

**FORMATTING NOTE:**

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (({- text here -})) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

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**INITIATIVE 229**

AN ACT Relating to establishing a Washington cannabis tax; adding a new chapter to Title 66 RCW; prescribing penalties; and providing an effective date.

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

{+ NEW SECTION. +} Sec. 1. The people of the state of Washington find that:

- (1) Cannabis hemp is an environmentally beneficial crop that:
  - (a) Yields more fiber, for paper and textiles, and more protein and oil per land area cultivated than any other plant;
  - (b) Yields cloth and paper of superior strength and durability without the application of pesticides during cultivation and without producing cancer-causing pollutants during processing;
  - (c) Yields more biomass than any other plant outside the tropics, though it grows well in the tropics too, and grows faster than any other plant on earth in the temperate and cooler climates; and
  - (d) Yields a substance that relieves the suffering of many ill people without life-threatening side effects;
- (2) Federal and corporate misinformation campaigns that economically benefit small groups of people have suppressed the information regarding the benefits of cannabis hemp and that:
  - (a) George Washington grew cannabis for more than thirty years and, while he was president, said, "the artificial preparation of hemp is really a curiosity," and told his secretary of the treasury, Alexander Hamilton, that he was, "suggesting the policy of encouraging the growth of hemp";
  - (b) Thomas Jefferson invented a device to process cannabis, and cannabis fiber that was used for most clothing and paper production until the invention of the cotton gin; and
  - (c) Gouverneur Morris of Pennsylvania, who spoke at the United States constitutional convention in 1787 more than any other delegate, and of whom James Madison said, "the style and finish of the Constitution properly belongs to the pen of Gouverneur Morris," wrote a paper he sent to Thomas Jefferson called, Notes Respecting Tobacco that compared cannabis and tobacco, and concluded that cannabis "is to

be preferred";

(3) The courts of Alaska, Hawaii, and Michigan have noted presidential commission findings, scientific studies, and learned treatises which:

(a) Characterize cannabis as a relatively nonaddictive and comparatively harmless euphoriant used and cultivated for more than ten thousand years without a single recorded lethal overdose;

(b) Demonstrate that moderate cannabis intoxication causes very little impairment of psychomotor functions; reveal no significant physical, biochemical, or mental abnormalities attributable solely to cannabis use; and that long-term, heavy cannabis users do not deviate significantly from their social peers in terms of mental function;

(c) Disprove the "stepping stone" or "gateway drug" argument that cannabis use leads to other drugs; rather, that lies taught about cannabis, once discovered, destroy the credibility of valid educational messages about moderate and responsible use and valid warnings against other truly dangerous drugs;

(d) Indicate that cannabis users are less likely to commit violent acts than alcohol users, refute the argument that cannabis causes criminal behavior, and suggest that most users avoid aggressive behavior, even in the face of provocation; and

(e) Declare that cannabis use does not constitute a public health problem of any significant dimension, and finds no rational basis for treating cannabis as more dangerous than alcohol;

(4) Cannabis does not cause the social ills that its prohibition was intended to guard against; rather, that most of the social ills attributed to cannabis result from its unreasonable prohibition which:

(a) Provides incentives to traffic in marijuana instead of limiting its prevalence, since almost all cannabis users evade the prohibition, even though drastically expanding public safety budgets have reduced funding for other vital services such as education;

(b) Fosters a black market that exploits children, provides an economic subsidy for gangs, and sells cannabis of questionable purity and uncertain potency;

(c) Generates enormous, untaxed, illicit profits that debase our economy and corrupt our justice system; and

(d) Wastes police resources, clogs our courts, and drains the public budget to no good effect;

(5) Alcohol prohibition caused many of the same social ills before being replaced by regulatory laws which, ever since, have granted alcohol users the privilege of buying alcohol from state licensees, imposed strict penalties protecting children, delivered alcohol of sure potency, and generated substantial public revenues;

(6) Cannabis prohibition is a sumptuary law of a nature repugnant to our Constitution's framers, and which is so unreasonable as to:

