
HOUSE BILL 1411

State of Washington

64th Legislature

2015 Regular Session

By Representatives Moscoso, McBride, Springer, and Condotta

Read first time 01/20/15. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to the siting of marijuana facilities; and
2 amending RCW 69.50.331.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 issuance of an individual license shall be listed on the face of the
2 individual license along with the trade name, address, and expiration
3 date.

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

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

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

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

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

37 (d) Upon the granting of a license under this title the state
38 liquor control board shall send written notification to the chief
39 executive officer of the incorporated city or town in which the
40 license is granted, or to the county legislative authority if the

1 license is granted outside the boundaries of incorporated cities or
2 towns.

3 (8) The state liquor control board shall not issue a license for
4 any premises within one thousand feet of the perimeter of the grounds
5 of any elementary or secondary school, playground, recreation center
6 or facility, child care center, public park, public transit center,
7 or library, or any game arcade admission to which is not restricted
8 to persons aged twenty-one years or older, unless the legislative
9 body of an incorporated city or town has exempted the city or town
10 from the one thousand foot restriction set forth in this subsection
11 by adopting legislation that declares that the exemption:

12 (a) Is necessary to create enough potential locations within the
13 city or town to allow a marijuana retail facility to be sited; and

14 (b) Will not negatively impact the jurisdiction's strong
15 regulatory enforcement, law enforcement interests, public safety, or
16 public health. Included in the legislation with such declarations,
17 the legislative body of an incorporated city or town may exempt
18 certain specific land uses, except elementary or secondary schools,
19 from some or all of the one thousand foot restriction set forth in
20 this subsection.

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

1 licensee's operation of any licensed premises as indicated by the
2 reported statements given to law enforcement upon arrest.

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