

Sponsored By: Representative(s) Olsen, Blackburn, Brown, Clem, Eyre, Furphy, Henderson, Jennings, Lone, Pownall, Salazar, Steinmetz and Winters and Senator(s) Christensen, Driskill and Hicks

AN ACT relating to controlled substances; providing penalties for possession of marihuana in plant form and tetrahydrocannabinol products in specified amounts; creating an elevated misdemeanor offense for possession of such products as specified; amending a provision related to determination of weight; making a conforming amendment; and providing for an effective date.

1/20/2017 Bill Number Assigned
 1/23/2017 H Received for Introduction
 1/25/2017 H Introduced and Referred to H01 - Judiciary
 1/31/2017 H01 - Judiciary:Recommend Amend and Do Pass 8-1-0-0-0

ROLL CALL

Ayes: Representative(s) Biteman, Jennings, Kirkbride, Olsen, Pelkey, Pownall, Salazar, Winters

Nays: Representative Baker

Ayes 8 Nays 1 Excused 0 Absent 0 Conflicts 0

1/31/2017 H Placed on General File

HB0197HS001/ADOPTED

Page 1-line 5 After "specified;" insert "amending a provision related to determination of weight;".

Page 1-line 11 Delete "and" insert ","; after "(vi)" insert "and (d)".

Page 5-After line 21 Insert:

"(d) For purposes of determining the weights to be given the controlled substances under this section, the weights designated in this section shall include the weight of the controlled substance and the weight of any carrier element, cutting agent, diluting agent or any other substance excluding packaging material or container". WINTERS, VICE CHAIRMAN

2/1/2017 H COW:Passed

HB0197H2001/FAILED

Page 1-line 1 After "providing" insert "civil and criminal".

Page 4-line 6 After ", " insert "shall be subject to a civil penalty of not more than two hundred dollars (\$200.00). For any subsequent offense under this paragraph, a person".

Page 4-lines 9 through 11 Delete entirely.

Page 4-line 13 Delete "(B) On a second conviction" insert "(A) For a second offense".

Page 4-line 15 Delete "conviction" insert "penalty".

Page 4-line 21 Delete "(C) On a third conviction" insert "(B) For a third offense".

Page 5-line 6 Delete "(D) On a fourth or subsequent conviction" insert "(C) For a fourth or

subsequent offense".
Page 5-line 14 Delete "(E)" insert "(D)". BAKER, PELKEY

2/2/2017 H 2nd Reading:Passed

HB0197H3001/ADOPTED

Page 4-line 13 Delete "ten (10)" insert "five (5)".
Page 4-line 21 Delete "ten (10)" insert "five (5)".
Page 5-line 7 Delete "ten (10)" insert "five (5)". PELKEY

2/3/2017 H 3rd Reading:Passed 52-6-2-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Barlow, Biteman, Blackburn, Blake, Brown, Burkhart, Byrd, Clem, Connolly, Court, Crank, Dayton, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Gray, Greear, Haley, Hallinan, Halverson, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Madden, Miller, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Salazar, Steinmetz, Sweeney, Wilson, Winters, Zwonitzer

Nays: Representative(s) Clausen, McKim, Northrup, Schwartz, Sommers, Walters

Excused: Representative(s) Bovee, Lone

Ayes 52 **Nays** 6 **Excused** 2 **Absent** 0 **Conflicts** 0

2/6/2017 S Received for Introduction

2/6/2017 S Introduced and Referred to S01 - Judiciary

2/23/2017 S01 - Judiciary:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anselmi-Dalton, Christensen, Hicks, Kinskey, Nethercott

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/23/2017 S Placed on General File

HB0197SS001/ADOPTED

(TO ENGROSSED COPY)

Page 1-above line 1 In the catch title delete "THC" insert "marihuana".

Page 1-line 3 Delete "tetrahydrocannabinol" insert "marihuana".

Page 1-line 5 Delete "such" insert "marihuana".

Page 1-line 11 Delete "35-7-1031(c)(i)(A)" insert "35-7-1031(c)(i)(B) through (D) and by creating a new subparagraph (G)".

Page 3-line 8 After "person" insert "who is".

Page 3-line 9 After "convicted" strike line and insert "of a violation of this paragraph and has two (2) or more previous convictions under this section".

Page 3-line 10 Strike "paragraph".

Page 3-lines 17 through 19 Delete and insert:

"(B) For a controlled substance in liquid form other than a marihuana product as defined in subparagraph (c)(vi)(E) of this section, no more than three-tenths (3/10) of a gram;

(C) For a controlled substance in powder or crystalline form other than a marihuana product as defined in

subparagraph (c) (vi) (E) of this section, no more than three (3) grams;
(D) For a controlled substance in pill or capsule form other than a marihuana product as defined in subparagraph (c) (vi) (E) of this section, no more than three (3) grams;

(G) Except as otherwise provided in this subsection, for a controlled substance in any other form, no more than three (3) grams."

