconsider the
application must be provided the applicant.

(2) An opportunity for a hearing must be provided a licensed
producer prior to a cancellation or modification of any producer's
license and, except as provided in subsection (4) of this section,
prior to the suspension of any producer's license.

(3) No hearing shall be required until demanded by the applicant or
licensed producer.

(4) The board may summarily suspend a producer's license for a
period of up to one hundred eighty days without a prior hearing if it
finds that public health, safety, or welfare imperatively require
emergency action, and it incorporates a finding to that effect in its
order. Proceedings for cancellation or other action must be promptly
instituted and determined. An administrative law judge may extend the
summary suspension period for up to one calendar year in the event the
proceedings for cancellation or other action cannot be completed during
the initial one hundred eighty day period due to actions by the
licensed producer. The board's enforcement division shall complete a
preliminary staff investigation of the violation before requesting an
emergency suspension by the board.

NEW SECTION. Sec. 27. The director of the board, and every
employee authorized by the director to issue licenses under this title
may administer any oath and take and receive any affidavit or
declaration required under this title or the regulations.

NEW SECTION. Sec. 28. (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 this title as are deemed necessary or advisable.
The adoption of such rules shall be undertaken in accordance with the
procedures set forth in chapter 34.05 RCW.

(2) Without thereby limiting the generality of the provisions
contained in subsection (1) of this section, the board is directed to
work in conjunction with the department of health and the department of agriculture to adopt rules by December 31, 2012:

(a) Prescribing and regulating the necessary equipment, containers, sanitary conditions, safety and security measures, production methods, processing methods, and management of production facilities in which cannabis, hemp, or hemp products are planted, grown, harvested, processed, or packaged, prescribing the books and records to be kept therein and the reports to be made thereon to the board, and providing for inspection of production facilities and the books and records kept therein;

(b) Prescribing the kinds, quantities, and forms of cannabis, hemp, and hemp products which may be produced and offered for sale at wholesale by licensed producers, regulating the manner in which the same shall be produced, processed, packaged, sold, and disposed of, and providing for the inspection, sampling, and testing of the same at any time at the instance of the board;

(c) Prescribing labeling requirements and determining the manner in which labeling shall be attached to every package of cannabis, hemp, or hemp product packaged and offered for sale at wholesale by a licensed producer under this title, including the prescribing of different labels for different grades, strains, and THC concentrations of cannabis;

(d) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensed producers shall deliver cannabis, hemp, and hemp products within the state; and the time and periods when, and the manner, methods, and means by which, cannabis, hemp, and hemp products may lawfully be conveyed or carried within the state;

(e) Seizing, confiscating, and destroying all cannabis, hemp, and hemp products produced, processed, packaged, or offered for sale at wholesale within this state which do not conform in all respects to the standards prescribed by this title or the regulations of the board;

(f) Prescribing forms to be used for purposes of this title or regulations adopted to carry out its purposes, and the terms and conditions to be contained in producers' licenses issued under this title, and the qualifications for receiving a producer's 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;

(g) Prescribing application and renewal fees for producers'
licenses adequate to recapture the cost to the state of implementing,
maintaining, and enforcing those provisions of this title and related
regulations regarding producers' licenses, and prescribing the fees for
anything done or permitted to be done under the regulations;

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

(i) Prescribing the duties of the employees of the board regarding
implementation and enforcement of this title and regulations adopted to
carry out its purposes, and regulating their conduct in the discharge
of their duties.

NEW SECTION. Sec. 29. A licensed cannabis farmer who wishes to
produce, process, or package cannabis products intended for human
consumption must, in addition to complying with all requirements set
forth in this act and rules adopted to enforce and carry out its
purposes, comply with the requirements of the Washington food
processing act, chapter 69.07 RCW, and all rules adopted to enforce and
carry out that act's purposes.

CANNABIS REPACKAGING

NEW SECTION. Sec. 30. A state or contracted liquor store who
wishes to repackage cannabis products intended for human consumption
must, in addition to complying with all requirements set forth in this
act and rules adopted to enforce and carry out its purposes, comply
with the requirements of the Washington food processing act, chapter
69.07 RCW, and all rules adopted to enforce and carry out that act's
purposes.
CANNABIS PERMITS, LICENSES, AND ID'S

Sec. 31. 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 cannabis under a permit which is suspended, or which has been canceled, or of which he or she is not the holder.

Sec. 32. 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 cannabis, 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. 33. 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 cannabis when such person desires to procure liquor or cannabis from a licensed establishment or state liquor store or contract liquor store.

Sec. 34. 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 cannabis or
misuse of the certification card may result in criminal penalties
including imprisonment or fine or both.

Sec. 35. 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 cannabis 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 cannabis 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. 36. 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 distributing cannabis to a person under legal age
to purchase liquor or cannabis 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 cannabis to the person who signed the card and may be
considered by the board as evidence that the licensee acted in good
faith.

PART IV
PUBLIC NUISANCE

Sec. 37. 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
cannabis, as defined in this title, is 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 cannabis, 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 cannabis will not thereafter

HB 1550   p. 34
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 cannabis, 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 cannabis. 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 cannabis 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.

DEPARTMENT OF AGRICULTURE

NEW SECTION. Sec. 38. A new section is added to chapter 43.23 RCW to read as follows:

The department shall work in conjunction with the liquor control board:

(1) In prescribing methods of growing, conditions of sanitation, standards of ingredients, quality, and identity of cannabis sold, packaged, or handled by licensed cannabis farmers, the board, and liquor stores;

(2) To license farmers to grow cannabis crops and sell, distribute, and transport such cannabis to state liquor stores and state contracted liquor stores;

(3) In establishing rules, regulations, permits, licenses, and fees for cannabis farmers;
(4) In determining the quantity of cannabis and hemp products each cannabis farmer may cultivate, grow, and store annually;

(5) In establishing rules and regulations for the cultivation of cannabis for personal home use and industrial hemp.

CANNABIS STORAGE

NEW SECTION. Sec. 39. A new section is added to chapter 66.12 RCW to read as follows:

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

PART V

FUNDING

NEW SECTION. Sec. 40. (1) In addition to any required local sales tax, there is hereby a state tax imposed on the sale of cannabis. The state tax shall be set at a rate of fifteen percent per gram of cannabis sold within Washington to any member of the public over the age of twenty-one and to the Washington state liquor control board.

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

NEW SECTION. Sec. 41. A new section is added to chapter 70.96A RCW to read as follows:

To be eligible to receive its share of cannabis taxes and profits, each city and county shall devote no less than two percent of its share of cannabis taxes and profits to the support of an approved treatment program for chemical dependency treatment authorized by RCW 70.96A.300 and the secretary.

CANNABIS REVOLVING FUND

NEW SECTION. Sec. 42. (1) There shall be a fund, known as the "cannabis 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 cannabis. The state treasurer shall be custodian of the fund.

(2) Moneys in the cannabis revolving fund shall be distributed by the board every three months. Seventy-seven percent of the funds shall be transferred to the department of health, twenty percent of the funds shall be transferred to the division of alcohol and substance abuse of the department of social and health services for evidence-based substance abuse treatment and prevention programs, two percent to the department of agriculture for administration, and the remaining one percent shall be retained by the board for administration.

**PART VI**

**CRIMES, ENFORCEMENT, AND PENALTIES**

Sec. 43. RCW 69.50.101 and 2010 c 177 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated where used in this chapter:

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

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

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

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

(c) "Board" means the state board of pharmacy.

(d) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or board rules, except the Cannabis plant and all of its parts and derivatives.

