
HOUSE BILL 2194

State of Washington

68th Legislature

2024 Regular Session

By Representatives Kloba, Wylie, Doglio, Goodman, and Macri

1 AN ACT Relating to legalizing the home cultivation of cannabis by
2 persons who are 21 years of age and older; amending RCW 69.50.4013
3 and 69.50.401; reenacting and amending RCW 69.50.505 and 69.50.101;
4 and prescribing penalties.

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

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

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

10 (a) Knowingly possess a controlled substance unless the substance
11 was obtained directly from, or pursuant to, a valid prescription or
12 order of a practitioner while acting in the course of his or her
13 professional practice; or

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

18 (2) (a) Except as provided in RCW 69.50.4014 ~~((or))~~, 69.50.445, or
19 subsection (7) of this section, a violation of subsection (1) (a) or
20 (b) of this section is a gross misdemeanor punishable by imprisonment
21 of up to 180 days in jail, or by a fine of not more than \$1,000, or

1 by both such imprisonment and fine, however, if the defendant has two
2 or more prior convictions under subsection (1)(a) or (b) of this
3 section occurring after July 1, 2023, a violation of subsection
4 (1)(a) or (b) of this section is punishable by imprisonment for up to
5 364 days, or by a fine of not more than \$1,000, or by both such
6 imprisonment and fine. The prosecutor is encouraged to divert such
7 cases for assessment, treatment, or other services.

8 (b) No person may be charged under both subsection (1)(a) and (b)
9 of this section, or both subsections (1)(a) and (7) of this section,
10 relating to the same course of conduct.

11 (c) In lieu of jail booking and referral to the prosecutor, law
12 enforcement is encouraged to offer a referral to assessment and
13 services available under RCW 10.31.110 or other program or entity
14 responsible for receiving referrals in lieu of legal system
15 involvement, which may include, but are not limited to, arrest and
16 jail alternative programs established under RCW 36.28A.450, law
17 enforcement assisted diversion programs established under RCW
18 71.24.589, and the recovery navigator program established under RCW
19 71.24.115.

20 (3)(a) The possession, by a person 21 years of age or older, of
21 useable cannabis, cannabis concentrates, or cannabis-infused products
22 in amounts that do not exceed those set forth in RCW 69.50.360(3), in
23 addition to plants and the cannabis and cannabis products derived
24 from those plants as authorized under subsection (7) of this section,
25 is not a violation of this section, this chapter, or any other
26 provision of Washington state law.

27 (b) The possession of cannabis, useable cannabis, cannabis
28 concentrates, and cannabis-infused products being physically
29 transported or delivered within the state, in amounts not exceeding
30 those that may be established under RCW 69.50.385(3), by a licensed
31 employee of a common carrier when performing the duties authorized in
32 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
33 this section, this chapter, or any other provision of Washington
34 state law.

35 (4)(a) The delivery by a person 21 years of age or older to one
36 or more persons 21 years of age or older, during a single 24 hour
37 period, for noncommercial purposes and not conditioned upon or done
38 in connection with the provision or receipt of financial
39 consideration, of any of the following cannabis products, is not a

1 violation of this section, this chapter, or any other provisions of
2 Washington state law:

- 3 (i) One-half ounce of useable cannabis;
- 4 (ii) Eight ounces of cannabis-infused product in solid form;
- 5 (iii) 36 ounces of cannabis-infused product in liquid form; or
- 6 (iv) Three and one-half grams of cannabis concentrates.

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

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

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

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

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

23 (7)(a) The production and possession by a person 21 years of age
24 or older of no more than six plants and the cannabis and cannabis
25 products derived from those plants, on the premises of the housing
26 unit occupied by the person, is not a violation of this section, this
27 chapter, or any other provision of Washington state law. No more than
28 15 plants may be produced at any one time on the premises of a single
29 housing unit, regardless of the number of residents living on the
30 premises of the housing unit.

31 (b) For purposes of this subsection, "housing unit" has the
32 meaning provided in RCW 69.51A.010.

33 (c) Except as authorized in RCW 69.50.325 or chapter 69.51A RCW:

34 (i) It is a class 1 civil infraction punishable under chapter
35 7.80 RCW for a person to produce and knowingly possess more than six
36 plants but fewer than 16 plants; and

37 (ii) It is a class C felony punishable under RCW 69.50.401(2)(c)
38 for a person to produce and knowingly possess 16 or more plants.

39 (8) For the purposes of this section(~~(7~~-"public")):

1 (a) "Public place" has the same meaning as defined in RCW
2 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

3 (~~((8) For the purposes of this section, "use))~~ (b) "Use a
4 controlled substance" means to introduce the substance into the human
5 body by injection, inhalation, ingestion, or any other means.

