

HB 2000 - S COMM AMD **ADOPTED 4/15/2015**
By Committee on Ways & Means

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.06
4 RCW to read as follows:

5 The legislature intends to further the government-to-government
6 relationship between the state of Washington and federally recognized
7 Indian tribes in the state of Washington by authorizing the governor
8 to enter into agreements concerning the regulation of marijuana. Such
9 agreements may include provisions pertaining to: The lawful
10 commercial production, processing, sale, and possession of marijuana
11 for both recreational and medical purposes; marijuana-related
12 research activities; law enforcement, both criminal and civil; and
13 taxation. The legislature finds that these agreements will facilitate
14 and promote a cooperative and mutually beneficial relationship
15 between the state and the tribes regarding matters relating to the
16 legalization of marijuana, particularly in light of the fact that
17 federal Indian law precludes the state from enforcing its civil
18 regulatory laws in Indian country. Such cooperative agreements will
19 enhance public health and safety, ensure a lawful and well-regulated
20 marijuana market, encourage economic development, and provide fiscal
21 benefits to both the tribes and the state.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.06
23 RCW to read as follows:

24 (1) The governor may enter into agreements with federally
25 recognized Indian tribes concerning marijuana. Marijuana agreements
26 may address any marijuana-related issue that involves both state and
27 tribal interests or otherwise has an impact on tribal-state
28 relations. Such agreements may include, but are not limited to, the
29 following provisions and subject matter:

30 (a) Criminal and civil law enforcement;

31 (b) Regulatory issues related to the commercial production,
32 processing, sale, and possession of marijuana, and processed
33 marijuana products, for both recreational and medical purposes;

- 1 (c) Medical and pharmaceutical research involving marijuana;
2 (d) Taxation in accordance with subsection (2) of this section;
3 (e) Any tribal immunities or preemption of state law regarding
4 the production, processing, or marketing of marijuana; and
5 (f) Dispute resolution, including the use of mediation or other
6 nonjudicial process.

7 (2) Each marijuana agreement adopted under this section must
8 provide for a tribal marijuana tax that is at least one hundred
9 percent of the state marijuana excise tax imposed under RCW 69.50.535
10 and state and local sales and use taxes on sales of marijuana.
11 Marijuana agreements shall apply to sales in which Indian businesses
12 make delivery and physical transfer of possession of the marijuana
13 from the seller to the buyer within Indian country, and not to
14 transactions by non-Indian businesses. The tribe may allow an
15 exemption for sales to tribal members.

16 (3) Any marijuana agreement relating to the production,
17 processing, and sale of marijuana in Indian country, whether for
18 recreational or medical purposes, must address the following issues:

- 19 (a) Preservation of public health and safety;
20 (b) Ensuring the security of production, processing, retail, and
21 research facilities; and
22 (c) Cross-border commerce in marijuana.

23 (4) The governor may delegate the power to negotiate marijuana
24 agreements to the state liquor control board. In conducting such
25 negotiations, the state liquor control board must, when necessary,
26 consult with the governor and/or the department of revenue.

27 (5) The definitions in this subsection apply throughout this
28 section unless the context clearly requires otherwise.

29 (a) "Indian business" means (i) a business wholly owned and
30 operated by an Indian tribe, or (ii) a business wholly owned and
31 operated by a tribal member and licensed by the tribe.

32 (b) "Indian country" has the same meaning as in RCW 82.24.010.

33 (c) "Indian tribe" or "tribe" means a federally recognized Indian
34 tribe located within the geographical boundaries of the state of
35 Washington.

36 (d) "Marijuana" means "marijuana," "marijuana concentrates,"
37 "marijuana-infused products," and "useable marijuana," as those terms
38 are defined in RCW 69.50.101.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 69.50
2 RCW to read as follows:

3 The taxes, fees, assessments, and other charges imposed by this
4 chapter do not apply to commercial activities related to the
5 production, processing, sale, and possession of marijuana, useable
6 marijuana, marijuana concentrates, and marijuana-infused products
7 covered by an agreement entered into under section 2 of this act.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.08
9 RCW to read as follows:

10 The taxes imposed by this chapter do not apply to the retail sale
11 of marijuana, useable marijuana, marijuana concentrates, and
12 marijuana-infused products covered by an agreement entered into under
13 section 2 of this act. "Marijuana," "useable marijuana," "marijuana
14 concentrates," and "marijuana-infused products" have the same meaning
15 as defined in RCW 69.50.101.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 82.12
17 RCW to read as follows:

18 The taxes imposed by this chapter do not apply to the use of
19 marijuana, useable marijuana, marijuana concentrates, and marijuana-
20 infused products covered by an agreement entered into under section 2
21 of this act. "Marijuana," "useable marijuana," "marijuana
22 concentrates," and "marijuana-infused products" have the same meaning
23 as defined in RCW 69.50.101.

