

SENATE BILL REPORT

SB 6158

As Reported by Senate Committee On:
Commerce & Labor, February 7, 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, 2/07/14 [DPS].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 6158 be substituted therefor, and the substitute bill do pass.

Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa, Hewitt, King and Kohl-Welles.

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 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.

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.

Summary of Bill (Recommended Substitute): 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.

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 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 marijuana-licensed premises with the following 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.

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.

EFFECT OF CHANGES MADE BY COMMERCE & LABOR COMMITTEE (Recommended Substitute): Violations by minors are changed from misdemeanors to civil infractions, and the level of the civil infraction depends on the age of the minor. Violations by persons between the ages of 18 and 20 are class 2 civil infractions with a maximum fine of \$125, up to four hours of community restitution, or both. Violations by persons under age 18 are class 3 civil infractions with a maximum \$50 fine, up to four hours of community

restitution, or both. The court may require participation in a drug diversion program or other rehabilitative service.

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 on Original Bill: 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.