

# HOUSE BILL REPORT

## SSB 5398

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### As Reported by House Committee On: Commerce & Gaming

**Title:** An act relating to opening a package of or consuming marijuana, useable marijuana, or marijuana-infused products in public.

**Brief Description:** Concerning marijuana, useable marijuana, and marijuana-infused products in public.

**Sponsors:** Senate Committee on Commerce & Labor (originally sponsored by Senators Rivers and Hasegawa; by request of Liquor Control Board).

#### **Brief History:**

##### **Committee Activity:**

Commerce & Gaming: 3/23/15, 3/26/15 [DPA].

#### **Brief Summary of Substitute Bill (As Amended by Committee)**

- Prohibits consuming or opening a package containing marijuana or marijuana products in a public place.

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### HOUSE COMMITTEE ON COMMERCE & GAMING

**Majority Report:** Do pass as amended. 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:** David Rubenstein (786-7153).

#### **Background:**

It is unlawful to consume or open a package containing marijuana or marijuana products in view of the general public. A violation is a class 3 civil infraction, punishable by a fine of \$50 plus applicable local fines.

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*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.*

Liquor control statutes prohibit the consumption of alcohol in a public place. Public place is defined to include numerous specific premises, but also includes any place to which the general public has unrestricted right of access and which is generally used by the public. State parks and parks on brewery and winery grounds are specifically excluded from the definition.

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**Summary of Amended Bill:**

Consuming or opening a package containing marijuana or marijuana products in a public place is prohibited. Public place has the same definition as in liquor control statutes, except that consuming or opening a package of marijuana or marijuana products is not permitted in state parks or on brewery or winery grounds.

Language that prohibits consuming or opening a package containing marijuana in view of the general public is removed.

**Amended Bill Compared to Substitute Bill:**

The amended bill eliminates language that prohibits consuming or opening a package containing marijuana in view of the general public.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** 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 is an agency request bill that simply aligns laws regarding the public consumption of marijuana with the public consumption of liquor. The language in Initiative 502 was confusing and law enforcement has asked for more clarity. "Public view" might include someone using marijuana in his or her own front yard, but using marijuana in a tent in public would not be an enforceable offense. The Washington State Patrol would like to keep the "in view of the general public" language because they want to be able to enforce against people using marijuana in their cars.

(In support with concerns) This bill addresses a major concern for marijuana industry members and consumers. However, there are major differences between cannabis and alcohol in how they are produced, processed, handled, and consumed. Many in Washington do not understand the prohibition on public use, and this bill's reference to liquor control statutes might confuse the issue further and could frustrate law enforcement.

(With concerns) Sound drug policy requires that people should be given a place to use marijuana without having to hide in their homes. In other places where marijuana is legal, such as Amsterdam, people are given a regulated setting in which to smoke marijuana. This will increase safety because consumption of an intoxicant in hiding increases risk as opposed to use in a regulated setting. Allowing places similar to bars for the use of marijuana can also be a driver for tourism.

(Opposed) None.

(Other) The City of Spokane Valley requests an amendment that would prohibit vaping lounges, one of which has opened in the city. Underage minors have been seen entering the lounge, and its presence has resulted in increased driving under the influence of marijuana.

**Persons Testifying:** (In support) Senator Rivers, prime sponsor; and James Paribello, Liquor Control Board.

(In support with concerns) Jedidiah Haney, Cause-M.

(With concerns) Arthur West, National Freedom Alliance.

(Other) Brianna Taylor, The City of Spokane Valley.

**Persons Signed In To Testify But Not Testifying:** None.