(e)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:
(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or
(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:
(i) a controlled substance;
(ii) a substance for which there is an approved new drug application;
(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or
(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

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

(g) "Department" means the department of health.

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

(i) "Dispenser" means a practitioner who dispenses.

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

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food)
intended to affect the structure or any function of the body of
individuals or animals; and (4) controlled substances intended for use
as a component of any article specified in (1), (2), or (3) of this
subsection. The term does not include devices or their components,
parts, or accessories.

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

(n) "Immediate precursor" means a substance:
(1) that the state board of pharmacy has found to be and by rule
designates as being the principal compound commonly used, or produced
primarily for use, in the manufacture of a controlled substance;
(2) that is an immediate chemical intermediary used or likely to be
used in the manufacture of a controlled substance; and
(3) the control of which is necessary to prevent, curtail, or limit
the manufacture of the controlled substance.

(o) "Isomer" means an optical isomer, but in RCW 69.50.101((q)(5)),
69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term
includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and
69.50.210(c) the term includes any positional isomer; and in RCW
69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any
positional or geometric isomer.

(p) "Manufacture" means the production, preparation, propagation,
compounding, conversion, or processing of a controlled substance,
either directly or indirectly or by extraction from substances of
natural origin, or independently by means of chemical synthesis, or by
a combination of extraction and chemical synthesis, and includes any
packaging or repackaging of the substance or labeling or relabeling of
its container. The term does not include the preparation, compounding,
packaging, repackaging, labeling, or relabeling of a controlled
substance:
(1) by a practitioner as an incident to the practitioner's
administering or dispensing of a controlled substance in the course of
the practitioner's professional practice; or
(2) by a practitioner, or by the practitioner's authorized agent
under the practitioner's supervision, for the purpose of, or as an
incident to, research, teaching, or chemical analysis and not for sale.
(q) ("Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

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

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

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

(3) Poppy straw and concentrate of poppy straw.

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

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

(6) Cocaine base.

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

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

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

("t") "Opium poppy" means the plant of the species Papaver
somniferum L., except its seeds.

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

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

("t") "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant
under chapter 18.71A RCW; an osteopathic physician and surgeon under
chapter 18.57 RCW; an osteopathic physician assistant under chapter
18.57A RCW who is licensed under RCW 18.57A.020 subject to any
limitations in RCW 18.57A.040; an optometrist licensed under chapter
18.53 RCW who is certified by the optometry board under RCW 18.53.010
subject to any limitations in RCW 18.53.010; a dentist under chapter
18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
registered nurse practitioner, or licensed practical nurse under
chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
who is licensed under RCW 18.36A.030 subject to any limitations in RCW
18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
investigator under this chapter, licensed, registered or otherwise
permitted insofar as is consistent with those licensing laws to
distribute, dispense, conduct research with respect to or administer a
controlled substance in the course of their professional practice or
research in this state.

(2) A pharmacy, hospital or other institution licensed, registered,
or otherwise permitted to distribute, dispense, conduct research with
respect to or to administer a controlled substance in the course of
professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a
physician licensed to practice osteopathic medicine and surgery, a
dentist licensed to practice dentistry, a podiatric physician and
surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

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

"Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

"Secretary" means the secretary of health or the secretary's designee.

"State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

"Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

"Electronic communication of prescription information" means the communication of prescription information by computer, or the transmission of an exact visual image of a prescription by facsimile, or other electronic means for original prescription information or prescription refill information for a Schedule III-V controlled substance between an authorized practitioner and a pharmacy or the transfer of prescription information for a controlled substance from one pharmacy to another pharmacy.

Sec. 44. RCW 69.50.201 and 1998 c 245 s 108 are each amended to read as follows:

(a) The state board of pharmacy shall enforce this chapter and may add substances to or delete or reschedule substances listed in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to the procedures of chapter 34.05 RCW.

(1) In making a determination regarding a substance, the board shall consider the following:

   (i) the actual or relative potential for abuse;
(ii) the scientific evidence of its pharmacological effect, if known;

(iii) the state of current scientific knowledge regarding the substance;

(iv) the history and current pattern of abuse;

(v) the scope, duration, and significance of abuse;

(vi) the risk to the public health;

(vii) the potential of the substance to produce psychic or physiological dependence liability; and

(viii) whether the substance is an immediate precursor of a controlled substance.

(2) The board may consider findings of the federal Food and Drug Administration or the Drug Enforcement Administration as prima facie evidence relating to one or more of the determinative factors.

(b) After considering the factors enumerated in subsection (a) of this section, the board shall make findings with respect thereto and adopt and cause to be published a rule controlling the substance upon finding the substance has a potential for abuse.

(c) The board, without regard to the findings required by subsection (a) of this section or RCW 69.50.203, 69.50.205, 69.50.207, 69.50.209, and 69.50.211 or the procedures prescribed by subsections (a) and (b) of this section, may place an immediate precursor in the same schedule in which the controlled substance of which it is an immediate precursor is placed or in any other schedule. If the board designates a substance as an immediate precursor, substances that are precursors of the controlled precursor are not subject to control solely because they are precursors of the controlled precursor.

(d) If a substance other than the Cannabis plant or any of its parts or derivatives is designated, rescheduled, or deleted as a controlled substance under federal law, the board shall similarly control the substance under this chapter after the expiration of thirty days from the date of publication in the federal register of a final order designating the substance as a controlled substance or rescheduling or deleting the substance or from the date of issuance of an order of temporary scheduling under Section 508 of the federal Dangerous Drug Diversion Control Act of 1984, 21 U.S.C. Sec. 811(h), unless within that thirty-day period, the board or an interested party objects to inclusion, rescheduling, temporary scheduling, or deletion.
If no objection is made, the board shall adopt and cause to be published, without the necessity of making determinations or findings as required by subsection (a) of this section or RCW 69.50.203, 69.50.205, 69.50.207, 69.50.209, and 69.50.211, a final rule, for which notice of proposed rule making is omitted, designating, rescheduling, temporarily scheduling, or deleting the substance. If an objection is made, the board shall make a determination with respect to the designation, rescheduling, or deletion of the substance as provided by subsection (a) of this section. Upon receipt of an objection to inclusion, rescheduling, or deletion under this chapter by the board, the board shall publish notice of the receipt of the objection, and control under this chapter is stayed until the board adopts a rule as provided by subsection (a) of this section.

(e) The board, by rule and without regard to the requirements of subsection (a) of this section, may schedule a substance other than the Cannabis plant or any of its parts or derivatives in Schedule I regardless of whether the substance is substantially similar to a controlled substance in Schedule I or II if the board finds that scheduling of the substance on an emergency basis is necessary to avoid an imminent hazard to the public safety and the substance is not included in any other schedule or no exemption or approval is in effect for the substance under Section 505 of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 355. Upon receipt of notice under RCW 69.50.214, the board shall initiate scheduling of the controlled substance analog on an emergency basis pursuant to this subsection. The scheduling of a substance under this subsection expires one year after the adoption of the scheduling rule. With respect to the finding of an imminent hazard to the public safety, the board shall consider whether the substance has been scheduled on a temporary basis under federal law or factors set forth in subsection (a)(1)(iv), (v), and (vi) of this section, and may also consider clandestine importation, manufacture, or distribution, and, if available, information concerning the other factors set forth in subsection (a)(1) of this section. A rule may not be adopted under this subsection until the board initiates a rule-making proceeding under subsection (a) of this section with respect to the substance. A rule adopted under this subsection must be vacated upon the conclusion of the rule-making proceeding initiated under subsection (a) of this section with respect to the substance.
Authority to control under this section does not extend to distilled spirits, wine, malt beverages, cannabis, or tobacco as those terms are defined or used in Titles 66 and 26 RCW and in this act.

