
HOUSE BILL 1335

State of Washington

64th Legislature

2015 Regular Session

By Representatives Condotta, Vick, and Wylie

Read first time 01/19/15. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to permitting cities, towns, and counties to
2 reduce the buffer between recreational marijuana businesses and
3 various entities; amending RCW 69.50.331 and 69.50.369; and
4 prescribing penalties.

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

6 **Sec. 1.** RCW 69.50.331 and 2013 c 3 s 6 are each amended to read
7 as follows:

8 (1) For the purpose of considering any application for a license
9 to produce, process, or sell marijuana, or for the renewal of a
10 license to produce, process, or sell marijuana, the state liquor
11 control board may cause an inspection of the premises to be made, and
12 may inquire into all matters in connection with the construction and
13 operation of the premises. For the purpose of reviewing any
14 application for a license and for considering the denial, suspension,
15 revocation, or renewal or denial thereof, of any license, the state
16 liquor control board may consider any prior criminal conduct of the
17 applicant including an administrative violation history record with
18 the state liquor control board and a criminal history record
19 information check. The state liquor control board may submit the
20 criminal history record information check to the Washington state
21 patrol and to the identification division of the federal bureau of

1 investigation in order that these agencies may search their records
2 for prior arrests and convictions of the individual or individuals
3 who filled out the forms. The state liquor control board shall
4 require fingerprinting of any applicant whose criminal history record
5 information check is submitted to the federal bureau of
6 investigation. The provisions of RCW 9.95.240 and of chapter 9.96A
7 RCW shall not apply to these cases. Subject to the provisions of this
8 section, the state liquor control board may, in its discretion, grant
9 or deny the renewal or license applied for. Denial may be based on,
10 without limitation, the existence of chronic illegal activity
11 documented in objections submitted pursuant to subsections (7)(c) and
12 (9) of this section. Authority to approve an uncontested or unopposed
13 license may be granted by the state liquor control board to any staff
14 member the board designates in writing. Conditions for granting this
15 authority shall be adopted by rule. No license of any kind may be
16 issued to:

17 (a) A person under the age of twenty-one years;

18 (b) A person doing business as a sole proprietor who has not
19 lawfully resided in the state for at least three months prior to
20 applying to receive a license;

21 (c) A partnership, employee cooperative, association, nonprofit
22 corporation, or corporation unless formed under the laws of this
23 state, and unless all of the members thereof are qualified to obtain
24 a license as provided in this section; or

25 (d) A person whose place of business is conducted by a manager or
26 agent, unless the manager or agent possesses the same qualifications
27 required of the licensee.

28 (2)(a) The state liquor control board may, in its discretion,
29 subject to the provisions of RCW 69.50.334, suspend or cancel any
30 license; and all protections of the licensee from criminal or civil
31 sanctions under state law for producing, processing, or selling
32 marijuana, useable marijuana, or marijuana-infused products
33 thereunder shall be suspended or terminated, as the case may be.

34 (b) The state liquor control board shall immediately suspend the
35 license of a person who has been certified pursuant to RCW 74.20A.320
36 by the department of social and health services as a person who is
37 not in compliance with a support order. If the person has continued
38 to meet all other requirements for reinstatement during the
39 suspension, reissuance of the license shall be automatic upon the
40 state liquor control board's receipt of a release issued by the

1 department of social and health services stating that the licensee is
2 in compliance with the order.

3 (c) The state liquor control board may request the appointment of
4 administrative law judges under chapter 34.12 RCW who shall have
5 power to administer oaths, issue subpoenas for the attendance of
6 witnesses and the production of papers, books, accounts, documents,
7 and testimony, examine witnesses, and to receive testimony in any
8 inquiry, investigation, hearing, or proceeding in any part of the
9 state, under rules and regulations the state liquor control board may
10 adopt.

11 (d) Witnesses shall be allowed fees and mileage each way to and
12 from any inquiry, investigation, hearing, or proceeding at the rate
13 authorized by RCW 34.05.446. Fees need not be paid in advance of
14 appearance of witnesses to testify or to produce books, records, or
15 other legal evidence.

16 (e) In case of disobedience of any person to comply with the
17 order of the state liquor control board or a subpoena issued by the
18 state liquor control board, or any of its members, or administrative
19 law judges, or on the refusal of a witness to testify to any matter
20 regarding which he or she may be lawfully interrogated, the judge of
21 the superior court of the county in which the person resides, on
22 application of any member of the board or administrative law judge,
23 shall compel obedience by contempt proceedings, as in the case of
24 disobedience of the requirements of a subpoena issued from said court
25 or a refusal to testify therein.

26 (3) Upon receipt of notice of the suspension or cancellation of a
27 license, the licensee shall forthwith deliver up the license to the
28 state liquor control board. Where the license has been suspended
29 only, the state liquor control board shall return the license to the
30 licensee at the expiration or termination of the period of
31 suspension. The state liquor control board shall notify all other
32 licensees in the county where the subject licensee has its premises
33 of the suspension or cancellation of the license; and no other
34 licensee or employee of another licensee may allow or cause any
35 marijuana, useable marijuana, or marijuana-infused products to be
36 delivered to or for any person at the premises of the subject
37 licensee.

