

Initiative No. 1682

January 5, 2020

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-3730.1/20

ATTY/TYPIST: KB:akl

BRIEF DESCRIPTION:

Initiative No. 1682

January 5, 2020

AN ACT Relating to cannabis, marijuana, and hemp production, processing, and sales in residential zoned neighborhoods; adding a new section to chapter 69.50 RCW; creating new sections; prescribing penalties; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** The people intend to limit toxin exposure, prevent the disruption of vital utility services, and prevent the unlawful theft of utilities such as electricity and water that are essential for marijuana, cannabis, or hemp operations.

NEW SECTION. **Sec. 2.** A new section is added to chapter 69.50 RCW to read as follows:

(1) The production, processing, or sale of marijuana, cannabis, or hemp is unlawful in residential zoned neighborhoods.

(2) This section applies to marijuana, cannabis, or hemp tetrahydrocannabinol, cannabidiol, and cannabidiol products whether or not they are approved by the United States department of health and human services, the United States food and drug administration, or the United States department of agriculture for consumer use.

(3) A person, congregation of people, business entity, or corporation found to be in violation of the zoning laws for marijuana, cannabis, or hemp production, processing, or sales is subject to total confiscation of the property according to existing federal, state, and local laws.

(a) The violation is a class C felony punishable under chapter 9A.20 RCW and RCW 9A.82.100. A real property owner found in violation of this section is subject to a penalty of forfeiture and

seizure of the personal and real property. The forfeiture includes all homeowners in violation of the laws governing appropriate zoning for marijuana, cannabis, or hemp. The burden of screening any tenant with intent to occupy and conduct unlawful marijuana, cannabis, or hemp activities on the real property rests upon the legal owner of the real property, regardless of who has residency under the lease or rental agreement at the time law enforcement reports the violation. Trading between unregistered marijuana growers in any way or form, or whether in transit with and for the intent to benefit registered dispensaries will constitute negligence, and subject the owner to a five thousand dollar sanction. Any dispensary or retail business owner that receives any amount of Marijuana, cannabis, or hemp product, with or without THC properties, from a non-registered and illegal grower within a residential zoned neighborhood, shall be responsible for testing for contaminants within the residence by a licensed and bonded environmental testing laboratory. Testing shall be done within thirty days of the violation.

(b) Anyone found to be funneling currency or anything in trade to terror organizations that result from the sale and production of marijuana, cannabis, or hemp is subject to life in prison. The violation is a class A felony. Moreover, the legal owner of the real property may also serve life in prison for any and all liability resulting from dereliction of properly screening the tenant and terrorist.

(c) Anyone found to leave toxic residue without proper storage or disposal is subject to a one thousand dollar sanction payable to the local parks and recreation agency of that county or city where the crime occurs. Toxins are not limited to molds, chemicals, or plastic packaging and syringes.

(d) Anyone disregarding the homeland security laws by overstaying a visa or failing to enter at a port of entry of the United States and the state of Washington by seeking sanctuary within the cannabis grow houses is subject to a one thousand dollar sanction, five years in prison, or both, payable to the local parks

and recreation agency of that county or city where the crime occurs. Any person, congregation of people, business entity, or corporations engaging in commerce of any type outside a residential zone, and within a properly zoned area for marijuana, cannabis, or hemp must report to the department of homeland security by January 5th, and receive a zoning and health and safety code compliance verification annually. Compliance can also be verified through the Washington state patrol each year. Failure to obtain verification will subject the real property owner to a five thousand dollar sanction, applied to the mandatory sponsorship of a homeless family, or individual, for 12 consecutive months following the infraction.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Cannabis" means the dried tops of hemp plants (*Cannabis sativa*), which have euphoric principles (tetrahydrocannabinols), classified as a hallucinogen.

(b) "Forfeiture and seizure" means loss of legal title as a consequence to the violation of this section.

(c) "Hemp" has the meanings provided for "hemp" and "industrial hemp" in RCW 15.140.020.

(d) "Port of entry" means entry at any of the border crossings at: Blaine/Surrey; Point Roberts/Boundary Bay; Peace Arch; Lynden/Aldergrove; Sumas/Huntingdon; Nighthawk/Chopaka; Oroville/Osoyoos; Ferry/Midway; Danville/Carson; Laurier/Christina Lake; Frontier/Paterson; Boundary/Waneta; Metaline Falls/Nelway; Seattle-Tacoma international airport; Spokane international airport; Grant county international airport; William R. Fairchild international airport; Jefferson county international airport; Boeing field, King county international airport; Boeing Paine field, Snohomish county; Osoyoos Lake; and the Strait of Juan de Fuca.

(e) "Terror" means any method of harassment with the intent to cause mental or physical injury or death for the purpose of advancing the organization financially for its own destructive agenda.

(f) "Tetrahydrocannabinol" means either of two physiologically active isomers C₂₁H₃₀O₂ from hemp plant resin, the chief intoxicant in marijuana.

(g) "Toxin" means the residual chemicals and mold absorbed within the sheetrock and wood or construction materials that occur during irrigation and treatment of cannabis, marijuana, or hemp.

NEW SECTION. **Sec. 3.** This act must be liberally construed to carry out its policies, purposes, and intent.

NEW SECTION. **Sec. 4.** 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. 5.** This act may be known and cited as the cannabis crime shred act.

NEW SECTION. **Sec. 6.** This act takes effect January 1, 2021.

--- END ---