
HOUSE BILL 1416

State of Washington

65th Legislature

2017 Regular Session

By Representative Klippert

Read first time 01/19/17. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to increasing the penalty for use of marijuana in
2 public places; amending RCW 69.50.445 and 69.51A.060; and prescribing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 69.50.445 and 2015 2nd sp.s. c 4 s 401 are each
6 amended to read as follows:

7 (1) It is unlawful to open a package containing marijuana,
8 useable marijuana, marijuana-infused products, or marijuana
9 concentrates, or consume marijuana, useable marijuana, marijuana-
10 infused products, or marijuana concentrates, in view of the general
11 public or in a public place.

12 (2) For the purposes of this section, "public place" has the same
13 meaning as defined in RCW 66.04.010, but the exclusions in RCW
14 66.04.011 do not apply.

15 (3) A person who violates this section is guilty of a class ((3))
16 2 civil infraction under chapter 7.80 RCW.

17 **Sec. 2.** RCW 69.51A.060 and 2015 c 70 s 31 are each amended to
18 read as follows:

1 (1) It shall be a class ((3)) 2 civil infraction to use or
2 display medical marijuana in a manner or place which is open to the
3 view of the general public.

4 (2) Nothing in this chapter establishes a right of care as a
5 covered benefit or requires any state purchased health care as
6 defined in RCW 41.05.011 or other health carrier or health plan as
7 defined in Title 48 RCW to be liable for any claim for reimbursement
8 for the medical use of marijuana. Such entities may enact coverage or
9 noncoverage criteria or related policies for payment or nonpayment of
10 medical marijuana in their sole discretion.

11 (3) Nothing in this chapter requires any health care professional
12 to authorize the medical use of marijuana for a patient.

13 (4) Nothing in this chapter requires any accommodation of any on-
14 site medical use of marijuana in any place of employment, in any
15 school bus or on any school grounds, in any youth center, in any
16 correctional facility, or smoking marijuana in any public place or
17 hotel or motel. However, a school may permit a minor who meets the
18 requirements of RCW 69.51A.220 to consume marijuana on school
19 grounds. Such use must be in accordance with school policy relating
20 to medication use on school grounds.

21 (5) Nothing in this chapter authorizes the possession or use of
22 marijuana, marijuana concentrates, useable marijuana, or marijuana-
23 infused products on federal property.

24 (6) Nothing in this chapter authorizes the use of medical
25 marijuana by any person who is subject to the Washington code of
26 military justice in chapter 38.38 RCW.

27 (7) Employers may establish drug-free work policies. Nothing in
28 this chapter requires an accommodation for the medical use of
29 marijuana if an employer has a drug-free workplace.

30 (8) No person shall be entitled to claim the protection from
31 arrest and prosecution under RCW 69.51A.040 or the affirmative
32 defense under RCW 69.51A.043 for engaging in the medical use of
33 marijuana in a way that endangers the health or well-being of any
34 person through the use of a motorized vehicle on a street, road, or
35 highway, including violations of RCW 46.61.502 or 46.61.504, or
36 equivalent local ordinances.

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