6 **Sec. 2.** RCW 69.50.401 and 2022 c 16 s 84 are each amended to
7 read as follows:

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

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

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

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

1 (c) Any other controlled substance classified in Schedule I, II,
2 or III, is guilty of a class C felony punishable according to chapter
3 9A.20 RCW, except as provided in RCW 69.50.475 or 69.50.4013(7);

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

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

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

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

15 **Sec. 3.** RCW 69.50.505 and 2022 c 162 s 1 and 2022 c 16 s 98 are
16 each reenacted and amended to read as follows:

17 (1) The following are subject to seizure and forfeiture and no
18 property right exists in them:

19 (a) All controlled substances which have been manufactured,
20 distributed, dispensed, acquired, or possessed in violation of this
21 chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals,
22 as defined in RCW 64.44.010, used or intended to be used in the
23 manufacture of controlled substances;

24 (b) All raw materials, products, and equipment of any kind which
25 are used, or intended for use, in manufacturing, compounding,
26 processing, delivering, importing, or exporting any controlled
27 substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

28 (c) All property which is used, or intended for use, as a
29 container for property described in (a) or (b) of this subsection;

30 (d) All conveyances, including aircraft, vehicles, or vessels,
31 which are used, or intended for use, in any manner to facilitate the
32 sale, delivery, or receipt of property described in (a) or (b) of
33 this subsection, except that:

34 (i) No conveyance used by any person as a common carrier in the
35 transaction of business as a common carrier is subject to forfeiture
36 under this section unless it appears that the owner or other person
37 in charge of the conveyance is a consenting party or privy to a
38 violation of this chapter or chapter 69.41 or 69.52 RCW;

1 (ii) No conveyance is subject to forfeiture under this section by
2 reason of any act or omission established by the owner thereof to
3 have been committed or omitted without the owner's knowledge or
4 consent;

5 (iii) No conveyance is subject to forfeiture under this section
6 if used in the receipt of only an amount of cannabis for which
7 possession constitutes a misdemeanor under RCW 69.50.4014;

8 (iv) A forfeiture of a conveyance encumbered by a bona fide
9 security interest is subject to the interest of the secured party if
10 the secured party neither had knowledge of nor consented to the act
11 or omission; and

12 (v) When the owner of a conveyance has been arrested under this
13 chapter or chapter 69.41 or 69.52 RCW the conveyance in which the
14 person is arrested may not be subject to forfeiture unless it is
15 seized or process is issued for its seizure within (~~ten~~) 10 days of
16 the owner's arrest;

17 (e) All books, records, and research products and materials,
18 including formulas, microfilm, tapes, and data which are used, or
19 intended for use, in violation of this chapter or chapter 69.41 or
20 69.52 RCW;

21 (f) All drug paraphernalia other than paraphernalia possessed,
22 sold, or used solely to facilitate cannabis-related activities that
23 are not violations of this chapter;

24 (g) All moneys, negotiable instruments, securities, or other
25 tangible or intangible property of value furnished or intended to be
26 furnished by any person in exchange for a controlled substance in
27 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible
28 or intangible personal property, proceeds, or assets acquired in
29 whole or in part with proceeds traceable to an exchange or series of
30 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
31 and all moneys, negotiable instruments, and securities used or
32 intended to be used to facilitate any violation of this chapter or
33 chapter 69.41 or 69.52 RCW. A forfeiture of money, negotiable
34 instruments, securities, or other tangible or intangible property
35 encumbered by a bona fide security interest is subject to the
36 interest of the secured party if, at the time the security interest
37 was created, the secured party neither had knowledge of nor consented
38 to the act or omission. No personal property may be forfeited under
39 this subsection (1)(g), to the extent of the interest of an owner, by

1 reason of any act or omission which that owner establishes was
2 committed or omitted without the owner's knowledge or consent; and

3 (h) All real property, including any right, title, and interest
4 in the whole of any lot or tract of land, and any appurtenances or
5 improvements which are being used with the knowledge of the owner for
6 the manufacturing, compounding, processing, delivery, importing, or
7 exporting of any controlled substance, or which have been acquired in
8 whole or in part with proceeds traceable to an exchange or series of
9 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
10 if such activity is not less than a class C felony and a substantial
11 nexus exists between the commercial production or sale of the
12 controlled substance and the real property. However:

13 (i) No property may be forfeited pursuant to this subsection
14 (1)(h), to the extent of the interest of an owner, by reason of any
15 act or omission committed or omitted without the owner's knowledge or
16 consent;

17 (ii) The bona fide gift of a controlled substance, legend drug,
18 or imitation controlled substance shall not result in the forfeiture
19 of real property;

20 (iii) The acquisition, delivery, production, or possession of
21 cannabis, useable cannabis, cannabis concentrates, or cannabis-
22 infused products including in the manner and in the amount provided
23 in RCW 69.50.4013(7), shall not result in the forfeiture of real
24 property unless the cannabis is possessed for commercial purposes
25 that are unlawful under Washington state law, the amount possessed is
26 ~~((five))~~ 16 or more plants or, except as authorized in RCW
27 69.50.4013(7), one pound or more of cannabis, and a substantial nexus
28 exists between the possession of cannabis and the real property. In
29 such a case, the intent of the offender shall be determined by the
30 preponderance of the evidence, including the offender's prior
31 criminal history, the amount of cannabis possessed by the offender,
32 the sophistication of the activity or equipment used by the offender,
33 whether the offender was licensed to produce, process, or sell
34 cannabis, or was an employee of a licensed producer, processor, or
35 retailer, and other evidence which demonstrates the offender's intent
36 to engage in unlawful commercial activity;

37 (iv) The unlawful sale of cannabis or a legend drug shall not
38 result in the forfeiture of real property unless the sale was
39 ~~((forty))~~ 40 grams or more in the case of cannabis or ~~((one hundred~~
40 ~~dollars))~~ \$100 or more in the case of a legend drug, and a

1 substantial nexus exists between the unlawful sale and the real
2 property; and

3 (v) A forfeiture of real property encumbered by a bona fide
4 security interest is subject to the interest of the secured party if
5 the secured party, at the time the security interest was created,
6 neither had knowledge of nor consented to the act or omission.

