
HOUSE BILL 1449

State of Washington

69th Legislature

2025 Regular Session

By Representatives Kloba and Donaghy

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 69.50.401, and 69.50.101; reenacting and amending RCW 69.50.505; and
4 prescribing penalties.

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

6 **Sec. 1.** RCW 69.50.4013 and 2024 c 9 s 2 are each amended to read
7 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 unless
6 the cannabis-infused product in liquid form is packaged in individual
7 units containing no more than four milligrams of THC per unit;

8 (iv) 100 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 (v) Three and one-half grams of cannabis concentrates.

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

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

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

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

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

28 (7)(a) Except as provided in (b) of this subsection (7), the
29 production and possession by a person 21 years of age or older of no
30 more than six plants and the cannabis and cannabis products derived
31 from those plants, on the premises of the housing unit occupied by
32 the person, is not a violation of this section, this chapter, or any
33 other provision of Washington state law. No more than 15 plants may
34 be produced at any one time on the premises of a single housing unit,
35 regardless of the number of residents living on the premises of the
36 housing unit.

37 (b) It is a class 3 civil infraction punishable under chapter
38 7.80 RCW for a person to produce or knowingly possess plants or
39 cannabis and cannabis products derived from those plants, as

1 otherwise authorized in this subsection (7), if the plants, cannabis,
2 or cannabis products:

3 (i) Can be readily smelled from a public place or the private
4 property of another housing unit; or

5 (ii) Are visible within the ordinary public view.

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

7 (i) It is a class 1 civil infraction punishable under chapter
8 7.80 RCW for a person to produce and knowingly possess more than six
9 plants but fewer than 16 plants; and

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

12 (d) An investigating law enforcement officer or agency may seize
13 and summarily destroy any plants produced or possessed by a person in
14 excess of the six plants authorized under this subsection (7), if the
15 person is not authorized to produce and possess the additional plants
16 under RCW 69.50.325 or chapter 69.51A RCW.

17 (e) The board has no authority or responsibility to investigate
18 or enforce requirements in this subsection (7). Nothing in this
19 subsection (7)(e) limits the board's authority to enforce state laws
20 related to commercial cannabis production, processing, or sales, when
21 there is evidence of a violation of another provision of this
22 chapter.

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

24 (a) "Housing unit" has the meaning provided in RCW 69.51A.010.

25 (b) "Ordinary public view" means within the sight line with
26 normal visual range of a person, unassisted by any elevating devices
27 or visual aids, from a public street or sidewalk adjacent to real
28 property, or from within an adjacent property.

29 (c) "Public place" has the same meaning as defined in RCW
30 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

31 (~~(8) For the purposes of this section, "use)~~

32 (d) "Use a controlled substance" means to introduce the substance
33 into the human body by injection, inhalation, ingestion, or any other
34 means.

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

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

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

2 (a) A controlled substance classified in Schedule I or II which
3 is a narcotic drug or flunitrazepam, including its salts, isomers,
4 and salts of isomers, classified in Schedule IV, is guilty of a class
5 B felony and upon conviction may be imprisoned for not more than
6 ~~((ten))~~ 10 years, or (i) fined not more than ~~((twenty-five thousand
7 dollars))~~ \$25,000 if the crime involved less than two kilograms of
8 the drug, or both such imprisonment and fine; or (ii) if the crime
9 involved two or more kilograms of the drug, then fined not more than
10 ~~((one hundred thousand dollars))~~ \$100,000 for the first two kilograms
11 and not more than ~~((fifty dollars))~~ \$50 for each gram in excess of
12 two kilograms, or both such imprisonment and fine;

13 (b) Amphetamine, including its salts, isomers, and salts of
14 isomers, or methamphetamine, including its salts, isomers, and salts
15 of isomers, is guilty of a class B felony and upon conviction may be
16 imprisoned for not more than ~~((ten))~~ 10 years, or (i) fined not more
17 than ~~((twenty-five thousand dollars))~~ \$25,000 if the crime involved
18 less than two kilograms of the drug, or both such imprisonment and
19 fine; or (ii) if the crime involved two or more kilograms of the
20 drug, then fined not more than ~~((one hundred thousand dollars))~~
21 \$100,000 for the first two kilograms and not more than ~~((fifty
22 dollars))~~ \$50 for each gram in excess of two kilograms, or both such
23 imprisonment and fine. ~~((Three thousand dollars))~~ \$3,000 of the fine
24 may not be suspended. As collected, the first ~~((three thousand
25 dollars))~~ \$3,000 of the fine must be deposited with the law
26 enforcement agency having responsibility for cleanup of laboratories,
27 sites, or substances used in the manufacture of the methamphetamine,
28 including its salts, isomers, and salts of isomers. The fine moneys
29 deposited with that law enforcement agency must be used for such
30 clean-up cost;

