

FINAL BILL REPORT

EHB 1808

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Synopsis as Enacted

Brief Description: Addressing the proper disposal of legal amounts of marijuana inadvertently left at retail stores holding a pharmacy license.

Sponsors: Representatives Nealey and Hurst.

House Committee on Government Accountability & Oversight
Senate Committee on Health Care

Background:

The Uniform Controlled Substances Act (Act) provides the regulatory framework regarding the manufacture, distribution, and dispensing of specified controlled substances in this state. The State Board of Pharmacy enforces the Act, and may add, delete, or recategorize the controlled substances falling within its scope. The Act provides a legal definition of "marijuana" and lists it as a "Schedule I" controlled substance.

Initiative 502 (I-502) was approved by Washington voters in November 2012. The passage of the initiative legalized the recreational use of marijuana and created a comprehensive regulatory scheme that includes provisions:

- legalizing the possession of up to one ounce of marijuana and related products for personal use;
- licensing and regulating marijuana production and distribution;
- implementing excise taxes on marijuana production, distribution, and sales;
- creating a dedicated marijuana fund for the collection and distribution of marijuana-related tax revenues;
- deleting statutory provisions containing criminal and/or civil penalties for activities authorized by I-502; and
- revising drunk driving laws to include specific provisions pertaining to driving under the influence of marijuana.

Under the federal Controlled Substances Act, marijuana remains illegal and continues to be categorized as a Schedule 1 controlled substance, along with heroin, LSD, peyote, and many other drugs. A pharmacy is subject to stringent legal requirements regarding the disposal of any controlled substance, including marijuana. As a general rule, a pharmacy may lawfully

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dispose of a controlled substance only by transferring the substance to an entity authorized by the Drug Enforcement Agency to oversee such disposal.

Summary:

If a manager or employee of a retail store holding a pharmacy license finds one ounce or less of marijuana inadvertently left within the premises of the business, he or she must promptly notify either the local law enforcement agency or the Washington State Patrol. Following such law enforcement notification, the store manager or employee must properly dispose of the marijuana. "Properly dispose" means ensuring that the marijuana is destroyed or rendered incapable of use by another person.

Votes on Final Passage:

House	97	0	
Senate	48	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 2013