



## Home Grow Regulatory Options

### Bill Language

Sec. 24. (1) The state liquor and cannabis board must conduct a study of regulatory options for the legalization of marijuana plant possession and cultivation by recreational marijuana users. In conducting the study, the state liquor and cannabis board must consider the federal guidelines provided by the Cole memorandum, issued by the United States department of justice on August 29, 2013, which allows individual states to implement marijuana legalization policies, provided such states enact strong and effective regulatory and enforcement systems that address public safety, public health, and law enforcement concerns as outlined in the memorandum.

(2) Not later than December 1, 2017, the state liquor and cannabis board must provide the appropriate committees of the legislature written findings and recommendations regarding the adoption and implementation of a regulatory and enforcement system for the legalization of marijuana plant possession and cultivation by recreational marijuana users, in light of the guidelines set forth in the federal Cole memorandum.

(3) The study, findings, and recommendations required under this section must be done through the use of the existing resources of the state liquor and cannabis board.

### Home Grow Regulatory Options

#### 1. Strictly Regulated Recreational Home Grows

- Allow recreational home grows under a strict state regulatory framework that requires a permit and tracking of plants throughout the state, with enforcement jurisdiction shared between the WSLCB and local authorities.
- Absent a permit, growing marijuana for any purpose is illegal.
- Require tracking of all plants in the traceability system to help prevent diversion.
- Limit of no more than 4 plants per household.
- Include a statutory provision that allows law enforcement to seize and destroy all plants possessed by a person if the person has more plants than the law allows.
- Include a statutory provision to allow recreational growers to acquire plants from licensed producers so long as the person possesses a valid permit.
- Include requirements for security, preventing youth access, preventing diversion, etc.
- Include the same restrictions that apply to medical marijuana patients on processing marijuana in recreational home grows (no extraction with combustible materials. See WAC 314-55-430).

#### 2. State Framework, Local Authority Recreational Home Grows

- Allow recreational home grows under a regulatory framework based on statewide standards set in statute, but authorized, controlled, and enforced by local jurisdictions (counties, cities).

- Include statutory requirements for security, preventing youth access, preventing diversion, etc. (Cole Memo).
- Require a permit to possess plants. Absent a permit, growing marijuana for any purpose is illegal.
- Limit of no more than 4 plants per household.
- Include a statutory provision to allow recreational growers to acquire plants from licensed producers so long as the person possesses a valid permit.
- Include a statutory provision that allows law enforcement to seize and destroy all plants possessed by a person if the person has more plants than the law allows.
- Include the same restrictions that apply to medical marijuana patients on processing marijuana in recreational home grows (no extraction with combustible materials. See WAC 314-55-430).
- The Legislature may choose to allow local jurisdictions to “opt-in” for or “opt-out” of allowing recreational home grows, similar to the approach the Legislature took with marijuana licenses and registered medical marijuana patient cooperative grows.

### **3. Prohibit Recreational Home Grows.**

- Do not allow recreational home grows. Maintain current status.
- A regulated market is in place and widely available throughout the state.
- Home grows for medical purposes, including cooperatives, are currently allowed under state law.
- Allowing recreational home grows may provide a cover for the illicit market. This has been seen in other states that permit home grows for both medical and recreational purposes.
- Recreational home grows may contribute to diversion, youth access, etc., primary considerations under the guidelines set in the Cole Memo.

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