Sec. 45. RCW 69.50.204 and 2010 c 177 s 2 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, except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
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;
Diampromide;
Diethylthiambutene;
Difenoxin;
Dimenoxadol;
Dimepheptanol;
Dimethylthiambutene;
Dioxaphetyl butyrate;
Dipipanone;
Ethylmethylthiambutene;
Etonitazene;
Etoxeridine;
Furethidine;
Hydroxypethidine;
Ketobemidone;
Levomoramide;
Levophenacylmorphan;
3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
Morpheridine;
MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
Noracymethadol;
Norlevorphanol;
Normethadone;
Norpipanone;
Para-fluorofentanyl (N-(4-fluorophenyl)-N[1-(2-phenethyl)-4-piperidinyl] propanamide);
PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
Phenadoxone;
Phenampramide;
Phenomorphan;
Phenoperidine;
Piritramide;
Proheptazine;
Properidine;
Propiram;
Racemoramide;
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-2-propanaminde);

(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) Dihydromorphine;

(9) Drotebanol;

(10) Etorphine, except hydrochloride salt;

(11) Heroin;

(12) Hydromorphinol;

(13) Methyldesorphine;

(14) Methyldihydromorphine;

(15) Morphine methylbromide;

(16) Morphine methylsulfonate;

(17) Morphine-N-Oxide;

(18) Myrophine;

(19) Nicocodeine;

(20) Nicomorphine;

(21) Normorphine;

(22) Pholcodine;

(23) 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. For the purposes of this subsection only, the term "isomer" includes the optical, position, and geometric isomers:

(1) Alpha-ethyltryptamine: Some trade or other names: Etryptamine; monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; a-ET; and AET;
(2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;
(3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, nexus;
(4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA;
(5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name: 2C-T-7;
(7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine, PMA;
(8) 5-methoxy-3,4-methylenedioxy-amphetamine;
(9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and "STP";
(10) 3,4-methylenedioxyamphetamine;
(11) 3,4-methylenedioxymethamphetamine (MDMA);
(12) 3,4-methylenedioxyn-N-ethylamphetamine, also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;
(13) N-hydroxy-3,4-methylenedioxymethamphetamine also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy MDA;
(14) 3,4,5-trimethoxyamphetamine;
(15) Alpha-methyltryptamine: Other name: AMT;
(16) 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;
(17) Diethyltryptamine: Some trade or other names: N,N-Diethyltryptamine; DET;
(18) Dimethyltryptamine: Some trade or other names: DMT;
(19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
(20) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyndol (1',2' 1,2) azeptino (5,4-b) indole; Tabernanthe iboga;
(21) Lysergic acid diethylamide;
(22) ((Marijuana or marijuana;
(23))) Mescaline;
((24)) (23) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl;
((25)) (24) 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));
((26)) (25) N-ethyl-3-piperidyl benzilate;
((27)) (26) N-methyl-3-piperidyl benzilate;
((28)) (27) Psilocybin;
((29)) (28) Psilocyn;
((30)) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as 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) 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) 6 - cis - or trans tetrahydrocannabinol, and their optical isomers;
(iii) 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.)
((31))) (29) Ethylamine analog of phencyclidine: Some trade or
other names: N-ethyl-1-phenylcyclohexalymine, (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

((32)) (30) Pyrrolidine analog of phencyclidine: Some trade or other names: 1-(1-phencyclohexyl)pyrrolidine; PCPy; PHP;

((33)) (31) Thiophene analog of phencyclidine: Some trade or other names: 1-(1-[2-thenyl]-cyclohexly)-pipendine; 2-thienylanalog of phencyclidine; TPCP; TCP;

((34)) (32) 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) Gamma-hydroxybutyric acid: Some other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate;

(2) Mecloqualone;

(3) 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) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4, 5-dihydro-5-phenyl-2-oxazolamine;

(2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

(3) Cathinone, also known as 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

(4) Fenethylline;

(5) Methcathinone: Some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylephedrine; AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and salts of optical isomers;
(6) (+)-cis-4-methylaminorex ((+-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

(7) N-ethylamphetamine;

(8) 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 added, rescheduled, or deleted as provided for in RCW 69.50.201.

Sec. 46. RCW 69.50.4013 and 2003 c 53 s 334 are each amended to read as follows:

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

(2) Any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

Sec. 47. RCW 69.50.410 and 2003 c 53 s 342 are each amended to read as follows:

(1) Except as authorized by this chapter it is a class C felony for any person to sell for profit any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204,

For the purposes of this section only, the following words and phrases shall have the following meanings:

(a) "To sell" means the passing of title and possession of a controlled substance from the seller to the buyer for a price whether or not the price is paid immediately or at a future date.

(b) "For profit" means the obtaining of anything of value in exchange for a controlled substance.

(c) "Price" means anything of value.

(2) (a) Any person convicted of a violation of subsection (1) of this section shall receive a sentence of not more than five years in a correctional facility of the department of social and health services for the first offense.
(b) Any person convicted on a second or subsequent cause, the sale having transpired after prosecution and conviction on the first cause, of subsection (1) of this section shall receive a mandatory sentence of five years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for the second or subsequent violation of subsection (1) of this section.

(3)(a) Any person convicted of a violation of subsection (1) of this section by selling heroin shall receive a mandatory sentence of two years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for such violation.

(b) Any person convicted on a second or subsequent sale of heroin, the sale having transpired after prosecution and conviction on the first cause of the sale of heroin shall receive a mandatory sentence of ten years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for this second or subsequent violation: PROVIDED, That the indeterminate sentence review board under RCW 9.95.040 shall not reduce the minimum term imposed for a violation under this subsection.

(4) Whether or not a mandatory minimum term has expired, an offender serving a sentence under this section may be granted an extraordinary medical placement when authorized under RCW 9.94A.728((44)) (3).

(5) In addition to the sentences provided in subsection (2) of this section, any person convicted of a violation of subsection (1) of this section shall be fined in an amount calculated to at least eliminate any and all proceeds or profits directly or indirectly gained by such person as a result of sales of controlled substances in violation of the laws of this or other states, or the United States, up to the amount of five hundred thousand dollars on each count.

(6) Any person, addicted to the use of controlled substances, who voluntarily applies to the department of social and health services for the purpose of participating in a rehabilitation program approved by the department for addicts of controlled substances shall be immune from prosecution for subsection (1) offenses unless a filing of an information or indictment against such person for a violation of
subsection (1) of this section is made prior to his or her voluntary participation in the program of the department of social and health services. All applications for immunity under this section shall be sent to the department of social and health services in Olympia. It shall be the duty of the department to stamp each application received pursuant to this section with the date and time of receipt.

(7) This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.401 through 69.50.4015.

Sec. 48. RCW 69.50.435 and 2003 c 53 s 346 are each amended to read as follows:

(1) Any person who violates RCW 69.50.401 by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under RCW 69.50.401 or who violates RCW 69.50.410 by selling for profit any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204((, except leaves and flowering tops of marihuana to a person)):

(a) In a school;
(b) On a school bus;
(c) Within one thousand feet of a school bus route stop designated by the school district;
(d) Within one thousand feet of the perimeter of the school grounds;
(e) In a public park;
(f) In a public housing project designated by a local governing authority as a drug-free zone;
(g) On a public transit vehicle;
(h) In a public transit stop shelter;
(i) At a civic center designated as a drug-free zone by the local governing authority; or
(j) Within one thousand feet of the perimeter of a facility designated under (i) of this subsection, if the local governing authority specifically designates the one thousand foot perimeter may be punished by a fine of up to twice the fine otherwise authorized by this chapter, but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by this chapter, but not including twice the imprisonment
authorized by RCW 69.50.406, or by both such fine and imprisonment. The provisions of this section shall not operate to more than double the fine or imprisonment otherwise authorized by this chapter for an offense.

