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## Commerce & Gaming Committee

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### HB 2845

**Brief Description:** Creating a task force on marijuana odor.

**Sponsors:** Representatives Dent, Blake, Dye, Reeves and Eslick.

#### Brief Summary of Bill

- Establishes a Task Force on Marijuana Odor (Task Force) to review issues relating to available and appropriate ways to mitigate, mask, conceal, or otherwise address (including through changes to laws and rules) marijuana odors and emissions and their impacts.
- Provides that the Governor appoints the seven members of the Task Force, and requires representation from specific state agencies, groups, and communities.
- Requires the Task Force to submit a report with findings and recommendations to the Governor and the Legislature by December 31, 2018.

**Hearing Date:** 1/30/18

**Staff:** Peter Clodfelter (786-7127).

#### Background:

##### Marijuana Licenses and Regulators.

Among the commercial marijuana licenses issued by the Liquor and Cannabis Board (LCB) are the marijuana producer license, the marijuana processor license, and the marijuana retailer license. The marijuana producer license authorizes the licensee to produce marijuana for sale at wholesale to marijuana processors and other marijuana producers. Marijuana producers may also sell immature plants or clones and seeds to cooperatives, qualifying patients, and designated providers. Marijuana production may be indoors or outdoors.

Marijuana producers may also be, but are not required to be, licensed as marijuana processors. Some businesses hold only the marijuana processor license. A marijuana processor license authorizes the licensee to process, package, and label marijuana concentrates, useable marijuana,

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and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers. Neither a licensed marijuana producer or a licensed marijuana processor may hold a financial interest in a licensed marijuana retailer.

In addition to the LCB, other state agencies participate in regulating licensed marijuana businesses. The Department of Ecology implements laws related to air and water quality, which apply to licensed marijuana businesses. The Department of Health, in addition to implementing generally applicable health laws, administers the Medical Marijuana Authorization Database, certifies medical marijuana consultants, and establishes standards for marijuana products designated as compliant products for sale to qualifying patients, designated providers, and customers.

The Department of Agriculture operates a marijuana testing laboratory with the LCB, and also regulates marijuana processors and their facilities. In addition to state agencies, local governments also regulate marijuana businesses through generally applicable business licensing and land use regulations. Local governments may also prohibit the siting and operation of marijuana businesses within their jurisdiction.

#### Reimbursements for Part-Time State Boards and Groups.

For purposes of reimbursements, state boards, commissions, councils, committees, or similar groups are designated as class one through class three or class five, depending on their structure. Any part-time board, commission, council, committee, or other similar group established by the executive, legislative, or judicial branch to participate in state government and that functions primarily in an advisory, coordinating, or planning capacity is identified as a class one group.

Absent any other provision of law to the contrary, no money beyond the customary reimbursement or allowance for expenses may be paid by or through the state to members of class one groups for attendance at meetings of such groups. Generally, no person designated as a member of a class one board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the General Fund.

Class one groups, when feasible, must use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law. Class one groups that are funded by sources other than the General Fund are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

#### **Summary of Bill:**

A Task Force on Marijuana Odor (Task Force) is established. The Governor must appoint seven members, who must include a representative from the following agencies, organizations, or communities:

- the Liquor and Cannabis Board;
- the Department of Ecology;
- the Department of Health;
- the Department of Agriculture;

- a state association of counties;
- a state association of cities; and
- a representative from the recreational marijuana community or a marijuana producer, processor, or retailer licensed by the LCB.

The Task Force must choose its chair from among its membership. The LCB must convene the initial meeting of the Task Force, and must provide staff for the Task Force.

The Task Force must review the available and most appropriate ways or methods to mitigate, mask, conceal, or otherwise address marijuana odors and emissions and the potentially harmful impact of marijuana odors and emissions on people who live, work, or are located in close proximity to a marijuana production or processing facility, including but not limited to the following:

- filtering systems;
- natural odor masking mechanisms or odor concealing mechanisms;
- zoning and land use controls and regulations; and
- changes to state laws and regulations including, but not limited to, laws and regulations related to nuisance and public health.

Members of the Task Force may not be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other non-legislative members is subject to the reimbursement limitations in chapter 43.03 RCW.

The Task Force must report its findings and recommendations to the Governor and the majority and minority leaders of the two largest caucuses of the House of Representatives and the Senate by December 31, 2018.

**Appropriation:** None.

**Fiscal Note:** Available.

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