31 (c) Any other controlled substance classified in Schedule I, II,
32 or III, is guilty of a class C felony punishable according to chapter
33 9A.20 RCW, except as provided in RCW 69.50.475 or 69.50.4013(7);

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

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

39 (3) The production, manufacture, processing, packaging, delivery,
40 distribution, sale, or possession of cannabis in compliance with the

1 terms set forth in RCW 69.50.360, 69.50.363, or 69.50.366 shall not
2 constitute a violation of this section, this chapter, or any other
3 provision of Washington state law.

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

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

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

9 (a) All controlled substances which have been manufactured,
10 distributed, dispensed, acquired, or possessed in violation of this
11 chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals,
12 as defined in RCW 64.44.010, used or intended to be used in the
13 manufacture of controlled substances;

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

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

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

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

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

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

36 (iv) A forfeiture of a conveyance encumbered by a bona fide
37 security interest is subject to the interest of the secured party if
38 the secured party neither had knowledge of nor consented to the act
39 or omission; and

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

6 (e) All books, records, and research products and materials,
7 including formulas, microfilm, tapes, and data which are used, or
8 intended for use, in violation of this chapter or chapter 69.41 or
9 69.52 RCW;

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

13 (g) All moneys, negotiable instruments, securities, or other
14 tangible or intangible property of value furnished or intended to be
15 furnished by any person in exchange for a controlled substance in
16 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible
17 or intangible personal property, proceeds, or assets acquired in
18 whole or in part with proceeds traceable to an exchange or series of
19 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
20 and all moneys, negotiable instruments, and securities used or
21 intended to be used to facilitate any violation of this chapter or
22 chapter 69.41 or 69.52 RCW. A forfeiture of money, negotiable
23 instruments, securities, or other tangible or intangible property
24 encumbered by a bona fide security interest is subject to the
25 interest of the secured party if, at the time the security interest
26 was created, the secured party neither had knowledge of nor consented
27 to the act or omission. No personal property may be forfeited under
28 this subsection (1)(g), to the extent of the interest of an owner, by
29 reason of any act or omission which that owner establishes was
30 committed or omitted without the owner's knowledge or consent; and

31 (h) All real property, including any right, title, and interest
32 in the whole of any lot or tract of land, and any appurtenances or
33 improvements which are being used with the knowledge of the owner for
34 the manufacturing, compounding, processing, delivery, importing, or
35 exporting of any controlled substance, or which have been acquired in
36 whole or in part with proceeds traceable to an exchange or series of
37 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
38 if such activity is not less than a class C felony and a substantial
39 nexus exists between the commercial production or sale of the
40 controlled substance and the real property. However:

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

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

8 (iii) The acquisition, delivery, production, or possession of
9 cannabis, useable cannabis, cannabis concentrates, or cannabis-
10 infused products including in the manner and in the amount provided
11 in RCW 69.50.4013(7), shall not result in the forfeiture of real
12 property unless the cannabis is possessed for commercial purposes
13 that are unlawful under Washington state law, the amount possessed is
14 ~~((five))~~ 16 or more plants or, except as authorized in RCW
15 69.50.4013(7), one pound or more of cannabis, and a substantial nexus
16 exists between the possession of cannabis and the real property. In
17 such a case, the intent of the offender shall be determined by the
18 preponderance of the evidence, including the offender's prior
19 criminal history, the amount of cannabis possessed by the offender,
20 the sophistication of the activity or equipment used by the offender,
21 whether the offender was licensed to produce, process, or sell
22 cannabis, or was an employee of a licensed producer, processor, or
23 retailer, and other evidence which demonstrates the offender's intent
24 to engage in unlawful commercial activity;