(2) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop, in a public park, in a public housing project designated by a local governing authority as a drug-free zone, on a public transit vehicle, in a public transit stop shelter, at a civic center designated as a drug-free zone by the local governing authority, or within one thousand feet of the perimeter of a facility designated under subsection (1)(i) of this section, if the local governing authority specifically designates the one thousand foot perimeter.

(3) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were not present in the school, the school bus, the public park, the public housing project designated by a local governing authority as a drug-free zone, or the public transit vehicle, or at the school bus route stop, the public transit vehicle stop shelter, at a civic center designated as a drug-free zone by the local governing authority, or within one thousand feet of the perimeter of a facility designated under subsection (1)(i) of this section, if the local governing authority specifically designates the one thousand foot perimeter at the time of the offense or that school was not in session.

(4) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401 for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.
(5) In a prosecution under this section, a map produced or reproduced by any municipality, school district, county, transit authority engineer, or public housing authority for the purpose of depicting the location and boundaries of the area on or within one thousand feet of any property used for a school, school bus route stop, public park, public housing project designated by a local governing authority as a drug-free zone, public transit vehicle stop shelter, or a civic center designated as a drug-free zone by a local governing authority, or a true copy of such a map, shall under proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, county, or transit authority has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school, school bus route stop, public park, public housing project designated by a local governing authority as a drug-free zone, public transit vehicle stop shelter, or civic center designated as a drug-free zone by a local governing authority. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, county, transit authority, or public housing authority if the map or diagram is otherwise admissible under court rule.

(6) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(a) "School" has the meaning under RCW 28A.150.010 or 28A.150.020. The term "school" also includes a private school approved under RCW 28A.195.010;

(b) "School bus" means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any
school district in the state for the transportation of students. The
term does not include buses operated by common carriers in the urban
transportation of students such as transportation of students through
a municipal transportation system;
(c) "School bus route stop" means a school bus stop as designated
by a school district;
(d) "Public park" means land, including any facilities or
improvements on the land, that is operated as a park by the state or a
local government;
(e) "Public transit vehicle" means any motor vehicle, streetcar,
train, trolley vehicle, or any other device, vessel, or vehicle which
is owned or operated by a transit authority and which is used for the
purpose of carrying passengers on a regular schedule;
(f) "Transit authority" means a city, county, or state
transportation system, transportation authority, public transportation
benefit area, public transit authority, or metropolitan municipal
corporation within the state that operates public transit vehicles;
(g) "Stop shelter" means a passenger shelter designated by a
transit authority;
(h) "Civic center" means a publicly owned or publicly operated
place or facility used for recreational, educational, or cultural
activities;
(i) "Public housing project" means the same as "housing project" as
defined in RCW 35.82.020.

Sec. 49. 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 cultivation, transportation, possession,
distribution, importation, and sale of 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 cultivation, transportation, possession,
distribution, importation, and sale of 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 cultivation, transportation, possession, distribution, importation, and sale of 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 cultivation, transportation, possession, distribution, importation, and sale of 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 cultivation, transportation, possession, distribution, importation, and sale of 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 cultivation, transportation, possession, distribution, importation, and sale of 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 cultivation, transportation, possession, distribution, importation, and sale of cannabis, and the provisions of chapters 82.24 and 82.26 RCW.
Sec. 50. RCW 10.31.100 and 2010 c 274 s 201 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property (or involving the use or possession of cannabis), or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of
any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in
the accident if the officer has probable cause to believe that the
driver has committed in connection with the accident a violation of any
traffic law or regulation.

(5) Any police officer having probable cause to believe that a
person has committed or is committing a violation of RCW 79A.60.040
shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement
officer in whose presence a traffic infraction was committed, to stop,
detain, arrest, or issue a notice of traffic infraction to the driver
who is believed to have committed the infraction. The request by the
witnessing officer shall give an officer the authority to take
appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a
person has committed or is committing any act of indecent exposure, as
defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending
release on bail, personal recognizance, or court order, a person
without a warrant when the officer has probable cause to believe that
an order has been issued of which the person has knowledge under
chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a
person has, within twenty-four hours of the alleged violation,
committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a
person illegally possesses or illegally has possessed a firearm or
other dangerous weapon on private or public elementary or secondary
school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning
defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4),
and (6) of this section, nothing in this section extends or otherwise
affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for
making an arrest pursuant to subsection (2) or (8) of this section if
the police officer acts in good faith and without malice.
Sec. 51. 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 cannabis, or the having, keeping, giving, purchasing, or consumption of liquor or cannabis 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 cannabis, without stating the name or kind of such liquor or cannabis 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 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.

NEW SECTION. Sec. 52. No licensed seller or employee or agent of a licensed seller shall consume cannabis, or allow any person to open a package containing cannabis or consume any cannabis, on shop premises. A violation of this section is a class 3 civil infraction as provided for in chapter 7.80 RCW.

NEW SECTION. Sec. 53. (1) It is unlawful to open a package containing cannabis or consume cannabis in a public place in a manner that presents a reasonably foreseeable risk that another person would see and be able to identify the substance contained in the package or being consumed as cannabis.

(2) A violation of this section is a class 3 civil infraction punishable according to chapter 7.80 RCW.

SELLING AND PURCHASING OF CANNABIS

NEW SECTION. Sec. 54. Every person who shall sell or offer for sale cannabis, without an official government stamp or seal attached thereto, or who shall operate a cannabis business without a valid license is 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.

NEW SECTION. Sec. 55. Any person that buys cannabis from any
person other than the board, a state or contract liquor store, or some
person authorized by the board to sell cannabis is guilty of a
misdemeanor.

Sec. 56. 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 cannabis 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 cannabis by the principal or agent on
premises conducted or maintained, under federal authority, as a retail
dealer in liquors or cannabis, shall be prima facie evidence of the
intent to sell liquor.

NEW SECTION. Sec. 57. Except in the case of cannabis 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, cannabis
for or to anyone whose permit or license is suspended or has been
canceled.

Sec. 58. 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 or consume cannabis
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

HB 1550 p. 62
NEW SECTION. Sec. 59. Every person who smokes or consumes cannabis in any public conveyance is guilty of a misdemeanor.

NEW SECTION. Sec. 60. (1) It is unlawful for any person to sell, give, or otherwise supply cannabis to any person under the age of twenty-one years or permit any person under that age to consume liquor or to consume or smoke cannabis 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) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any cannabis.

(a) A violation of this subsection is a class I civil infraction punishable as provided for in chapter 7.80 RCW if the violation involves less than fifteen plants or less than one pound of cannabis.

(b) A violation of this subsection is a gross misdemeanor punishable under RCW 9A.20.021 if the violation involves fifteen or more plants or one pound or more of cannabis.

(c) In addition to the penalties set forth in (a) and (b) of this subsection, the court shall require each person under the age of twenty-one years to participate in alcohol and drug information school.

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

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

(5) 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 cultivate or sell cannabis after that person has attained the age of twenty-one years.
NEW SECTION. Sec. 61. A new section is added to chapter 66.44 RCW to read as follows:

Every person under the age of twenty-one years who purchases or attempts to purchase cannabis shall be guilty of a class I civil infraction.

NEW SECTION. Sec. 62. 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 cannabis 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 cannabis violation of section 60 of this act as may appear.

