

I-1579

Cannabis Crime Shred Initiative

WARNING:

EVERY PERSON who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine or imprisonment or both.

Statement of Subject: Initiative Measure No. 1579 concerns cannabis and hemp.

Concise Description: This measure would prohibit cannabis or hemp production, processing, or sale in residential-zoned neighborhoods; penalize (including by property forfeiture) certain cannabis - related conduct; require reporting and inspection; and create tax breaks.

Should this measure be enacted into law? **Yes** **No**

Ballot Measure Summary:

This measure would prohibit production, processing, or sale of cannabis, or hemp in residential-zoned neighborhoods; subject violators, property owners, utility providers, and others to imprisonment, fines, and/or property forfeiture for violating these and other requirements; and make property owners responsible for tenant screening. It would impose reporting and inspection requirements on those engaging in cannabis commerce and other actors in areas zoned for such activity, subject to fines for violations and tax breaks for compliance.

INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

To the Honorable Steve Hobbs,
Secretary of State of the State of Washington

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that this petition and the proposed measure known as Initiative Measure 1579, and entitled, "Initiative Measure 1579" Initiative Measure No. 1579 concerns cannabis and hemp. This measure would prohibit cannabis or hemp production, processing, or sale in residential-zoned neighborhoods. A full, true, and correct copy of which is printed on the reverse side of this petition, be submitted to the legislature of the State of Washington for the next legislative session; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

Printed Name of Registered Voter	Signature of Voter	Birthdate for verification MM-DD-YY	Your Home Address	City	County
0			1579 Berrywise Lane	Tacoma	Pierce
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PETITION GATHERER, SIGN HERE!

I, _____ swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law.

NAME (signature) _____ PHONE _____
HOME EMAIL _____ Mailing Address _____

Get as many signatures as you can and mail this petition back to us as soon as possible. Fold it, put it in an envelope, and mail it to:

REGIS COSTELLO . 14462 58th Ave. So. Tukwila, WA 98168 regiscostello@Gmail.com • PH: 206-747-3638•

The government only gives us until December 30, 2022 to gather 325,000 valid signatures. Time is short — ACT NOW.

To get more petitions, call or email us, OR PREFERABLY, to save your time and to save our campaign time and resources, make your own copies (both front & back must be photocopied and petition size cannot be reduced — final size must remain 11"x17"). Take this petition to any printer who can print on 11"x17" paper (local print shop, etc.). COLOR PETITIONS AREN'T NECESSARY — BLACK AND WHITE IS OK. www.CannabisCrimeShred.com

AN ACT Relating to the schedule I narcotic known under the name cannabis or hemp and its electricity theft associated with the unlawful production, processing, and sales in residential zoned neighborhoods; amending RCW 69.50.331 and 9A.82.010; 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. (1) When a cannabis plant is cultivated within a zoned real property other than residential zone, a business license must be obtained with an employer identification number as it is determined the cannabis activity is for commercial use only. Therefore, only within appropriate zoned areas will all cannabis and hemp activity be allowed. Under no circumstance will it be permitted to grow or cultivate cannabis or hemp within a residential zone.

(2) Electricity is essential for industries and residential dwellings in Washington state. Since the legalization of recreational use of cannabis following the passing of Initiative Measure No. 502, criminal electricity theft associated with bypassing power meters to grow cannabis has continued within residential zoned neighborhoods. As nearly all power transformers are shared with adjoining properties in residential neighborhoods, the offending criminals cause electricity disruptions for homeowners. In addition, the criminals avoid licensing requirements, quality control, and taxation.

(3) The criminal conduct has not subsided since the passing of Initiative Measure No. 502 for recreational use. In fact, the problem has resulted in an increase of illicit narcotic abuse and death particularly with younger adolescent population. There is no excuse for this breakdown in law and order and safety. Financial institutions and insurance companies have now offered some services to the cannabis companies that are in compliance with the laws of Washington state.

Many resources are found at the Washington state department of financial institutions website.

<https://dfi.wa.gov/cannabis/financial-services>

NEW SECTION. Sec. 2. The legislature intends to prevent the unlawful theft of electricity in cannabis and hemp operations by prohibiting all cannabis and hemp activity in residential zoned real property.

NEW SECTION. Sec. 3. A new section is added to chapter 69.50 RCW to read as follows (1) The production, processing, and sale of cannabis and hemp is unlawful in residential zoned neighborhoods.

(2) This section applies to cannabis and hemp tetrahydrocannabinol, cannabidiol, 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.