25 (iv) The unlawful sale of cannabis or a legend drug shall not
26 result in the forfeiture of real property unless the sale was
27 ~~((forty))~~ 40 grams or more in the case of cannabis or ~~((one hundred~~
28 ~~dollars))~~ \$100 or more in the case of a legend drug, and a
29 substantial nexus exists between the unlawful sale and the real
30 property; and

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

35 (2) Real or personal property subject to forfeiture under this
36 chapter may be seized by any commission inspector or law enforcement
37 officer of this state upon process issued by any superior court
38 having jurisdiction over the property. Seizure of real property shall
39 include the filing of a lis pendens by the seizing agency. Real
40 property seized under this section shall not be transferred or

1 otherwise conveyed until (~~ninety~~) 90 days after seizure or until a
2 judgment of forfeiture is entered, whichever is later(~~(:—PROVIDED,~~
3 ~~That)~~). However, real property seized under this section may be
4 transferred or conveyed to any person or entity who acquires title by
5 foreclosure or deed in lieu of foreclosure of a security interest.
6 Seizure of personal property without process may be made if:

7 (a) The seizure is incident to an arrest or a search under a
8 search warrant or an inspection under an administrative inspection
9 warrant;

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

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

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

19 (3) In the event of seizure pursuant to subsection (2) of this
20 section, proceedings for forfeiture shall be deemed commenced by the
21 seizure. The law enforcement agency under whose authority the seizure
22 was made shall cause notice to be served within (~~fifteen~~) 15 days
23 following the seizure on the owner of the property seized and the
24 person in charge thereof and any person having any known right or
25 interest therein, including any community property interest, of the
26 seizure and intended forfeiture of the seized property. Service of
27 notice of seizure of real property shall be made according to the
28 rules of civil procedure. However, the state may not obtain a default
29 judgment with respect to real property against a party who is served
30 by substituted service absent an affidavit stating that a good faith
31 effort has been made to ascertain if the defaulted party is
32 incarcerated within the state, and that there is no present basis to
33 believe that the party is incarcerated within the state. Notice of
34 seizure in the case of property subject to a security interest that
35 has been perfected by filing a financing statement in accordance with
36 chapter 62A.9A RCW, or a certificate of title, shall be made by
37 service upon the secured party or the secured party's assignee at the
38 address shown on the financing statement or the certificate of title.
39 The notice of seizure in other cases may be served by any method
40 authorized by law or court rule including but not limited to service

1 by certified mail with return receipt requested. Service by mail
2 shall be deemed complete upon mailing within the (~~fifteen~~) 15-day
3 period following the seizure.

4 (4) If no person notifies the seizing law enforcement agency in
5 writing of the person's claim of ownership or right to possession of
6 items specified in subsection (1)(d), (g), or (h) of this section
7 within (~~forty-five~~) 45 days of the service of notice from the
8 seizing agency in the case of personal property and (~~ninety~~) 90
9 days in the case of real property, the item seized shall be deemed
10 forfeited. The community property interest in real property of a
11 person whose spouse or domestic partner committed a violation giving
12 rise to seizure of the real property may not be forfeited if the
13 person did not participate in the violation.

14 (5) If any person notifies the seizing law enforcement agency in
15 writing of the person's claim of ownership or right to possession of
16 items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h)
17 of this section within (~~forty-five~~) 45 days of the service of
18 notice from the seizing agency in the case of personal property and
19 (~~ninety~~) 90 days in the case of real property, the person or
20 persons shall be afforded a reasonable opportunity to be heard as to
21 the claim or right. The notice of claim may be served by any method
22 authorized by law or court rule including, but not limited to,
23 service by first-class mail. Service by mail shall be deemed complete
24 upon mailing within the (~~forty-five~~) 45-day period following
25 service of the notice of seizure in the case of personal property and
26 within the (~~ninety~~) 90-day period following service of the notice
27 of seizure in the case of real property. The hearing shall be before
28 the chief law enforcement officer of the seizing agency or the chief
29 law enforcement officer's designee, except where the seizing agency
30 is a state agency as defined in RCW 34.12.020(4), the hearing shall
31 be before the chief law enforcement officer of the seizing agency or
32 an administrative law judge appointed under chapter 34.12 RCW, except
33 that any person asserting a claim or right may remove the matter to a
34 court of competent jurisdiction. Removal of any matter involving
35 personal property may only be accomplished according to the rules of
36 civil procedure. The person seeking removal of the matter must serve
37 process against the state, county, political subdivision, or
38 municipality that operates the seizing agency, and any other party of
39 interest, in accordance with RCW 4.28.080 or 4.92.020, within
40 (~~forty-five~~) 45 days after the person seeking removal has notified

