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**SUBSTITUTE HOUSE BILL 1249**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Regulated Substances & Gaming (originally sponsored by Representatives Corry and Reeves)

READ FIRST TIME 01/18/24.

1 AN ACT Relating to limits on the sale and possession of retail  
2 cannabis products; and amending RCW 69.50.360 and 69.50.4013.

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

4 **Sec. 1.** RCW 69.50.360 and 2022 c 16 s 72 are each amended to  
5 read as follows:

6 The following acts, when performed by a validly licensed cannabis  
7 retailer or employee of a validly licensed retail outlet in  
8 compliance with rules adopted by the board to implement and enforce  
9 chapter 3, Laws of 2013, do not constitute criminal or civil offenses  
10 under Washington state law:

11 (1) Purchase and receipt of cannabis concentrates, useable  
12 cannabis, or cannabis-infused products that have been properly  
13 packaged and labeled from a cannabis processor validly licensed under  
14 this chapter;

15 (2) Possession of quantities of cannabis concentrates, useable  
16 cannabis, or cannabis-infused products that do not exceed the maximum  
17 amounts established by the board under RCW 69.50.345(5);

18 (3) Delivery, distribution, and sale, on the premises of the  
19 retail outlet, of any combination of the following amounts of  
20 cannabis concentrates, useable cannabis, or cannabis-infused product  
21 to any person (~~(twenty-one)~~) 21 years of age or older:

- 1 (a) One ounce of useable cannabis;
- 2 (b) (~~Sixteen~~) 16 ounces of cannabis-infused product in solid  
3 form;
- 4 (c) (~~Seventy-two~~) 72 ounces of cannabis-infused product in  
5 liquid form unless the cannabis-infused product in liquid form is  
6 packaged in individual units containing no more than four milligrams  
7 of THC per unit; (~~or~~)
- 8 (d) 200 milligrams of THC within a cannabis-infused product in  
9 liquid form if the product is packaged in individual units containing  
10 no more than four milligrams of THC per unit; or
- 11 (e) Seven grams of cannabis concentrate; and
- 12 (4) Purchase and receipt of cannabis concentrates, useable  
13 cannabis, or cannabis-infused products that have been properly  
14 packaged and labeled from a federally recognized Indian tribe as  
15 permitted under an agreement between the state and the tribe entered  
16 into under RCW 43.06.490.

17 **Sec. 2.** RCW 69.50.4013 and 2023 sp.s. c 1 s 2 are each amended  
18 to read as follows:

19 (1) Except as otherwise authorized by this chapter, it is  
20 unlawful for any person to:

21 (a) Knowingly possess a controlled substance unless the substance  
22 was obtained directly from, or pursuant to, a valid prescription or  
23 order of a practitioner while acting in the course of his or her  
24 professional practice; or

25 (b) Knowingly use a controlled substance in a public place,  
26 unless the substance was obtained directly from, or pursuant to, a  
27 valid prescription or order of a practitioner while acting in the  
28 course of his or her professional practice.

29 (2)(a) Except as provided in RCW 69.50.4014 or 69.50.445, a  
30 violation of subsection (1)(a) or (b) of this section is a gross  
31 misdemeanor punishable by imprisonment of up to 180 days in jail, or  
32 by a fine of not more than \$1,000, or by both such imprisonment and  
33 fine, however, if the defendant has two or more prior convictions  
34 under subsection (1)(a) or (b) of this section occurring after July  
35 1, 2023, a violation of subsection (1)(a) or (b) of this section is  
36 punishable by imprisonment for up to 364 days, or by a fine of not  
37 more than \$1,000, or by both such imprisonment and fine. The  
38 prosecutor is encouraged to divert such cases for assessment,  
39 treatment, or other services.

1 (b) No person may be charged under both subsection (1)(a) and (b)  
2 of this section relating to the same course of conduct.

3 (c) In lieu of jail booking and referral to the prosecutor, law  
4 enforcement is encouraged to offer a referral to assessment and  
5 services available under RCW 10.31.110 or other program or entity  
6 responsible for receiving referrals in lieu of legal system  
7 involvement, which may include, but are not limited to, arrest and  
8 jail alternative programs established under RCW 36.28A.450, law  
9 enforcement assisted diversion programs established under RCW  
10 71.24.589, and the recovery navigator program established under RCW  
11 71.24.115.

12 (3)(a) The possession, by a person 21 years of age or older, of  
13 useable cannabis, cannabis concentrates, or cannabis-infused products  
14 in amounts that do not exceed those set forth in RCW 69.50.360(3) is  
15 not a violation of this section, this chapter, or any other provision  
16 of Washington state law.

17 (b) The possession of cannabis, useable cannabis, cannabis  
18 concentrates, and cannabis-infused products being physically  
19 transported or delivered within the state, in amounts not exceeding  
20 those that may be established under RCW 69.50.385(3), by a licensed  
21 employee of a common carrier when performing the duties authorized in  
22 accordance with RCW 69.50.382 and 69.50.385, is not a violation of  
23 this section, this chapter, or any other provision of Washington  
24 state law.

25 (4)(a) The delivery by a person 21 years of age or older to one  
26 or more persons 21 years of age or older, during a single 24 hour  
27 period, for noncommercial purposes and not conditioned upon or done  
28 in connection with the provision or receipt of financial  
29 consideration, of any of the following cannabis products, is not a  
30 violation of this section, this chapter, or any other provisions of  
31 Washington state law:

32 (i) One-half ounce of useable cannabis;

33 (ii) Eight ounces of cannabis-infused product in solid form;

34 (iii) 36 ounces of cannabis-infused product in liquid form unless  
35 the cannabis-infused product in liquid form is packaged in individual  
36 units containing no more than four milligrams of THC per unit; ((or))

37 (iv) 100 milligrams of THC within a cannabis-infused product in  
38 liquid form if the product is packaged in individual units containing  
39 no more than four milligrams of THC per unit; or

40 (v) Three and one-half grams of cannabis concentrates.

1 (b) The act of delivering cannabis or a cannabis product as  
2 authorized under this subsection (4) must meet one of the following  
3 requirements:

4 (i) The delivery must be done in a location outside of the view  
5 of general public and in a nonpublic place; or

6 (ii) The cannabis or cannabis product must be in the original  
7 packaging as purchased from the cannabis retailer.

8 (5) No person under 21 years of age may manufacture, sell,  
9 distribute, or knowingly possess cannabis, cannabis-infused products,  
10 or cannabis concentrates, regardless of THC concentration. This does  
11 not include qualifying patients with a valid authorization.

12 (6) The possession by a qualifying patient or designated provider  
13 of cannabis concentrates, useable cannabis, cannabis-infused  
14 products, or plants in accordance with chapter 69.51A RCW is not a  
15 violation of this section, this chapter, or any other provision of  
16 Washington state law.

17 (7) For the purposes of this section, "public place" has the same  
18 meaning as defined in RCW 66.04.010, but the exclusions in RCW  
19 66.04.011 do not apply.

20 (8) For the purposes of this section, "use a controlled  
21 substance" means to introduce the substance into the human body by  
22 injection, inhalation, ingestion, or any other means.

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