

Initiative Measure No. 543

filed December 3, 2012

AN ACT Relating to marijuana; amending RCW 69.50.500 and 69.50.504; adding a new section to chapter 46.20 RCW; adding new sections to chapter 69.50 RCW; creating new sections; and prescribing penalties.

NEW SECTION. Sec. 1.

(1) Recently, Washington state voters opted to legalize the possession and use of small quantities of marijuana or cannabis by adults over twenty-one years of age.

(2) Overlooked was:

- (a) the cultivation of small amounts of marijuana also called cannabis for personal use;
- (b) the non-commercial transfer of small amounts of marijuana or cannabis between adults 21 years of age and older;
- (c) how youthful offenders under age 21 should be charged for their first non-commercial marijuana or cannabis offense;
- (d) parents should not be prohibited from providing the safest most effective treatment to their child;
- (e) Members of the military, past and present, should not be denied the most effective treatment for PTSD when military doctors are allowed to recommend it;
- (f) that the therapeutic use of marijuana should not prevent patients from being able to legally drive unless they are impaired; and
- (g) state officials should not be allowed to ignore the will of the people and enforce federal law over state law.

This measure, in keeping with the intent approved by Washington voters, asks that the following changes to the Revised Code of Washington (RCW) be implemented.

NEW SECTION. Sec. 2.

(1) No license is required by adults over 21 years of age to possess or cultivate the amounts of marijuana or cannabis specified in RCW 69.51a.040 at their legal residence. Cultivating marijuana or cannabis plants under this section in a manner or place that a reasonable person would know to be open to the naked eye, view of a member of the general public positioned in or moving through a public place other than viewed from an aircraft is a class 3 civil infraction under chapter 7.80 RCW.

(2) No license is required of adults twenty-one years of age or older to transfer not-for-profit the amounts specified in section 15(3) (a) through (c), chapter . . . , Laws of 2012 (Initiative Measure No. 502) to any other person over twenty-one years of age.

(3) The first offense involving marijuana or cannabis for a person under 21 years of age, that would not be a violation of criminal or civil law nor require a license for a person 21 years of age or older, shall be a class 3 civil infraction.

(4) There is no civil or criminal penalty when a person under twenty-one years of age consumes marijuana or cannabis related products in the presence of their parent or guardian with the approval of the parent or guardian and out of view of the general public.

NEW SECTION. Sec. 3. Military personnel, active or retired, diagnosed with post

traumatic stress syndrome/disorder by a physician may use the affirmative defense in 69.51A.047 without any other recommendation.

Sec. 4 RCW 69.50.500 and 2012 c ... s 24 (Initiative Measure No. 502, approved November 6, 2012) are each amended to read as follows:

~~((a))~~ (1) It is hereby made the duty of the state board of pharmacy, the department, the state liquor control board, and their officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and all other states, relating to controlled substances as defined in this chapter.

~~((b))~~ (2) Employees of the department of health, who are so designated by the board as enforcement officers are declared to be peace officers and shall be vested with police powers to enforce the drug laws of this state, including this chapter.

(3) This section does not apply to marijuana-related offenses that are not also criminal offenses for persons over twenty-one years of age under the laws of Washington state.

Sec. 5. RCW 69.50.504 and 1971 ex.s. c 308 s 69.50.504 are each amended to read as follows:(1) The state board of pharmacy shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances.

(2) This section does not apply to marijuana-related offenses that are not also criminal offenses for persons 21 years of age or older under the laws of Washington state.

NEW SECTION. Sec. 6. A new section is added to chapter 46.20 RCW to read as follows: Recorded video evidence of impairment or determination of culpability in an accident must accompany THC concentration results tested under RCW 46.20.308 when presented as evidence in a criminal or civil trial.

NEW SECTION. Sec. 7. Sections 2, 3, and 8 of this act are each added to chapter 69.50 RCW.

NEW SECTION. Sec. 8.

(1) It is a misdemeanor for any employee or agent of the state of Washington to provide any information about marijuana or cannabis related activities to any federal government employee or agency for furtherance of any federal criminal investigation that would not also be a criminal violation for persons over 21 years of age under the laws of Washington state.

(2) It is a gross misdemeanor for any employee or agent of the state of Washington to assist in the arrest, prosecution, or detention of any person for any violation of federal laws relating to marijuana or cannabis that is not also a criminal violation for persons over 21 years of age under the laws of Washington state.

NEW SECTION. Sec. 9. In the event that any sections of this act are in conflict with any other laws codified in the Revised Code of Washington, the provisions of this Act shall control.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. The Attorney General shall vigorously defend this Act from all challenges by persons, officials, cities, counties, state or federal governments by all legal means

to the fullest extent possible; propose federal and/or international act or acts necessary to remove impediments to this chapter; deliver the proposed federal and/or international act or acts to each member of Congress and/or international organization; and urge adoption of the proposed federal and/or international act or acts through all legal and appropriate means.