1 the seizing law enforcement agency of the person's claim of ownership
2 or right to possession. The court to which the matter is to be
3 removed shall be the district court when the aggregate value of
4 personal property is within the jurisdictional limit set forth in RCW
5 3.66.020. A hearing before the seizing agency and any appeal
6 therefrom shall be under Title 34 RCW. In all cases, the burden of
7 proof is upon the law enforcement agency to establish, by a
8 preponderance of the evidence, that the property is subject to
9 forfeiture.

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

16 (6) In any proceeding to forfeit property under this title, where
17 the claimant substantially prevails, the claimant is entitled to
18 reasonable attorneys' fees reasonably incurred by the claimant. In
19 addition, in a court hearing between two or more claimants to the
20 article or articles involved, the prevailing party is entitled to a
21 judgment for costs and reasonable attorneys' fees.

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

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

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

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

32 (d) Forward it to the drug enforcement administration for
33 disposition.

34 (8)(a) When property is forfeited, the seizing agency shall keep
35 a record indicating the identity of the prior owner, if known, a
36 description of the property, the disposition of the property, the
37 value of the property at the time of seizure, and the amount of
38 proceeds realized from disposition of the property.

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

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

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

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

14 (b) The net proceeds of forfeited property is the value of the
15 forfeitable interest in the property after deducting the cost of
16 satisfying any bona fide security interest to which the property is
17 subject at the time of seizure; and in the case of sold property,
18 after deducting the cost of sale, including reasonable fees or
19 commissions paid to independent selling agents, and the cost of any
20 valid landlord's claim for damages under subsection (15) of this
21 section.

22 (c) The value of sold forfeited property is the sale price. The
23 value of retained forfeited property is the fair market value of the
24 property at the time of seizure, determined when possible by
25 reference to an applicable commonly used index, such as the index
26 used by the department of licensing for valuation of motor vehicles.
27 A seizing agency may use, but need not use, an independent qualified
28 appraiser to determine the value of retained property. If an
29 appraiser is used, the value of the property appraised is net of the
30 cost of the appraisal. The value of destroyed property and retained
31 firearms or illegal property is zero.

32 (10) Forfeited property and net proceeds not required to be
33 remitted to the state shall be retained by the seizing law
34 enforcement agency exclusively for the expansion and improvement of
35 controlled substances related law enforcement activity. Money
36 retained under this section may not be used to supplant preexisting
37 funding sources.

38 (11) Controlled substances listed in Schedule I, II, III, IV, and
39 V that are possessed, transferred, sold, or offered for sale in
40 violation of this chapter are contraband and shall be seized and

1 summarily forfeited to the state. Controlled substances listed in
2 Schedule I, II, III, IV, and V, which are seized or come into the
3 possession of the commission, the owners of which are unknown, are
4 contraband and shall be summarily forfeited to the commission.

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

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

16 (14) Upon the entry of an order of forfeiture of real property,
17 the court shall forward a copy of the order to the assessor of the
18 county in which the property is located. Orders for the forfeiture of
19 real property shall be entered by the superior court, subject to
20 court rules. Such an order shall be filed by the seizing agency in
21 the county auditor's records in the county in which the real property
22 is located.

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

26 (i) A law enforcement officer, while acting in his or her
27 official capacity, directly caused damage to the complaining
28 landlord's property while executing a search of a tenant's residence;
29 and

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

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

1 (B) Only if the governmental entity denies or fails to respond to
2 the landlord's claim within (~~sixty~~) 60 days of the date of filing,
3 may the landlord collect damages under this subsection by filing
4 within (~~thirty~~) 30 days of denial or the expiration of the
5 (~~sixty~~) 60-day period, whichever occurs first, a claim with the
6 seizing law enforcement agency. The seizing law enforcement agency
7 must notify the landlord of the status of the claim by the end of the
8 (~~thirty~~) 30-day period. Nothing in this section requires the claim
9 to be paid by the end of the (~~sixty-day or thirty-day~~) 60-day or
10 30-day period.