A person, congregation of people, business entity, or corporation found to be imposing crime, and in violation of the zoning laws for cannabis and hemp production, processing, and sales is subject to total confiscation of the property according to existing federal, state, and local laws. Utility companies, utility districts, contractors, and agents cannot declare immunity. Moreover, utility company associates, partners, real estate brokers, legal counsel, county councilmembers, county executives, city councilmembers, city mayors, or subcontractors cannot declare immunity, and, therefore, will be prosecuted for aiding in the imposing crime of electricity theft. Specifically, when the Washington state patrol or drug enforcement agency tip line is used to identify a crime and the tip has not been properly pursued by the utility company or its partners or associates, then the burden of proof lies on the utility company to determine its intent not to act in accordance with the laws.

(a) A person who violates this section or corporate officer who violates this section, is subject to a class C felony under chapter 9A.20 RCW and the penalties provided in RCW 9A.82.100. A real property owner found in violation of this section is subject to a penalty of forfeiture and seizure of personal and real property. The forfeiture includes all homeowners in violation of the laws governing appropriate zoning for 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, hemp, and narcotic processing resulting in toxic residue without proper storage or disposal is subject to a \$1,000 fine. Toxins are not limited to molds, chemicals, or plastic packaging and syringes.

(c)(i) 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 cannabis and hemp, must report to the department of homeland security by January 15th of each year for annual inspection.

(ii) County executives, city and county councilmembers, and city mayors must sign off for the annual inspection by authorized signature within the municipality of all cannabis activity. The nature of the annual inspection shall be for the purpose of zoning, health, terrorism 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 verification for zoning, health, terrorism hazard reduction, and safety, shall receive a tax break incentive in the amount of 10 percent of the total annual sales. Conversely, failure to obtain verification will subject the real property owner and business entity to a \$5,000 fine.

(e) Property disclosure statements shall be made available for public record and documented within the real property records in the county of which the real property is subject to criminal cannabis production and law enforcement sanctions. Any real estate broker, agent, county councilmember, county executive, city councilmember, city mayor, or legal counsel representing a real property owner that fails to identify any criminal activity regarding any cannabis or narcotics on a residential seller disclosure statement is subject to a \$5,000 fine. All fines collected from those who impose cannabis crime shall be allocated in United States currency to support roadway cleanup at and around highways and bridges. Supervising authority will be through the Washington state department of transportation and currency held in escrow under its oversight.

(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) "Electricity theft" means diverting, altering, or bypassing any power meter designated for regular power supply use and monitored by the local utility district or company for residential and commercial power. The alteration theft of power is committed by the growers, manufacturers, and processors of cannabis, and cannabis and hemp related products in order to remain undetected by law enforcement officials.

(c) "Forfeiture and seizure" means loss of legal title as a consequence to the violation of this section.

(d) "Hemp" has the meanings provided for "hemp" and "industrial hemp" in RCW 15.140.020 including, but not limited to, recent food and drug administration warnings for illegal delta 9 and delta 8 products.

(e) "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 through extreme fear and intimidation.

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

(g) "Toxin" means the residual chemicals and mold absorbed within the sheetrock and wood or construction materials that occur during irrigation and treatment of cannabis or hemp.

(h) "Real Property Disclosure Statement" means itemized history of permitting and activity pertaining to non-permitted unlawful growing of cannabis or hemp. Emphasis on utility locates when using the 811 utility locate service resulting in errors and omissions with companies performing locates of electricity lines buried underground.

Sec. 4. RCW 69.50.331 and 2022 c 16 s 58 are each amended to read as follows: (1) For the purpose of considering any application for a license to produce, process, research, transport, or deliver cannabis, useable cannabis, cannabis concentrates, or cannabis-infused products subject to the regulations established under RCW 69.50.385, or sell cannabis, or for the renewal of a license to produce, process, research, transport, or deliver cannabis, useable cannabis, cannabis concentrates, or cannabis-infused products subject to the regulations established under RCW 69.50.385, or sell cannabis, the board must conduct a comprehensive, fair, and impartial evaluation of the applications timely received.

(a) The board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, cancellation, or renewal of any license, the board may consider any prior criminal arrests or convictions of the applicant, any public safety administrative violation history record with the board, and a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW do not apply to these cases. Subject to the provisions of this section, the board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (10) of this section. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting this authority must be adopted by rule.

(b) No license of any kind may be issued to:

- A person under the age of twenty-one years;
- A person doing business as a sole proprietor who has not lawfully resided in the state for at least six months prior to applying to receive a license;
- A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this section; or
- A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(2)(a) The board may, in its discretion, subject to RCW 43.05.160, 69.50.563, 69.50.562, 69.50.334, and 69.50.342(3) suspend or cancel any license; and all protections of the licensee from criminal or civil sanctions under state law for producing, processing, researching, or selling cannabis, cannabis concentrates,

useable cannabis, or cannabis-infused products thereunder must be suspended or terminated, as the case may be.