(a) Arbitrarily violate the rights of cannabis users to be secure against unreasonable search and seizure as guaranteed to them by the Fourth Amendment to the United States Constitution;

(b) Unreasonably impose felony burdens on the cannabis users while the state grants special privileges to alcohol users, which violates the Fourteenth Amendment to the United States Constitution;

(c) Unnecessarily proscribe consumption of an "herb bearing seed" given to humanity in Genesis 1:29, thereby violating their unqualified religious rights under the First Amendment to the United States Constitution and their natural rights under the Ninth Amendment to the United States Constitution;

(d) Violate the individual's right to privacy and numerous other

natural and constitutional rights reserved to the people under the Ninth Amendment to the United States Constitution; and

(e) Violate the state's right to regulate and tax an intoxicant market as reserved to states under the Tenth Amendment to the United States Constitution, thereby abdicating control to illicit markets; and

(7) The constitutional ends of justice, order, and the perpetuation of liberty; the governmental purposes of preserving the peace, safety, and happiness of the people; and the vitality of the United States Constitution demand the replacement of a costly, self-defeating prohibition with regulatory laws controlling cannabis cultivation, potency, sale, and use; defining and prohibiting cannabis abuse; protecting children with a comprehensive drug education program and strict penalties for the sale or provision of cannabis to minors; funding a state drug abuse treatment program; and raising substantial revenue for public use.

{+ NEW SECTION. +} Sec. 2. This chapter shall operate uniformly throughout Washington and fully replace and supersede all statutes, municipal charter enactments, and local ordinances relating to cannabis and cannabis paraphernalia, except those relating to operating a motor vehicle under the influence. The name of the Washington state liquor control board is hereby changed to the Washington state cannabis and liquor control commission. The name of Title 66 RCW is hereby changed to "Cannabis and Alcoholic Beverage Control." This chapter is a scientific experiment by the people of Washington state to lower the misuse of, illicit traffic in, and harm associated with cannabis and will set up voluntary studies of cannabis users under section 7 of this act.

{+ NEW SECTION. +} Sec. 3. This act may be known and cited as the Washington cannabis tax act.

{+ NEW SECTION. +} Sec. 4. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse" means repetitive or excessive drug use such that the individual fails to fulfill a statutory or common law duty, including, but not limited to, the duties owed by parents to children, by motorists to pedestrians and other motorists, and by employees to employers, fellow employees, and the public.

(2) "Cannabis" means the flowering tops and all parts, derivatives, or preparations of the cannabis plant, also known as marijuana, containing cannabinoids in concentrations established by the commission to be psychoactive, but does not include hemp.

(3) "Commission" means the Washington state cannabis and liquor control commission.

(4) "Cultivation" means growing the cannabis plant.

(5) "Hemp" means the seeds, stems, and stalks of the cannabis plant, and all other parts, products, and byproducts of the cannabis plant not containing cannabinoids in concentrations established by the commission to be psychoactive. Seeds and stalks of all cannabis strains shall be considered hemp.

(6) "Person" means a natural individual or corporate entity of any kind whatsoever.

{+ NEW SECTION. +} Sec. 5. This chapter shall be liberally construed so as to minimize the misuse and abuse of cannabis; to prevent the illicit sale or provision of cannabis to minors; and to

protect the peace, safety, and happiness of Washingtonians while preserving the largest measure of liberty consistent with this section.

{+ NEW SECTION. +} Sec. 6. (1) The commission shall have the powers necessary to carry out the provisions of this chapter. It shall make such rules as will discourage and minimize the diversion of cannabis to illicit sale or use within the state, the illicit importation and sale of cannabis cultivated or processed outside the state, and the illicit export or removal of cannabis from the state. The commission's jurisdiction shall extend to any person licensed under this chapter to cultivate or process cannabis, but shall not extend to any person who manufactures products from hemp. Hemp production for fiber, protein, and oil shall be allowed without regulation, license, or fee. No federal license shall be required to cultivate hemp in Washington state.