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

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

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

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

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

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

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

27 (d) The proceeds available after the seizing law enforcement
28 agency satisfies any bona fide security interest in the tenant's
29 property and costs related to sale of the tenant's property as
30 provided by subsection (9)(b) of this section.

31 (17) Subsections (15) and (16) of this section do not limit any
32 other rights a landlord may have against a tenant to collect for
33 damages. However, if a law enforcement agency satisfies a landlord's
34 claim under subsection (15) of this section, the rights the landlord
35 has against the tenant for damages directly caused by a law
36 enforcement officer under the terms of the landlord and tenant's
37 contract are subrogated to the law enforcement agency.

38 **Sec. 4.** RCW 69.50.101 and 2024 c 62 s 17 are each amended to
39 read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Administer" means to apply a controlled substance, whether
4 by injection, inhalation, ingestion, or any other means, directly to
5 the body of a patient or research subject by:

6 (a) a practitioner authorized to prescribe (or, by the
7 practitioner's authorized agent); or

8 (b) the patient or research subject at the direction and in the
9 presence of the practitioner.

10 (2) "Agent" means an authorized person who acts on behalf of or
11 at the direction of a manufacturer, distributor, or dispenser. It
12 does not include a common or contract carrier, public
13 warehouseperson, or employee of the carrier or warehouseperson.

14 (3) "Board" means the Washington state liquor and cannabis board.

15 (4) "Cannabis" means all parts of the plant *Cannabis*, whether
16 growing or not, with a THC concentration greater than 0.3 percent on
17 a dry weight basis during the growing cycle through harvest and
18 usable cannabis. "Cannabis" does not include hemp or industrial hemp
19 as defined in RCW 15.140.020, or seeds used for licensed hemp
20 production under chapter 15.140 RCW.

21 (5) "Cannabis concentrates" means products consisting wholly or
22 in part of the resin extracted from any part of the plant *Cannabis*
23 and having a THC concentration greater than (~~ten~~) 10 percent.

24 (6) "Cannabis processor" means a person licensed by the board to
25 process cannabis into cannabis concentrates, useable cannabis, and
26 cannabis-infused products, package and label cannabis concentrates,
27 useable cannabis, and cannabis-infused products for sale in retail
28 outlets, and sell cannabis concentrates, useable cannabis, and
29 cannabis-infused products at wholesale to cannabis retailers.

30 (7) "Cannabis producer" means a person licensed by the board to
31 produce and sell cannabis at wholesale to cannabis processors and
32 other cannabis producers.

33 (8) (a) "Cannabis products" means useable cannabis, cannabis
34 concentrates, and cannabis-infused products as defined in this
35 section, including any product intended to be consumed or absorbed
36 inside the body by any means including inhalation, ingestion, or
37 insertion, with any detectable amount of THC.

38 (b) "Cannabis products" also means any product containing only
39 THC content.

1 (c) "Cannabis products" does not include cannabis health and
2 beauty aids as defined in RCW 69.50.575 or products approved by the
3 United States food and drug administration.

4 (9) "Cannabis researcher" means a person licensed by the board to
5 produce, process, and possess cannabis for the purposes of conducting
6 research on cannabis and cannabis-derived drug products.

7 (10) "Cannabis retailer" means a person licensed by the board to
8 sell cannabis concentrates, useable cannabis, and cannabis-infused
9 products in a retail outlet.

10 (11) "Cannabis-infused products" means products that contain
11 cannabis or cannabis extracts, are intended for human use, are
12 derived from cannabis as defined in subsection (4) of this section,
13 and have a THC concentration no greater than (~~ten~~) 10 percent. The
14 term "cannabis-infused products" does not include either useable
15 cannabis or cannabis concentrates.

16 (12) "CBD concentration" has the meaning provided in RCW
17 69.51A.010.

18 (13) "CBD product" means any product containing or consisting of
19 cannabidiol.

20 (14) "Commercial activity" means an activity related to or
21 connected with buying, selling, or bartering.