(b) The board must immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license is automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, receive testimony in any inquiry, investigation,

hearing, or proceeding in any part of the state, and consider mitigating and aggravating circumstances in any case and deviate from any prescribed penalty, under rules the board may adopt.

(d) Witnesses must be allowed fees and mileage each way to and from any inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, compels obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(3) Upon receipt of notice of the suspension or cancellation of a license, the licensee must forthwith deliver up the license to the board. Where the license has been suspended only, the board must return the license to the licensee at the expiration or termination of the period of suspension. The board must notify all other

licensees in the county where the subject licensee has its premises of the suspension or cancellation of the license; and no other licensee or employee of another licensee may allow or cause any cannabis, cannabis concentrates, useable cannabis, or cannabis-infused products to be delivered to or for any person at the premises of the subject licensee.

(4) Every license issued under this chapter is subject to all conditions and restrictions imposed by this chapter or by rules adopted by the board to implement and enforce this chapter. All conditions and restrictions imposed by the board in the issuance of an individual license must be listed on the face of the individual license along with the trade name, address, and expiration date.

(5) Every licensee must post and keep posted its license, or licenses, in a conspicuous place on the premises.

(6) No licensee may employ any person under the age of twenty-one years.

(7)(a) Before the board issues a new or renewed license to an applicant it must give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns, or to the tribal government if the application is for a license within Indian country, or to the port authority if the application for a license is located on property owned by a port authority.

(b) The incorporated city or town through the official or employee selected by it, the county legislative authority or the official or employee selected by it, the tribal government, or port authority has the right to file with the board within twenty days after the date of transmittal of the notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which

the new or renewed license is asked. The board may extend the time period for submitting written objections upon request from the authority notified by the board.

(c) The written objections must include a statement of all facts upon which the objections are based, and in case written objections are filed, the city or town or county legislative authority may request, and the board may in its discretion hold, a hearing subject to the applicable provisions of Title 34 RCW. If the board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If a hearing is held at the request of the applicant, board representatives must present and defend the board's initial decision to deny a license or renewal.

(d) Upon the granting of a license under this title the board must send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns. (8)(a) Except as provided in (b) through (e) of this subsection, the board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older. (b) A city, county, or town may permit the licensing of premises within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health. (c) A city, county, or town may permit the licensing of research premises allowed under RCW 69.50.372 within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.

(d) The board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within one thousand feet but not less than one hundred feet of an elementary school, secondary school, or playground in compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility:

(i) Meets a security standard exceeding that which applies to cannabis producer, processor, or retailer licensees;

(ii) Is inaccessible to the public and no part of the operation of the facility is in view of the general public; and

(iii) Bears no advertising or signage indicating that it is a cannabis research facility.

(e) The board must issue a certificate of compliance if the premises met the requirements under (a), (b), (c), or (d) of this subsection on the date of the application. The certificate allows the licensee to operate the business at the proposed location notwithstanding a later occurring, otherwise disqualifying factor.

(f) The board may not issue a license for any premises within Indian country, as defined in 18 U.S.C. Sec. 1151, including any fee patent lands within the exterior boundaries of a reservation, without the consent of the federally recognized tribe associated with the reservation or Indian country.

~~(9) (A city, town, or county may adopt an ordinance prohibiting a cannabis producer or cannabis processor from operating or locating a business within areas zoned primarily for residential use or rural use with a minimum lot size of five acres or smaller.) The board shall not issue a license to a cannabis or hemp producer or processor located within areas zoned primarily for residential use or rural use. When a cannabis plant is growing within a real property zone other than residential zone, a business license must be obtained with an employer identification number as it is determined the cannabis activity is for commercial use. Therefore, only within appropriate zoned areas will all cannabis and hemp activity be allowed. Under no circumstance will it be permitted to grow or cultivate cannabis or hemp within a residential zone.~~

(10) In determining whether to grant or deny a license or renewal of any license, the board must give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

Sec. 5. RCW 9A.82.010 and 2013 c 302 s 10 are each amended to read as follows: Unless the context requires the contrary, the definitions in this section apply throughout this chapter...

(uu) Electricity theft, as defined in section 3 of this act,

(vv) Property disclosure statement, pertaining to utility locate services, also known as 811 utility locate as defined in section 3 of this act.

NEW SECTION. Sec. 6. This act must be liberally construed to carry out its policies, purposes, and intent.

NEW SECTION. Sec. 7. 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. 8. This act may be known and cited as the cannabis crime shred act.

NEW SECTION. Sec. 9. This act takes effect January 1, 2024.