

I-2132 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. 2132 concerns marijuana, cannabis, hemp and electricity theft.

Concise Description: This measure would prohibit marijuana, cannabis, or hemp production or sale in residential-zoned neighborhoods; subject violators to property confiscation; and require power companies to make disclosures and repairs after an electrical theft incident.

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

Ballot Measure Summary:

This measure would prohibit production, processing, or sale of marijuana, cannabis, or hemp in residential-zoned neighborhoods, and subject violators to property confiscation for violating those restrictions. It would prohibit licenses for producers in areas zoned primarily for residential or rural use. It would require power companies to assign an electrical transformer to each property owner who experiences electrical theft and would fine power companies for failing to provide access to transformers or make certain disclosures.

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 2132, and entitled, "Initiative Measure 2132" concerns, marijuana, cannabis, hemp and electricity theft. This measure prohibits the production, processing, and sale of marijuana, cannabis or hemp in residentially zoned neighborhoods. A full, true, and correct copy of which is printed on the reverse side of this petition, be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the 5th day of November, 2024; 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			2132 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 2023 to gather 325,000 valid signatures. Time is short — ACT NOW. To get more petitions, call or email us, **OR PREFERABLY**, to save you 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

Text reads as follows:

AN ACT Relating to the schedule I narcotic known under the name marijuana, cannabis, or hemp and its electricity theft associated with the unlawful production, processing, and sales in residential zoned neighborhoods; amending RCW 69.50.331; adding a new section to chapter 69.50 RCW; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The legislature finds the following:

(1) Criminal conduct has not subsided since the passing of Initiative Measure No. 502, authorizing the recreational use of cannabis. In fact, the problem has resulted in an increase of illicit narcotic abuse and death for men and women of all ages. There is no excuse for this breakdown in law, order, and safety. Therefore, only within appropriate zoned areas will all marijuana, cannabis, and hemp activity be allowed. Under no circumstance may a person grow or cultivate marijuana, cannabis, or hemp within a residential zone.

(2) Power companies must provide all records to its customers following an incident of power theft investigation by police. 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. Most 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. The power company supplying the resident owner of electricity for normal residential use is standard for all real property owners and expected to be supplied uninterrupted. Moreover, the power company has record of all incidents of power theft by marijuana growers and historically denies access of the incident records without court order or subpoena to the adjoining customer homeowner.

NEW SECTION. Sec. 2. The people intend to prevent the unlawful theft of electricity in cannabis operations by prohibiting all marijuana, cannabis, and hemp activity in residential zoned real property and requiring power companies to provide their incident records to its customers.

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 marijuana, cannabis, and hemp remain unlawful in residential zoned neighborhoods.

(2) This section applies to marijuana, cannabis, 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.

(3) A person, congregation of people, business entity, or corporation found to be imposing crime, and in violation of the zoning laws for marijuana, 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, governors, utility company associates, real estate brokers, legal counsel, county councilmembers, county executives, city councilmembers, city mayors, state representatives, legislators, or subcontractors cannot declare immunity, and shall be prosecuted for aiding in the crime of electricity theft. Specifically, when the drug enforcement administration and the Washington state patrol or another 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 federal and state law.

(4) All power supply companies within Washington state providing electricity to customers within residential zoned areas must warranty to its customers exclusive transformer designation when power meter diversions are revealed in police report incidents. In past cases of power theft, it was required that the electric companies would replace the underground power lines when meters were bypassed. To ensure that all residents are to remain safe from hazards, all power companies will designate the exclusive right to the homeowner of a safe and uninterrupted electrical transformer. This means the power company must supply the labor and materials at no expense to the homeowner, and ensure that the transformer is exclusive and safe for the customer and resident homeowner. Unlawful marijuana growers overload the transformer and burn it beyond repair, this results in power loss to the residents for many days thereafter. The power company must replace the transformers for all dwellings and assign exclusive transformers for each individual dwelling so that they are no longer sharing the same transformer. Failure by the power company to disclose the records of violations, and failure to provide the safe exclusive transformers following a power theft incident will subject the power company to a \$2,000 fine held in escrow to support roadway cleanup at and around highways and bridges.

(5) 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 power company for residential and commercial power. Electricity theft is committed by the growers, manufacturers, and processors of cannabis, and cannabis and hemp-related products to remain undetected by law enforcement officials.

(c) "Hemp" has the meanings provided for "hemp" and "industrial hemp" in RCW 15.140.020 and includes recent food and drug administration warnings for illegal delta 9 and delta 8 products.

(d) "Hemp" has the meanings provided for "hemp" and "industrial hemp" in RCW 15.140.020 and includes recent food and drug administration warnings for illegal delta 9 and delta 8 products.

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

(f) "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.

Sec. 4 RCW 69.50.331 and 2023 c 220 s 2 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 or denial thereof, 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:

(i) A person under the age of 21 years;

(ii) 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;

(iii) 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

(iv) 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 21 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 1,000 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 21 years or older.

(b) A city, county, or town may permit the licensing of premises within 1,000 feet but not less than 100 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 1,000 feet but not less than 100 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 1,000 feet but not less than 100 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. The board shall not issue a license to a real property owner or tax parcel that adjoins a reservation or Indian country if the property is outside the appropriate zoning and bordering residential zoning.

~~(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 marijuana, 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 marijuana, cannabis, or hemp within a residential zone. All real property that borders an existing licensed cannabis facility or adjacent to another property that is in full compliance, and within appropriately zoned areas, shall not share the license to operate as a cannabis facility or grower with an adjoining tax parcel. All cannabis licenses that are in compliance shall be granted to one tax parcel individually not shared with another tax parcel.~~

(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.

(11) The board may not issue a cannabis retail license for any premises not currently licensed if:

(a) The board receives a written objection from the legislative authority of an incorporated city or town, or county legislative authority, relating to the physical location of the proposed premises;

(b) The objection to the location from the incorporated city or town, or county legislative authority, is received by the board within 20 days of the board notifying the incorporated city or town, or county legislative authority, of the proposed cannabis retail location; and

(c) The objection to the issuance of a cannabis retail license at the specified location is based on a preexisting local ordinance limiting outlet density in a specific geographic area. For purposes of this subsection (11), a preexisting local ordinance is an ordinance enacted and in effect before the date the applicant submits an application for a cannabis retail license to the board identifying the premises proposed to be licensed. No objection related to the physical location of a proposed premises may be made by a local government under this subsection (11), unless the location of the premises is adjacent to or within a residential zone, based on a local ordinance enacted after the date the applicant submits an application for a cannabis retail license to the board identifying the premises proposed to be licensed.

(12) After January 1, 2024, all cannabis licensees ~~(are encouraged but are not required to)~~ may submit a social equity plan to the board. Upon confirmation by the board that a cannabis licensee who is not a social equity applicant, and who does not hold a social equity license issued under RCW 69.50.335, has submitted a social equity plan, the board must within 30 days reimburse such a licensee an amount equal to the cost of the licensee's annual cannabis license renewal fee. Financial institutions and insurance companies have now offered some services to cannabis companies that are following the laws of Washington state. Many resources are found at the Washington state department of financial institutions website.

(13) The license renewal fee reimbursement authorized under ~~(this)~~ subsection (12) of this section is subject to the following limitations:

(a) The board may provide reimbursement one time only to any licensed entity; and

(b) Any licensed entity holding more than one cannabis license is eligible for reimbursement of the license renewal fee on only one license.

NEW SECTION. Sec. 5 This act must be liberally construed to carry out its policies, purposes, and intent.

NEW SECTION. Sec. 6. 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. 7 This act may be known and cited as the cannabis crime shred act.

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