7 (2) Real or personal property subject to forfeiture under this
8 chapter may be seized by any commission inspector or law enforcement
9 officer of this state upon process issued by any superior court
10 having jurisdiction over the property. Seizure of real property shall
11 include the filing of a lis pendens by the seizing agency. Real
12 property seized under this section shall not be transferred or
13 otherwise conveyed until (~~ninety~~) 90 days after seizure or until a
14 judgment of forfeiture is entered, whichever is later(~~(:—PROVIDED,~~
15 ~~That)~~). However, real property seized under this section may be
16 transferred or conveyed to any person or entity who acquires title by
17 foreclosure or deed in lieu of foreclosure of a security interest.
18 Seizure of personal property without process may be made if:

19 (a) The seizure is incident to an arrest or a search under a
20 search warrant or an inspection under an administrative inspection
21 warrant;

22 (b) The property subject to seizure has been the subject of a
23 prior judgment in favor of the state in a criminal injunction or
24 forfeiture proceeding based upon this chapter;

25 (c) A commission inspector or law enforcement officer has
26 probable cause to believe that the property is directly or indirectly
27 dangerous to health or safety; or

28 (d) The commission inspector or law enforcement officer has
29 probable cause to believe that the property was used or is intended
30 to be used in violation of this chapter.

31 (3) In the event of seizure pursuant to subsection (2) of this
32 section, proceedings for forfeiture shall be deemed commenced by the
33 seizure. The law enforcement agency under whose authority the seizure
34 was made shall cause notice to be served within (~~fifteen~~) 15 days
35 following the seizure on the owner of the property seized and the
36 person in charge thereof and any person having any known right or
37 interest therein, including any community property interest, of the
38 seizure and intended forfeiture of the seized property. Service of
39 notice of seizure of real property shall be made according to the
40 rules of civil procedure. However, the state may not obtain a default

1 judgment with respect to real property against a party who is served
2 by substituted service absent an affidavit stating that a good faith
3 effort has been made to ascertain if the defaulted party is
4 incarcerated within the state, and that there is no present basis to
5 believe that the party is incarcerated within the state. Notice of
6 seizure in the case of property subject to a security interest that
7 has been perfected by filing a financing statement in accordance with
8 chapter 62A.9A RCW, or a certificate of title, shall be made by
9 service upon the secured party or the secured party's assignee at the
10 address shown on the financing statement or the certificate of title.
11 The notice of seizure in other cases may be served by any method
12 authorized by law or court rule including but not limited to service
13 by certified mail with return receipt requested. Service by mail
14 shall be deemed complete upon mailing within the (~~fifteen~~) 15-day
15 period following the seizure.

16 (4) If no person notifies the seizing law enforcement agency in
17 writing of the person's claim of ownership or right to possession of
18 items specified in subsection (1)(d), (g), or (h) of this section
19 within (~~forty-five~~) 45 days of the service of notice from the
20 seizing agency in the case of personal property and (~~ninety~~) 90
21 days in the case of real property, the item seized shall be deemed
22 forfeited. The community property interest in real property of a
23 person whose spouse or domestic partner committed a violation giving
24 rise to seizure of the real property may not be forfeited if the
25 person did not participate in the violation.

26 (5) If any person notifies the seizing law enforcement agency in
27 writing of the person's claim of ownership or right to possession of
28 items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h)
29 of this section within (~~forty-five~~) 45 days of the service of
30 notice from the seizing agency in the case of personal property and
31 (~~ninety~~) 90 days in the case of real property, the person or
32 persons shall be afforded a reasonable opportunity to be heard as to
33 the claim or right. The notice of claim may be served by any method
34 authorized by law or court rule including, but not limited to,
35 service by first-class mail. Service by mail shall be deemed complete
36 upon mailing within the (~~forty-five~~) 45-day period following
37 service of the notice of seizure in the case of personal property and
38 within the (~~ninety~~) 90-day period following service of the notice
39 of seizure in the case of real property. The hearing shall be before
40 the chief law enforcement officer of the seizing agency or the chief

1 law enforcement officer's designee, except where the seizing agency
2 is a state agency as defined in RCW 34.12.020(4), the hearing shall
3 be before the chief law enforcement officer of the seizing agency or
4 an administrative law judge appointed under chapter 34.12 RCW, except
5 that any person asserting a claim or right may remove the matter to a
6 court of competent jurisdiction. Removal of any matter involving
7 personal property may only be accomplished according to the rules of
8 civil procedure. The person seeking removal of the matter must serve
9 process against the state, county, political subdivision, or
10 municipality that operates the seizing agency, and any other party of
11 interest, in accordance with RCW 4.28.080 or 4.92.020, within
12 ((~~forty-five~~)) 45 days after the person seeking removal has notified
13 the seizing law enforcement agency of the person's claim of ownership
14 or right to possession. The court to which the matter is to be
15 removed shall be the district court when the aggregate value of
16 personal property is within the jurisdictional limit set forth in RCW
17 3.66.020. A hearing before the seizing agency and any appeal
18 therefrom shall be under Title 34 RCW. In all cases, the burden of
19 proof is upon the law enforcement agency to establish, by a
20 preponderance of the evidence, that the property is subject to
21 forfeiture.

22 The seizing law enforcement agency shall promptly return the
23 article or articles to the claimant upon a determination by the
24 administrative law judge or court that the claimant is the present
25 lawful owner or is lawfully entitled to possession thereof of items
26 specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of
27 this section.

