

HOUSE BILL REPORT

HB 1250

As Amended by the Senate

Title: An act relating to authorizing retail marijuana outlets to give a free lockable drug box to adults age twenty-one years and over and to qualifying patients age eighteen years and over subject to restrictions.

Brief Description: Authorizing retail marijuana outlets to give a free lockable drug box to adults age twenty-one years and over and to qualifying patients age eighteen years and over subject to restrictions.

Sponsors: Representatives Griffey, Orwall, Dent, MacEwen, Hayes, Holy, McCaslin and Doglio.

Brief History:

Committee Activity:

Commerce & Gaming: 1/23/17, 1/30/17 [DP].

Floor Activity:

Passed House: 2/27/17, 96-0.

Senate Amended.

Passed Senate: 4/6/17, 48-1.

Brief Summary of Bill

- Authorizes licensed marijuana retail outlets to receive from another person or entity and donate, at no cost, to adults age 21 and over, to qualifying patients age 18 and over, and to designated providers (1) a lockable box intended for the secure storage of marijuana products and paraphernalia; and (2) literature about such a lockable box.

HOUSE COMMITTEE ON COMMERCE & GAMING

Majority Report: Do pass. Signed by 10 members: Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Barkis, Blake, Farrell, Jenkin, Kirby and Ryu.

Staff: Peter Clodfelter (786-7127).

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.

Background:

Licensed marijuana retail outlets may not sell products or services other than useable marijuana, marijuana-infused products, marijuana concentrates (collectively "marijuana products") or paraphernalia intended for the storage or use of marijuana products. Retail outlets may sell such products or services only to adults age 21 and over, and, if the retail outlet holds a medical marijuana endorsement, to qualifying patients age 18 and over who are entered into the Medical Marijuana Authorization Database (the Database) and hold a valid recognition card and to designated providers.

A qualifying patient is a person who: (1) is a patient of a health care professional; (2) has been diagnosed by that health care professional as having a terminal or debilitating medical condition; (3) is a Washington resident at the time of the diagnosis; (4) has been advised by that health care professional about the risks and benefits of the medical use of marijuana; (5) has been advised by that health care professional that they may benefit from the medical use of marijuana; and (6) has an authorization from the person's health care professional. An authorization is a form developed by the Department of Health that is completed and signed by a qualifying patient's health care professional and printed on tamper-resistant paper. A designated provider is an adult age 21 or over who is designated in writing by a qualifying patient to serve as the designated provider for that patient, or, if the qualifying patient is under age 18, then is the qualifying patient's parent or guardian.

A recognition card is a card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered the qualifying patient or designated provider into the Database. Qualifying patients under age 18 may be entered into the Database and receive a recognition card, and may accompany their designated provider onto the premises of a retail outlet with a medical marijuana endorsement, but may not purchase marijuana products themselves.

Because marijuana is a Schedule I controlled substance under the state Uniform Controlled Substances Act, and only specific conduct related to possessing, transferring, and consuming marijuana products within the system created by and pursuant to Initiative 502 is legal, generally, any conduct that is not explicitly authorized is prohibited and punishable as a class C felony under the Uniform Controlled Substances Act.

Summary of Bill:

Licensed marijuana retail outlets may donate, at no cost, to adults age 21 and over, to qualifying patients age 18 and over, and to designated providers, a lockable box intended for the secure storage of marijuana products and paraphernalia and literature about such a lockable box. Retail outlets may receive such lockable boxes and literature as a donation from another entity or person that is not a licensed marijuana producer, processor, or retailer, to be passed along, at no cost, to adults age 21 and over, to qualifying patients age 18 and over, and to designated providers.

Retail outlets may not charge a fee for a lockable box or literature that a retail outlet received as a donation from another entity or person. Additionally, retail outlets may not condition the donation of a lockable box or literature on the recipient's purchase of a marijuana product or

paraphernalia from the retail outlet or use the donation of lockable boxes and literature as an incentive to sell marijuana products or paraphernalia.

It is specified that the authority to donate lockable boxes and literature in accordance with the act does not limit the authority of a retail outlet to sell a lockable box as paraphernalia intended for the storage or use of marijuana products, provided that the retail outlet did not receive the lockable box as a donation and the retail outlet does not sell the lockable box for less than the cost of acquisition.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment makes stylistic changes like breaking text into subsections and adding a cross reference.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Local health departments have a supply of lockable boxes that local health departments want to donate to adults, through marijuana retail outlets, to enable adults to safely and securely store any marijuana products they possess. This idea is similar to lock boxes for firearms. Initiative 502 is specific about licensed marijuana retail outlets' authority regarding selling marijuana products, and the law must be amended to allow retail outlets to donate the lockable boxes and literature. Retail outlets have said they will do so if authorized. If retail outlets cannot add writing or stickers to the lockable boxes, that should be clarified. Lockable boxes are important because children continue to find edible marijuana-infused products unsecured in their homes, left by adults, and can become sick after eating them. In 2015 there were about 217 calls to the Washington Poison Center related to marijuana. This bill is good policy.

(Opposed) None.

(Other) It should be clear that retail outlets only have to donate the lockable boxes upon the request of a customer. It seems the bill could accomplish its goals in less words.

Persons Testifying: (In support) Representative Griffey, prime sponsor; Philip Dawdy, Have A Heart; and Ben Johnson, Mason County Health Department.

(Other) Bailey Hirschburg, Washington National Organization for the Reform of Marijuana Laws Political Action Committee.

Persons Signed In To Testify But Not Testifying: None.