
HOUSE BILL 1802

State of Washington

68th Legislature

2023 Regular Session

By Representatives Cheney, Graham, Rude, Walsh, and Waters

1 AN ACT Relating to minors in possession of alcohol, cannabis, or
2 controlled substances; amending RCW 66.44.270, 69.50.4013, and
3 69.50.4013; providing an effective date; providing an expiration
4 date; and declaring an emergency.

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

6 **Sec. 1.** RCW 66.44.270 and 2015 c 59 s 2 are each amended to read
7 as follows:

8 (1) It is unlawful for any person to sell, give, or otherwise
9 supply liquor to any person under the age of (~~twenty-one~~) 21 years
10 or permit any person under that age to consume liquor on his or her
11 premises or on any premises under his or her control. For the
12 purposes of this subsection, "premises" includes real property,
13 houses, buildings, and other structures, and motor vehicles and
14 watercraft. A violation of this subsection is a gross misdemeanor
15 punishable as provided for in chapter 9A.20 RCW.

16 (2)(a) It is unlawful for any person under the age of (~~twenty-~~
17 ~~one~~) 21 years to knowingly possess, consume, or otherwise acquire
18 any liquor, cannabis, cannabis-infused products, cannabis
19 concentrates, regardless of THC concentration, or any other
20 controlled substance as defined in RCW 69.50.101. A violation of this

1 subsection is a gross misdemeanor punishable as provided for in
2 chapter 9A.20 RCW.

3 (b) It is unlawful for a person under the age of (~~twenty-one~~)
4 21 years to be in a public place, or to be in a motor vehicle in a
5 public place, while exhibiting the effects of having consumed liquor.
6 For purposes of this subsection, exhibiting the effects of having
7 consumed liquor means that a person has the odor of liquor on his or
8 her breath and either: (i) Is in possession of or close proximity to
9 a container that has or recently had liquor in it; or (ii) by speech,
10 manner, appearance, behavior, lack of coordination, or otherwise,
11 exhibits that he or she is under the influence of liquor. This
12 subsection (2)(b) does not apply if the person is in the presence of
13 a parent or guardian or has consumed or is consuming liquor under
14 circumstances described in subsection (~~(4), (5), or (7)~~) (5), (6),
15 or (8) of this section.

16 (3) Subsections (1) and (2)(a) of this section do not apply to
17 liquor given or permitted to be given to a person under the age of
18 (~~twenty-one~~) 21 years by a parent or guardian and consumed in the
19 presence of the parent or guardian. This subsection shall not
20 authorize consumption or possession of liquor by a person under the
21 age of (~~twenty-one~~) 21 years on any premises licensed under chapter
22 66.24 RCW.

23 (4) Subsection (2)(a) of this section does not apply to:

24 (a) A person under the age of 21 years in possession of a
25 controlled substance as defined in RCW 69.50.101 that was obtained
26 directly from, or pursuant to, a valid prescription or order of a
27 practitioner while acting in the course of his or her professional
28 practice, or except as otherwise authorized by chapter 69.50 RCW; or

29 (b) The possession by a qualifying patient or designated provider
30 of cannabis concentrates, useable cannabis, cannabis-infused
31 products, or plants in accordance with chapter 69.51A RCW.

32 (5) This section does not apply to liquor given for medicinal
33 purposes to a person under the age of (~~twenty-one~~) 21 years by a
34 parent, guardian, physician, or dentist.

35 (~~(5)~~) (6) This section does not apply to liquor given to a
36 person under the age of (~~twenty-one~~) 21 years when such liquor is
37 being used in connection with religious services and the amount
38 consumed is the minimal amount necessary for the religious service.

1 (~~(6)~~) (7) This section does not apply to liquor provided to
2 students under (~~(twenty-one)~~) 21 years of age in accordance with a
3 special permit issued under RCW 66.20.010(12).

4 (~~(7)~~) (8)(a) A person under the age of (~~(twenty-one)~~) 21 years
5 acting in good faith who seeks medical assistance for someone
6 experiencing alcohol poisoning shall not be charged or prosecuted
7 under subsection (2)(a) of this section, if the evidence for the
8 charge was obtained as a result of the person seeking medical
9 assistance.

10 (b) A person under the age of (~~(twenty-one)~~) 21 years who
11 experiences alcohol poisoning and is in need of medical assistance
12 shall not be charged or prosecuted under subsection (2)(a) of this
13 section, if the evidence for the charge was obtained as a result of
14 the poisoning and need for medical assistance.

15 (c) The protection in this subsection shall not be grounds for
16 suppression of evidence in other criminal charges.

17 (~~(8)~~) (9) Conviction or forfeiture of bail for a violation of
18 this section by a person under the age of (~~(twenty-one)~~) 21 years at
19 the time of such conviction or forfeiture shall not be a
20 disqualification of that person to acquire a license to sell or
21 dispense any liquor after that person has attained the age of
22 (~~(twenty-one)~~) 21 years.

23 (10) When a law enforcement officer has probable cause to believe
24 a violation of subsection (2)(a) of this section has occurred where
25 the person under the age of 21 is driving a vehicle and there are any
26 other persons under the age of 18 riding as passengers in the
27 vehicle, the law enforcement officer shall make every effort to
28 contact the parent or guardian of the passenger and inform the parent
29 or guardian that the passenger was in the vehicle with a person under
30 the age of 21 in possession of alcohol, cannabis, or any other
31 controlled substance.

