
Commerce & Gaming Committee

HB 1212

Brief Description: Concerning the possession and transfer of marijuana, marijuana plants, useable marijuana, marijuana-infused products, and marijuana concentrates.

Sponsors: Representative Blake.

Brief Summary of Bill

- Legalizes transfers of specified quantities of marijuana products between adults provided the transfer does not involve the exchange of money or other valuable consideration.
- Legalizes the home cultivation of up to six recreational marijuana plants, subject to specified conditions.
- Legalizes the residential possession of up to 24 ounces of useable marijuana harvested from plants lawfully grown in the residence, subject to specified conditions.
- Revises and restructures the penalties for criminal offenses related to the possession of marijuana products and marijuana plants.

Hearing Date: 1/23/17

Staff: Thamas Osborn (786-7129).

Background:

Lawful Possession of Marijuana Products.

As the result of the passage of Initiative 502 in 2012, the purchase and possession of limited quantities of marijuana and marijuana products (i.e., useable marijuana, marijuana-infused products, and marijuana concentrates) by persons over 21 years of age is lawful in the state of Washington. The maximum quantities that may be lawfully possessed are as follows:

- 1 ounce or less of useable marijuana;
- 16 ounces or less of marijuana-infused product in solid form;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- 72 ounces or less of marijuana-infused product in liquid form; or
- 7 grams or less of marijuana concentrates.

Possession of marijuana products in quantities exceeding these lawful limits continues to be a crime under state law. Possession of useable marijuana in a quantity exceeding one ounce (i.e., 28.35 grams), but not more than 40 grams, is a misdemeanor. Possession of more than 40 grams of useable marijuana is punishable as a class C felony.

With the exception of authorized medical marijuana patients, medical marijuana cooperatives, and state-licensed marijuana producers, the cultivation and/or possession of marijuana plants is a felony offense.

Medical Marijuana: Plant Cultivation and Medical Marijuana Cooperatives.

Statute authorizes the establishment of medical marijuana cooperatives consisting of up to four qualifying medical marijuana patients. Members of a cooperative share responsibility for acquiring and supplying resources to produce and process marijuana for their medical use. All members of the cooperative must hold recognition cards and may only participate in one cooperative. Members who grow plants as part of a cooperative may not grow plants outside of the location of the cooperative.

The cultivation of marijuana plants and other activities engaged in by a cooperative are subject to specified limitations and regulations. A cooperative may only grow as many plants as the combined total that members are authorized to grow as individuals, up to a maximum of 60 plants. An individual qualifying patient may grow up to a maximum of 15 plants. Nothing produced or processed by a cooperative may be sold or donated to any person who is not a member of the cooperative. The location of the cooperative must be registered with the Liquor and Cannabis Board, and the cooperative members may only grow and process marijuana at that location. The location of the cooperative must be the domicile of one of the members and be at least one mile from a marijuana retailer.

Summary of Bill:

Lawful Noncommercial Transfers of Marijuana Between Individuals.

Individuals over 21 years of age may lawfully exchange or transfer limited quantities of marijuana products (i.e., useable marijuana, marijuana-infused products, and marijuana concentrates) among themselves provided no money or other valuable consideration is involved. To be lawful, such transfers cannot exceed specified maximum quantities in any single 24-hour period, as follows:

- 1 ounce or less of useable marijuana;
- 16 ounces or less of marijuana-infused product in solid form;
- 72 ounces or less of marijuana-infused product in liquid form;
- 7 grams or less of marijuana concentrates; or
- a maximum of six marijuana seeds.

Lawful Cultivation and Possession of Marijuana Plants / Useable Marijuana Derived from Lawfully Grown Plants.

The possession of up to six marijuana plants by a person 21 years of age or older is lawful, subject to the following conditions:

- no more than six plants may be grown or possessed on the premises of a single housing unit, regardless of the number of residents living on the premises; and
- possession is lawful only within the premises of the housing unit in which the marijuana plants were grown.

An adult may legally possess up to a maximum of 24 ounces of home-grown useable marijuana harvested from plants lawfully grown on the premises of the housing unit occupied by the person in possession of the useable marijuana. However, such possession is legal only within the premises of the housing unit in which the marijuana plants were lawfully grown. If lawfully grown useable marijuana is removed from the premises of the housing unit in which it was grown, the possessor of such marijuana is subject to the one ounce possession limit while outside the premises.

Restructuring of Criminal Penalties for Possession of Marijuana Products and Marijuana Plants.

The penalties for possession of marijuana products in quantities exceeding statutory limits are revised as follows:

1. Possession of up to three times the legal limit is a civil infraction.
2. Possession of more than three, but not more than 12, times the statutory limit is punishable as a misdemeanor.
3. Possession of more than 12 times the statutory limit is punishable as a class C felony.

The penalties for possession of more than six marijuana plants are as follows:

1. Possession of more than six, but not more than 18, plants is a separate civil infraction for each plant above the six-plant limit.
2. Possession of more than 18, but not more than 40, plants is punishable as a misdemeanor.
3. Possession of more than 40 plants is punishable as a class C felony.

The penalties for possession of more than 24 ounces of home-grown useable marijuana are as follows:

1. Possession of more than 24 ounces, but less than 72 ounces, is a separate civil infraction for each ounce above the limit.
2. Possession of at least 72 ounces, but less than 144 ounces, is punishable as a misdemeanor.
3. Possession of more than 144 ounces is punishable as a class C felony.

Testing of Home-Grown Marijuana Products.

All qualified medical marijuana users and adults age 21 and older may contract with state-licensed marijuana-testing facilities for the scientific testing of useable marijuana, marijuana-infused products, and marijuana concentrates.

Appropriation: None.

Fiscal Note: Requested on January 20, 2017.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.