

# Initiative Measure No. 1375

filed January 6, 2015

AN ACT Relating to the recreational use of cannabis; adding sections to chapter 69.50 RCW ; and creating new sections.

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

**NEW SECTION. Sec. 1.** (1) (a) Washington voters were sold a “New Approach” to the “War on Drugs” with Initiative Measure No. 502, yet the “Reefer Madness” continues.

(b) The current tax structure of the recreational use of cannabis fuels the black market, and does not put an end to it. It also neglects funding allocations to cities, towns, counties and the federal government from its sales revenue.

(2) The Washington state liquor control board has shown irresponsibility, lack of leadership, and has violated public meeting laws in their actions regarding the regulation of the Washington state's cannabis for recreational use market by:

(a) Loosing many court cases against the board for inappropriate conduct and implementing Initiative Measure No. 502;

(b) Allowing the use of harmful synthetic pesticides for producers;

(c) Allowing the selling of one point nine grams of cannabis for forty-one dollars being labeled as two grams;

(d) Allowing retailers to rip off tourist by selling ounces for well above the retail price;

(e) Using a federal standard for testing recreational cannabis that raises the active THC levels twenty percent;

and

(f) Prohibiting public consumption by like minded individuals in establishments and with businesses wishing to provide the service.

(3) The people intend to ensure the protection of the recreational use of cannabis and proper implementation of this act by:

(a) Creating the Washington state cannabis regulation commission with a recreational use board to governor over all aspect of the cannabis for recreational use market;

(b) Changing the improper discriminating racial slur “marijuana” to its proper name “cannabis”, making the Revised Code of Washington proper non-discriminating use of English;

(c) Preventing the use of zoning restrictions for purposes of banning, and/or limiting cannabis for recreational use by cities, towns, counties, or the legislature;

(d) Allowing for public consumption in establishments and with businesses that wish to provide the service;

(e) Allow Washingtonians twenty-one years and older to grow their own cannabis for personal use;

(f) Preventing genetically modify cannabis from being sold in Washington state;

(g) Restoring proof of impairment for driving under the influence by holding law and peace enforcement officers and the people of Washington state accountable for their actions;

(h) Preventing carboxy delta-11 from being use when testing for illicit cannabis drug use in non dangerous employment activity; and

(i) Removing cannabis, also known as marijuana, from the state controlled substance act list of dangerous drugs.

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

**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.

(c) 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 in compliance with the provisions of this chapter. All Jag and northwest high intensity drug trafficking area (HIDTA) contracts containing marijuana and/or the cannabis sativa L. plant as an illegal and/or illicit drug, are hereby repealed, and unenforceable.

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

(a) The Washington state cannabis regulation commission is created with a cannabis for recreational use board that is empowered to be the governing body over all aspects of the cannabis for recreational use market.

(b) The cannabis for recreational use board is comprised of seven members.

(1) Within thirty-days of the effective date of this section, one member appointed from the Washington state department of agriculture for a three-year term;

(2) Within thirty-days of the effective date of this section, three of the board members shall be appointed by the governor who shall have knowledge of cannabis and the drive for the truth and science about it for three year terms; and

(3) Within thirty-days of the effective date of this section, three of the board members shall be voted on by Washington voters for three year terms from Washington residents twenty-one years or older wishing to serve on the board.

(c) The cannabis for recreational use board must:

(1) Rework the tax structure of Initiative Measure No. 502 not to exceed ten percent tax for each licensed cannabis for recreational use producer, licensed cannabis for recreational use processor, and licensed cannabis for recreational use retailer. City, town, county and federal allocations from the revenue of sales of the recreational use of cannabis must be allotted;

(2) Restructure the levels of cannabis to:

(i) Level 1—Usable cannabis and edibles;

(ii) Level 2—Cannabis tinctures and extracts; and

(iii) Level 3—Cannabis concentrates, which is only available in the cannabis for medical use market;

(3) Examine the use of natural alternatives for solving the issue of pests. The use of synthetic pesticides for the recreational use of cannabis is prohibited;

(4) Have quarterly public meetings with the general public to share information and review finances; and to receive public input, suggestions, and concerns. This shall be recorded and available to the public via the internet;

(5) Establish rules to allow for Washingtonians twenty-one years and older to grow their own cannabis, as well as raise the limit of usable cannabis a person may possess at their residence and on their property;

(6) Establish rules to allow for the public consumption of cannabis in establishments and with businesses that provide the service to the general public;

(7) Create rules that allow for the not-for-profit transfer of cannabis up to twenty-eight grams between all residents and non-residents of Washington state;

(8) Publish only the truth and science about cannabis in all educational materials they release.