22 (15) "Commission" means the pharmacy quality assurance
23 commission.

24 (~~(15)~~) (16) "Controlled substance" means a drug, substance, or
25 immediate precursor included in Schedules I through V as set forth in
26 federal or state laws, or federal or commission rules, but does not
27 include hemp or industrial hemp as defined in RCW 15.140.020.

28 (~~(16)~~) (17) (a) "Controlled substance analog" means a substance
29 the chemical structure of which is substantially similar to the
30 chemical structure of a controlled substance in Schedule I or II and:

31 (i) that has a stimulant, depressant, or hallucinogenic effect on
32 the central nervous system substantially similar to the stimulant,
33 depressant, or hallucinogenic effect on the central nervous system of
34 a controlled substance included in Schedule I or II; or

35 (ii) with respect to a particular individual, that the individual
36 represents or intends to have a stimulant, depressant, or
37 hallucinogenic effect on the central nervous system substantially
38 similar to the stimulant, depressant, or hallucinogenic effect on the
39 central nervous system of a controlled substance included in Schedule
40 I or II.

1 (b) The term does not include:
2 (i) a controlled substance;
3 (ii) a substance for which there is an approved new drug
4 application;
5 (iii) a substance with respect to which an exemption is in effect
6 for investigational use by a particular person under Section 505 of
7 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
8 chapter 69.77 RCW to the extent conduct with respect to the substance
9 is pursuant to the exemption; or
10 (iv) any substance to the extent not intended for human
11 consumption before an exemption takes effect with respect to the
12 substance.
13 (~~(17)~~) (18) "Deliver" or "delivery" means the actual or
14 constructive transfer from one person to another of a substance,
15 whether or not there is an agency relationship.
16 (~~(18)~~) (19) "Department" means the department of health.
17 (~~(19)~~) (20) "Designated provider" has the meaning provided in
18 RCW 69.51A.010.
19 (~~(20)~~) (21) "Dispense" means the interpretation of a
20 prescription or order for a controlled substance and, pursuant to
21 that prescription or order, the proper selection, measuring,
22 compounding, labeling, or packaging necessary to prepare that
23 prescription or order for delivery.
24 (~~(21)~~) (22) "Dispenser" means a practitioner who dispenses.
25 (~~(22)~~) (23) "Distribute" means to deliver other than by
26 administering or dispensing a controlled substance.
27 (~~(23)~~) (24) "Distributor" means a person who distributes.
28 (~~(24)~~) (25) "Drug" means (a) a controlled substance recognized
29 as a drug in the official United States pharmacopoeia/national
30 formulary or the official homeopathic pharmacopoeia of the United
31 States, or any supplement to them; (b) controlled substances intended
32 for use in the diagnosis, cure, mitigation, treatment, or prevention
33 of disease in individuals or animals; (c) controlled substances
34 (other than food) intended to affect the structure or any function of
35 the body of individuals or animals; and (d) controlled substances
36 intended for use as a component of any article specified in (a), (b),
37 or (c) of this subsection. The term does not include devices or their
38 components, parts, or accessories.

1 (~~(25)~~) (26) "Drug enforcement administration" means the drug
2 enforcement administration in the United States Department of
3 Justice, or its successor agency.

4 (~~(26)~~) (27) "Electronic communication of prescription
5 information" means the transmission of a prescription or refill
6 authorization for a drug of a practitioner using computer systems.
7 The term does not include a prescription or refill authorization
8 verbally transmitted by telephone nor a facsimile manually signed by
9 the practitioner.

10 (~~(27)~~) (28) "Immature plant or clone" means a plant or clone
11 that has no flowers, is less than (~~(twelve)~~) 12 inches in height, and
12 is less than (~~(twelve)~~) 12 inches in diameter.

13 (~~(28)~~) (29) "Immediate precursor" means a substance:

14 (a) that the commission has found to be and by rule designates as
15 being the principal compound commonly used, or produced primarily for
16 use, in the manufacture of a controlled substance;

17 (b) that is an immediate chemical intermediary used or likely to
18 be used in the manufacture of a controlled substance; and

19 (c) the control of which is necessary to prevent, curtail, or
20 limit the manufacture of the controlled substance.

