

Judicial Impact Fiscal Note

Bill Number: 5052 2S SB	Title: Cannabis patient protection	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties					
Cities					
Total \$					

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

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Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

The substitute bill would remove Section 16 that was a part of the original bill. RCW 69.50.401 would no longer be amended. The substitute bill would remove Section 18 that was part of the bill. RCW 69.50.4014 would no longer be amended. Section 28 in the original bill becomes Section 23 in the substitute. Section 35 in the original bill becomes Section 30 in the substitute.

Original bill:

Section 16 would amend RCW 69.50.401 to say (4) Any person who violates this section with respect to: (a) The delivery, during any twenty-four hour period, of not more than one ounce of useable marijuana, sixteen ounces of marijuana-infused product in solid form, seventy-two ounces of marijuana-infused product in liquid form, or not more than seven grams of marijuana concentrates that was purchased from a marijuana retailer and are accompanied by packaging showing it was purchased from a marijuana retailer to a person age twenty-one or over, for commercial purposes, is guilty of a gross misdemeanor punishable according to chapter 9A .20 RCW; and (b) The delivery or possession with intent to deliver of seven or fewer grams of marijuana concentrates, for noncommercial purposes, that was not purchased from a marijuana retailer or was not accompanied by packaging showing it was purchased from a marijuana retailer, is guilty of a gross misdemeanor punishable according to chapter 9A .20 RCW.

Section 18 would amend RCW 69.50.4014 to say except as provided in RCW 69.50.401(2)(c) and (4): (1) Any person in possession of marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates in excess of the limits established by RCW 69.50.4013(3), but not in excess of four times the limits provided by any one element of RCW 69.50.4013(3), is guilty of a misdemeanor; (2) Any person in possession of not more than fifteen marijuana plants is guilty of a misdemeanor; (3) Any person under the age of twenty-one in possession of marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates not in excess of the possession limits for adults ages twenty-one and over provided by any one element of RCW 69.50.4013(3) is guilty of a misdemeanor. This section does not apply to qualifying patients under the age of twenty-one; and (4) Any person who possesses marijuana concentrates that was not purchased from a marijuana retailer or was not accompanied by packaging showing it was purchased from a marijuana retailer: (a) Commits a class 2 civil infraction under chapter 7.80 RCW if the person is in possession of seven grams or less of marijuana concentrates; (b) Is guilty of a misdemeanor if the person is in possession of more than seven grams but not more than twenty-eight grams of marijuana concentrates; or (c) Is guilty of a felony punishable pursuant to any other applicable provision of this chapter if the person is in possession of more than twenty-eight grams of marijuana concentrates and does not have a license from the state liquor and cannabis board permitting the person to be in possession of more than twenty-eight grams of marijuana concentrates.

A new section would be added to RCW 69.51A to read as follows: (1) It is unlawful for a person to knowingly or intentionally: (a) Access the medical marijuana authorization database for any reason not authorized under section 26 of this act; (b) Disclose any information received from the medical marijuana authorization database in violation of section 26 of this act including, but not limited to, qualifying patient or designated provider names, addresses, or amount of marijuana for which they are authorized; (c) Produce an authorization card or to tamper with an authorization card for the purpose of having it accepted by a marijuana retailer holding a medical marijuana endorsement in order to purchase marijuana as a qualifying patient or designated provider or to grow marijuana plants in accordance with this chapter; (d) If a person is a designated provider to a qualifying patient, sell, donate, or supply marijuana produced or obtained for the qualifying patient to another person, or use the marijuana produced or obtained for the qualifying patient for the designated provider's own personal use or benefit; or (e) If the person is a qualifying patient, sell, donate, or otherwise supply marijuana produced or obtained by the qualifying patient to another person. (2) A person who violates this section is guilty of a class C felony and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both.

Section 35 would amend RCW 69.51A.060 to delete (7) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010(32)(a), or to backdate such documentation to a time earlier than its actual date of execution.

II. B - Cash Receipts Impact

II. C - Expenditures

A new section would be added to RCW 69.51A to say that (2) A person who violates this section is guilty of a class C felony and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both. There is insufficient

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data to determine how many new cases this would mean to the courts statewide.

Section 30 - There have been no cases filed in the judicial information system citing violations of RCW 69.51A.060(7) since its effective date in 2011. Therefore, it is estimated that the judicial impact for the legislation would be less than \$50,000.

Part III: Expenditure Detail

Part IV: Capital Budget Impact