NEW SECTION. Sec. 63. Every person under the age of twenty-one years who represents his or her age as being twenty-one or more years for the purpose of purchasing cannabis or securing admission to or remaining in any area classified by the board as off-limits to such a person is guilty of a class I civil infraction.

NEW SECTION. Sec. 64. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain cannabis 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.

HOME GROWN CANNABIS

NEW SECTION. Sec. 65. A new section is added to chapter 66.12 RCW to read as follows:

(1) It is unlawful for a person not licensed as a valid cannabis farmer under section 25 of this act to produce cannabis except in compliance with the following requirements:

(a) The person is twenty-one years of age or older;
(b) The cannabis is produced in the home or yard that is not visible from any public place, excluding air space;
(c) The person possesses no more than one cannabis garden;
(d) The homegrown cannabis garden or the square footage of the total combined plant canopy area does not exceed fifty square feet in size;
(e) The cannabis or hemp is produced on property owned or lawfully leased by the person producing it;
(f) Any useable cannabis gratuitously transferred from the person who owns, leases, or otherwise exerts control over the real property on which the cannabis or hemp is being produced does not exceed one ounce in weight; and
(g) The cannabis or hemp plants are not produced in a manner or place that a reasonable person would know to be open to the view of a member of the general public positioned in or moving through a public place.
(2) A violation of this subsection is a gross misdemeanor offense.

**INTRASTATE TRANSPORTING**

**NEW SECTION.** Sec. 66. A new section is added to chapter 66.44 RCW to read as follows:
A person is guilty of intrastate transporting of cannabis if he or she transports illegal cannabis within the state that involves fifteen or more plants or one pound or more of cannabis. A violation of this section is a class C felony.

**INTERSTATE TRANSPORTING**

**NEW SECTION.** Sec. 67. A new section is added to chapter 66.44 RCW to read as follows:
A person is guilty of interstate transporting of cannabis if he or she imports cannabis into Washington from any other state or country. A violation of this section is a class C felony and is subject to a fine of no less than five thousand dollars.

**INVOLVING A MINOR IN DRUG DEALING**
NEW SECTION. Sec. 68. (1) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of twenty-one years in a transaction unlawfully to produce, sell, or otherwise supply cannabis.

(2) A violation of this section is a class C felony punishable according to chapter 9A.20 RCW.

Sec. 69. RCW 9.94A.518 and 2003 c 53 s 57 are each amended to read as follows:

TABLE 4

| 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 and section 68 of this act)

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)

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))

p. 67 HB 1550
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)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(2)(e))) Interstate Transporting of Cannabis (section 67 of this act)

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. 70.  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, cannabis, 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, cannabis, 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 or cannabis,
which means that a person has the odor of liquor or cannabis on his or
her breath or person, or that by speech, manner, appearance, behavior,
lack of coordination, or otherwise exhibits that he or she has consumed
liquor or cannabis, and either:

(A) Is in possession of or in close proximity to a container that
has or recently had liquor or cannabis in it; or

(B) Is shown by other evidence to have recently consumed liquor or
cannabis; 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, cannabis, or
illegal drugs. "Reasonable time" may not exceed one hour.

Sec. 71. 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.
RCW 9.94A.660 and 2009 c 389 s 3 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a cannabis violation, or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance or cannabis as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance or cannabis;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The end of the standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence
consisting of either a prison-based alternative under RCW 9.94A.662 or
a residential chemical dependency treatment-based alternative under RCW
9.94A.664. The residential chemical dependency treatment-based
alternative is only available if the midpoint of the standard range is
twenty-four months or less.

(4) To assist the court in making its determination, the court may
order the department to complete either or both a risk assessment
report and a chemical dependency screening report as provided in RCW
9.94A.500.

(5)(a) If the court is considering imposing a sentence under the
residential chemical dependency treatment-based alternative, the court
may order an examination of the offender by the department. The
examination shall, at a minimum, address the following issues:

(i) Whether the offender suffers from drug addiction;

(ii) Whether the addiction is such that there is a probability that
criminal behavior will occur in the future;

(iii) Whether effective treatment for the offender's addiction is
available from a provider that has been licensed or certified by the
division of alcohol and substance abuse of the department of social and
health services; and

(iv) Whether the offender and the community will benefit from the
use of the alternative.

(b) The examination report must contain:

(i) A proposed monitoring plan, including any requirements
regarding living conditions, lifestyle requirements, and monitoring by
family members and others; and

(ii) Recommended crime-related prohibitions and affirmative
conditions.

(6) When a court imposes a sentence of community custody under this
section:

(a) The court may impose conditions as provided in RCW 9.94A.703
and may impose other affirmative conditions as the court considers
appropriate. In addition, an offender may be required to pay thirty
dollars per month while on community custody to offset the cost of
monitoring for alcohol or controlled substances.

(b) The department may impose conditions and sanctions as
authorized in RCW 9.94A.704 and RCW 9.94A.737.
(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) Costs of examinations and preparing treatment plans under a special drug offender sentencing alternative may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

Sec. 73. RCW 9.94A.734 and 2010 c 224 s 9 are each amended to read as follows:

(1) Home detention may not be imposed for offenders convicted of the following offenses, unless imposed as partial confinement in the department's parenting program under RCW 9.94A.6551:

(a) A violent offense;

(b) Any sex offense;

(c) Any drug offense;

(d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;
(e) Assault in the third degree as defined in RCW 9A.36.031;
(f) Assault of a child in the third degree;
(g) Unlawful imprisonment as defined in RCW 9A.40.040; or
(h) Harassment as defined in RCW 9A.46.020.

Home detention may be imposed for offenders convicted of possession of a controlled substance under RCW 69.50.4013, possession of a forged prescription for a controlled substance under RCW 69.50.403, or possession of cannabis if the offender fulfills the participation conditions set forth in this section and is monitored for drug use by a treatment alternatives to street crime program or a comparable court or agency-referred program.

(2) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender:
   (a) Successfully completing twenty-one days in a work release program;
   (b) Having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary;
   (c) Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;
   (d) Having no prior charges of escape; and
   (e) Fulfilling the other conditions of the home detention program.

(3) Home detention may be imposed for offenders convicted of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen motor vehicle as defined under RCW 9A.56.068 conditioned upon the offender:
   (a) Having no convictions for taking a motor vehicle without permission, theft of a motor vehicle or possession of a stolen motor vehicle during the preceding five years and not more than two prior convictions for taking a motor vehicle without permission, theft of a motor vehicle or possession of a stolen motor vehicle;
   (b) Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;
   (c) Having no prior charges of escape; and
(d) Fulfilling the other conditions of the home detention program.

(4) Participation in a home detention program shall be conditioned upon:

(a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender;

(b) Abiding by the rules of the home detention program; and

(c) Compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 74. 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 cannabis laws of this state.

