

SENATE BILL REPORT

SB 6206

As Reported by Senate Committee On:
Labor & Commerce, February 4, 2020

Title: An act relating to creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application.

Brief Description: Creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application.

Sponsors: Senators Rivers, King and Stanford.

Brief History:

Committee Activity: Labor & Commerce: 2/03/20, 2/04/20 [DPS].

Brief Summary of First Substitute Bill

- Requires the Liquor and Cannabis Board to issue a certificate of compliance for marijuana business premises that meet the statutory distance requirements at the time of application.
- Provides that a certificate of compliance allows the licensee to operate the business at the proposed location notwithstanding a later occurring, otherwise disqualifying factor.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 6206 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun, Saldaña, Schoesler, Stanford, Walsh and Wellman.

Staff: Richard Rodger (786-7461)

Background: The Liquor and Cannabis Board (LCB) is generally prohibited from issuing a marijuana license for any premises within 1000 feet of an elementary or secondary school, playground, recreation center, child care center, public park, public transit center, library, or game arcade admission that is not restricted to a person age 21 or older.

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.

A local government may adopt an ordinance that reduces the 1000 foot buffer zone to not less than 100 feet of a recreation center, child care center, public park, public transit center, library, or game arcade admission that is not restricted to a person age 21 or older. The LCB may issue a license to marijuana producers, processors, and retailers in compliance with a local distance-reduction ordinance, so long as the issuance of the license will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

A local government may adopt an ordinance that reduces the 1000 foot buffer zone to not less than 100 feet of all of the above listed entities/facilities for the purpose of licensing a marijuana research facility. However, the issuance of the research license must not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

Before issuing or renewing a marijuana research license for a premises located within 1000 feet but not less than 100 feet of an elementary school, secondary school, or playground in compliance with a local distance-reduction ordinance, the LCB must ensure the facility meets the following requirements:

- the facility must meet a security standard exceeding the standard applicable to marijuana producer, processor, or retailer licensees;
- the facility must be inaccessible to the public and no part of the operation of the facility may be in view of the general public; and
- the facility may bear no advertising or signage indicating it is a marijuana research facility.

Summary of Bill (First Substitute): The LCB must issue a certificate of compliance for marijuana business applicant's premises, if the premises met the statutory buffer zone requirements at the time the application was filed.

The certificate allows the licensee to operate the business at the proposed location notwithstanding a later occurring, otherwise disqualifying factor.

EFFECT OF CHANGES MADE BY LABOR & COMMERCE COMMITTEE (First Substitute):

- Clarifies when a certificate of compliance is issued by the LCB.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill will prevent a competitor from opening a business that could disqualify another marijuana store's license application.

This situation has occurred multiple times, after an applicant has spent the money to secure a lease, the competitor has moved an arcade business next door, which violates the zoning restrictions for the new applicant. The bill will allow certainty for the applicants who are spending a lot of money on their business and then must wait six to nine months for their license to be approved by the LCB.

OTHER: The LCB supports the bill with a technical revision to the issuance of the certificate.

Persons Testifying: PRO: Senator Ann Rivers, Prime Sponsor; Vicki Christophersen, Washington CannaBusiness Association; Crystal Oliver, Executive Director, Washington Sun growers Industry Association; Sean O'Sullivan, Cannabis Retail Business Coalition.

OTHER: Chris Thompson, Liquor and Cannabis Board.

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