

Stance on Use of Marijuana in Beer

Written by Mark Emiley

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Disclaimer – this article is not professional legal guidance but an informal stance.

The passing of Initiative 502 that makes the personal use of marijuana legal under Washington State law poses some interesting challenges for all of us. Homebrewers are asking about using marijuana in their beer. After all, it is closely related to the hops that we all know and love, right? Regardless of whether or not the effects of the THC will be realized, the answer isn't a simple yes or no. The new law isn't a blanket license for anyone to use marijuana anywhere, any time. There are restrictions within the law, and some items that must still be settled, either by state agencies or the courts.

As it is written, use of these marijuana products will no longer be a crime or an infraction as of December 6, 2012, provided it is not displayed in public. Use or display of marijuana in public will be an infraction for which the violator should expect a citation or "notice of infraction."

The law allows adults to possess up to one ounce of marijuana per person for personal use. It is also legal to have up to 16 ounces of a marijuana-infused product in solid form, such as baked goods, or 72 ounces in liquid form, with the drug cooked into it. Above an ounce, which is 28.3 grams, current laws apply, so up to 40 grams or slightly less than an ounce and a half, is a misdemeanor and more than 40 grams is a Class C felony.

State and federal law continue to make it illegal for anyone to deliver marijuana. Add to that the numerous communications from area employers that are following the Federal laws that consider the use of marijuana illegal and, well, it gets complicated.

The Washington Homebrewers Association worked very hard to get the laws changed to allow the transportation of homebrew for competitions and personal use and do not want to jeopardize that in any way. To be sure that we do not violate any laws, until the State of Washington and Federal laws are clarified and specifically allow it, marijuana should not be allowed as an ingredient in any beer, mead or cider that is entered into any homebrewing competition or removed from the house of production. It simply is not worth the risk to the laws, people tasting or judging the beer, and competition organizers.

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Plus there are a myriad of reasons why it is simply a very, very bad use of marijuana. But we'll let you look those up in your free time. (Think about resins, lack of isomerization, excess vegetal matter, vastly different oils, lack of breeding for positive beer flavors, and how much better brownies would taste).

We hope that you all understand and appreciate your cooperation.

For Competition Organizers, here is some basic wording that you may include in your competition rules to prohibit beers potentially incorporating marijuana as an ingredient.

- Under no circumstance will the competition accept any entry that may have had direct contact with illegal drugs recognized by Federal authorities, **including marijuana**. If it is discovered that a beer was submitted containing any such drugs, civil and/or criminal actions may be taken against the entrant.