Sec. 75. 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 violation under RCW 66.44.270; ((and))
(f) A cannabis violation under RCW 66.44.270; and
(g) 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. 76. 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>
</tr>
</thead>
<tbody>
<tr>
<td>JUVENILE DISPOSITION</td>
</tr>
<tr>
<td>JUVENILE CATEGORY FOR</td>
</tr>
<tr>
<td>DISPOSITION ATTEMPT, BAILJUMP,</td>
</tr>
<tr>
<td>OFFENSE CONSPIRACY, OR</td>
</tr>
<tr>
<td>CATEGORY DESCRIPTION (RCW CITATION) SOLICITATION</td>
</tr>
<tr>
<td>Arson and Malicious Mischief</td>
</tr>
</tbody>
</table>
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
Possession/Consumption of Alcohol (66.44.270) E
Illegally Obtaining Legend Drug (69.41.020) C
Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a)) C+
Possession of Legend Drug (69.41.030(2)(b)) E
Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2)(a) or (b)) B+
Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c)) C
Possession of Marihuana < 40 grams (69.50.401(2)(e)) E
Fraudulently Obtaining Controlled Substance (69.50.403) C
Sale of Controlled Substance for Profit (69.50.410) C+
Unlawful Inhalation (9.47A.020) E
Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2)(a) or (b)) B
Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2)(c), (d), or (e)) C
Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013) C
Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012) C

Firearms and Weapons
Theft of Firearm (9A.56.300) B
Possession of Stolen Firearm (9A.56.310) B
<table>
<thead>
<tr>
<th></th>
<th>Code</th>
<th>Charge</th>
<th>Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>E</td>
<td>Carrying Loaded Pistol Without Permit</td>
<td>E</td>
</tr>
<tr>
<td>2</td>
<td>C</td>
<td>Possession of Firearms by Minor (&lt;18)</td>
<td>C</td>
</tr>
<tr>
<td>3</td>
<td>D+</td>
<td>Possession of Dangerous Weapon</td>
<td>E</td>
</tr>
<tr>
<td>4</td>
<td>D</td>
<td>Intimidating Another Person by use of Weapon</td>
<td>E</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td><strong>Homicide</strong></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>A+</td>
<td>Murder 1 (9A.32.030)</td>
<td>A</td>
</tr>
<tr>
<td>7</td>
<td>A+</td>
<td>Murder 2 (9A.32.050)</td>
<td>B+</td>
</tr>
<tr>
<td>8</td>
<td>B+</td>
<td>Manslaughter 1 (9A.32.060)</td>
<td>C+</td>
</tr>
<tr>
<td>9</td>
<td>C+</td>
<td>Manslaughter 2 (9A.32.070)</td>
<td>D+</td>
</tr>
<tr>
<td>10</td>
<td>B+</td>
<td>Vehicular Homicide (46.61.520)</td>
<td>C+</td>
</tr>
<tr>
<td>11</td>
<td></td>
<td><strong>Kidnapping</strong></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>A</td>
<td>Kidnap 1 (9A.40.020)</td>
<td>B+</td>
</tr>
<tr>
<td>13</td>
<td>B+</td>
<td>Kidnap 2 (9A.40.030)</td>
<td>C+</td>
</tr>
<tr>
<td>14</td>
<td>C+</td>
<td>Unlawful Imprisonment (9A.40.040)</td>
<td>D+</td>
</tr>
<tr>
<td>15</td>
<td></td>
<td><strong>Obstructing Governmental Operation</strong></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>D</td>
<td>Obstructing a Law Enforcement Officer</td>
<td>E</td>
</tr>
<tr>
<td>17</td>
<td>E</td>
<td>Resisting Arrest (9A.76.040)</td>
<td>E</td>
</tr>
<tr>
<td>18</td>
<td>B</td>
<td>Introducing Contraband 1 (9A.76.140)</td>
<td>C</td>
</tr>
<tr>
<td>19</td>
<td>C</td>
<td>Introducing Contraband 2 (9A.76.150)</td>
<td>D</td>
</tr>
<tr>
<td>20</td>
<td>E</td>
<td>Introducing Contraband 3 (9A.76.160)</td>
<td>E</td>
</tr>
<tr>
<td>21</td>
<td>B+</td>
<td>Intimidating a Public Servant (9A.76.180)</td>
<td>C+</td>
</tr>
<tr>
<td>22</td>
<td>B+</td>
<td>Intimidating a Witness (9A.72.110)</td>
<td>C+</td>
</tr>
<tr>
<td>23</td>
<td></td>
<td><strong>Public Disturbance</strong></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>C+</td>
<td>Riot with Weapon (9A.84.010(2)(b))</td>
<td>D+</td>
</tr>
<tr>
<td>25</td>
<td>D+</td>
<td>Riot Without Weapon (9A.84.010(2)(a))</td>
<td>E</td>
</tr>
<tr>
<td>26</td>
<td>E</td>
<td>Failure to Disperse (9A.84.020)</td>
<td>E</td>
</tr>
<tr>
<td>27</td>
<td>E</td>
<td>Disorderly Conduct (9A.84.030)</td>
<td>E</td>
</tr>
<tr>
<td>28</td>
<td></td>
<td><strong>Sex Crimes</strong></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>A</td>
<td>Rape 1 (9A.44.040)</td>
<td>B+</td>
</tr>
<tr>
<td>30</td>
<td>A-</td>
<td>Rape 2 (9A.44.050)</td>
<td>B+</td>
</tr>
<tr>
<td>31</td>
<td>C+</td>
<td>Rape 3 (9A.44.060)</td>
<td>D+</td>
</tr>
<tr>
<td></td>
<td>A-</td>
<td>B+</td>
<td>B</td>
</tr>
<tr>
<td>---</td>
<td>----</td>
<td>----</td>
<td>---</td>
</tr>
<tr>
<td>1</td>
<td>Rape of a Child 1 (9A.44.073)</td>
<td>Rape of a Child 2 (9A.44.076)</td>
<td>Incest 1 (9A.64.020(1))</td>
</tr>
<tr>
<td>2</td>
<td>Promoting Prostitution 1 (9A.88.070)</td>
<td>Promoting Prostitution 2 (9A.88.080)</td>
<td>O &amp; A (Prostitution) (9A.88.030)</td>
</tr>
</tbody>
</table>

**Theft, Robbery, Extortion, and Forgery**

<table>
<thead>
<tr>
<th></th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>Theft 1 (9A.56.030)</td>
<td>Theft 2 (9A.56.040)</td>
<td>Theft 3 (9A.56.050)</td>
<td>Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)</td>
</tr>
<tr>
<td>19</td>
<td>Forgery (9A.60.020)</td>
<td>Robbery 1 (9A.56.200)</td>
<td>Robbery 2 (9A.56.210)</td>
<td>Extortion 1 (9A.56.120)</td>
</tr>
<tr>
<td>20</td>
<td>Extortion 2 (9A.56.130)</td>
<td>Identity Theft 1 (9.35.020(2))</td>
<td>Identity Theft 2 (9.35.020(3))</td>
<td>Improperly Obtaining Financial Information (9.35.010)</td>
</tr>
<tr>
<td>21</td>
<td>Possession of a Stolen Vehicle (9A.56.068)</td>
<td>Possession of Stolen Property 1 (9A.56.150)</td>
<td>Possession of Stolen Property 2 (9A.56.160)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>1</td>
<td>D</td>
<td>Possession of Stolen Property 3</td>
<td>(9A.56.170)</td>
<td>E</td>
</tr>
<tr>
<td>2</td>
<td>B</td>
<td>Taking Motor Vehicle Without Permission 1</td>
<td>(9A.56.070)</td>
<td>C</td>
</tr>
<tr>
<td>3</td>
<td>C</td>
<td>Taking Motor Vehicle Without Permission 2</td>
<td>(9A.56.075)</td>
<td>D</td>
</tr>
<tr>
<td>4</td>
<td>B</td>
<td>Theft of a Motor Vehicle (9A.56.065)</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Motor Vehicle Related Crimes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>E</td>
<td>Driving Without a License (46.20.005)</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>B+</td>
<td>Hit and Run - Death (46.52.020(4)(a))</td>
<td>C+</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>C</td>
<td>Hit and Run - Injury (46.52.020(4)(b))</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>D</td>
<td>Hit and Run-Attended (46.52.020(5))</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>E</td>
<td>Hit and Run-Unattended (46.52.010)</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>C</td>
<td>Vehicular Assault (46.61.522)</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>C</td>
<td>Attempting to Elude Pursuing Police Vehicle (46.61.024)</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>E</td>
<td>Reckless Driving (46.61.500)</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>D</td>
<td>Driving While Under the Influence (46.61.502 and 46.61.504)</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>B+</td>
<td>Felony Driving While Under the Influence (46.61.502(6))</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>B+</td>
<td>Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>B</td>
<td>Animal Cruelty 1 (16.52.205)</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>B</td>
<td>Bomb Threat (9.61.160)</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>C</td>
<td>Escape 1 ¹ (9A.76.110)</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>C</td>
<td>Escape 2 ¹ (9A.76.120)</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>D</td>
<td>Escape 3 (9A.76.130)</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>E</td>
<td>Obscene, Harassing, Etc., Phone Calls (9.61.230)</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>A</td>
<td>Other Offense Equivalent to an Adult Class A Felony</td>
<td>B+</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>B</td>
<td>Other Offense Equivalent to an Adult Class B Felony</td>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>
C  Other Offense Equivalent to an Adult Class
C Felony  D
D  Other Offense Equivalent to an Adult Gross
Misdemeanor  E
E  Other Offense Equivalent to an Adult
Misdemeanor  E
V  Violation of Order of Restitution,
Community Supervision, or Confinement
(13.40.200)²  V

