

Summary of Changes to Title 5

Title 5 Code of Offenses

1. 5.04.010(4) Disorderly Conduct: Added marijuana.
2. 5.04.010(4)(D) Disorderly Conduct: Added marijuana.
3. 5.04.010(5)(C) Disorderly Conduct: Added marijuana.
4. 5.04.090 Carrying a Firearm Under the Influence of Intoxicants: Added marijuana and drugs
5. 5.08.030 Violation of Federal or State Law: Modified to address that violations related to marijuana according to Title 5 do not apply.
6. 5.09A.010 Construction: Second paragraph added marijuana.
7. 5.09A.035(a) Consumption or Possession of Alcohol by a Minor: Added marijuana.
8. 5.09A.035(b) Consumption or Possession of Alcohol by a Minor: Added new section prohibiting possession of marijuana for minor under 18 who is a qualifying patient, but they can consume if it is given by their designated provider who can possess the marijuana.
9. 5.09A.35(c) Consumption or Possession of Alcohol by a Minor: Added a new section that minors 18-21 can possess/consume marijuana if they have a recognition card.
10. 5.09A.045(a) Furnishing Alcohol to a Minor: Added marijuana.
11. 5.09A.045(b) Furnishing Alcohol to a Minor: Added marijuana.
12. 5.09A.045(c) Furnishing Alcohol to a Minor: Added new section addressing qualifying patients and designated providers to address medical marijuana.
13. 5.09A.050(a)(1) Illegal Substance Definitions: Excepted marijuana from the definition.
14. 5.09A.050(a)(3) Illegal Substance Definitions: Excepted marijuana from the definition.
15. 5.09A.050(c) Illegal Substance Definitions: Deleted this section to remove marijuana as an illegal substance.
16. 5.09A.055 Marijuana: Added a new section for marijuana providing definitions, legal amounts
 - a. 5.09A.055(a) Definitions Marijuana: Lists relevant definitions used in the Title.
 - b. 5.09A.055(b) Possession of Marijuana: Provides legal amounts of marijuana products that may be possessed by persons and persons who have medical marijuana recognition cards or are designated providers. Persons with medical marijuana cards are not permitted to possess marijuana plants as they would be in WA.
 - c. 5.09A.055 (c): marijuana must be properly packaged and labeled and purchase from the state or tribes licensed to sell marijuana.
 - d. 5.09A.055(d) Production, Distribution, Sales Prohibited: prohibition on growing, producing, processing distributing marijuana. Persons with medical marijuana cards are not permitted to grow as they would be in the WA. Language in the section does not prohibit the Lummi Nation from authorizing and regulating commercial marijuana activities.
 - e. 5.09A.055(e): Cannot use or possess marijuana within public view in identified places.
 - f. 5.09A.055(f): Violating the marijuana provisions will result in prosecution.
 - g. 5.09A.055(g): Requires proper use of the medical marijuana authorization database and use of cards. Imposes penalties for violating this section.

- h. 5.09A.055(h): Health care professionals are not liable for crimes if they advise on marijuana use and providing an authorization.
 - i. 5.09A.055(i): Places do not have to accommodate for medical marijuana use on site and that employers are not required to accommodate medical marijuana use.
- 17. 5.09A.090 Drug Paraphernalia: Excepted marijuana from the definition.
- 18. 5.09A.110(d)(1) Prohibited Acts: Deleted prior penalties for marijuana for amounts and established one section as penalty for possession greater than the authorized amounts.
- 19. 5.09A.110(d)(2)-(3) Prohibited Acts: Created new paragraph numbers because former paragraph (2) was deleted.
- 20. 5.09A.110(g) Prohibited Acts: Added a new section to address that possession of marijuana in compliance with the code is not a prohibited but if persons violate the code marijuana penalties will be imposed as if it were defined as an illegal substance under Title 5.

Summary of Changes to Title 6

Title 6 Traffic Code

1. 6.05.410 Alcoholic Beverages – Prohibitions: Added marijuana.
2. 6.07.010 Fines: Added marijuana to 6.05.410.

Summary of Changes to Title 6A

Title 6A Criminal Traffic Code

1. 6A.01.060 Implied Consent; Blood Alcohol Test: Change title from alcohol to blood tests.
2. 6A.01.060(e) Implied Consent; Blood Alcohol Test: Added “or other drugs”.
3. 6A.02.050(2): Corrected typo in paragraph that had the incorrect citation to 6A.02.090.
4. 6A.02.090(a)(3) Driving While Under the Influence: Added new section for THC in blood.
5. 6A.02.100(a)(3) Actual Physical Control: Added new section for THC in blood.