
Commerce & Gaming Committee

HB 1466

Brief Description: Banning marijuana billboards.

Sponsors: Representatives Klippert, Kirby, Jinkins, Davis and Kilduff.

Brief Summary of Bill

- Prohibits licensed marijuana businesses from placing or maintaining any billboard in Washington state advertising the licensee's business, marijuana, or any marijuana product.
- Removes existing references to marijuana billboard requirements.

Hearing Date: 2/5/19

Staff: Peter Clodfelter (786-7127).

Background:

Advertising by licensed marijuana businesses is regulated in state law and rules, with enforcement by the Liquor and Cannabis Board (LCB). No licensed marijuana producer, processor, researcher, or retailer may place or maintain, or cause to be placed or maintained, any sign or other advertisement for a marijuana business or marijuana product in any form or through any medium within 1,000 feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park, or library, or any game arcade admission to which is not restricted to persons aged 21 and older.

Additionally, except for the use of billboards, licensed marijuana retailers may not display any signage outside of the licensed premises, other than two signs that are no larger than 1,600 square inches and permanently affixed to a building or other structure. These two authorized signs are limited to text that identifies the retail outlet by the licensee's business or trade name, states the location of the business, and identifies the type or nature of the business. Such signs may not contain any depictions of marijuana plants, marijuana products, or images that might be appealing to children. The LCB is granted rule-making authority to regulate the text and images

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that are permissible on outdoor advertising. Such rule making must be consistent with other rules generally applicable to the advertising of marijuana businesses and products.

Outdoor advertising is prohibited on signs and placards in arenas, stadiums, shopping malls, fairs that receive state allocations, farmers markets, and video game arcades, whether any of these locations are open air or enclosed, but not including any sign or placard located in an adult only facility. Generally, billboards that are visible from any street, road, highway, right-of-way, or public parking area are prohibited. However, licensed marijuana retail outlets may use a billboard or outdoor sign solely for the purpose of identifying the name of the business, the nature of the business, and providing the public with directional information to the retail outlet.

All signs, billboards, or other print advertising for marijuana businesses or marijuana products must contain text stating marijuana products may be purchased or possessed only by persons age 21 or older. Marijuana licensees may not engage in advertising or other marketing practices that specifically target persons residing outside of Washington state. Additionally, all transit advertising by marijuana licensees is prohibited. Transit advertising is defined to include advertising on or within private or public vehicles and all advertisements placed at, on, or within any bus stop, taxi stand, transportation waiting area, train station, airport, or any similar transit-related location.

A marijuana licensee may not take any action, directly or indirectly, to do any of the following:

- target youth in the advertising, promotion, or marketing of marijuana and marijuana products, or take any action the primary purpose of which is to initiate, maintain, or increase the incidence of youth use of marijuana or marijuana products;
- use objects such as toys or inflatables, movie or cartoon characters, or any other depiction or image likely to be appealing to youth, where objects, images, or depictions indicate an intent to cause youth to become interested in the purchase or consumption of marijuana products; or
- use or employ a commercial mascot outside of, and in proximity to, a licensed marijuana business.

A commercial mascot is defined as a live human being, animal, or mechanical device used for attracting the attention of motorists and passersby so as to make them aware of marijuana products or the presence of a marijuana business. Commercial mascots include, but are not limited to, inflatable tube displays, persons in costume, or wearing, holding, or spinning a sign with a marijuana-related commercial message or image, where the intent is to draw attention to a marijuana business or its products.

Advertising signs within a marijuana retail outlet visible from outside the premises must meet the requirements applicable to outdoor signs. However, the requirements for outdoor advertising are not applicable to an advertisement inside a licensed retail establishment that is not placed on the inside surface of the window facing outward, or an outdoor advertisement at the site of an event to be held at an adult-only facility that is placed at the site during the period the facility or enclosed area constitutes an adult-only facility. However, an outdoor advertisement may not be placed at the site of an event at an adult-only facility more than 14 days before the event, and may not advertise any marijuana product other than by using a brand name to identify the event.

The LCB adopted rules implementing the advertising requirements with provisions regulating billboards and outdoor signs. The LCB was required to fine licensees \$1,000 for each advertising violation until the LCB developed rules prescribing penalties for violations. The LCB's rules include escalating penalties including fines and up to suspension or revocation of a marijuana license for subsequent violations.

Summary of Bill:

Licensed marijuana businesses are prohibited from placing or maintaining, or causing the placement or maintenance of, any billboard in Washington state advertising the licensee's business, marijuana, or any marijuana product. Outdoor advertising by a marijuana licensee is prohibited on any billboard in Washington state.

References to existing marijuana billboard advertising regulations, restrictions, and LCB rulemaking authority related to billboards, are all eliminated.

Appropriation: None.

Fiscal Note: Available.

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