'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.

OPTION A

JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

A+  180 WEEKS TO AGE 21 YEARS

A  103 WEEKS TO 129 WEEKS

A-  15-36  52-65  80-100  103-129
WEEKS  WEEKS  WEEKS  WEEKS
EXCEPT
30-40 WEEKS FOR
<table>
<thead>
<tr>
<th>Current Offense Category</th>
<th>Current Offense Category</th>
<th>Current Offense Category</th>
<th>Current Offense Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
</tr>
<tr>
<td>LOCAL SANCTIONS (LS)</td>
<td>15-36 WEEKS</td>
<td>52-65</td>
<td>80-100</td>
</tr>
<tr>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>LS</td>
<td>15-36 WEEKS</td>
<td>15-36 WEEKS</td>
<td>15-36 WEEKS</td>
</tr>
<tr>
<td>D</td>
<td>D</td>
<td>D</td>
<td>E</td>
</tr>
<tr>
<td>LS</td>
<td>0 to 12 Months Community Supervision</td>
<td>0 to 150 Hours Community Restitution</td>
<td>LS</td>
</tr>
</tbody>
</table>

**PRIOR ADJUDICATIONS**

0 1 2 3 4 5 or more

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
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).

COURT MARTIAL

Sec. 77. 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, except the Cannabis plant or any of its parts or derivatives.

Sec. 78. 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 ((them it)) 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
cannabis laws pursuant to Title 66 RCW 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. 79. RCW 46.09.470 and 2006 c 212 s 3 are each amended to read
as follows:

(1) Except as provided in subsection (4) of this section, it is a
traffic infraction for any person to operate any nonhighway vehicle:
(a) In such a manner as to endanger the property of another;

(b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

(c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

(d) Without a spark arrester approved by the department of natural resources;

(e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:

   (i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;

   (ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and

   (iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;

(f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

(g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;
(h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail, when these are restricted to pedestrian or animal travel;

(i) On any public lands in violation of rules and regulations of the agency administering such lands; and

(j) On a private nonhighway road in violation of RCW 46.09.450.

(2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of any intoxicating liquor or other intoxicating substance, including a controlled substance.

(3)(a) Except for an off-road vehicle equipped with seat belts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride an off-road vehicle on a nonhighway road without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530.

(b) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on his or her own land.

(c) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on agricultural lands owned or leased by the off-road vehicle operator or the operator's employer.

(4) It is not a traffic infraction to operate an off-road vehicle on a street, road, or highway as authorized under RCW 46.09.360.

Sec. 80. RCW 46.61.5249 and 1997 c 66 s 4 are each amended to read as follows:

(1)(a) A person is guilty of negligent driving in the first degree if he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and exhibits the effects of having consumed liquor, cannabis, or an illegal drug.

(b) It is an affirmative defense to negligent driving in the first degree by means of exhibiting the effects of having consumed an illegal drug that must be proved by the defendant by a preponderance of the evidence, that the driver has a valid prescription for the drug
consumed, and has been consuming it according to the prescription
directions and warnings.

(c) Negligent driving in the first degree is a misdemeanor.

(2) For the purposes of this section:

(a) "Negligent" means the failure to exercise ordinary care, and is
the doing of some act that a reasonably careful person would not do
under the same or similar circumstances or the failure to do something
that a reasonably careful person would do under the same or similar
circumstances.

(b) "Exhibiting the effects of having consumed liquor or cannabis"
means that a person has the odor of liquor or cannabis on his or her
breath or person, or that by speech, manner, appearance, behavior, lack
of coordination, or otherwise exhibits that he or she has consumed
liquor or cannabis, and either:

(i) Is in possession of or in close proximity to a container that
has or recently had liquor or cannabis in it; or

(ii) Is shown by other evidence to have recently consumed liquor or

(c) "Exhibiting the effects of having consumed an illegal drug"
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:

(i) Is in possession of an illegal drug; or

(ii) Is shown by other evidence to have recently consumed an

(d) "Illegal drug" means a controlled substance under chapter 69.50
RCW for which the driver 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 driver
does not have a valid prescription or that is not being consumed in
accordance with the prescription directions and warnings.

(3) Any act prohibited by this section that also constitutes a
crime under any other law of this state may be the basis of prosecution
under such other law notwithstanding that it may also be the basis for
prosecution under this section.

DRUG PARAPHERNALIA
Sec. 81. RCW 69.50.102 and 1981 c 48 s 1 are each amended to read as follows:

(a) As used in this chapter, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. It includes, but is not limited to:

(1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;

(7) (Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;

(8)) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(8)) (8) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
(9) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

(10) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

(11) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing (marihuana, cocaine, hashish, or hashish oil) into the human body, such as:

(i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, (hashish heads,) or punctured metal bowls;
(ii) Water pipes;
(iii) Carburetion tubes and devices;
(iv) Smoking and carburetion masks;
(v) (Roach clips: Meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;

(vi)) Miniature cocaine spoons, and cocaine vials;

(vii) Chamber pipes;

(viii) Carburetor pipes;

(ix) Electric pipes;

(x) Air-driven pipes;

(xi) Chillums; and

(xii) Bongs; and

(xiii)) (xi) Ice pipes or chillers.

(b) In determining whether an object is drug paraphernalia under this section, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use;

(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

(3) The proximity of the object, in time and space, to a direct violation of this chapter;

(4) The proximity of the object to controlled substances;

(5) The existence of any residue of controlled substances on the object;
(6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended or designed for use as drug paraphernalia;

(7) Instructions, oral or written, provided with the object concerning its use;

(8) Descriptive materials accompanying the object which explain or depict its use;

(9) National and local advertising concerning its use;

(10) The manner in which the object is displayed for sale;

(11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

(13) The existence and scope of legitimate uses for the object in the community; and

(14) Expert testimony concerning its use.

Sec. 82. RCW 69.50.4121 and 2002 c 213 s 2 are each amended to read as follows:

(1) Every person who sells or gives, or permits to be sold or given to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing ((marihuana,)) cocaine(,hashish, or hashish oil) into the human body, such as:
(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) (Roach clips: Meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand);

(f)) Miniature cocaine spoons and cocaine vials;

(g)) (f) Chamber pipes;

(h)) (g) Carburetor pipes;

(i)) (h) Electric pipes;

(j)) (i) Air-driven pipes;

(k)) (j) Chillums; and

(l)) Bongs; and

(m)) (k) Ice pipes or chillers.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) Nothing in subsection (1) of this section prohibits legal distribution of injection syringe equipment through public health and community based HIV prevention programs, and pharmacies.

