

HOUSE BILL REPORT

HB 2522

As Passed House:
February 17, 2016

Title: An act relating to establishing crimes related to minors entering, remaining in, or being served by a marijuana retail outlet.

Brief Description: Establishing crimes related to minors entering, remaining in, or being served by a marijuana retail outlet.

Sponsors: Representatives Wylie and Kilduff; by request of Liquor and Cannabis Board.

Brief History:

Committee Activity:

Commerce & Gaming: 1/25/16, 2/1/16 [DP].

Floor Activity:

Passed House: 2/17/16, 98-0.

Brief Summary of Bill

- Makes it a gross misdemeanor for a licensed marijuana retailer to serve or allow any person under 21 years of age to enter or remain in any area of a retail outlet licensed by the Liquor and Cannabis Board (LCB).
- Makes it misdemeanor for a person under 21 years of age to enter or remain in any retail outlet licensed by the LCB or represent the person's age as being over 21 for the purpose of purchasing marijuana or entering or remaining in a retail outlet licensed by the LCB.

HOUSE COMMITTEE ON COMMERCE & GAMING

Majority Report: Do pass. Signed by 9 members: Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake, Kirby, Scott, Van De Wege and Vick.

Staff: Peter Clodfelter (786-7127).

Background:

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.

Initiative 502 (I-502) was a ballot measure approved by Washington voters in November 2012 that: (1) legalized the production, processing, sale, possession, and personal use of marijuana and marijuana-derived products; (2) created a framework for a regulatory scheme to be further developed by the Liquor and Cannabis Board (LCB) through its rule-making authority; and (3) implemented a taxation system for commercial marijuana enterprises.

Within this framework, licensed marijuana retailers may sell limited amounts of useable marijuana, marijuana-infused products, and marijuana concentrates to people 21 years of age or older without committing a criminal or civil offense under Washington law. Likewise, people 21 years of age or older may purchase, possess, and consume limited amounts of useable marijuana, marijuana-infused products, and marijuana concentrates. Licensed marijuana retailers may not employ persons under 21 years of age or allow persons under 21 years of age to enter or remain on the premises of a retail outlet.

Effective July 1, 2016, when the medical marijuana regulatory system is merged with the recreational marijuana system, qualifying patients between 18 and 21 years of age with a recognition card may enter and remain on the premises of a retail outlet holding a medical marijuana endorsement and may purchase products for their personal medical use. Qualifying patients who are under 18 years of age with a recognition card and who accompany their designated providers may enter and remain on the premises of a retail outlet holding a medical marijuana endorsement but may not purchase products for their personal medical use, although the designated provider of such a qualifying patient may purchase products on the qualifying patient's behalf.

Licensed marijuana retailers are responsible for ensuring employees are trained on the LCB's rules, identification of people under 21 years of age, and other requirements adopted by the LCB. Licensed marijuana retailers with a medical marijuana endorsement must also train employees on identification of authorizations and recognition cards. Employees of licensed marijuana retailers with medical marijuana endorsements must receive training in order to permit qualifying patients who hold recognition cards and who are between 18 and 21 years of age to enter the premises and purchase marijuana for their personal medical use and to permit qualifying patients who are under the 18 years of age with a recognition card to enter the premises if accompanied by their designated providers.

The sale of marijuana, marijuana products, or paraphernalia to a person under 21 years of age by a licensed marijuana retailer is a Group 1 violation pursuant to LCB rule. The punishment for a first violation is a 10-day license suspension or a \$2,500 fine. The punishment for a second violation within a three-year window is a 30-day license suspension. The punishment for a third violation in a three-year window is cancellation of the marijuana retailer's license. Allowing a minor to frequent a restricted area is punishable by a \$1,000 monetary fine.

No specific criminal or civil penalties apply to a person under 21 years of age who is not a qualifying patient with a recognition card and who enters a marijuana retail outlet and attempts to purchase marijuana or marijuana products.

Summary of Bill:

It is a gross misdemeanor to serve or allow any person under 21 years of age to enter or remain in any area of a retail outlet licensed by the LCB, except pursuant to the authorization for qualifying patients with a recognition card.

It is a misdemeanor for a person under 21 years of age to enter or remain in any retail outlet licensed by the LCB or to represent the person's age as being 21 years of age or older for the purpose of purchasing marijuana or entering or remaining in a retail outlet licensed by the LCB, except pursuant to the authorization for qualifying patients with a recognition card.

However, people between 18 and 21 years of age may still participate in a controlled purchase program pursuant to statutory authorization and LCB rules without committing the crime.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill would provide continuity between liquor and marijuana laws and establish accountability for minors. Currently, there is no crime with which to charge a minor who is inside the premises of a licensed marijuana retail outlet and attempting to purchase marijuana. This bill adds a deterrent. The penalties in this bill are similar to the penalties that apply to minors attempting to purchase alcohol and to retailers that sell alcohol to minors. Both the retail outlet employee working at the door of the retail outlet checking customers' identifications and the retail outlet employee serving customers inside the retail outlet have been charged with felonies for delivery of marijuana to a minor, despite their different roles in the situation. This bill would make prosecutions consistent throughout the state and provide a reasonable penalty for both minors and retailers.

(Opposed) None.

Persons Testifying: Representative Wylie, prime sponsor; Justin Nordhorn, Washington State Liquor and Cannabis Board; K.C. Franks, Stash Pot Shop; Lew McMurran, Cannabis Organization of Retail Establishments; and Logan Bowers, Hashtag.

Persons Signed In To Testify But Not Testifying: None.