21 (~~(29)~~) (30) "Isomer" means an optical isomer, but in subsection
22 (~~(33)~~) (34) (e) of this section, RCW 69.50.204(1) (l) and (hh), and
23 69.50.206(2)(d), the term includes any geometrical isomer; in RCW
24 69.50.204(1) (h) and (pp) (~~(r)~~) and 69.50.210(3) (~~(r)~~), the term
25 includes any positional isomer; and in RCW 69.50.204(1)(ii),
26 69.50.204(3), and 69.50.208(1) (~~(r)~~), the term includes any
27 positional or geometric isomer.

28 (~~(30)~~) (31) "Lot" means a definite quantity of cannabis,
29 cannabis concentrates, useable cannabis, or cannabis-infused product
30 identified by a lot number, every portion or package of which is
31 uniform within recognized tolerances for the factors that appear in
32 the labeling.

33 (~~(31)~~) (32) "Lot number" must identify the licensee by business
34 or trade name and Washington state unified business identifier
35 number, and the date of harvest or processing for each lot of
36 cannabis, cannabis concentrates, useable cannabis, or cannabis-
37 infused product.

38 (~~(32)~~) (33) "Manufacture" means the production, preparation,
39 propagation, compounding, conversion, or processing of a controlled
40 substance, either directly or indirectly or by extraction from

1 substances of natural origin, or independently by means of chemical
2 synthesis, or by a combination of extraction and chemical synthesis,
3 and includes any packaging or repackaging of the substance or
4 labeling or relabeling of its container. The term does not include
5 the preparation, compounding, packaging, repackaging, labeling, or
6 relabeling of a controlled substance:

7 (a) by a practitioner as an incident to the practitioner's
8 administering or dispensing of a controlled substance in the course
9 of the practitioner's professional practice; or

10 (b) by a practitioner, or by the practitioner's authorized agent
11 under the practitioner's supervision, for the purpose of, or as an
12 incident to, research, teaching, or chemical analysis and not for
13 sale.

14 ~~((33))~~ (34) "Narcotic drug" means any of the following, whether
15 produced directly or indirectly by extraction from substances of
16 vegetable origin, or independently by means of chemical synthesis, or
17 by a combination of extraction and chemical synthesis:

18 (a) Opium, opium derivative, and any derivative of opium or opium
19 derivative, including their salts, isomers, and salts of isomers,
20 whenever the existence of the salts, isomers, and salts of isomers is
21 possible within the specific chemical designation. The term does not
22 include the isoquinoline alkaloids of opium.

23 (b) Synthetic opiate and any derivative of synthetic opiate,
24 including their isomers, esters, ethers, salts, and salts of isomers,
25 esters, and ethers, whenever the existence of the isomers, esters,
26 ethers, and salts is possible within the specific chemical
27 designation.

28 (c) Poppy straw and concentrate of poppy straw.

29 (d) Coca leaves, except coca leaves and extracts of coca leaves
30 from which cocaine, ecgonine, and derivatives or ecgonine or their
31 salts have been removed.

32 (e) Cocaine, or any salt, isomer, or salt of isomer thereof.

33 (f) Cocaine base.

34 (g) Ecgonine, or any derivative, salt, isomer, or salt of isomer
35 thereof.

36 (h) Any compound, mixture, or preparation containing any quantity
37 of any substance referred to in (a) through (g) of this subsection.

38 ~~((34))~~ (35) "Opiate" means any substance having an addiction-
39 forming or addiction-sustaining liability similar to morphine or
40 being capable of conversion into a drug having addiction-forming or

1 addiction-sustaining liability. The term includes opium, substances
2 derived from opium (opium derivatives), and synthetic opiates. The
3 term does not include, unless specifically designated as controlled
4 under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-
5 methylmorphinan and its salts (dextromethorphan). The term includes
6 the racemic and levorotatory forms of dextromethorphan.

7 ~~((35))~~ (36) "Opium poppy" means the plant of the species
8 *Papaver somniferum* L., except its seeds.

9 ~~((36))~~ (37) "Package" means a container that has a single unit
10 or group of units.

11 ~~((37))~~ (38) "Person" means individual, corporation, business
12 trust, estate, trust, partnership, association, joint venture,
13 government, governmental subdivision or agency, or any other legal or
14 commercial entity.

