
HOUSE BILL 2802

State of Washington 64th Legislature 2016 Regular Session

By Representatives Wylie, Vick, Blake, and Harris

Read first time 01/21/16. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to the provision of personal services and
2 promotional items by cannabis producers and processors; and adding a
3 new section to chapter 69.50 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50
6 RCW to read as follows:

7 (1)(a) Nothing in this chapter prohibits a producer or processor
8 from providing retailers branded promotional items which are of
9 nominal value, singly or in the aggregate. Such items include but are
10 not limited to: Trays, lighters, blotters, postcards, pencils,
11 coasters, clocks, mugs, glasses, bottles or can openers, corkscrews,
12 matches, shirts, hats, visors, and other similar items. Branded
13 promotional items:

14 (i) Must be used exclusively by the retailer or its employees in
15 a manner consistent with its license;

16 (ii) Must bear imprinted advertising matter of the producer or
17 processor only;

18 (iii) May be provided by a producer or processor only to
19 retailers and their employees and may not be provided by or through
20 retailers or their employees to retail customers; and

21 (iv) May not be targeted to or appeal principally to youth.

1 (b) A producer or processor is not obligated to provide any such
2 branded promotional items, and a retailer may not require a producer
3 or processor to provide such branded promotional items as a condition
4 for selling any cannabis to the retailer.

5 (c) Any producer, processor, or retailer or any other person
6 asserting that the provision of branded promotional items as allowed
7 in (a) of this subsection has resulted or is more likely than not to
8 result in undue influence or an adverse impact on public health and
9 safety, or is otherwise inconsistent with the criteria in (a) of this
10 subsection may file a complaint with the state liquor and cannabis
11 board. Upon receipt of a complaint the state liquor and cannabis
12 board may conduct such investigation as it deems appropriate in the
13 circumstances. If the investigation reveals the provision of branded
14 promotional items has resulted in or is more likely than not to
15 result in undue influence or has resulted or is more likely than not
16 to result in an adverse impact on public health and safety or is
17 otherwise inconsistent with (a) of this subsection the state liquor
18 and cannabis board may issue an administrative violation notice to
19 the producer, processor, or retailer. The recipient of the
20 administrative violation notice may request a hearing under chapter
21 34.05 RCW.

22 (2) Nothing in this chapter prohibits:

23 (a) Producers or processors from listing on their internet web
24 sites information related to retailers who sell or promote their
25 products, including direct links to the retailers' internet web
26 sites; and

27 (b) Retailers from listing on their internet web sites
28 information related to producers or processors whose products those
29 retailers sell or promote, including direct links to the producers or
30 processors' web sites; or

31 (c) Producers, processors, and retailers from producing, jointly
32 or together with regional, state, or local industry associations,
33 brochures and materials promoting tourism in Washington state which
34 contain information regarding retail licensees, producers,
35 processors, and their products.

36 (3) Nothing in this chapter prohibits the performance of personal
37 services offered from time to time by a producer or processor to
38 retailers when the personal services are (a) conducted at a licensed
39 premises, and (b) intended to inform, educate, or enhance customers'
40 knowledge or experience of the manufacturer's products. The

1 performance of personal services may include participation in events
2 and the use of informational or educational activities at the
3 premises of a retailer holding a license under this chapter. A
4 producer or processor is not obligated to perform any such personal
5 services, and a retail licensee may not require a producer or
6 processor to conduct any personal service as a condition for selling
7 cannabis to the retail licensee.

8 (4) For the purposes of this section, "nominal value" means a
9 value of thirty dollars or less.

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