

SENATE BILL REPORT

SB 5398

As Reported by Senate Committee On:
Commerce & Labor, February 18, 2015

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: Senators Rivers and Hasegawa; by request of Liquor Control Board.

Brief History:

Committee Activity: Commerce & Labor: 2/13/15, 2/18/15 [DPS].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 5398 be substituted therefor, and the substitute bill do pass.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Hasegawa, Ranking Minority Member; Conway, Keiser, King and Warnick.

Staff: Richard Rodger (786-7461)

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.

Summary of Bill (Recommended Substitute): Consuming or opening a package containing marijuana or marijuana products in view of the general public or in a public place is prohibited. Public place has the same definition as in liquor control statutes. It is unlawful to consume or open a package of marijuana in a state park.

Public place generally includes the following: streets, alleys, and roads; public buildings; the halls, lobbies, and dining rooms of hotels, restaurants, and other businesses used by the public; public conveyances; publicly owned beaches, parks, and playgrounds; and all other places where the general public has unrestricted right of access, and which are generally used by the public.

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.

EFFECT OF CHANGES MADE BY COMMERCE & LABOR COMMITTEE (Recommended Substitute): Retains the current legal standard that it is unlawful to consume or open a package containing marijuana or marijuana products in view of the general public, in addition to the new standard of consuming or opening it in a public place.

Prohibits the consumption of marijuana in all state parks.

Appropriation: None.

Fiscal Note: The preliminary note is 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: There is confusion about the interpretation of consuming or opening marijuana in view of the general public. This bill uses the phrase from the liquor control statutes which prohibits use in a public place.

Persons Testifying: PRO: Justin Nordhorn, WA State Liquor Control Board.