

Initiative Measure No. 1422

filed January 12, 2016

AN ACT Relating to cannabis-related activities; adding new sections to chapter 69.50 RCW; amending RCW 69.50.500 and 69.50.504; adding new sections to chapter 69.50 RCW; creating new sections; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON

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

(1)(a) In 1937, the United States government instituted the federal marijuana tax stamp act beginning the prohibition on a botanical herb known as cannabis/hemp.

(b) The very term "marihuana" indicates the bigotry behind demonizing of a plant that has been around for more than ten thousand years, used by many cultures and religions for medical and spiritual purposes, as well as the most useful botanical herb on this planet:
Hemp.

(2)(a) In 1970, the United States government, going against reports saying otherwise, chose to classify the botanical herb known as cannabis/hemp as a Schedule I controlled substance with no medicinal value.

(b) A drug war began that has wasted trillions of dollars making criminals of thousands of non-violent offenders, made the United States have the highest incarceration rate per capita in the world, as well as killed and destroyed thousands of families' and individual's lives.

(3) In 2012, Washingtonians approved a new approach to the drug war with Initiative Measure No. 502. The people intend to ensure that a new approach to the drug war continues on cannabis-related offenses by:

(a) Giving a three strikes with penalties until a misdemeanor charge for any state employee or agent who chooses to share in or inform federal, criminal, or civil investigations that are not against state law;

(b) Giving a three strikes with penalties until a gross misdemeanor charge for any state employee or agent who chooses to assist in the arrest, prosecution, or detention of any person for any violation of federal laws that are not against state law;

(c) Making sure that all state law is consistent in the enforcement of state law over federal law for cannabis-related issues;

(d) Making the legislature and governor remove cannabis from the state controlled substance list; and

(e) Directing the attorney general to exam if the state controlled substance list was adopted properly into Washington state law, and if not, therefore doing so.

(4) Therefore, the people further strengthen cannabis reform in Washington state by enacting changes to the Revised Code of Washington.

NEW SECTION. **Sec. 2.** (a) The code reviser is directed to change all references to the racial slur "marijuana" in the Revised Code of Washington to "cannabis."

(b) The code reviser is directed to change the misspelling of the word "Useable" that appears throughout the Revised Code of Washington shall be corrected to the proper spelling of "Usable".

NEW SECTION. **Sec. 3.** A new section is added to chapter 69.50 RCW to read as follows:

(a) Pursuant to the provisions of this chapter, the enumeration of the cannabis plant and any cannabis plant-based tetrahydrocannabinols in chapter 69.50 RCW as a controlled substance does not apply to:

(1) The use, manufacture, delivery, transportation, not-for-profit transfer, or possession of cannabis plants, cannabis products, and cannabis plant-based tetrahydrocannabinols by all residents and non-residents of Washington state;

(2) The use, manufacture, delivery, transportation, sale, not-for-profit transfer, or possession of cannabis plants, cannabis products, and cannabis plant-based tetrahydrocannabinols by any licensed cannabis for recreational use retailers, licensed cannabis for recreational use producers, and licensed cannabis for recreational use processors; and

(3) Licensed cannabis research and testing facilities.

(b) Synthetic made derivatives of tetrahydrocannabinols, such as an example: marinol, are not subject to the protections of this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 69.50 RCW to read as follows:

(1) It is a class 1 civil infraction with a statutory assessment of five thousand dollars for any employee or agent of the state of Washington to provide any information regarding cannabis-related activities to any federal government employee or agency for furtherance of any federal criminal or civil investigation that would not also be a criminal or civil violation under the laws of Washington state. In addition, one hundred hours of community service assisting patients who are terminally ill or disabled is required. For each reoccurring offense, the class of infraction is elevated and the assessment doubled. After three subsequent offenses, it is a misdemeanor.

(2) It is a class 1 civil infraction with a statutory assessment of five thousand dollars 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 cannabis that is not also a criminal violation under the laws of Washington state. In addition, one hundred hours of community service assisting patients who are terminally ill or disabled is required. For each reoccurring offense, the class of infraction is elevated and the assessment doubled. After three subsequent offenses, it is a gross misdemeanor.

(3)(a) Fifty percent of all assessments collected for offenses committed under this section must be remitted to the department of social and health services.

(b) Fifty percent of all assessments collected for offenses committed under this section must be remitted to the department of social and health services, specifically with the division of behavioral health and recovery's crisis clinic.

Sec. 5. RCW 69.50.500 and 2013 c 3 s 24 (Initiative Measure No. 502) are each amended to read as follows:

~~((a))~~ (1) It is hereby made the duty of the ~~((state board of))~~ pharmacy quality assurance commission, the department, the state liquor and cannabis 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, the United States, 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 cannabis-related offenses that are not also criminal offenses under the laws of Washington state.

Sec. 6. RCW 69.50.504 and 2013 c 19 s 109 are each amended read as follows:

(1) The commission 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 cannabis-related offenses that are not also criminal offenses under the laws of Washington state.

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

(1) The Washington state legislature must pass a bill and the governor must sign it into law removing cannabis off the state controlled substance act by the end of legislative session 2017.

(a) If the legislature and governor fail to remove cannabis from the state controlled substance act by the end of legislative session 2017, the legislature and governor shall each be fined four thousand two hundred dollars, and receive an immediate forty-two percent pay cut after each legislative session that cannabis has not been removed from the state controlled substance list.

(b) All fines collected must go to the educational system of Washington state.

(2) The attorney general shall examine the state controlled substance list, as it may not have been properly adopted according to state law. If it has not been adopted properly, the attorney general must make sure that it is properly adopted as state law.

NEW SECTION. **Sec. 8.** No state, city, town, or county official may obtain federal funds, sign federal law enforcement contracts, or cooperate in any federal criminal investigation against anyone who is not in violation of Washington state laws on cannabis.

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, yet not limited to, persons, officials, cities, counties, state, or federal governments by all legal means to the fullest extent possible.

NEW SECTION. **Sec. 12.** This act may be known and cited as the Washington state cannabis freedom reform act.