Page 4-line 5 After "marihuana" delete "in".
Page 4-line 6 Delete.
Page 4-line 7 Delete "THC".
Page 4-line 12 After "both" insert ", if the person has no previous conviction under this section or under any similar law in another jurisdiction".
Page 4-line 14 After "(B)" delete line and insert "Upon violation of this paragraph within ten (10)".
Page 4-line 15 Delete "a" insert "any previous".
Page 4-line 16 After "conviction" delete line and insert "under this section or under any".
Page 4-line 17 Delete through "jurisdictions" insert "similar law in another jurisdiction".
Page 4-line 22 After "(C)" delete line and insert "Upon violation of this paragraph within ten (10)".
Page 4-line 23 Delete "a" insert "two (2) previous convictions under this section or under any".
Page 5-line 1 Delete.
Page 5-line 2 Before "similar" delete "of".
Page 5-line 7 After "(D)" delete line and insert "Upon violation of this paragraph".
Page 5-line 8 Delete "five (5)" insert "ten (10)".
Page 5-line 9 Delete and insert "after three (3) or more previous convictions under this section or under any".
Page 5-line 10 Delete "violation of".
Page 5-line 15 Delete "THC" insert "marihuana".
Page 5-line 18 After "use" insert ", other than by smoking,".
Page 5-line 22 After "tetrahydrocannabinols." insert "\"Marihuana product\" does not include a substance obtained by separating cannabinoids from marihuana that has not been prepared into baked goods, candies, edibles, ointments, potable liquids, tinctures or any other similar form.". CHRISTENSEN, CHAIRMAN

2/27/2017 S COW:Passed

HB0197S2001/ADOPTED

(TO ENGROSSED COPY)

Page 5-line 4 Delete "two (2) years" insert "one (1) year".
NETHERCOTT

2/28/2017 S 2nd Reading:Passed

HB0197S3001/ADOPTED

(TO ENGROSSED COPY)

(CORRECTED COPY)

Page 1-line 4 Delete "an elevated misdemeanor offense" insert "offenses".
Page 1-line 6 Delete "making a conforming amendment;".
Page 1-line 11 Delete "6-10-101 and".

Page 1-line 12 Delete "are" insert "is".
Page 2-lines 1 through 5 Delete.
Page 5-line 2 Delete "an elevated" insert "a". NETHERCOTT

**HB0197S3002/ADOPTED (TO ENGROSSED COPY)
(CORRECTED COPY)**

Page 1-line 2 Delete "in plant form".
Page 3-lines 8 through 10 Delete the first senate standing committee amendment (HB0197SS001/AE) to these lines.

Page 3-lines 17 through 19 In the first senate standing committee amendment (HB0197SS001/AE) to these lines, delete subparagraph (G) created by that amendment and insert:

"(G) Except as otherwise provided in this subsection, for a controlled substance containing marihuana or tetrahydrocannabinols, which controlled substance is not a marihuana product as defined in subparagraph (c)(vi)(E) of this section and which is in a form other than a form specified in this paragraph, no more than three (3) grams."

Page 4-line 12 Delete the first senate standing committee amendment (HB0197SS001/AE) to this line. CHRISTENSEN, HICKS

HB0197S3003/ADOPTED (TO ENGROSSED COPY)

Page 4-line 15 Delete "excluding periods of incarceration,".
Page 4-line 23 Delete "excluding periods of incarceration,".
Page 5-line 8 Delete "excluding periods of incarceration,". MEIER

3/1/2017 S 3rd Reading:Passed 20-10-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Barnard, Bebout, Boner, Christensen, Coe, Dockstader, Driskill, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Scott, Wasserburger

Nays: Senator(s) Anselmi-Dalton, Baldwin, Bouchard, Burns, Case, Ellis, Emerich, Hastert, Rothfuss, Von Flatern

Ayes 20 **Nays** 10 **Excused** 0 **Absent** 0 **Conflicts** 0

3/1/2017 H Received for Concurrence

3/2/2017 H Concur:Failed 28-30-2-0-0

ROLL CALL

Ayes: Representative(s) Biteman, Brown, Clausen, Clem, Court, Crank, Edwards, Eklund, Eyre, Flitner, Furphy, Gray, Haley, Kinner, Kirkbride, Lone, MacGuire, Madden, Obermueller, Olsen, Paxton, Piiparinen, Pownall, Salazar, Sommers, Steinmetz, Wilson, Winters

Nays: Representative(s) Allen, Baker, Barlow, Blackburn, Blake, Bovee, Burkhardt, Byrd, Connolly, Dayton, Freeman, Gierau, Greear, Hallinan, Halverson, Henderson, Hunt, Jennings, Larsen, Laursen, Lindholm, Loucks, McKim, Miller, Nicholas, Northrup, Pelkey, Schwartz, Sweeney, Zwonitzer

Excused: Representative(s) Harshman, Walters

Ayes 28 **Nays** 30 **Excused** 2 **Absent** 0 **Conflicts** 0

3/3/2017 H Appointed JCC01 Members

3/3/2017 Representative(s) Olsen, Pelkey, Pownall
S Appointed JCC01 Members
3/3/2017 Senator(s) Christensen, Hicks, Nethercott
H postponed indefinitely