28 (6) In any proceeding to forfeit property under this title, where
29 the claimant substantially prevails, the claimant is entitled to
30 reasonable attorneys' fees reasonably incurred by the claimant. In
31 addition, in a court hearing between two or more claimants to the
32 article or articles involved, the prevailing party is entitled to a
33 judgment for costs and reasonable attorneys' fees.

34 (7) When property is forfeited under this chapter the commission
35 or seizing law enforcement agency may:

36 (a) Retain it for official use or upon application by any law
37 enforcement agency of this state release such property to such agency
38 for the exclusive use of enforcing the provisions of this chapter;

39 (b) Sell that which is not required to be destroyed by law and
40 which is not harmful to the public;

1 (c) Request the appropriate sheriff or director of public safety
2 to take custody of the property and remove it for disposition in
3 accordance with law; or

4 (d) Forward it to the drug enforcement administration for
5 disposition.

6 (8)(a) When property is forfeited, the seizing agency shall keep
7 a record indicating the identity of the prior owner, if known, a
8 description of the property, the disposition of the property, the
9 value of the property at the time of seizure, and the amount of
10 proceeds realized from disposition of the property.

11 (b) Each seizing agency shall retain records of forfeited
12 property for at least seven years.

13 (c) Each seizing agency shall file a report including a copy of
14 the records of forfeited property with the state treasurer each
15 calendar quarter.

16 (d) The quarterly report need not include a record of forfeited
17 property that is still being held for use as evidence during the
18 investigation or prosecution of a case or during the appeal from a
19 conviction.

20 (9)(a) By January 31st of each year, each seizing agency shall
21 remit to the state an amount equal to (~~(ten)~~) 10 percent of the net
22 proceeds of any property forfeited during the preceding calendar year
23 for deposit into the behavioral health loan repayment program account
24 created in RCW 28B.115.135 through June 30, 2027, and into the state
25 general fund thereafter.

26 (b) The net proceeds of forfeited property is the value of the
27 forfeitable interest in the property after deducting the cost of
28 satisfying any bona fide security interest to which the property is
29 subject at the time of seizure; and in the case of sold property,
30 after deducting the cost of sale, including reasonable fees or
31 commissions paid to independent selling agents, and the cost of any
32 valid landlord's claim for damages under subsection (15) of this
33 section.

34 (c) The value of sold forfeited property is the sale price. The
35 value of retained forfeited property is the fair market value of the
36 property at the time of seizure, determined when possible by
37 reference to an applicable commonly used index, such as the index
38 used by the department of licensing for valuation of motor vehicles.
39 A seizing agency may use, but need not use, an independent qualified
40 appraiser to determine the value of retained property. If an

1 appraiser is used, the value of the property appraised is net of the
2 cost of the appraisal. The value of destroyed property and retained
3 firearms or illegal property is zero.

4 (10) Forfeited property and net proceeds not required to be
5 remitted to the state shall be retained by the seizing law
6 enforcement agency exclusively for the expansion and improvement of
7 controlled substances related law enforcement activity. Money
8 retained under this section may not be used to supplant preexisting
9 funding sources.

10 (11) Controlled substances listed in Schedule I, II, III, IV, and
11 V that are possessed, transferred, sold, or offered for sale in
12 violation of this chapter are contraband and shall be seized and
13 summarily forfeited to the state. Controlled substances listed in
14 Schedule I, II, III, IV, and V, which are seized or come into the
15 possession of the commission, the owners of which are unknown, are
16 contraband and shall be summarily forfeited to the commission.

17 (12) Species of plants from which controlled substances in
18 Schedules I and II may be derived which have been planted or
19 cultivated in violation of this chapter, or of which the owners or
20 cultivators are unknown, or which are wild growths, may be seized and
21 summarily forfeited to the commission.

22 (13) The failure, upon demand by a commission inspector or law
23 enforcement officer, of the person in occupancy or in control of land
24 or premises upon which the species of plants are growing or being
25 stored to produce an appropriate registration or proof that he or she
26 is the holder thereof constitutes authority for the seizure and
27 forfeiture of the plants.

28 (14) Upon the entry of an order of forfeiture of real property,
29 the court shall forward a copy of the order to the assessor of the
30 county in which the property is located. Orders for the forfeiture of
31 real property shall be entered by the superior court, subject to
32 court rules. Such an order shall be filed by the seizing agency in
33 the county auditor's records in the county in which the real property
34 is located.

35 (15)(a) A landlord may assert a claim against proceeds from the
36 sale of assets seized and forfeited under subsection (7)(b) of this
37 section, only if:

38 (i) A law enforcement officer, while acting in his or her
39 official capacity, directly caused damage to the complaining

1 landlord's property while executing a search of a tenant's residence;
2 and

3 (ii) The landlord has applied any funds remaining in the tenant's
4 deposit, to which the landlord has a right under chapter 59.18 RCW,
5 to cover the damage directly caused by a law enforcement officer
6 prior to asserting a claim under the provisions of this section;

7 (A) Only if the funds applied under (a)(ii) of this subsection
8 are insufficient to satisfy the damage directly caused by a law
9 enforcement officer, may the landlord seek compensation for the
10 damage by filing a claim against the governmental entity under whose
11 authority the law enforcement agency operates within (~~(thirty))~~ 30
12 days after the search;

13 (B) Only if the governmental entity denies or fails to respond to
14 the landlord's claim within (~~(sixty))~~ 60 days of the date of filing,
15 may the landlord collect damages under this subsection by filing
16 within (~~(thirty))~~ 30 days of denial or the expiration of the
17 (~~(sixty))~~ 60-day period, whichever occurs first, a claim with the
18 seizing law enforcement agency. The seizing law enforcement agency
19 must notify the landlord of the status of the claim by the end of the
20 (~~(thirty))~~ 30-day period. Nothing in this section requires the claim
21 to be paid by the end of the (~~(sixty-day or thirty-day))~~ 60-day or
22 30-day period.

