
HOUSE BILL 1776

State of Washington

64th Legislature

2015 Regular Session

By Representatives Condotta and Hurst

Read first time 01/28/15. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to transportation and delivery services for
2 licensed marijuana producers, marijuana processors, and marijuana
3 retailers; amending RCW 69.50.4013, 69.50.4014, and 18.170.020; and
4 adding new sections to chapter 69.50 RCW.

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

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

8 (1) A licensed marijuana producer, marijuana processor, or
9 marijuana retailer, or their employees, in accordance with the
10 requirements of this chapter and the administrative rules adopted
11 thereunder, may use the services of a common carrier subject to
12 regulation under chapters 81.28 and 81.29 RCW and licensed in
13 compliance with the regulations established under section 2 of this
14 act, to physically transport or deliver marijuana, useable marijuana,
15 marijuana concentrates, and marijuana-infused products within the
16 state.

17 (2) An employee of a common carrier engaged in marijuana-related
18 transportation or delivery services authorized under subsection (1)
19 of this section is prohibited from carrying or using a firearm during
20 the course of providing such services, unless:

1 (a) Pursuant to section 2 of this act, the state liquor control
2 board explicitly authorizes the carrying or use of firearms by such
3 employee while engaged in the transportation or delivery services;

4 (b) The employee has an armed private security guard license
5 issued pursuant to RCW 18.170.040; and

6 (c) The employee is in full compliance with the regulations
7 established by the state liquor control board under section 2 of this
8 act.

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

11 (1) The state liquor control board must adopt rules providing for
12 an annual licensing procedure of a common carrier who seeks to
13 transport or deliver marijuana, useable marijuana, marijuana
14 concentrates, and marijuana-infused products within the state.

15 (2) The rules for licensing must:

16 (a) Establish criteria for considering the approval or denial of
17 a common carrier's original application or renewal application;

18 (b) Provide minimum qualifications for any employee authorized to
19 drive or operate the transportation or delivery vehicle, including a
20 minimum age of at least twenty-one years;

21 (c) Address the safety of the employees transporting or
22 delivering the products, including issues relating to the carrying of
23 firearms by such employees;

24 (d) Address the security of the products being transported,
25 including a system of electronically tracking all products at both
26 the point of pickup and the point of delivery; and

27 (e) Set reasonable fees for the application and licensing
28 process.

29 (3) The state liquor control board may adopt rules establishing
30 the maximum amounts of marijuana, useable marijuana, marijuana
31 concentrates, and marijuana-infused products that may be physically
32 transported or delivered at one time by a common carrier as provided
33 under section 1 of this act.

34 **Sec. 3.** RCW 69.50.4013 and 2013 c 3 s 20 are each amended to
35 read as follows:

36 (1) It is unlawful for any person to possess a controlled
37 substance unless the substance was obtained directly from, or
38 pursuant to, a valid prescription or order of a practitioner while

1 acting in the course of his or her professional practice, or except
2 as otherwise authorized by this chapter.

3 (2) Except as provided in RCW 69.50.4014, any person who violates
4 this section is guilty of a class C felony punishable under chapter
5 9A.20 RCW.

6 (3)(a) The possession, by a person twenty-one years of age or
7 older, of useable marijuana or marijuana-infused products in amounts
8 that do not exceed those set forth in RCW 69.50.360(3) is not a
9 violation of this section, this chapter, or any other provision of
10 Washington state law.

11 (b) The possession of marijuana, useable marijuana, marijuana
12 concentrates, and marijuana-infused products being physically
13 transported or delivered within the state, in amounts not exceeding
14 those that may be established under section 2(3) of this act, by an
15 employee of a common carrier when performing the duties authorized
16 under section 1 of this act, is not a violation of this section, this
17 chapter, or any other provision of Washington state law.

18 **Sec. 4.** RCW 69.50.4014 and 2003 c 53 s 335 are each amended to
19 read as follows:

20 Except as provided in RCW 69.50.401(2)(c) or as otherwise
21 authorized by this chapter, any person found guilty of possession of
22 forty grams or less of (~~marihuana~~) marijuana is guilty of a
23 misdemeanor.

24 **Sec. 5.** RCW 18.170.020 and 2007 c 154 s 2 are each amended to
25 read as follows:

26 The requirements of this chapter do not apply to:

27 (1) A person who is employed exclusively or regularly by one
28 employer and performs the functions of a private security guard
29 solely in connection with the affairs of that employer, if the
30 employer is not a private security company. However, in accordance
31 with section 1 of this act, an employee engaged in marijuana-related
32 transportation or delivery services on behalf of a common carrier
33 must be licensed as an armed private security guard under this
34 chapter in order to be authorized to carry or use a firearm while
35 providing such services;

36 (2) A sworn peace officer while engaged in the performance of the
37 officer's official duties;

1 (3) A sworn peace officer while employed by any person to engage
2 in off-duty employment as a private security guard, but only if the
3 employment is approved by the chief law enforcement officer of the
4 jurisdiction where the employment takes place and the sworn peace
5 officer does not employ, contract with, or broker for profit other
6 persons to assist him or her in performing the duties related to his
7 or her private employer; or

8 (4) A person performing crowd management or guest services
9 including, but not limited to, a person described as a ticket taker,
10 usher, door attendant, parking attendant, crowd monitor, or event
11 staff who:

12 (a) Does not carry a firearm or other dangerous weapon including,
13 but not limited to, a stun gun, taser, pepper mace, or nightstick;

14 (b) Does not wear a uniform or clothing readily identifiable by a
15 member of the public as that worn by a private security officer or
16 law enforcement officer; and

17 (c) Does not have as his or her primary responsibility the
18 detainment of persons or placement of persons under arrest.

19 The exemption provided in this subsection applies only when a
20 crowd has assembled for the purpose of attending or taking part in an
21 organized event, including preevent assembly, event operation hours,
22 and postevent departure activities.

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