

SENATE BILL REPORT

SHB 2706

As of February 27, 2014

Title: An act relating to ensuring safe, responsible, and legal acquisition of marijuana by adults.

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

Sponsors: House Committee on Government Accountability & Oversight (originally sponsored by Representative Moscoso).

Brief History: Passed House: 2/17/14, 97-0.

Committee Activity: Commerce & Labor: 2/28/14.

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Edith Rice (786-7444)

Background: Initiative 502 (I-502), passed by the voters in November 2012, allows individuals age 21 years and older to purchase and possess up to one ounce of useable marijuana. The Liquor Control Board (LCB) is authorized by I-502 to regulate recreational marijuana.

A person found to have committed a civil infraction must be assessed a monetary penalty. The maximum penalty and the default amount for a class 2 civil infraction is \$125, not including statutory assessments. The maximum penalty and the default amount for a class 3 civil infraction is \$50 not including statutory assessments.

A person convicted of a misdemeanor must be punished by imprisonment in the county jail for a period of time not exceeding 90 days, by a \$1,000 maximum fine, or by both. A person convicted of a gross misdemeanor must be punished by imprisonment in the county jail for a period of time not exceeding 364 days, by a \$5,000 maximum fine, or by both.

Summary of Bill: Purchasing or attempting to purchase marijuana by persons between the ages of 18 and 20 is a class 2 civil infraction with a \$125 fine, up to four hours of community restitution, or both, except for people participating in a controlled purchase program conducted by LCB or other law enforcement agencies. Purchasing or attempting to purchase marijuana by persons under age 18 is a class 3 civil infraction with a \$50 fine, up to four hours of community restitution, or both.

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.

LCB must classify marijuana-licensed premises as prohibited places for persons under 21 years of age. It is a class 2 civil infraction with a \$125 fine, up to four hours of community restitution, or both for persons between the ages of 18 and 20 to enter or remain in marijuana-licensed premises and to represent that the person is at least 21 years of age. It is a class 3 civil infraction with a \$50 fine, up to four hours of community restitution, or both for a person under 21 years of age to enter or remain in marijuana-licensed premises and represent that the person is at least 21 years of age. The court may require participation in a drug diversion program or other appropriate rehabilitative services.

It is a misdemeanor for a person to:

- invite a minor into a public place where marijuana is sold and treat, give, or purchase marijuana for the minor;
- permit a minor to treat, give, or purchase marijuana; or
- represent that the minor is at least 21 years of age to the marijuana establishment's owner or employee, law enforcement, or a liquor enforcement officer.

Transferring a form of identification to a minor for the purpose of allowing the minor to obtain marijuana or marijuana products is a misdemeanor with a minimum fine of \$250 and a minimum of 25 hours of community restitution. A person can be convicted only if a witness provides corroborative testimony.

A person can purchase marijuana or enter marijuana-licensed premises with the following forms of identification to prove age:

- driver's license, instruction permit, or identification card;
- United States Armed Forces identification card;
- passport;
- Merchant Marine identification card issued by the United States Coast Guard; and
- enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington.

Forging, altering, or counterfeiting and supplying any piece of identification to a person under age 21 for the purpose of obtaining marijuana is a gross misdemeanor with a minimum fine of \$2,500.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.