23 (b) For any claim filed under (a)(ii) of this subsection, the law
24 enforcement agency shall pay the claim unless the agency provides
25 substantial proof that the landlord either:

26 (i) Knew or consented to actions of the tenant in violation of
27 this chapter or chapter 69.41 or 69.52 RCW; or

28 (ii) Failed to respond to a notification of the illegal activity,
29 provided by a law enforcement agency under RCW 59.18.075, within
30 seven days of receipt of notification of the illegal activity.

31 (16) The landlord's claim for damages under subsection (15) of
32 this section may not include a claim for loss of business and is
33 limited to:

34 (a) Damage to tangible property and clean-up costs;

35 (b) The lesser of the cost of repair or fair market value of the
36 damage directly caused by a law enforcement officer;

37 (c) The proceeds from the sale of the specific tenant's property
38 seized and forfeited under subsection (7)(b) of this section; and

39 (d) The proceeds available after the seizing law enforcement
40 agency satisfies any bona fide security interest in the tenant's

1 property and costs related to sale of the tenant's property as
2 provided by subsection (9)(b) of this section.

3 (17) Subsections (15) and (16) of this section do not limit any
4 other rights a landlord may have against a tenant to collect for
5 damages. However, if a law enforcement agency satisfies a landlord's
6 claim under subsection (15) of this section, the rights the landlord
7 has against the tenant for damages directly caused by a law
8 enforcement officer under the terms of the landlord and tenant's
9 contract are subrogated to the law enforcement agency.

10 **Sec. 4.** RCW 69.50.101 and 2023 c 365 s 2 and 2023 c 220 s 6 are
11 each reenacted and amended to read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (~~((a) — [(1)]))~~) (1) "Administer" means to apply a controlled
15 substance, whether by injection, inhalation, ingestion, or any other
16 means, directly to the body of a patient or research subject by:

17 (~~((1) — [(a)] — a))~~) (a) A practitioner authorized to prescribe (or,
18 by the practitioner's authorized agent); or

19 (~~((2) — [(b)] — the))~~) (b) The patient or research subject at the
20 direction and in the presence of the practitioner.

21 (~~((b) — [(2)]))~~) (2) "Agent" means an authorized person who acts on
22 behalf of or at the direction of a manufacturer, distributor, or
23 dispenser. It does not include a common or contract carrier, public
24 warehouseperson, or employee of the carrier or warehouseperson.

25 (~~((c) — [(3)]))~~) (3) "Board" means the Washington state liquor and
26 cannabis board.

27 (~~((d) — [(4)]))~~) (4) "Cannabis" means all parts of the plant
28 *Cannabis*, whether growing or not, with a THC concentration greater
29 than 0.3 percent on a dry weight basis during the growing cycle
30 through harvest and usable cannabis. "Cannabis" does not include hemp
31 or industrial hemp as defined in RCW 15.140.020, or seeds used for
32 licensed hemp production under chapter 15.140 RCW.

33 (~~((e) — [(5)]))~~) (5) "Cannabis concentrates" means products
34 consisting wholly or in part of the resin extracted from any part of
35 the plant *Cannabis* and having a THC concentration greater than
36 (~~((ten))~~) 10 percent.

37 (~~((f) — [(6)]))~~) (6) "Cannabis processor" means a person licensed by
38 the board to process cannabis into cannabis concentrates, useable
39 cannabis, and cannabis-infused products, package and label cannabis

1 concentrates, useable cannabis, and cannabis-infused products for
2 sale in retail outlets, and sell cannabis concentrates, useable
3 cannabis, and cannabis-infused products at wholesale to cannabis
4 retailers.

5 ~~((g) [(7)])~~ (7) "Cannabis producer" means a person licensed by
6 the board to produce and sell cannabis at wholesale to cannabis
7 processors and other cannabis producers.

8 ~~((h) (1) [(8)(a)])~~ (8)(a) "Cannabis products" means useable
9 cannabis, cannabis concentrates, and cannabis-infused products as
10 defined in this section, including any product intended to be
11 consumed or absorbed inside the body by any means including
12 inhalation, ingestion, or insertion, with any detectable amount of
13 THC.

14 ~~((2) [(b)])~~ (b) "Cannabis products" also means any product
15 containing only THC content.

16 ~~((3) [(e)])~~ (c) "Cannabis products" does not include cannabis
17 health and beauty aids as defined in RCW 69.50.575 or products
18 approved by the United States food and drug administration.

19 ~~((i) [(9)])~~ (9) "Cannabis researcher" means a person licensed
20 by the board to produce, process, and possess cannabis for the
21 purposes of conducting research on cannabis and cannabis-derived drug
22 products.

23 ~~((j) [(10)])~~ (10) "Cannabis retailer" means a person licensed
24 by the board to sell cannabis concentrates, useable cannabis, and
25 cannabis-infused products in a retail outlet.

26 ~~((k) [(11)])~~ (11) "Cannabis-infused products" means products
27 that contain cannabis or cannabis extracts, are intended for human
28 use, are derived from cannabis as defined in subsection ~~((d) [(4)])~~
29 (4) of this section, and have a THC concentration no greater than
30 ~~((ten))~~ 10 percent. The term "cannabis-infused products" does not
31 include either useable cannabis or cannabis concentrates.