24 **Sec. 6.** RCW 69.50.360 and 2014 c 192 s 5 are each amended to
25 read as follows:

26 The following acts, when performed by a validly licensed
27 marijuana retailer or employee of a validly licensed retail outlet in
28 compliance with rules adopted by the state liquor control board to
29 implement and enforce chapter 3, Laws of 2013, (~~shall~~) do not
30 constitute criminal or civil offenses under Washington state law:

31 (1) Purchase and receipt of marijuana concentrates, useable
32 marijuana, or marijuana-infused products that have been properly
33 packaged and labeled from a marijuana processor validly licensed
34 under chapter 3, Laws of 2013;

35 (2) Possession of quantities of marijuana concentrates, useable
36 marijuana, or marijuana-infused products that do not exceed the

1 maximum amounts established by the state liquor control board under
2 RCW 69.50.345(5); (~~and~~)

3 (3) Delivery, distribution, and sale, on the premises of the
4 retail outlet, of any combination of the following amounts of
5 marijuana concentrates, useable marijuana, or marijuana-infused
6 product to any person twenty-one years of age or older:

7 (a) One ounce of useable marijuana;

8 (b) Sixteen ounces of marijuana-infused product in solid form;

9 (c) Seventy-two ounces of marijuana-infused product in liquid
10 form; or

11 (d) Seven grams of marijuana concentrate; and

12 (4) Purchase and receipt of marijuana concentrates, useable
13 marijuana, or marijuana-infused products that have been properly
14 packaged and labeled from a federally recognized Indian tribe as
15 permitted under an agreement between the state and the tribe entered
16 into under section 2 of this act.

17 **Sec. 7.** RCW 69.50.363 and 2013 c 3 s 16 are each amended to read
18 as follows:

19 The following acts, when performed by a validly licensed
20 marijuana processor or employee of a validly licensed marijuana
21 processor in compliance with rules adopted by the state liquor
22 control board to implement and enforce chapter 3, Laws of 2013,
23 (~~shall~~) do not constitute criminal or civil offenses under
24 Washington state law:

25 (1) Purchase and receipt of marijuana that has been properly
26 packaged and labeled from a marijuana producer validly licensed under
27 chapter 3, Laws of 2013;

28 (2) Possession, processing, packaging, and labeling of quantities
29 of marijuana, useable marijuana, and marijuana-infused products that
30 do not exceed the maximum amounts established by the state liquor
31 control board under RCW 69.50.345(4); (~~and~~)

32 (3) Delivery, distribution, and sale of useable marijuana or
33 marijuana-infused products to a marijuana retailer validly licensed
34 under chapter 3, Laws of 2013; and

35 (4) Delivery, distribution, and sale of useable marijuana,
36 marijuana concentrates, or marijuana-infused products to a federally
37 recognized Indian tribe as permitted under an agreement between the
38 state and the tribe entered into under section 2 of this act.

1 **Sec. 8.** RCW 69.50.366 and 2013 c 3 s 17 are each amended to read
2 as follows:

3 The following acts, when performed by a validly licensed
4 marijuana producer or employee of a validly licensed marijuana
5 producer in compliance with rules adopted by the state liquor control
6 board to implement and enforce chapter 3, Laws of 2013, (~~shall~~) do
7 not constitute criminal or civil offenses under Washington state law:

8 (1) Production or possession of quantities of marijuana that do
9 not exceed the maximum amounts established by the state liquor
10 control board under RCW 69.50.345(3); (~~and~~)

11 (2) Delivery, distribution, and sale of marijuana to a marijuana
12 processor or another marijuana producer validly licensed under
13 chapter 3, Laws of 2013; and

14 (3) Delivery, distribution, and sale of marijuana or useable
15 marijuana to a federally recognized Indian tribe as permitted under
16 an agreement between the state and the tribe entered into under
17 section 2 of this act."

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18 On page 1, line 3 of the title, after "marijuana;" strike the
19 remainder of the title and insert "amending RCW 69.50.360, 69.50.363,
20 and 69.50.366; adding new sections to chapter 43.06 RCW; adding a new
21 section to chapter 69.50 RCW; adding a new section to chapter 82.08
22 RCW; and adding a new section to chapter 82.12 RCW."

EFFECT: Requires that any agreement must contain at least the
equivalent tax on marijuana that the state has on marijuana.

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