

SENATE BILL REPORT

SB 6302

As Reported by Senate Committee On:
Law & Justice, February 3, 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: Senators Rivers and Conway; by request of Liquor and Cannabis Board.

Brief History:

Committee Activity: Law & Justice: 1/25/16, 2/03/16 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

Staff: Melissa Burke-Cain (786-7755)

Background: In 2012, Washington's voters approved Initiative 502 legalizing marijuana for recreational use. Under the initiative, persons age 21 or older may possess a limited amount of marijuana for personal use. Authorized patients may possess marijuana for personal medical use without age restriction. The initiative designated the Liquor and Cannabis Board (Board) as the regulating agency for marijuana. The Board oversees commercial practices related to the marijuana market such as licensing and regulating marijuana production, distribution, and retailing. In 2015, SESSHB 2136 amended the marijuana laws. Under current law, licensed marijuana retailers may not admit persons under age 21 to their retail outlet unless the retail outlet holds a medical marijuana endorsement. Outlets with a medical marijuana endorsement may admit qualifying patients between ages 18 and 21 with a recognition card to purchase marijuana products for personal medical use. Qualifying patients under age 18 holding a recognition card may be admitted to a retail outlet with a medical marijuana endorsement when accompanied by their designated providers. Medical marijuana patients under age 18 may not purchase products for their personal medical use. The Board is required to issue a retail license holder a \$1,000 fine for each violation of the retail licensing requirements.

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: Anyone who serves or admits a person under age 21 to a retail outlet is guilty of a gross misdemeanor unless an exception applies. Anyone under age 21 who does not fit under an exception to the law and enters a retail outlet is guilty of a misdemeanor. Anyone who misrepresents their age as 21 or older in order to purchase marijuana or enter a licensed retail outlet is guilty of a misdemeanor. These criminal penalties do not apply to persons between the ages of 18 and 21 who are participating in a Board-authorized controlled purchase program.

Appropriation: No.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony: PRO: This addresses an issue that was not addressed in prior legislation regarding retail outlet staff who fail to enforce the age requirements for entering a retail marijuana outlet, for potential customers who violate the age requirements for access, and exemption for persons between the ages of 18 and 21 who are participating in a authorized controlled purchase program.

Persons Testifying: PRO: Senator Rivers, prime sponsor.

Persons Signed In To Testify But Not Testifying: PRO: Lew McMurrin, Cannabis Organization of Retail Establishments; CON: Arthur West.