
HOUSE BILL 1792

State of Washington

66th Legislature

2019 Regular Session

By Representatives Pettigrew and Appleton

Read first time 01/31/19. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to criminal penalties applicable to licensed
2 marijuana retailers and employees of marijuana retail outlets;
3 amending RCW 69.50.401 and 69.50.406; adding new sections to chapter
4 69.50 RCW; and prescribing penalties.

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

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

8 (1) Except as otherwise authorized in this chapter and as
9 provided in subsection (2) of this section, an employee of a retail
10 outlet who sells marijuana products to a person under the age of
11 twenty-one years in the course of his or her employment is guilty of
12 a gross misdemeanor.

13 (2) An employee of a retail outlet may be prosecuted under RCW
14 69.50.401 or 69.50.406 or any other applicable provision, if the
15 employee sells marijuana products to a person the employee knows is
16 under the age of twenty-one and not otherwise authorized to purchase
17 marijuana products under this chapter, or if the employee sells or
18 otherwise provides marijuana products to a person under the age of
19 twenty-one outside of the course of his or her employment.

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

3 Except as authorized in RCW 69.50.357, it is a misdemeanor for a
4 licensed marijuana retailer or employee of a retail outlet to allow a
5 person under the age of twenty-one years to enter or remain on the
6 premises of the retail outlet.

7 **Sec. 3.** RCW 69.50.401 and 2015 c 265 s 34 are each amended to
8 read as follows:

9 (1) Except as authorized by this chapter, it is unlawful for any
10 person to manufacture, deliver, or possess with intent to manufacture
11 or deliver, a controlled substance.

12 (2) Any person who violates this section with respect to:

13 (a) A controlled substance classified in Schedule I or II which
14 is a narcotic drug or flunitrazepam, including its salts, isomers,
15 and salts of isomers, classified in Schedule IV, is guilty of a class
16 B felony and upon conviction may be imprisoned for not more than ten
17 years, or (i) fined not more than twenty-five thousand dollars if the
18 crime involved less than two kilograms of the drug, or both such
19 imprisonment and fine; or (ii) if the crime involved two or more
20 kilograms of the drug, then fined not more than one hundred thousand
21 dollars for the first two kilograms and not more than fifty dollars
22 for each gram in excess of two kilograms, or both such imprisonment
23 and fine;

24 (b) Amphetamine, including its salts, isomers, and salts of
25 isomers, or methamphetamine, including its salts, isomers, and salts
26 of isomers, is guilty of a class B felony and upon conviction may be
27 imprisoned for not more than ten years, or (i) fined not more than
28 twenty-five thousand dollars if the crime involved less than two
29 kilograms of the drug, or both such imprisonment and fine; or (ii) if
30 the crime involved two or more kilograms of the drug, then fined not
31 more than one hundred thousand dollars for the first two kilograms
32 and not more than fifty dollars for each gram in excess of two
33 kilograms, or both such imprisonment and fine. Three thousand dollars
34 of the fine may not be suspended. As collected, the first three
35 thousand dollars of the fine must be deposited with the law
36 enforcement agency having responsibility for cleanup of laboratories,
37 sites, or substances used in the manufacture of the methamphetamine,
38 including its salts, isomers, and salts of isomers. The fine moneys

1 deposited with that law enforcement agency must be used for such
2 clean-up cost;

3 (c) Any other controlled substance classified in Schedule I, II,
4 or III, is guilty of a class C felony punishable according to chapter
5 9A.20 RCW, except as provided in section 1 of this act;

6 (d) A substance classified in Schedule IV, except flunitrazepam,
7 including its salts, isomers, and salts of isomers, is guilty of a
8 class C felony punishable according to chapter 9A.20 RCW; or

9 (e) A substance classified in Schedule V, is guilty of a class C
10 felony punishable according to chapter 9A.20 RCW.

11 (3) The production, manufacture, processing, packaging, delivery,
12 distribution, sale, or possession of marijuana in compliance with the
13 terms set forth in RCW 69.50.360, 69.50.363, or 69.50.366 shall not
14 constitute a violation of this section, this chapter, or any other
15 provision of Washington state law.

16 (4) The fines in this section apply to adult offenders only.

17 **Sec. 4.** RCW 69.50.406 and 2005 c 218 s 2 are each amended to
18 read as follows:

19 (1) Any person eighteen years of age or over who violates RCW
20 69.50.401 by distributing a controlled substance listed in Schedules
21 I or II which is a narcotic drug or methamphetamine, including its
22 salts, isomers, and salts of isomers, or flunitrazepam, including its
23 salts, isomers, and salts of isomers, listed in Schedule IV, to a
24 person under eighteen years of age is guilty of a class A felony
25 punishable by the fine authorized by RCW 69.50.401(2) (a) or (b), by
26 a term of imprisonment of up to twice that authorized by RCW
27 69.50.401(2) (a) or (b), or by both.

28 (2) Except as provided in section 1 of this act, any person
29 eighteen years of age or over who violates RCW 69.50.401 by
30 distributing any other controlled substance listed in Schedules I,
31 II, III, IV, and V to a person under eighteen years of age who is at
32 least three years his or her junior is guilty of a class B felony
33 punishable by the fine authorized by RCW 69.50.401(2) (c), (d), or
34 (e), by a term of imprisonment up to twice that authorized by RCW
35 69.50.401(2) (c), (d), or (e), or both.

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