32 ~~((l) [(12)])~~ (12) "CBD concentration" has the meaning provided
33 in RCW 69.51A.010.

34 ~~((m) [(13)])~~ (13) "CBD product" means any product containing or
35 consisting of cannabidiol.

36 ~~((n) [(14)])~~ (14) "Commercial activity" means an activity
37 related to or connected with buying, selling, or bartering.

38 (15) "Commission" means the pharmacy quality assurance
39 commission.

1 (~~(e)~~—~~[(15)]~~) (16) "Controlled substance" means a drug,
2 substance, or immediate precursor included in Schedules I through V
3 as set forth in federal or state laws, or federal or commission
4 rules, but does not include hemp or industrial hemp as defined in RCW
5 15.140.020.

6 (~~(p)~~—~~[(16)(a)]~~) (17)(a) "Controlled substance analog" means
7 a substance the chemical structure of which is substantially similar
8 to the chemical structure of a controlled substance in Schedule I or
9 II and:

10 (i) (~~(that)~~) That has a stimulant, depressant, or hallucinogenic
11 effect on the central nervous system substantially similar to the
12 stimulant, depressant, or hallucinogenic effect on the central
13 nervous system of a controlled substance included in Schedule I or
14 II; or

15 (ii) (~~(with)~~) With respect to a particular individual, that the
16 individual represents or intends to have a stimulant, depressant, or
17 hallucinogenic effect on the central nervous system substantially
18 similar to the stimulant, depressant, or hallucinogenic effect on the
19 central nervous system of a controlled substance included in Schedule
20 I or II.

21 (~~(2)~~—~~[(b)]~~) (b) The term does not include:

22 (i) (~~(a)~~) A controlled substance;

23 (ii) (~~(a)~~) A substance for which there is an approved new drug
24 application;

25 (iii) (~~(a)~~) A substance with respect to which an exemption is in
26 effect for investigational use by a particular person under Section
27 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355,
28 or chapter 69.77 RCW to the extent conduct with respect to the
29 substance is pursuant to the exemption; or

30 (iv) (~~(any)~~) Any substance to the extent not intended for human
31 consumption before an exemption takes effect with respect to the
32 substance.

33 (~~(q)~~—~~[(17)]~~) (18) "Deliver" or "delivery" means the actual or
34 constructive transfer from one person to another of a substance,
35 whether or not there is an agency relationship.

36 (~~(r)~~—~~[(18)]~~) (19) "Department" means the department of health.

37 (~~(s)~~—~~[(19)]~~) (20) "Designated provider" has the meaning
38 provided in RCW 69.51A.010.

39 (~~(t)~~—~~[(20)]~~) (21) "Dispense" means the interpretation of a
40 prescription or order for a controlled substance and, pursuant to

1 that prescription or order, the proper selection, measuring,
2 compounding, labeling, or packaging necessary to prepare that
3 prescription or order for delivery.

4 ~~((u) [(21)])~~ (22) "Dispenser" means a practitioner who
5 dispenses.

6 ~~((v) [(22)])~~ (23) "Distribute" means to deliver other than by
7 administering or dispensing a controlled substance.

8 ~~((w) [(23)])~~ (24) "Distributor" means a person who distributes.

9 ~~((x) [(24)])~~ (25) "Drug" means ~~((1) [(a)] a)~~: (a) A
10 controlled substance recognized as a drug in the official United
11 States pharmacopoeia/national formulary or the official homeopathic
12 pharmacopoeia of the United States, or any supplement to them; ~~((2)~~
13 ~~[(b)])~~ (b) controlled substances intended for use in the diagnosis,
14 cure, mitigation, treatment, or prevention of disease in individuals
15 or animals; ~~((3) [(c)])~~ (c) controlled substances (other than food)
16 intended to affect the structure or any function of the body of
17 individuals or animals; and ~~((4) [(d)])~~ (d) controlled substances
18 intended for use as a component of any article specified in ~~((1),~~
19 ~~(2), or (3) [(a), (b), or (c)])~~ (a), (b), or (c) of this subsection.
20 The term does not include devices or their components, parts, or
21 accessories.

22 ~~((y) [(25)])~~ (26) "Drug enforcement administration" means the
23 drug enforcement administration in the United States Department of
24 Justice, or its successor agency.

25 ~~((z) [(26)])~~ (27) "Electronic communication of prescription
26 information" means the transmission of a prescription or refill
27 authorization for a drug of a practitioner using computer systems.
28 The term does not include a prescription or refill authorization
29 verbally transmitted by telephone nor a facsimile manually signed by
30 the practitioner.

31 ~~((aa) [(27)])~~ (28) "Immature plant or clone" means a plant or
32 clone that has no flowers, is less than ~~((twelve))~~ 12 inches in
33 height, and is less than ~~((twelve))~~ 12 inches in diameter.

34 ~~((bb) [(28)])~~ (29) "Immediate precursor" means a substance:

35 ~~((1) [(a)] that)~~ (a) That the commission has found to be and by
36 rule designates as being the principal compound commonly used, or
37 produced primarily for use, in the manufacture of a controlled
38 substance;

1 (~~(2)~~ [~~(b)~~ that]) (b) That is an immediate chemical intermediary
2 used or likely to be used in the manufacture of a controlled
3 substance; and

4 (~~(3)~~ [~~(c)~~ the]) (c) The control of which is necessary to
5 prevent, curtail, or limit the manufacture of the controlled
6 substance.