32 **Sec. 2.** RCW 69.50.4013 and 2022 c 16 s 85 are each amended to
33 read as follows:

34 (1) It is unlawful for any person 21 years of age or older to
35 knowingly possess a controlled substance unless the substance was
36 obtained directly from, or pursuant to, a valid prescription or order
37 of a practitioner while acting in the course of his or her
38 professional practice, or except as otherwise authorized by this
39 chapter.

1 (2) Except as provided in RCW 69.50.4014, any person who violates
2 this section is guilty of a misdemeanor.

3 (3) The prosecutor is encouraged to divert cases under this
4 section for assessment, treatment, or other services.

5 (4) (a) The possession, by a person (~~(twenty-one)~~) 21 years of age
6 or older, of useable cannabis, cannabis concentrates, or cannabis-
7 infused products in amounts that do not exceed those set forth in RCW
8 69.50.360(3) is not a violation of this section, this chapter, or any
9 other provision of Washington state law.

10 (b) The possession of cannabis, useable cannabis, cannabis
11 concentrates, and cannabis-infused products being physically
12 transported or delivered within the state, in amounts not exceeding
13 those that may be established under RCW 69.50.385(3), by a licensed
14 employee of a common carrier when performing the duties authorized in
15 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
16 this section, this chapter, or any other provision of Washington
17 state law.

18 (5) (a) The delivery by a person (~~(twenty-one)~~) 21 years of age or
19 older to one or more persons (~~(twenty-one)~~) 21 years of age or older,
20 during a single (~~(twenty-four)~~) 24 hour period, for noncommercial
21 purposes and not conditioned upon or done in connection with the
22 provision or receipt of financial consideration, of any of the
23 following cannabis products, is not a violation of this section, this
24 chapter, or any other provisions of Washington state law:

- 25 (i) One-half ounce of useable cannabis;
- 26 (ii) Eight ounces of cannabis-infused product in solid form;
- 27 (iii) (~~(Thirty-six)~~) 36 ounces of cannabis-infused product in
28 liquid form; or
- 29 (iv) Three and one-half grams of cannabis concentrates.

30 (b) The act of delivering cannabis or a cannabis product as
31 authorized under this subsection (5) must meet one of the following
32 requirements:

- 33 (i) The delivery must be done in a location outside of the view
34 of general public and in a nonpublic place; or
- 35 (ii) The cannabis or cannabis product must be in the original
36 packaging as purchased from the cannabis retailer.

37 (6) No person under (~~(twenty-one)~~) 21 years of age may possess,
38 manufacture, sell, or distribute cannabis, cannabis-infused products,
39 or cannabis concentrates, regardless of THC concentration. This does
40 not include qualifying patients with a valid authorization.

1 (7) The possession by a qualifying patient or designated provider
2 of cannabis concentrates, useable cannabis, cannabis-infused
3 products, or plants in accordance with chapter 69.51A RCW is not a
4 violation of this section, this chapter, or any other provision of
5 Washington state law.

6 **Sec. 3.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to
7 read as follows:

8 (1) It is unlawful for any person 21 years of age or older to
9 possess a controlled substance unless the substance was obtained
10 directly from, or pursuant to, a valid prescription or order of a
11 practitioner while acting in the course of his or her professional
12 practice, or except as otherwise authorized by this chapter.

13 (2) Except as provided in RCW 69.50.4014, any person who violates
14 this section is guilty of a class C felony punishable under chapter
15 9A.20 RCW.

16 (3) (a) The possession, by a person (~~(twenty-one)~~) 21 years of age
17 or older, of useable cannabis, cannabis concentrates, or cannabis-
18 infused products in amounts that do not exceed those set forth in RCW
19 69.50.360(3) is not a violation of this section, this chapter, or any
20 other provision of Washington state law.

21 (b) The possession of cannabis, useable cannabis, cannabis
22 concentrates, and cannabis-infused products being physically
23 transported or delivered within the state, in amounts not exceeding
24 those that may be established under RCW 69.50.385(3), by a licensed
25 employee of a common carrier when performing the duties authorized in
26 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
27 this section, this chapter, or any other provision of Washington
28 state law.

29 (4) (a) The delivery by a person (~~(twenty-one)~~) 21 years of age or
30 older to one or more persons (~~(twenty-one)~~) 21 years of age or older,
31 during a single (~~(twenty-four)~~) 24 hour period, for noncommercial
32 purposes and not conditioned upon or done in connection with the
33 provision or receipt of financial consideration, of any of the
34 following cannabis products, is not a violation of this section, this
35 chapter, or any other provisions of Washington state law:

- 36 (i) One-half ounce of useable cannabis;
37 (ii) Eight ounces of cannabis-infused product in solid form;
38 (iii) (~~(Thirty-six)~~) 36 ounces of cannabis-infused product in
39 liquid form; or

1 (iv) Three and one-half grams of cannabis concentrates.

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

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

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

9 (5) No person under (~~twenty-one~~)21 years of age may possess,
10 manufacture, sell, or distribute cannabis, cannabis-infused products,
11 or cannabis concentrates, regardless of THC concentration. This does
12 not include qualifying patients with a valid authorization.

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

18 NEW SECTION. **Sec. 4.** Section 2 of this act expires July 1,
19 2023.

20 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of
22 the state government and its existing public institutions, and takes
23 effect immediately, except for section 3 of this act which takes
24 effect July 1, 2023.

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