(2) The commission shall issue to any qualified applicant a license to cultivate cannabis for sale to the commission. The license shall specify the areas, plots, and extent of lands to be cultivated. The commission shall equitably apportion the purchase of cannabis among all licensees. The commission shall purchase and sell cannabis products of the quality and grade set by market demand.

(3) The commission shall issue licenses to process cannabis to qualified applicants who submit successful bids. Licensed processors shall, as specified by the commission, contract, cure, extract, refine, mix, and package the entire cannabis crop and deliver it to the commission's physical possession as soon as possible, but not later than four months after harvest.

{+ NEW SECTION. +} Sec. 7. The commission shall sell cannabis at cost, to include commission expenses:

(1) To Washington state and other states' pharmacies for use under a physician's order for glaucoma, nausea related to chemotherapy, AIDS, or any other condition for which a physician finds cannabis to be an effective treatment; and

(2) To recognized Washington state medical research facilities for use in research directed toward expanding medical and sociological knowledge of the composition, effects, uses, and abuse of cannabis, to include studies of cannabis purchasers voluntarily participating through commission stores under section 8 of this act.

{+ NEW SECTION. +} Sec. 8. The commission shall sell cannabis through commission stores and shall set the retail price of cannabis to generate profits for revenue to be applied to the purposes of this chapter and to minimize incentives to purchase cannabis elsewhere, to purchase cannabis for resale, or for removal to other states.

{+ NEW SECTION. +} Sec. 9. (1) To be qualified to purchase, cultivate, or process cannabis, a person must be over twenty-one years of age, and may not have been convicted of sale of cannabis to minors, or convicted under this chapter of unlicensed cultivation or sale of cannabis.

(2) Conviction for cultivation or sale of cannabis to other than minors, when committed prior to the effective date of this act, shall not be grounds for denial of an application for a license under this chapter.

{+ NEW SECTION. +} Sec. 10. (1) The commission shall collect

license fees which shall be calculated and continually appropriated to defray the commission's administrative costs of issuing licenses under this chapter and the attorney general's costs of litigation in defense of the validity of this chapter's provisions and in defense of persons subjected to criminal or civil liability for actions licensed or required under this chapter.

(2) All money from the sale of cannabis shall be remitted to the state treasurer for credit to a cannabis account, from which sufficient money shall be continually appropriated:

(a) To reimburse the commission for the costs of purchasing, processing, testing, grading, shipping, and selling cannabis; of regulating, inspecting, and auditing licensees; and of research studies required by this chapter; and

(b) To reimburse the attorney general's office for costs of enforcing this chapter's criminal provisions.

(3) All money remaining in the cannabis account after reimbursement of the related commission and attorney general's costs shall be profits which the state treasurer shall distribute quarterly as follows:

(a) Ninety percent shall be credited to the state's general fund to finance state programs;

(b) Eight percent shall be credited to the department of health, and shall be continually appropriated to fund various drug abuse treatment programs on demand;

(c) One percent shall be credited to create and fund an agricultural state committee for the promotion of Washington state hemp fiber, protein, and oil crops and associated industries;

(d) One percent shall be distributed to the state's school districts, appropriated by enrollment, and shall be continually appropriated to fund a drug education program which shall:

(i) Emphasize a citizen's rights and duties under our social compact and to explain to students how drug abusers might injure the rights of others by failing to fulfill such duties;

(ii) Persuade students to decline to consume intoxicants by providing them with accurate information about the threat intoxicants pose to their mental and physical development; and

(iii) Persuade students that if, as adults, they choose to consume intoxicants, they must nevertheless responsibly fulfill all duties they owe others.

{+ NEW SECTION. +} Sec. 11. The commission, based on findings made in consultation with the state board of pharmacy and cannabis and hemp farmers to cannabinoid and cannabidiol concentrations which produce intoxication, the economics of residual cannabis extraction, and strains of hemp that produce better quality and quantity of fiber, protein, and oil, shall establish reasonable concentrations of cannabinoids deemed psychoactive under this chapter.