(9) Use the business model of selling a commodity product at a price that is competitive enough to eliminate the black market of cannabis in Washington state. The cannabis for medical use market is not the black market; and

(10) Create rules to prevent genetically modified cannabis of any kind in Washington state.

(d) All testing of cannabis shall use a standard that will be more accurate in actual THC and CBD content, and mandate microbial testing for mold and mildew.

(e) All labeling for cannabis shall include all types of THC and CBD for consumers to make the most informed

choice.

(f) The cannabis for recreational use board may create further rules based upon existing industry standards and best practices for the regulation of the cannabis for recreational use market.

**NEW SECTION. Sec. 5.** A new section is added to chapter 69.50 RCW to read as follows:

Cannabis for recreational use licensees may not be located within one thousand feet of an accredited elementary or secondary school. A city, town, county, or legislature may adopt an ordinance to include the one thousand foot rule for health, safety, welfare, provided that they shall not preclude the possibility of siting any licensed cannabis for recreational use licensee within their jurisdiction. When an accredited elementary or secondary school opens within one thousand feet of a licensed cannabis for recreational use licensee after the lawful establishment of the licensed cannabis for recreational use licensee, the distance requirement in this section shall not apply to the licensed cannabis for recreational use licensee.

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

(a) Except as provided in subsection (b) of this section, a person shall not be refused housing or evicted from housing solely as a result of his or her possession or personal use of cannabis, except that housing providers otherwise permitted to enact and enforce prohibitions against smoking in their housing may apply those prohibitions to smoking cannabis provided that such smoking prohibitions are applied and enforced equally as to the smoking of cannabis and the smoking of all other substances, including without limitation tobacco. This prohibition noted above shall not include vaporizing cannabis, or cannabis concentrates.

(b) Federal housing programs containing a program component prohibiting the use of drugs or alcohol among its residents are not required to permit the use of cannabis among those residents.

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

(a) The Washington state legislature and governor shall reschedule cannabis off the state controlled substance act list within a year of the effective date of this section.

(b) If the Washington state legislature and governor fail to do so, cannabis shall by implication be removed from the state controlled substances act list and placed on the botanical herb act list.

**NEW SECTION. Sec. 8.** A new section is added to chapter 69.50 RCW to read as follows:

All residents and non-residents of Washington state shall be exempt for cannabis use from all carboxy delta-11 urinalysis samples when an employer or anyone is testing for illicit drug use.

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

(a) The lawful possession or manufacture of cannabis for recreational use as authorized by this chapter shall not result in the forfeiture or seizure of any real or personal property including, but not limited to, cannabis intended for recreational use, items used to facilitate the recreational use of cannabis or its production or dispensing for recreational use, or proceeds of sales of cannabis for recreational use made by licensed cannabis producers for recreational use, licensed cannabis processors for recreational use, or licensed cannabis retailers for recreational use.

(b) No person shall be prosecuted for constructive possession, conspiracy, or any other criminal offense solely for being in the presence or vicinity of cannabis for recreational use or its use as authorized by this chapter.

(c) All residents or non residents of Washington state in compliance with all other terms and conditions of this chapter may not be arrested, searched, prosecuted, or subject to other criminal sanctions or civil consequences under state law, or have real or personal property searched, seized, or forfeited pursuant to state law, for such activities, notwithstanding any other provision of law.

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

(a) Within 30 days of the effective date of this section, all law and peace enforcement officers, and agents charged with protecting and serving citizens of Washington state for any reason must wear badge or body cameras as part of their standard equipment in the state of Washington. This will hold accountable law and peace enforcement officers, agents charged with protecting and serving citizens of Washington state, and the people of Washington state for their actions. Full compliance with this subsection shall be completed within a year of the effective date of this section.

(b) Recorded video evidence of impairment or determination of culpability in an accident must accompany THC concentration results tested under RCW 46.61.502 and 46.61.506 when presented as evidence in criminal or civil trial.

NEW SECTION. **Sec. 11.** 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. 12.** 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. 13.** 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. 14.** This act may be known and cited as the cannabis freedom act.