Sec. 83. 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)) cannabis for which possession constitutes a civil infraction or misdemeanor under ((RCW 69.50.4014)) this act;

(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) 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 used in conjunction or found to have the residue of a controlled substance;

(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)) cannabis) shall not result in
the forfeiture of real property unless the (((marijuana)) cannabis is
possessed for illegal commercial purposes, the amount possessed is
((five)) fifteen or more plants or one pound or more of (((marijuana))
cannabis), and a substantial nexus exists between the possession of
((marijuana)) cannabis 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)) cannabis 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 illegal commercial activity;

(iv) The unlawful sale of ((marijuana)) cannabis or a legend drug shall not result in the forfeiture of real property unless the sale ((was forty grams or more in the case)) involved the illegal selling of fifteen or more plants or one pound or more of ((marijuana)) cannabis, 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.

NEW SECTION. Sec. 84. A new section is added to chapter 66.32 RCW to read as follows:
Except as permitted by the board, no purchased cannabis shall be kept or had by any person within this state unless the package in which the purchased cannabis was contained had, while containing that purchased cannabis, been sealed with the official seal adopted by the board, except in the case of cannabis acquired in accordance with the provisions of law, which has been transferred to another container in order to maintain freshness and preservation, and so long as the person has retained proof of purchase for such cannabis.

Sec. 85. 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 cannabis, 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. 86. RCW 66.32.040 and 1993 c 26 s 1 are each amended to read as follows:

All liquor or cannabis 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 cannabis.

Sec. 87. 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 cannabis 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 cannabis 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 cannabis revolving fund.

Sec. 88. RCW 66.32.090 and 1993 c 26 s 2 are each amended to read as follows:

In every case in which liquor or cannabis 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. 89. 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 ((6)) chapter 69.41 or 69.52 RCW, or this act, 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 ((6)) chapter 69.41 or 69.52 RCW, or this act;
  (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)) cannabis for
which possession constitutes a misdemeanor or civil infraction under
((RCW 69.50.4014)) this act;
  (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) 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 illegal drug paraphernalia under chapter 69.50 RCW;

(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) cannabis shall not result in the forfeiture of real property unless the (marijuana) cannabis is
possessed for illegal commercial purposes, the amount possessed is fifteen or more plants or one pound or more of cannabis, and a substantial nexus exists between the possession of cannabis 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 cannabis 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 cannabis or a legend drug shall not result in the forfeiture of real property unless the sale was one pound or more in the case of cannabis 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) Cannabis and 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.

PART VII
LOCAL PREEMPTION

Sec. 90. 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 or cannabis and hemp 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 and this act: 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 this act relating to the regulation and control of cannabis and hemp 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 cannabis 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.

NEW SECTION. Sec. 91. For the purpose of an election upon the question of whether the sale of cannabis and hemp 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.

NEW SECTION. Sec. 92. A new section is added to chapter 35A.66 RCW 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 cannabis and hemp 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.

NEW SECTION. Sec. 93. Any unit referred to in RCW 66.40.010 may hold such election upon the question of whether the sale of cannabis and hemp 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. 94. RCW 66.40.110 and 1933 ex.s. c 62 s 86 are each amended to read as follows:

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.

NEW SECTION. Sec. 95. In respect to the sale of cannabis and hemp products, upon the ballot to be used at such general election the question shall be submitted in the following form:

"Shall the sale of cannabis and hemp products be permitted within ....... (here specify the unit in which election is to be held)."

"For sale of cannabis and hemp products ............ ()
Against sale of cannabis and hemp products ........ ( )."

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

NEW SECTION. Sec. 96. 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 cannabis and hemp" within the unit in which the election is held, the sale of cannabis and hemp 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 cannabis and hemp", then, within thirty days following and not including the date of after such canvass, no sale or purchase of cannabis and hemp, except as otherwise provided under this title, shall be made within such unit unless and until permission is subsequently granted.

NEW SECTION. Sec. 97. (1) Whenever a majority of qualified voters voting upon said question in any such unit shall have voted "Against sale of cannabis and hemp", the county auditor shall file with the
department of health a certificate showing the result of the canvass at such election. The secretary of the department of health shall immediately cause notice to be served on any licensed sellers operating shops within such unit, as indicated by the address of record on file for the licensee. Thereafter, it shall not be lawful for licensed sellers either to sell cannabis or hemp or to maintain and operate licensed shops within such unit: EXCEPT, THAT, As to any shops already licensed to operate within any such unit at the time of the election, the licensed seller shall have a period of sixty days following and not including the date of the canvass of the vote upon such election in which to discontinue operation of his or her shop or shops therein.

(2) Nothing in this section shall prevent any licensed producer from selling at wholesale cannabis, hemp, or hemp products produced within such unit, outside the boundaries thereof.

(3) Nothing in this section shall prevent any person residing within such unit from transporting into or receiving within the unit cannabis or hemp lawfully purchased by him or her outside the boundaries of such unit.

NEW SECTION. Sec. 98. No election in any unit referred to in this act, upon the question of whether the sale of cannabis and hemp products 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 cannabis and hemp products under the provisions of this chapter 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.

PART VIII
HIGHER EDUCATION POLICIES

Sec. 99. 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 cannabis 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 cannabis 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, cannabis, 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, cannabis, 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, cannabis, and illegal drug use policies.

(5) Students who violate the institution's liquor, cannabis, and illegal drug use policies are subject to disciplinary action. Sanctions that may be applied for violations of the institution's liquor, cannabis, 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) "Cannabis" has the meaning in RCW 66.04.010; 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.

PART IX
STATE GOVERNMENT

Sec. 100. 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, cannabis, cannabis products, or hemp products purchased by the state for resale under the provisions of Title 66 RCW.

Sec. 101. RCW 81.04.530 and 1999 c 351 s 6 are each amended to read as follows:

A person or employer operating as a motor carrier shall comply with the requirements of the United States department of transportation federal motor carrier safety regulations as contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing. A person or employer who begins or conducts commercial motor vehicle operations without having a controlled substance and alcohol testing program that is in compliance with the requirements of Title 49 C.F.R. Part 382 is subject to a penalty, under the process set forth in RCW 81.04.405, of up to one thousand five hundred dollars and up to an additional five hundred dollars for each motor vehicle driver employed by the person or employer who is not in compliance with the motor vehicle driver testing requirements. A person or employer having actual knowledge that a driver has tested positive for controlled substances, cannabis, or alcohol who allows a positively tested person to continue to perform a safety-sensitive function is subject to a penalty, under the process set forth in RCW 81.04.405, of one thousand five hundred dollars.

PART X
MISCELLANEOUS

Sec. 102. 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 eucaine, barbituric acid, beta eucaine, 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."

NEW SECTION. Sec. 103. RCW 69.50.4014 (Possession of forty grams or less of marihuana--Penalty) and 2003 c 53 s 335 are each repealed.

Sec. 104. 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 Cannabis Act."

NEW SECTION. Sec. 105. 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. 106. Sections 6 through 16, 24 through 30, 40, 52 through 55, 57, 59, 60, and 62 through 64 of this act constitute a new chapter in Title 66 RCW.

NEW SECTION. Sec. 107. Sections 91, 93, and 95 of this act are each added to chapter 66.40 RCW.

NEW SECTION. Sec. 108. Sections 2 through 5 and 7 through 104 of this act take effect July 1, 2013.

NEW SECTION. Sec. 109. Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011.

--- END ---