
Government Accountability & Oversight Committee

HB 2706

Brief Description: Ensuring safe, responsible, and legal acquisition of marijuana by adults.

Sponsors: Representative Moscoso.

Brief Summary of Bill

- Creates penalties for people under 21 trying to purchase marijuana, entering marijuana shops, or representing themselves as older than 21 in order to purchase marijuana.
- Creates criminal penalties for assisting people under 21 to acquire marijuana.
- Creates criminal penalties for producing and distributing false identification for age verification.
- Defines acceptable forms of identification for age verification.

Hearing Date: 2/3/14

Staff: David Rubenstein (786-7153).

Background:

Introduction to Initiative Measure No. 502.

Initiative Measure No. 502 ("I-502" or "initiative") was a ballot measure approved by Washington voters in November of 2012 that legalizes the production, processing, possession and personal use of marijuana on a limited scale, creates a framework for a regulatory scheme to be further developed by the Liquor Control Board (LCB) through its rule-making authority, and revises provisions in criminal statute to accommodate such legalization in accordance with the requirements of the initiative.

Licensing of Marijuana Producers, Processors, and Retailers.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

I-502 creates three categories of marijuana marketing licenses to be issued by the LCB in implementing the statutory scheme outlined in the initiative: (1) The marijuana producer's license entitles the holder to produce marijuana for sale at wholesale to licensed marijuana processors or other producers; (2) The marijuana processor's license entitles the holder to process, package, and label marijuana for sale at wholesale to marijuana retailers; and (3) The marijuana retailer's license entitles the holder to sell marijuana products at retail prices in retail outlets.

Restrictions on Licensed Marijuana Retailers.

Under I-502, licensed marijuana retailers are subject to specified restrictions. Among those restrictions are prohibitions on the following:

- the sale of products or services other than marijuana products or related paraphernalia;
- employment of persons under 21 years of age; and
- allowing persons under 21 years of age to enter or remain on the premises.

A retail licensee who violates any of these advertising prohibitions is subject to a \$1,000 fine for each violation.

Fake Identification Cards.

The regulation of fake identification cards (IDs) and transferred IDs is generally contained within liquor control statutes. It is a misdemeanor offense to transfer an ID to another person for the purpose of helping that person buy alcoholic beverages. Similarly, it is a misdemeanor to possess another's ID. In addition to a jail term not exceeding 90 days, violators are subject to a minimum \$250 fine and the sentence may include 25 hours of community restitution.

By contrast, it is a gross misdemeanor to forge, alter, or acquire an ID and provide that fake ID to a person under the age of 21. Violations carry a sentence of up to 364 days and a minimum fine of \$2,500.

Off-Limits Areas.

Also under liquor control regulations, the LCB is required to designate particular areas of a given premises as off-limits to people under 21 years old because of the presence of alcoholic beverages. It is a misdemeanor for a minor to enter or remain in such an off-limits area and to hold him or herself out as older than 21 in order to gain access to those areas.

Generally, the language of this bill tracks the language of existing statutes governing the purchase of alcohol by minors.

Summary of Bill:

The following acts constitute a misdemeanor (punishable by a sentence of up to 90 days and a fine of up to \$1,000):

- persons under age 21 purchasing or attempting to purchase marijuana;
- inviting a minor into a place where marijuana is sold and allowing or helping the minor to acquire marijuana;
- minors entering or remaining in a marijuana shop or lying about age in order to buy marijuana; and

- transferring an ID to a minor for the purposes of purchasing marijuana products (requires a minimum \$250 fine).

It is a gross misdemeanor to forge, alter, or acquire an ID and provide that fake ID to a person under the age of 21. Violations carry a sentence of up to 364 days and a minimum fine of \$250.

If an ID has an expiration date, it is a gross misdemeanor carrying a sentence of up to 364 days and a minimum fine of \$250 to use the document after that date for age verification.

Acceptable forms of ID for age verification, such as driver's licenses, are defined.

Summary of Proposed Substitute

Strikes provisions defining misdemeanors for minors purchasing marijuana, and replaces them with a two-tiered civil infraction penalty that may also carry community restitution and/or drug diversion or rehabilitation:

- Minors between 18 and 21 purchasing or attempting to purchase marijuana commit a Class 2 civil infraction (\$125 fine);
- Minors under 18 purchasing or attempting to purchase commit a Class 3 civil infraction (\$50 fine);
- Minors between 18 and 21 lying about their age to enter a marijuana shop or in order to buy marijuana commit a Class 2 civil infraction (\$125 fine); and
- Minors under 18 lying about their age to enter a marijuana shop or in order to buy marijuana commit a Class 3 civil infraction (\$50 fine).

Retains gross misdemeanor penalty for manufacturing and/or distributing a fake ID to a minor, but modifies the penalty to require a \$2,500 fine (identical to the liquor control statute).

Separates provisions defining the acceptable forms of non-expired identification for age verification from the fake-ID section such that it is not a crime to use an expired ID.

Appropriation: None.

Fiscal Note: Available (see HB 2303)

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.