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**SENATE BILL 5402**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Conway, Rivers, Hasegawa, McAuliffe, and Keiser; by request of Liquor Control Board

AN ACT Relating to ensuring safe, responsible, and legal acquisition of marijuana by adults; adding new sections to chapter 69.50 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) Every person under the age of twenty-one who purchases or attempts to purchase marijuana is guilty of a violation of this section. This section does not apply to persons between the age of eighteen and twenty-one who are participating in a controlled purchase program conducted by the liquor control board or other law enforcement agencies.

(2) A person between the ages of eighteen and twenty, inclusive, who violates this section commits a class 2 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW, or participation in up to four hours of community restitution, or both. The court may also require participation in a drug diversion program or other appropriate rehabilitation service.

(3) A person under the age of eighteen who violates this section commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW, or participation in up to four hours of community restitution, or both. The court may also require participation in a drug diversion program or other appropriate rehabilitation service.

NEW SECTION. **Sec.**  Any person who invites a person under the age of twenty-one years into a public place where marijuana is sold and treats, gives, or purchases marijuana for a person under the age of twenty-one years, or permits a person under the age of twenty-one years to treat, give, or purchase marijuana for an adult, or holds out the person to be twenty-one years of age or older to the owner or employee of the marijuana establishment, a law enforcement officer, or a liquor enforcement officer, is guilty of a misdemeanor.

NEW SECTION. **Sec.**  (1) It is unlawful for any person under the age of twenty-one years to:

(a) Enter or remain in any marijuana licensed premises; and

(b) Represent his or her age as being twenty-one or more years for the purpose of purchasing marijuana, or entering or remaining in a marijuana licensed premises.

(2) A person between the ages of eighteen and twenty, inclusive, who violates this section commits a class 2 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW, or participation in up to four hours of community restitution, or both. The court may also require participation in a drug diversion program or other appropriate rehabilitation service.

(3) A person under the age of eighteen who violates this section commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW, or participation in up to four hours of community restitution, or both. The court may also require participation in a drug diversion program or other appropriate rehabilitation service.

(4) The liquor control board has the power and the duty to classify marijuana licensed premises as off-limits to persons under the age of twenty-one.

NEW SECTION. **Sec.**  Any person who transfers in any manner an identification of age to a person under the age of twenty-one years, permitting such person to obtain marijuana, usable marijuana, or marijuana-infused products is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two thousand five hundred dollars is imposed and any sentence requiring community restitution must require not fewer than twenty-five hours of community restitution.

NEW SECTION. **Sec.**  (1) The following are acceptable forms of identification to verify a person's age for the purpose of selling or allowing a person access to a marijuana licensed premises:

(a) Driver's license, instruction permit, or identification card of any state, province of Canada, from a U.S. territory or the District of Columbia, or identicard issued by the Washington state department of licensing under RCW 46.20.117;

(b) United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents that may include an embedded, digital signature in lieu of a visible signature;

(c) Passport;

(d) Merchant marine identification card issued by the United States coast guard; and

(e) Enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington driver's licenses.

(2) If the form of identification has an expiration date, a person may not use the document after the expiration date to verify his or her age.

NEW SECTION. **Sec.**  (1) No person may forge, alter, counterfeit, otherwise prepare, or acquire and supply to a person under the age of twenty-one a facsimile of any of the officially issued forms of identification that are acceptable for proof of age required under section 5 of this act. A violation of this subsection is a gross misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two thousand five hundred dollars is imposed.

(2) Any person who manufactures, sells, or delivers a forged, fictitious, counterfeit, fraudulently altered, or unlawfully issued driver’s license or identification card under section 5(1)(a) of this act is guilty of a class C felony as provided under RCW 46.20.0921(3)(a).

NEW SECTION. **Sec.**  Sections 1 through 6 of this act are each added to chapter 69.50 RCW.

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