

SENATE BILL REPORT

SB 5678

As of February 3, 2019

Title: An act relating to the creation of additional training requirements for licensed marijuana retailers and their employees.

Brief Description: Creating additional training requirements for licensed marijuana retailers and their employees.

Sponsors: Senators Keiser and King; by request of Liquor and Cannabis Board.

Brief History:

Committee Activity: Labor & Commerce: 1/31/19.

Brief Summary of Bill

- Requires the Liquor and Cannabis board to develop a budtender permit and training curriculum.
- Requires employees of licensed marijuana retail businesses to have the permit, if they are involved in the sales or service of marijuana products to the public.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Richard Rodger (786-7461)

Background: The Liquor and Cannabis Board (LCB) is the lead agency that carries out Washington State's marijuana laws, adopts administrative regulations, and issues licenses for businesses to produce, process, and sell marijuana. A marijuana retailer license authorizes the sale of marijuana and marijuana products at retail to the public.

Summary of Bill: Retail employees of licensed marijuana retail businesses must obtain a permit in order to be involved in the sales or service of marijuana products to the public. Retail licensees may not employ any person who does not have a valid budtender permit. The permit is awarded upon successful completion of a training program provided by the LCB.

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.

Topics which may be included are the state laws and rules related to marijuana, safe handling of marijuana products, and reducing access by minors to marijuana products. LCB must consult with the Department of Health to ensure the curriculum does not include topics related to health or medical issues that are addressed under the medical marijuana consultant certificate.

The permit is valid for two years unless suspended by the LCB.

The LCB may suspend or revoke a budtender permit if the holder has been convicted of violating state or local marijuana laws, or performed or permitted any act in a violation of state marijuana laws or regulation. A person whose permit has been revoked is not eligible for employment with a marijuana retailer for a period of at least one year.

The LCB must suspend the permit for those individuals who have failed to comply with a child support order, subject to reinstatement upon notice of compliance by the Department of Social and Health Services.

The LCB may suspend or revoke either the budtender permit of the employee or the license of the marijuana retailer employing the permit holder, or both the permit and the license, in the event the permit holder commits a violation. The LCB's rules must provide for an appeal process.

The LCB must adopt rules to implement the permit and to establish permit fees.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on July 1, 2020.

Staff Summary of Public Testimony: PRO: This bill is similar to the LCB's training program for alcohol servers. We would like to get the budtenders trained so they can be more successful in their jobs. The new permits would be valid for a period of two years and could be used in any marijuana retail store. LCB intends to conduct the trainings to make sure it is kept up to date with any changes to the law. We provide free training to lots of businesses across the state and this would formalize that activity. The bill will also allow some accountability for any employees who are creating problems for their employer.

CON: While we are not opposed to the notion of a training program, we have very low confidence level with the LCB's ability to implement this correctly. Licensees have had too much unpredictable events in the last year including: the traceability system, adoption of new penalty structures, pesticide regulations, and the packaging and labelling issues. This proposal should be considered next year. The marijuana employees have a much lower failure rate on checks that do the trained alcohol servers. This regulatory scheme will involve thousands of employees, but there is absolutely no need for this program.

OTHER: We do not oppose this in principle, but we have concerns about how it is written. Our employees can not afford to skip a paycheck and we are concerned about a program that may create more hurdles for them. What is the problem that is trying to be solved, as it seems to be hypothetical. We already have very high compliance rates in the cannabis industry.

Persons Testifying: PRO: Seth Dawson, Washington Association for Substance Abuse & Violence Prevention; Justin Nordhorn, Liquor and Cannabis Board.

CON: Vicki Christophersen, Washington CannaBusiness Association; Jim MacRae, Straight Line Analytics.

OTHER: Logan Bowers, Hashtag Cannabis, Seattle.

Persons Signed In To Testify But Not Testifying: No one.