7 (~~(ee)~~ [~~(29)~~]) (30) "Isomer" means an optical isomer, but in
8 subsection (~~(gg)~~ (5) [~~(33)~~ (e)]) (34) (e) of this section, RCW
9 69.50.204(~~(a)~~ (12) and (34) [~~(1)~~ (1) and (hh)]) (1) (1) and (hh),
10 and 69.50.206(~~(b)~~ (4) [~~(2)~~ (d)]) (2) (d), the term includes any
11 geometrical isomer; in RCW 69.50.204(~~(a)~~ (8) and (42) [~~(1)~~ (h) and
12 ~~(pp)~~]) (1) (h) and (pp), and 69.50.210(~~(e)~~ [~~(3)~~]) (3) the term
13 includes any positional isomer; and in RCW 69.50.204(~~(a)~~ (35)
14 [~~(1)~~ (ii)]) (1) (ii), 69.50.204(~~(e)~~ [~~(3)~~]) (3), and 69.50.208(~~(a)~~
15 [~~(1)~~]) (1) the term includes any positional or geometric isomer.

16 (~~(dd)~~ [~~(30)~~]) (31) "Lot" means a definite quantity of cannabis,
17 cannabis concentrates, useable cannabis, or cannabis-infused product
18 identified by a lot number, every portion or package of which is
19 uniform within recognized tolerances for the factors that appear in
20 the labeling.

21 (~~(ee)~~ [~~(31)~~]) (32) "Lot number" must identify the licensee by
22 business or trade name and Washington state unified business
23 identifier number, and the date of harvest or processing for each lot
24 of cannabis, cannabis concentrates, useable cannabis, or cannabis-
25 infused product.

26 (~~(ff)~~ [~~(32)~~]) (33) "Manufacture" means the production,
27 preparation, propagation, compounding, conversion, or processing of a
28 controlled substance, either directly or indirectly or by extraction
29 from substances of natural origin, or independently by means of
30 chemical synthesis, or by a combination of extraction and chemical
31 synthesis, and includes any packaging or repackaging of the substance
32 or labeling or relabeling of its container. The term does not include
33 the preparation, compounding, packaging, repackaging, labeling, or
34 relabeling of a controlled substance:

35 (~~(1)~~ [~~(a)~~ by]) (a) By a practitioner as an incident to the
36 practitioner's administering or dispensing of a controlled substance
37 in the course of the practitioner's professional practice; or

38 (~~(2)~~ [~~(b)~~ by]) (b) By a practitioner, or by the practitioner's
39 authorized agent under the practitioner's supervision, for the

1 purpose of, or as an incident to, research, teaching, or chemical
2 analysis and not for sale.

3 ~~((1)-(33))~~ (34) "Narcotic drug" means any of the following,
4 whether produced directly or indirectly by extraction from substances
5 of vegetable origin, or independently by means of chemical synthesis,
6 or by a combination of extraction and chemical synthesis:

7 ~~((1)-(a))~~ (a) Opium, opium derivative, and any derivative of
8 opium or opium derivative, including their salts, isomers, and salts
9 of isomers, whenever the existence of the salts, isomers, and salts
10 of isomers is possible within the specific chemical designation. The
11 term does not include the isoquinoline alkaloids of opium.

12 ~~((2)-(b))~~ (b) Synthetic opiate and any derivative of
13 synthetic opiate, including their isomers, esters, ethers, salts, and
14 salts of isomers, esters, and ethers, whenever the existence of the
15 isomers, esters, ethers, and salts is possible within the specific
16 chemical designation.

17 ~~((3)-(c))~~ (c) Poppy straw and concentrate of poppy straw.

18 ~~((4)-(d))~~ (d) Coca leaves, except coca leaves and extracts of
19 coca leaves from which cocaine, ecgonine, and derivatives or ecgonine
20 or their salts have been removed.

21 ~~((5)-(e))~~ (e) Cocaine, or any salt, isomer, or salt of isomer
22 thereof.

23 ~~((6)-(f))~~ (f) Cocaine base.

24 ~~((7)-(g))~~ (g) Ecgonine, or any derivative, salt, isomer, or
25 salt of isomer thereof.

26 ~~((8)-(h))~~ (h) Any compound, mixture, or preparation
27 containing any quantity of any substance referred to in ~~((1)-(a))~~
28 (a) through ~~((7)-(g))~~ (g) of this subsection.

29 ~~((hh)-(34))~~ (35) "Opiate" means any substance having an
30 addiction-forming or addiction-sustaining liability similar to
31 morphine or being capable of conversion into a drug having addiction-
32 forming or addiction-sustaining liability. The term includes opium,
33 substances derived from opium (opium derivatives), and synthetic
34 opiates. The term does not include, unless specifically designated as
35 controlled under RCW 69.50.201, the dextrorotatory isomer of 3-
36 methoxy-n-methylmorphinan and its salts (dextromethorphan). The term
37 includes the racemic and levorotatory forms of dextromethorphan.

38 ~~((ii)-(35))~~ (36) "Opium poppy" means the plant of the species
39 *Papaver somniferum* L., except its seeds.

1 (~~(j)~~—[~~(36)~~]) (37) "Package" means a container that has a
2 single unit or group of units.

3 (~~(k)~~—[~~(37)~~]) (38) "Person" means individual, corporation,
4 business trust, estate, trust, partnership, association, joint
5 venture, government, governmental subdivision or agency, or any other
6 legal or commercial entity.

7 (~~(l)~~—[~~(38)~~]) (39) "Plant" has the meaning provided in RCW
8 69.51A.010.

