
HOUSE BILL 2368

State of Washington

64th Legislature

2016 Regular Session

By Representatives Hurst and Condotta

Read first time 01/12/16. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to creating a two-year pilot program authorizing
2 up to five qualified licensed marijuana retailers to deliver
3 marijuana to Washington residents in a city with a population of over
4 six hundred fifty thousand; creating new sections; prescribing
5 penalties; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** (1) There is created a temporary pilot
8 program for the issuance of a marijuana delivery endorsement to an
9 existing marijuana retailer's license that allows an endorsement
10 holder to deliver marijuana to a Washington resident age twenty-one
11 or over at a private residence consistent with this act.

12 (2) The liquor and cannabis board may issue not more than five
13 marijuana delivery endorsements to qualified licensed marijuana
14 retailers pursuant to this act. If a licensed marijuana retailer's
15 marijuana delivery endorsement is forfeited pursuant to section 2 of
16 this act, the board may reissue the endorsement to another qualified
17 marijuana retailer.

18 (3) A marijuana delivery endorsement to a marijuana retailer's
19 license authorizes a licensed marijuana retailer to operate a service
20 that sells and delivers useable marijuana, marijuana-infused
21 products, and marijuana concentrates from the licensed marijuana

1 retail outlet to a Washington resident at a private residence
2 consistent with this act and chapter 69.50 RCW.

3 (4) The liquor and cannabis board may issue a marijuana delivery
4 endorsement pursuant to this act only to qualified licensed marijuana
5 retailers located in a city that has a population of over six hundred
6 fifty thousand and that has created a municipal regulatory license
7 for marijuana businesses.

8 (5) Consistent with this act, a licensed marijuana retailer with
9 a marijuana delivery endorsement may:

10 (a) Receive orders over the telephone or internet, by a
11 Washington resident age twenty-one or over, for the purchase and
12 delivery of useable marijuana, marijuana-infused products, or
13 marijuana concentrates not in excess of the amounts authorized in RCW
14 69.50.360(3); and

15 (b) Deliver useable marijuana, marijuana-infused products, and
16 marijuana concentrates not in excess of the amounts authorized in RCW
17 69.50.360(3), to the same Washington resident age twenty-one or over
18 who placed the order for the useable marijuana, marijuana-infused
19 products, or marijuana concentrates over the telephone or internet.

20 (6) No delivery of useable marijuana, marijuana-infused products,
21 or marijuana concentrates may be made by a licensed marijuana
22 retailer with a marijuana delivery endorsement after September 1,
23 2018.

24 NEW SECTION. **Sec. 2.** The pilot program authorized in section 1
25 of this act is subject to the following restrictions:

26 (1) No order for the purchase and delivery of useable marijuana,
27 marijuana-infused products, or marijuana concentrates may be accepted
28 from a person who is not a Washington resident or is under age
29 twenty-one.

30 (2) A delivery of an order of useable marijuana, marijuana-
31 infused products, or marijuana concentrates by a licensed marijuana
32 retailer with a marijuana delivery endorsement may be made only:

33 (a) By an owner or employee of the licensed marijuana retailer
34 who is age twenty-one or over;

35 (b) To the same Washington resident who placed the order and who
36 demonstrates the Washington resident is age twenty-one or over
37 consistent with subsection (3) of this section; and

38 (c) At a private residence located in the same city in which the
39 licensed marijuana retailer is located.

1 (3) A person who places an order for the purchase and delivery of
2 useable marijuana, marijuana-infused products, or marijuana
3 concentrates must possess a valid Washington driver's license or
4 valid Washington identicard and must allow the owner or employee of
5 the licensed marijuana retailer making the delivery to inspect the
6 person's valid Washington driver's license or valid Washington
7 identicard for proof of age.

8 (4) An owner or employee of a licensed marijuana retailer with a
9 marijuana delivery endorsement who performs a delivery must have
10 undergone training regarding proof of age identification.