38 (4) Every license issued under chapter 3, Laws of 2013 shall be
39 subject to all conditions and restrictions imposed by chapter 3, Laws
40 of 2013 or by rules adopted by the state liquor control board to

1 implement and enforce chapter 3, Laws of 2013. All conditions and
2 restrictions imposed by the state liquor control board in the
3 issuance of an individual license shall be listed on the face of the
4 individual license along with the trade name, address, and expiration
5 date.

6 (5) Every licensee shall post and keep posted its license, or
7 licenses, in a conspicuous place on the premises.

8 (6) No licensee shall employ any person under the age of twenty-
9 one years.

10 (7)(a) Before the state liquor control board issues a new or
11 renewed license to an applicant it shall give notice of the
12 application to the chief executive officer of the incorporated city
13 or town, if the application is for a license within an incorporated
14 city or town, or to the county legislative authority, if the
15 application is for a license outside the boundaries of incorporated
16 cities or towns.

17 (b) The incorporated city or town through the official or
18 employee selected by it, or the county legislative authority or the
19 official or employee selected by it, shall have the right to file
20 with the state liquor control board within twenty days after the date
21 of transmittal of the notice for applications, or at least thirty
22 days prior to the expiration date for renewals, written objections
23 against the applicant or against the premises for which the new or
24 renewed license is asked. The state liquor control board may extend
25 the time period for submitting written objections.

26 (c) The written objections shall include a statement of all facts
27 upon which the objections are based, and in case written objections
28 are filed, the city or town or county legislative authority may
29 request, and the state liquor control board may in its discretion
30 hold, a hearing subject to the applicable provisions of Title 34 RCW.
31 If the state liquor control board makes an initial decision to deny a
32 license or renewal based on the written objections of an incorporated
33 city or town or county legislative authority, the applicant may
34 request a hearing subject to the applicable provisions of Title 34
35 RCW. If a hearing is held at the request of the applicant, state
36 liquor control board representatives shall present and defend the
37 state liquor control board's initial decision to deny a license or
38 renewal.

39 (d) Upon the granting of a license under this title the state
40 liquor control board shall send written notification to the chief

1 executive officer of the incorporated city or town in which the
2 license is granted, or to the county legislative authority if the
3 license is granted outside the boundaries of incorporated cities or
4 towns.

5 (8)(a) Except as provided in (b) of this subsection, the state
6 liquor control board shall not issue a license for any premises
7 within one thousand feet of the perimeter of the grounds of any
8 elementary or secondary school, playground, recreation center or
9 facility, child care center, public park, public transit center, or
10 library, or any game arcade admission to which is not restricted to
11 persons aged twenty-one years or older.

12 (b) Any city, town, or county may, by ordinance, permit the
13 licensing of premises located within one thousand feet but not less
14 than five hundred feet from any of the facilities identified under
15 (a) of this subsection. Notwithstanding (a) of this subsection, the
16 board may issue a license for premises located in compliance with the
17 ordinance.

18 (9) In determining whether to grant or deny a license or renewal
19 of any license, the state liquor control board shall give substantial
20 weight to objections from an incorporated city or town or county
21 legislative authority based upon chronic illegal activity associated
22 with the applicant's operations of the premises proposed to be
23 licensed or the applicant's operation of any other licensed premises,
24 or the conduct of the applicant's patrons inside or outside the
25 licensed premises. "Chronic illegal activity" means (a) a pervasive
26 pattern of activity that threatens the public health, safety, and
27 welfare of the city, town, or county including, but not limited to,
28 open container violations, assaults, disturbances, disorderly
29 conduct, or other criminal law violations, or as documented in crime
30 statistics, police reports, emergency medical response data, calls
31 for service, field data, or similar records of a law enforcement
32 agency for the city, town, county, or any other municipal corporation
33 or any state agency; or (b) an unreasonably high number of citations
34 for violations of RCW 46.61.502 associated with the applicant's or
35 licensee's operation of any licensed premises as indicated by the
36 reported statements given to law enforcement upon arrest.

37 **Sec. 2.** RCW 69.50.369 and 2013 c 3 s 18 are each amended to read
38 as follows:

1 (1) Except as provided in subsection (2) of this section, no
2 licensed marijuana producer, processor, or retailer shall place or
3 maintain, or cause to be placed or maintained, an advertisement of
4 marijuana, useable marijuana, marijuana concentrates, or ((a))
5 marijuana-infused products in any form or through any medium
6 whatsoever:

7 (a) Within one thousand feet of the perimeter of a school
8 grounds, playground, recreation center or facility, child care
9 center, public park, or library, or any game arcade admission to
10 which is not restricted to persons aged twenty-one years or older;

11 (b) On or in a public transit vehicle or public transit shelter;
12 or

13 (c) On or in a publicly owned or operated property.

14 (2) Any city, town, or county may, by ordinance, permit the
15 placement of advertisements of marijuana, useable marijuana,
16 marijuana concentrates, or marijuana-infused products within one
17 thousand feet but not less than five hundred feet from any of the
18 facilities identified under subsection (1)(a) of this section. An
19 advertisement complying with such ordinance does not violate this
20 section.

21 (3) Merchandising within a retail outlet is not advertising for
22 the purposes of this section.

23 (~~(3)~~) (4) This section does not apply to a noncommercial
24 message.

25 (~~(4)~~) (5) The state liquor control board shall fine a licensee
26 one thousand dollars for each violation of subsection (1) or (2) of
27 this section. Fines collected under this subsection must be deposited
28 into the dedicated marijuana fund created under RCW 69.50.530.

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