{+ NEW SECTION. +} Sec. 12. (1) The commission, in consultation with the state board of pharmacy, shall set standards which the commission shall apply:

(a) To test and reject cannabis containing adulterants in concentrations known to harm people; and

(b) To grade cannabis potency by measuring the concentrations of psychoactive cannabinoids it contains.

(2) The commission shall affix to cannabis packages a label which shall bear the state seal, a certification of purity, a grade of potency, the date of harvest, a warning as to the potential for abuse,

and notice of laws prohibiting resale, removal from the state, public consumption, and provision and sale to minors.

{+ NEW SECTION. +} Sec. 13. The commission may limit the quantity of cannabis purchased by a person at one time or over any length of time and may refuse to sell cannabis to any person who violates this chapter's provisions or abuses cannabis. The commission will require persons convicted of violating this chapter, any criminal statute while under the influence of cannabis, or neglecting any statutory or common-law duty by reason of cannabis intoxication or abuse, to complete a class prior to reinstating their privilege to purchase cannabis.

{+ NEW SECTION. +} Sec. 14. Cultivation for sale, removal from the state for sale, and sale of cannabis without commission authority shall be a class C felony, and removal from the state of cannabis for other than sale shall be a misdemeanor.

{+ NEW SECTION. +} Sec. 15. The sale of cannabis to minors for a profit shall be a class C felony, and gratuitous provision of cannabis to minors shall be a misdemeanor.

{+ NEW SECTION. +} Sec. 16. In addition to other penalties and in lieu of any civil remedy, conviction of sale or unlicensed cultivation for sale under section 14 or 15 of this act shall be punishable by a fine which the court shall determine will deprive an offender of any profits from the criminal activity.

{+ NEW SECTION. +} Sec. 17. Except as provided by section 15 of this act, the purchase, attempt to purchase, possession, or acquisition of cannabis by a person under twenty-one years of age shall be a violation punishable by a fine of not more than two hundred fifty dollars.

{+ NEW SECTION. +} Sec. 18. Except where prominent signs permit and minors are neither admitted nor employed, public consumption of cannabis shall be a violation punishable by a fine of not more than two hundred fifty dollars.

{+ NEW SECTION. +} Sec. 19. The commission, in consultation with the state board of pharmacy and by grants to accredited research facilities, shall:

(1) Study methods of use and the potential for, and ill effects of, abuse of cannabis, the possible damage of throat and lungs from inhaling cannabis smoke, less harmful methods of administration, including, but not limited to, filtration of smoke and noncombustive vaporization of the psychoactive agents in cannabis, and shall report its findings in pamphlets distributed at commission stores; and

(2) Study cannabis, physical impairment, and driving and, if practicable, shall establish by rule levels of impairment above which a person shall be presumed under the influence.

{+ NEW SECTION. +} Sec. 20. In civil cases, a rebuttable presumption of negligence shall arise upon clear and convincing evidence that a person is found to be intoxicated at the time of an accident and if the persons's actions materially contributed to the cause of injury.

{+ NEW SECTION. +} Sec. 21. Any individual of at least twenty-one years of age may cultivate up to seven cannabis plants for personal use without license or fee. Personal cultivation shall be in a private area that is not accessible to the public.

{+ NEW SECTION. +} Sec. 22. Information on applicants, licensees, and purchasers under this chapter shall not be disclosed except upon the person's request.

{+ NEW SECTION. +} Sec. 23. The attorney general shall vigorously defend this chapter and any person prosecuted for acts licensed under this chapter, propose a federal and/or international act to remove impediments to this chapter, deliver the proposed federal and/or international act to each member of the United States congress and/or international organization, and urge adoption of the proposed federal and/or international act through all legal and appropriate means.

{+ NEW SECTION. +} Sec. 24. This act takes effect January 1, 2001.

{+ NEW SECTION. +} Sec. 25. 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. 26. The advertisement of brands of cannabis or cannabis for sale is banned from television, radio and public billboards.

{+ NEW SECTION. +} Sec. 27. Sections 1 through 26 of this act constitute a new chapter in Title 66 RCW, to be codified as chapter 66.05.

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