

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1792**

66th Legislature  
2019 Regular Session

Passed by the House April 22, 2019  
Yeas 66 Nays 30

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**Speaker of the House of Representatives**

Passed by the Senate April 15, 2019  
Yeas 28 Nays 17

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1792** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1792

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AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

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 a new section 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       **Sec. 2.** RCW 69.50.401 and 2015 c 265 s 34 are each amended to  
2 read as follows:

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

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

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

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

35       (c) Any other controlled substance classified in Schedule I, II,  
36 or III, is guilty of a class C felony punishable according to chapter  
37 9A.20 RCW, except as provided in section 1 of this act;

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

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

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

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

9 **Sec. 3.** RCW 69.50.406 and 2005 c 218 s 2 are each amended to  
10 read as follows:

11 (1) Any person eighteen years of age or over who violates RCW  
12 69.50.401 by distributing a controlled substance listed in Schedules  
13 I or II which is a narcotic drug or methamphetamine, including its  
14 salts, isomers, and salts of isomers, or flunitrazepam, including its  
15 salts, isomers, and salts of isomers, listed in Schedule IV, to a  
16 person under eighteen years of age is guilty of a class A felony  
17 punishable by the fine authorized by RCW 69.50.401(2) (a) or (b), by  
18 a term of imprisonment of up to twice that authorized by RCW  
19 69.50.401(2) (a) or (b), or by both.

20 (2) Except as provided in section 1 of this act, any person  
21 eighteen years of age or over who violates RCW 69.50.401 by  
22 distributing any other controlled substance listed in Schedules I,  
23 II, III, IV, and V to a person under eighteen years of age who is at  
24 least three years his or her junior is guilty of a class B felony  
25 punishable by the fine authorized by RCW 69.50.401(2) (c), (d), or  
26 (e), by a term of imprisonment up to twice that authorized by RCW  
27 69.50.401(2) (c), (d), or (e), or both.

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