

SENATE BILL REPORT

SB 6158

As of February 6, 2014

Title: An act relating to encouraging safe and responsible sales of marijuana by authorizing the use of minors in compliance checks and addressing identification and manufacturing.

Brief Description: Encouraging safe and responsible sales of marijuana by authorizing the use of minors in compliance checks and addressing identification and manufacturing.

Sponsors: Senators Conway and Kline; by request of Liquor Control Board.

Brief History:

Committee Activity: Commerce & Labor: 2/05/14.

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Jessica Stevenson (786-7465)

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. The Washington Uniform Controlled Substances Act governs recreational marijuana.

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 misdemeanor with a \$250 minimum fine and a minimum of 25 hours of community restitution, except for people participating in a controlled purchase program conducted by LCB or other law enforcement agencies.

LCB must classify marijuana-licensed premises as prohibited places for persons under 21 years of age. It is a misdemeanor for a person under 21 years of age to enter or remain in a marijuana-licensed premises and represent that the person is at least 21 years of age.

It is a misdemeanor for a person to:

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- 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 obtaining 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 a marijuana-licensed premises with the following to prove age:

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

A form of identification cannot be used after its expiration date. Forging, altering, or counterfeiting, and supplying any piece of identification to a person under age 21 is a gross misdemeanor with a minimum fine of \$250.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The bill provides LCB with the ability to ensure safe and responsible recreational sales of marijuana by preventing youth access. The bill also allows LCB to use youth in controlled purchase programs similar to liquor operations.

CON: I-502 was passed to keep people out of jail for marijuana, and this bill does not do this. The bill is premature. Using children ages 18 to 20 in sting operations is not appropriate. It is illegal under federal law to have someone identify themselves in relation to a Schedule I drug. Current criminal penalties for minors in the bill should be reduced to civil offenses.

OTHER: This bill should not be rushed for the purpose of money. A plant used for thousands of years for medicinal purposes should not be intermingled in law with recreational marijuana.

Persons Testifying: PRO: James Paribello, LCB.

CON: Arthur West, Cannabis Action Coalition; Jerry Dierker, 420 Panel.

OTHER: S Rowan Wilson, MBA.