
HOUSE BILL 1625

State of Washington

65th Legislature

2017 Regular Session

By Representative Klippert

Read first time 01/25/17. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to smoking marijuana in the presence of children;
2 amending RCW 69.50.445 and 69.51A.060; and prescribing penalties.

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

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

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

11 (2) It is unlawful to consume marijuana through inhalation in the
12 presence of a person who is under eighteen years old.

13 (3) For the purposes of this section(~~(7)~~):

14 (a) "In the presence of" means at a distance that, under the
15 circumstances, a reasonable person may expect that smoke released
16 through the consumption process could be inhaled by a third party.

17 (b) "Public place" has the same meaning as defined in RCW
18 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

19 (~~(+3)~~) (4)(a) A person who violates subsection (1) of this
20 section is guilty of a class 3 civil infraction under chapter 7.80
21 RCW.

1 (b) A person who violates subsection (2) of this section is
2 guilty of a class 1 civil infraction under chapter 7.80 RCW.

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

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

8 (b) It is a class 1 civil infraction to consume marijuana through
9 inhalation in the presence of a person who is under eighteen years
10 old.

11 (2) Nothing in this chapter establishes a right of care as a
12 covered benefit or requires any state purchased health care as
13 defined in RCW 41.05.011 or other health carrier or health plan as
14 defined in Title 48 RCW to be liable for any claim for reimbursement
15 for the medical use of marijuana. Such entities may enact coverage or
16 noncoverage criteria or related policies for payment or nonpayment of
17 medical marijuana in their sole discretion.

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

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

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

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

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

37 (8) No person shall be entitled to claim the protection from
38 arrest and prosecution under RCW 69.51A.040 or the affirmative
39 defense under RCW 69.51A.043 for engaging in the medical use of

1 marijuana in a way that endangers the health or well-being of any
2 person through the use of a motorized vehicle on a street, road, or
3 highway, including violations of RCW 46.61.502 or 46.61.504, or
4 equivalent local ordinances.

5 (9) For the purposes of this section, "in the presence of" means
6 at a distance that, under the circumstances, a reasonable person may
7 expect that smoke released through the consumption process could be
8 inhaled by a third party.

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