9 (~~(m)~~—[~~(39)~~]) (40) "Poppy straw" means all parts, except the
10 seeds, of the opium poppy, after mowing.

11 (~~(n)~~—[~~(40)~~]) (41) "Practitioner" means:

12 (~~(1)~~—[~~(a)~~]) (a) A physician under chapter 18.71 RCW; a
13 physician assistant under chapter 18.71A RCW; an osteopathic
14 physician and surgeon under chapter 18.57 RCW; an optometrist
15 licensed under chapter 18.53 RCW who is certified by the optometry
16 board under RCW 18.53.010 subject to any limitations in RCW
17 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician
18 and surgeon under chapter 18.22 RCW; a veterinarian under chapter
19 18.92 RCW; a registered nurse, advanced registered nurse
20 practitioner, or licensed practical nurse under chapter 18.79 RCW; a
21 naturopathic physician under chapter 18.36A RCW who is licensed under
22 RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a
23 pharmacist under chapter 18.64 RCW or a scientific investigator under
24 this chapter, licensed, registered or otherwise permitted insofar as
25 is consistent with those licensing laws to distribute, dispense,
26 conduct research with respect to or administer a controlled substance
27 in the course of their professional practice or research in this
28 state.

29 (~~(2)~~—[~~(b)~~]) (b) A pharmacy, hospital or other institution
30 licensed, registered, or otherwise permitted to distribute, dispense,
31 conduct research with respect to or to administer a controlled
32 substance in the course of professional practice or research in this
33 state.

34 (~~(3)~~—[~~(c)~~]) (c) A physician licensed to practice medicine and
35 surgery, a physician licensed to practice osteopathic medicine and
36 surgery, a dentist licensed to practice dentistry, a podiatric
37 physician and surgeon licensed to practice podiatric medicine and
38 surgery, a licensed physician assistant or a licensed osteopathic
39 physician assistant specifically approved to prescribe controlled
40 substances by his or her state's medical commission or equivalent and

1 his or her supervising physician, an advanced registered nurse
2 practitioner licensed to prescribe controlled substances, or a
3 veterinarian licensed to practice veterinary medicine in any state of
4 the United States.

5 ~~((oo) [(41)])~~ (42) "Prescription" means an order for controlled
6 substances issued by a practitioner duly authorized by law or rule in
7 the state of Washington to prescribe controlled substances within the
8 scope of his or her professional practice for a legitimate medical
9 purpose.

10 ~~((pp) [(42)])~~ (43) "Production" includes the manufacturing,
11 planting, cultivating, growing, or harvesting of a controlled
12 substance.

13 ~~((qq) [(43)])~~ (44) "Qualifying patient" has the meaning
14 provided in RCW 69.51A.010.

15 ~~((rr) [(44)])~~ (45) "Recognition card" has the meaning provided
16 in RCW 69.51A.010.

17 ~~((ss) [(45)])~~ (46) "Retail outlet" means a location licensed by
18 the board for the retail sale of cannabis concentrates, useable
19 cannabis, and cannabis-infused products.

20 ~~((tt) [(46)])~~ (47) "Secretary" means the secretary of health or
21 the secretary's designee.

22 ~~((uu) [(47)])~~ (48) "Social equity plan" means a plan that
23 addresses at least some of the elements outlined in this subsection
24 ~~((uu) [(47)])~~ (48), along with any additional plan components or
25 requirements approved by the board following consultation with the
26 task force created in RCW 69.50.336. The plan may include:

27 ~~((1) [(a)])~~ (a) A statement that indicates how the cannabis
28 licensee will work to promote social equity goals in their community;

29 ~~((2) [(b)])~~ (b) A description of how the cannabis licensee will
30 meet social equity goals as defined in RCW 69.50.335;

31 ~~((3) [(c)])~~ (c) The composition of the workforce the licensee
32 has employed or intends to hire; and

33 ~~((4) [(d)])~~ (d) Business plans involving partnerships or
34 assistance to organizations or residents with connections to
35 populations with a history of high rates of enforcement of cannabis
36 prohibition.

37 ~~((vv) [(48)])~~ (49) "State," unless the context otherwise
38 requires, means a state of the United States, the District of
39 Columbia, the Commonwealth of Puerto Rico, or a territory or insular
40 possession subject to the jurisdiction of the United States.

1 ((~~ww~~—[(49)])) (50) "THC concentration" means percent of
2 tetrahydrocannabinol content of any part of the plant *Cannabis*, or
3 per volume or weight of cannabis product, or the combined percent of
4 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of
5 the plant *Cannabis* regardless of moisture content.

6 ((~~xx~~—[(50)])) (51) "Ultimate user" means an individual who
7 lawfully possesses a controlled substance for the individual's own
8 use or for the use of a member of the individual's household or for
9 administering to an animal owned by the individual or by a member of
10 the individual's household.

11 ((~~yy~~—[(51)])) (52) "Unit" means an individual consumable item
12 within a package of one or more consumable items in solid, liquid,
13 gas, or any form intended for human consumption.

14 ((~~zz~~—[(52)])) (53) "Useable cannabis" means dried cannabis
15 flowers. The term "useable cannabis" does not include either
16 cannabis-infused products or cannabis concentrates.

17 ((~~aaa~~—[(53)])) (54) "Youth access" means the level of interest
18 persons under the age of (~~twenty-one~~) 21 may have in a vapor
19 product, as well as the degree to which the product is available or
20 appealing to such persons, and the likelihood of initiation, use, or
21 addiction by adolescents and young adults.

--- END ---