

Initiative No. 1686

February 3, 2020

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-3751.1/20

ATTY/TYPIST: KB:jlb

BRIEF DESCRIPTION:

Initiative No. 1686

February 3, 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, essential for marijuana, cannabis, and hemp operations.

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

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

(2) This section applies to marijuana, cannabis, and hemp tetrahydrocannabinol, cannabiniol, and cannabidiol products, whether or not 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 imposing crime, and in violation of the zoning laws for marijuana, cannabis, and hemp production, processing, and 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 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, and hemp. The burden of screening any tenant including,

but not limited to, the cease and desist of all aspects with intent to occupy and conduct unlawful narcotics 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.

(b) Anyone responsible or culpable of unlawful cannabis and narcotic processing resulting in toxic residue without proper storage or disposal is subject to a one thousand dollar sanction. Toxins are not limited to molds, chemicals, or plastic packaging and syringes.

(c) Any person, congregation of people, business entity, or corporation engaging in cannabis commerce of any kind outside a residential zone, and within a properly zoned area for marijuana, cannabis, and hemp must report to the department of homeland security by January 15th of each year, and shall receive a zoning, health, terrorism, and hazard assessment, and safety code compliance verification. Annual compliance can also be verified through the Washington state patrol.

(d) All individual sole proprietors and business entities maintaining cannabis code compliance for zoning and health, terrorism hazard reduction, and safety shall receive a tax break incentive in the amount of ten percent of the total annual sales. Conversely, failure to obtain verification will subject the real property owner and business entity to a five thousand dollar sanction. All penalties and sanctions collected from those who impose cannabis crime shall be allocated in United States currency to support roadway cleanup at and around highways and bridges with the supervising direction of Washington state department of transportation.

(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) "Terrorism hazard" means any method of harassment with the intent to cause mental or physical injury or death for the purpose of advancing the organization of extreme fear and intimidation.

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

(f) "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 ---