11 (5) All provisions of chapter 69.50 RCW and all administrative
12 rules adopted pursuant to chapter 69.50 RCW apply to the sale and
13 delivery of useable marijuana, marijuana-infused products, and
14 marijuana concentrates by a licensed marijuana retailer under a
15 marijuana delivery endorsement issued pursuant to authorization in
16 this act. The definitions in chapter 69.50 RCW apply throughout this
17 act unless the context clearly requires otherwise.

18 (6)(a) A marijuana delivery endorsement is forfeited upon the
19 liquor and cannabis board's determination that a licensed marijuana
20 retailer with a marijuana delivery endorsement delivered, on one or
21 more occasions, useable marijuana, marijuana-infused products, or
22 marijuana concentrates to a person who is not a Washington resident
23 or is under age twenty-one.

24 (b) The minimum penalty for the delivery of useable marijuana,
25 marijuana-infused products, or marijuana concentrates to a person who
26 is not a Washington resident or is under age twenty-one is two
27 thousand five hundred dollars and forfeiture of the marijuana
28 delivery endorsement.

29 (7) The liquor and cannabis board must subject each licensed
30 marijuana retailer that is issued a marijuana delivery endorsement
31 pursuant to this act to at least four random tests per year of
32 operation to ensure that no useable marijuana, marijuana-infused
33 products, or marijuana concentrates are delivered to a person who is
34 not a Washington resident or is under age twenty-one.

35 (8) A city in which a licensed marijuana retailer with a
36 marijuana delivery endorsement operates must have adopted an
37 ordinance or resolution containing requirements that are
38 substantially similar to the rules the liquor and cannabis board
39 adopts pursuant to this act before a licensed marijuana retailer with

1 a marijuana delivery endorsement may begin delivering useable
2 marijuana, marijuana-infused products, and marijuana concentrates.

3 NEW SECTION. **Sec. 3.** (1) The liquor and cannabis board, after
4 consultation with eligible cities, is authorized to adopt rules
5 necessary to implement the pilot program created in this act.

6 (2) The rules under this section must be adopted by September 1,
7 2016, and, at a minimum, provide for the following:

8 (a) Eligibility requirements for qualified licensed marijuana
9 retailers;

10 (b) Procedures for verifying the person submitting an order and
11 receiving a delivery is a Washington resident and age twenty-one or
12 over;

13 (c) Maximum amounts of useable marijuana, marijuana-infused
14 products, and marijuana concentrates that may be physically
15 transported off the premises of a licensed marijuana retailer with a
16 marijuana delivery endorsement by an owner or employee performing
17 deliveries as authorized by this act;

18 (d) Practices and procedures to ensure that useable marijuana,
19 marijuana-infused products, and marijuana concentrates delivered
20 pursuant to authorization in this act are subject to the same
21 traceability requirements that otherwise apply to useable marijuana,
22 marijuana-infused products, and marijuana concentrates sold by a
23 licensed marijuana retailer pursuant to chapter 69.50 RCW and
24 administrative rules adopted pursuant to chapter 69.50 RCW;

25 (e) The times during which deliveries are authorized and
26 prohibited;

27 (f) Security procedures;

28 (g) Delivery vehicle requirements; and

29 (h) Recordkeeping requirements.

30 (3) The liquor and cannabis board must, after consultation with
31 cities operating a marijuana delivery pilot program pursuant to this
32 act, submit a report to the appropriate committees of the legislature
33 by November 16, 2018. The report must include at least the following:

34 (a) A description of the rules the board adopted pursuant to this
35 section;

36 (b) Information identifying the licensed marijuana retailers that
37 the board issued marijuana delivery endorsements to pursuant to this
38 act;

1 (c) Information about the quantity of useable marijuana,
2 marijuana-infused products, and marijuana concentrates delivered to
3 people pursuant to the authorization in this act;

4 (d) A description of any regulatory or enforcement problems or
5 issues that arose during the course of the pilot program;

6 (e) The board's recommendation as to whether the legislature
7 should make the pilot program in this act permanent and, if so, with
8 what modifications; and

9 (f) Any other information the board determines is relevant for
10 purposes of the legislature's decision on whether to make the pilot
11 program in this act permanent.

12 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act expire
13 July 1, 2019.

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