15 ~~((38))~~ (39) "Plant" has the meaning provided in RCW 69.51A.010.

16 ~~((39))~~ (40) "Poppy straw" means all parts, except the seeds, of
17 the opium poppy, after mowing.

18 ~~((40))~~ (41) "Practitioner" means:

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

35 (b) A pharmacy, hospital or other institution licensed,
36 registered, or otherwise permitted to distribute, dispense, conduct
37 research with respect to or to administer a controlled substance in
38 the course of professional practice or research in this state.

39 (c) A physician licensed to practice medicine and surgery, a
40 physician licensed to practice osteopathic medicine and surgery, a

1 dentist licensed to practice dentistry, a podiatric physician and
2 surgeon licensed to practice podiatric medicine and surgery, a
3 licensed physician assistant or a licensed osteopathic physician
4 assistant specifically approved to prescribe controlled substances by
5 his or her state's medical commission or equivalent and his or her
6 participating physician as defined in RCW 18.71A.010, an advanced
7 registered nurse practitioner licensed to prescribe controlled
8 substances, or a veterinarian licensed to practice veterinary
9 medicine in any state of the United States.

10 ~~((41))~~ (42) "Prescription" means an order for controlled
11 substances issued by a practitioner duly authorized by law or rule in
12 the state of Washington to prescribe controlled substances within the
13 scope of his or her professional practice for a legitimate medical
14 purpose.

15 ~~((42))~~ (43) "Production" includes the manufacturing, planting,
16 cultivating, growing, or harvesting of a controlled substance.

17 ~~((43))~~ (44) "Qualifying patient" has the meaning provided in
18 RCW 69.51A.010.

19 ~~((44))~~ (45) "Recognition card" has the meaning provided in RCW
20 69.51A.010.

21 ~~((45))~~ (46) "Retail outlet" means a location licensed by the
22 board for the retail sale of cannabis concentrates, useable cannabis,
23 and cannabis-infused products.

24 ~~((46))~~ (47) "Secretary" means the secretary of health or the
25 secretary's designee.

26 ~~((47))~~ (48) "Social equity plan" means a plan that addresses at
27 least some of the elements outlined in this subsection ~~((47))~~ (48),
28 along with any additional plan components or requirements approved by
29 the board following consultation with the task force created in RCW
30 69.50.336. The plan may include:

31 (a) A statement that indicates how the cannabis licensee will
32 work to promote social equity goals in their community;

33 (b) A description of how the cannabis licensee will meet social
34 equity goals as defined in RCW 69.50.335;

35 (c) The composition of the workforce the licensee has employed or
36 intends to hire; and

37 (d) Business plans involving partnerships or assistance to
38 organizations or residents with connections to populations with a
39 history of high rates of enforcement of cannabis prohibition.

1 (~~(48)~~) (49) "State," unless the context otherwise requires,
2 means a state of the United States, the District of Columbia, the
3 Commonwealth of Puerto Rico, or a territory or insular possession
4 subject to the jurisdiction of the United States.

5 (~~(49)~~) (50) "THC concentration" means percent of
6 tetrahydrocannabinol content of any part of the plant *Cannabis*, or
7 per volume or weight of cannabis product, or the combined percent of
8 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of
9 the plant *Cannabis* regardless of moisture content.

10 (~~(50)~~) (51) "Ultimate user" means an individual who lawfully
11 possesses a controlled substance for the individual's own use or for
12 the use of a member of the individual's household or for
13 administering to an animal owned by the individual or by a member of
14 the individual's household.

15 (~~(51)~~) (52) "Unit" means an individual consumable item within a
16 package of one or more consumable items in solid, liquid, gas, or any
17 form intended for human consumption.

18 (~~(52)~~) (53) "Useable cannabis" means dried cannabis flowers.
19 The term "useable cannabis" does not include either cannabis-infused
20 products or cannabis concentrates.

21 (~~(53)~~) (54) "Youth access" means the level of interest persons
22 under the age of (~~(twenty-one)~~) 21 may have in a vapor product, as
23 well as the degree to which the product is available or appealing to
24 such persons, and the likelihood of initiation, use, or addiction by
25 adolescents and young adults.

--- END ---